

COPY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. MRS-L-3575-08

THOMAS KLINE, AS ADMINISTRATOR
AD PROSEQUENDUM OF THE HEIRS
AT LAW OF SUSAN MORRIS KLINE,
(DECEASED), AS ADMINISTRATOR
OF THE ESTATE OF SUSAN MORRIS
KLINE, AND THOMAS KLINE,
INDIVIDUALLY,

Plaintiff(s),

v.

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

Defendant(s).

-----X

DEPOSITION OF: ROBERT BANTA
Volume II

DATE: September 7, 2012

TIME: 10:10 a.m.

BEFORE: SUSAN DE PALMA, a Notary Public
and Certified Court Reporter
of the State of New Jersey

LOCATION: CALLAHAN & FUSCO, LLC
72 Eagle Rock Avenue
East Hanover, New Jersey 07936

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<p>APPEARANCES:</p> <p>GRIECO OATES & DE FILIPPO, LLC 414 Eagle Rock Avenue West Orange, New Jersey 07052 BY: ANGEL M. DE FILIPPO, ESQ. and VANESSA FRIEDHOFF, ESQ. Attorneys for the Plaintiff</p> <p>LEARY, BRIDE, TINKER & MORAN, PC 7 Ridgedale Avenue Cedar Knolls, New Jersey 07927 BY: JAMES T. GILL, ESQ. Attorney for the Defendants, Victoria Morgan-Alcala & Carlos Alcala</p> <p>CALLAHAN & FUSCO, LLC 72 Eagle Rock Avenue East Hanover, New Jersey 07936 BY: MARK BRADLEY, ESQ. and LUCINDA J. MC LAUGHLIN, ESQ. Attorneys for the Defendant, Loman Auto Group</p> <p>ALSO PRESENT: PAUL SHERIDAN</p> <p>NO COPY OF THIS TRANSCRIPT MAY BE CONSIDERED CERTIFIED UNLESS SIGNED IN INK BY THE REPORTER LICENSED BY THE STATE OF NEW JERSEY WHO RECORDED THIS MATTER. ANY FACSIMILE MAY HAVE BEEN ALTERED BY MEANS OF ELECTRONIC MEDIA.</p>	<p>EXHIBITS</p> <table border="1"> <thead> <tr> <th>EXHIBIT NO.</th> <th>DESCRIPTION</th> <th>IDENT.</th> </tr> </thead> <tbody> <tr><td>Banta-16</td><td>Technical Report</td><td>12</td></tr> <tr><td>Banta-17</td><td>Amended Technical Report</td><td>12</td></tr> <tr><td>Banta-18</td><td>Supplemental Technical Report</td><td>12</td></tr> <tr><td>Banta-19</td><td>Technical Report 3-24-11</td><td>19</td></tr> <tr><td>Banta-20</td><td>NHTSA EA</td><td>53</td></tr> <tr><td>Banta-21</td><td>NHTSA document dated 5-2-97</td><td>58</td></tr> <tr><td>Banta-22</td><td>Diagram</td><td>92</td></tr> <tr><td>Banta-23</td><td>Photo</td><td>93</td></tr> <tr><td>Banta-24</td><td>Photo</td><td>93</td></tr> <tr><td>Banta-25</td><td>Photo</td><td>115</td></tr> <tr><td>Banta-26</td><td>Photo</td><td>115</td></tr> <tr><td>Banta-27</td><td>Sheridan documents (11 pgs.)</td><td>120</td></tr> <tr><td>Banta-28-33</td><td>Six Photos</td><td>131</td></tr> <tr><td>Banta-34</td><td>Letter dated 10-15-10</td><td>153</td></tr> <tr><td>Banta-35</td><td>15 photos</td><td>180</td></tr> <tr><td>Banta-36</td><td>Vehicle Crash Test Letter</td><td>211</td></tr> <tr><td>Banta-37</td><td>Vehicle Crash Test Request</td><td>219</td></tr> <tr><td>Banta-38</td><td>Vehicle Crash Test Letter</td><td>260</td></tr> <tr><td>Banta-39</td><td>Vehicle Crash Test Letter</td><td>267</td></tr> </tbody> </table>	EXHIBIT NO.	DESCRIPTION	IDENT.	Banta-16	Technical Report	12	Banta-17	Amended Technical Report	12	Banta-18	Supplemental Technical Report	12	Banta-19	Technical Report 3-24-11	19	Banta-20	NHTSA EA	53	Banta-21	NHTSA document dated 5-2-97	58	Banta-22	Diagram	92	Banta-23	Photo	93	Banta-24	Photo	93	Banta-25	Photo	115	Banta-26	Photo	115	Banta-27	Sheridan documents (11 pgs.)	120	Banta-28-33	Six Photos	131	Banta-34	Letter dated 10-15-10	153	Banta-35	15 photos	180	Banta-36	Vehicle Crash Test Letter	211	Banta-37	Vehicle Crash Test Request	219	Banta-38	Vehicle Crash Test Letter	260	Banta-39	Vehicle Crash Test Letter	267
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<p>1 ROBERT BANTA, 3196 Tullio Way, 2 Henderson, Nevada, having been first duly 3 sworn according to law, testifies as 4 follows: 5 6 DIRECT EXAMINATION 7 BY MS. DE FILIPPO: 8 9 Q. Mr. Banta, we are here for the 10 continuing deposition. Your original 11 deposition in this case was taken I 12 believe on June 28th of 2011. You recall 13 that in this case we started taking your 14 deposition at that time. Correct? 15 A. Yes. 16 Q. And I'm going to tell you that 17 all of the instructions that I gave you 18 then still apply. Do you want me to 19 repeat any of the general deposition 20 instructions? 21 A. No. 22 Q. You've given depositions numerous 23 occasions. Correct? 24 A. I have. 25 Q. So you know what the format is?</p>	<p>1 Q. And do you remember the law firm? 2 MR. BRADLEY: Plaintiff or 3 defendant? 4 THE WITNESS: The defense law 5 firm was Hanlon, Buglione, Hanlon in 6 Edison I believe. 7 Q. Was Chrysler also involved in 8 that lawsuit? 9 A. No. 10 Q. Did that involve a post collision 11 fuel-fed fire, that lawsuit? 12 A. No. It was a home structure 13 fire. A vehicle that was parked and the 14 plaintiff's allegation involved what they 15 believed was a malfunction of the 16 electrical system. 17 Q. Have you ever done in your 18 capacity as a fire expert or in any expert 19 capacity, have you ever given testimony or 20 rendered reports for a plaintiff? 21 A. Yes. 22 Q. And are we talking about an 23 injured plaintiff? 24 A. I'm sorry, let me back up a 25 little bit. I also did deposition</p>
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<p>1 Just one thing, I might have asked you 2 this before but how many times have you 3 testified in either a deposition or at 4 trial for Chrysler, on behalf of Chrysler? 5 A. In deposition, maybe ... I'm 6 guessing, 50 to a hundred times. And at 7 trial, perhaps 20 times. 8 Q. Have you done any depositions or 9 trial testimony for other than Chrysler, 10 people other than Chrysler or entities 11 other than Chrysler? 12 MR. BRADLEY: In what capacity? 13 Q. In your capacity as an expert. 14 A. Yes. I've done a couple of 15 depositions on behalf of Mercedes Benz. 16 Q. When you say a couple -- I'm 17 sorry to interrupt you, because you made a 18 pause. I thought -- when you say a 19 couple, you mean two, two to three? 20 A. Two to three. 21 Q. Okay, go ahead. 22 A. And I believe one trial for 23 Mercedes Benz here in New Jersey. 24 Q. Do you remember what county? 25 A. Princeton.</p>	<p>1 testimony this year on behalf of a 2 plaintiff also in a vehicle fire case in a 3 garage. And that was a plaintiff's case. 4 I believe it was State Farm. 5 Q. State Farm was the plaintiff? 6 A. State Farm was the plaintiff. 7 Q. It wasn't an injured plaintiff, 8 it was a property damage claim? 9 A. Yes. The home had burned down. 10 Q. Now, you used the term "also." 11 So what were you thinking of when you 12 initially answered the question that you 13 gave testimony or rendered a report for a 14 plaintiff in a fire case? 15 A. Because I think one of your 16 earlier questions was had I given 17 testimony for someone other than Chrysler 18 and I told you about Mercedes Benz and I 19 did not tell you about the State Farm 20 case. 21 Q. And then my question was about 22 plaintiffs. And we know about the State 23 Farm case with the property damage. Is 24 there any other time when you rendered a 25 report or gave testimony for a plaintiff</p>

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<p>1 MR. BRADLEY: Just note my 2 continuing objection. 3 THE WITNESS: Yes. 4 Q. And when you look at this 5 photograph, does it appear to you to be -- 6 well, let me ask you this. 7 Did you have an opportunity 8 during the pendency of this case, and I 9 think you've indicated such in your 10 reports, to look at the CARCO testing that 11 was done to Jeep Grand Cherokee? 12 A. Yes, I looked at that. 13 Q. And when you look at the second 14 photograph that is in this packet, does it 15 look to be the vehicle from the CARCO 16 45-mile an hour test? 17 MR. BRADLEY: If you know. 18 Q. If you can recall. 19 A. Yes. 20 Q. If you look at that photograph 21 and you look at the car itself, can you 22 identify the tank in that car? 23 MR. BRADLEY: As depicted in the 24 photograph? 25 MS. DE FILIPPO: Yes.</p>	<p>1 A. I think -- 2 MR. BRADLEY: It's not very clear. 3 THE WITNESS: I think it's more. 4 Q. You think it's more than 5 17 inches from the ground? 6 A. Yeah. Maybe close to 20. 7 MR. BRADLEY: Just note my 8 objection. 9 THE WITNESS: The bottom surface 10 of the floor tank? 11 Q. The bottom surface, yes. 12 MR. BRADLEY: Just note my 13 objection. I don't see how this has 14 anything to do with his expert report and 15 it's beyond the scope of his expert -- 16 MS. DE FILIPPO: Fine. 17 MR. BRADLEY: You can answer. 18 Q. You can answer. 19 A. Yeah, I think that's about right, 20 17 or 18. 21 Q. So now the -- can you tell by 22 looking at the photograph whether this 23 Jeep Grand Cherokee is in the same 24 configuration as the Kline vehicle? 25 MR. BRADLEY: Just note my</p>
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<p>1 THE WITNESS: Identify the what? 2 Q. The gas tank. 3 A. Yes. It's painted yellow. 4 Q. So the item on the car underneath 5 the bumper which is painted yellow and has 6 two straps on either side of it, that's 7 the gas tank. Correct? 8 A. Yes. 9 Q. In the third photograph are you 10 able to identify that vehicle as a Jeep 11 Grand Cherokee? 12 A. Yes. 13 Q. Is it a ZJ? 14 A. Yeah. 15 Q. And when you look at that 16 photograph you see that there's a 17 yardstick in that photograph but behind 18 that yardstick is the gas tank depicted? 19 A. Yes. 20 Q. And is the gas tank, although 21 it's not painted yellow, the structure 22 which is approximately 17 inches from the 23 ground as per that yardstick? 24 MR. BRADLEY: If you can tell. 25 Q. A little less than 17.</p>	<p>1 continuing objection. 2 THE WITNESS: Well, it's the same 3 type of vehicle. 4 Q. And is there anything which 5 encompasses the tank as you look at the 6 photograph which we have previously marked 7 as Banta-23 that you are looking at right 8 now, the same one you're looking at? 9 MR. BRADLEY: Can you repeat that 10 question? I don't understand it. 11 Q. Is there any part of the vehicle 12 which is covering, shielding the tank as 13 you look at it depicted in Banta-23? 14 MR. BRADLEY: Just note my 15 objection. This is called an exemplar 16 vehicle. 17 THE WITNESS: No, nothing covers 18 the tank. You mean the bottom and rear 19 surfaces? 20 Q. Right. 21 A. Other than the vehicle structure? 22 Q. Right. Go to the next photograph 23 which is the side view of the Jeep Grand 24 Cherokee. Correct? 25 A. Yes. Of this Grand Cherokee,</p>

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1 yes.
 2 Q. And can you see the tank in that
 3 photograph?
 4 A. Yes.
 5 Q. And about how much of that tank
 6 hangs below the vehicle structure?
 7 MR. BRADLEY: Just note my
 8 objection.
 9 Q. Based on what you can see in that
 10 photograph.
 11 A. Oh, maybe about seven inches in
 12 this photograph.
 13 Q. And is there anything -- when you
 14 look at that tank depicted in this
 15 photograph, can you tell what material
 16 that tank is made of?
 17 MR. BRADLEY: If you know.
 18 THE WITNESS: Yes.
 19 Q. What is it?
 20 A. It's high density polyethylene.
 21 Q. And is that the same substance
 22 that the Susan Kline tank was made of?
 23 A. Let me go back and re-answer.
 24 The typical material is high density
 25 polyethylene, at least that's what Susan

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1 Kline had.
 2 Q. Okay.
 3 A. This vehicle appears to have a
 4 production fuel tank and if it's a
 5 production tank, it was also high density
 6 polyethylene.
 7 Q. So it looks like what would have
 8 been the tank in the Susan Kline vehicle?
 9 A. Yes.
 10 Q. If you look at the next
 11 photograph, is that the side frame rail?
 12 A. The left side rail, yes.
 13 Q. It's the left side rail?
 14 A. This vehicle had either a trailer
 15 tow or skid plate on it at one time.
 16 Q. Okay. But when you look at the
 17 side rail -- is the side rail depicted?
 18 Is that the piece of metal that has an
 19 oval hole through it?
 20 A. Yeah, the pass-through?
 21 Q. Yes.
 22 A. Yes.
 23 Q. When you look at this photograph,
 24 the oval hole is kind of rusty. Right?
 25 MR. BRADLEY: Just note my

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1 objection.
 2 Q. In the photograph.
 3 A. Yes.
 4 Q. I'm just trying to identify what
 5 we're looking at. Is that the hole that
 6 the filler hose passes through to get from
 7 the place where you put the gas into the
 8 car to the tank?
 9 A. Yes.
 10 Q. And if you look at the next
 11 photograph, you've already seen this
 12 photograph, Banta-24. That would be the
 13 bumper that we talked about earlier.
 14 Correct?
 15 A. Yes.
 16 Q. And that's a similar bumper to
 17 what the Susan Kline vehicle would have?
 18 MR. BRADLEY: Just note my
 19 objection.
 20 THE WITNESS: Yes.
 21 Q. And then finally, the last
 22 photograph in this is a photograph of --
 23 well, you tell me if you can indicate
 24 what's depicted on the last photograph.
 25 MR. BRADLEY: Just note my

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1 objection. I don't know what it depicts
 2 and I don't see how it's relevant and it's
 3 beyond the scope of his expert report.
 4 MS. DE FILIPPO: Fine.
 5 MR. BRADLEY: You can answer if
 6 you know what's depicted.
 7 THE WITNESS: This is a post
 8 crash photograph done by CARCO after this
 9 vehicle was hit in the rear by a bullet
 10 vehicle at 40 miles an hour.
 11 Q. You've seen this before.
 12 Correct?
 13 A. I think I have, yeah.
 14 Q. Okay. And --
 15 A. I think I saw this in black and
 16 white. I've not seen a nice one like this
 17 before.
 18 Q. I'm sorry, I represented that was
 19 the last photo. There's one more.
 20 The next photograph is -- can you
 21 tell me what that is?
 22 A. That's the same vehicle with a
 23 different view and it appears that in this
 24 test this fuel tank was leaking not
 25 gasoline but some solvent.

1 Q. Is that stoddard?
 2 MR. BRADLEY: If you know.
 3 THE WITNESS: Probably.
 4 Q. Mr. Banta, if you would look at
 5 the photographs, whichever you prefer,
 6 either photograph number 2, 3 or 4 in this
 7 packet, or any that you need to look at,
 8 and would you indicate to me or show me on
 9 any of the photographs what protected the
 10 portion of the tank that's hanging below
 11 the bumper?
 12 A. The tank --
 13 MR. BRADLEY: Just note my
 14 continuing objection as this is not
 15 necessarily depictive of the Susan Kline
 16 subject vehicle. Are you asking what
 17 protected it in this vehicle as depicted,
 18 in the Susan Kline vehicle, any vehicle?
 19 MS. DE FILIPPO: I note your
 20 objection. But he didn't ask me that
 21 question. So he can answer if he
 22 understands my question.
 23 MR. BRADLEY: If you understand
 24 the question, you can answer.
 25 THE WITNESS: If we look at this

1 A. Yes.
 2 Q. Now, in looking at that photo,
 3 can you tell me what part of the vehicle
 4 protects the part of the tank that we're
 5 looking at in that photograph?
 6 A. No. It's covered by fascia
 7 material.
 8 Q. So if a vehicle were to strike
 9 just that yellow piece of the car, whether
 10 it be because it's lower or some kind of
 11 vehicle that's not even a car, let's say
 12 it was a recreational vehicle of some
 13 sort, what would protect that portion of
 14 the tank that we see here in yellow?
 15 MR. BRADLEY: Just note my
 16 objection.
 17 THE WITNESS: Just the tank
 18 surface itself.
 19 Q. So in other words, whatever the
 20 material of the tank is at the time?
 21 A. The tanks on its own.
 22 Q. Now if you look at the next
 23 photograph, which we marked Banta-23,
 24 where the bumper has been removed, is the
 25 crossmember depicted in that photograph,

1 photograph --
 2 MS. DE FILIPPO: Why don't we mark
 3 -- I'm thinking we ought to mark all the
 4 photographs so we know what we're looking
 5 at. So let's mark from the beginning to
 6 end with the exception of the ones
 7 previously marked.
 8
 9 (Six photographs are received and
 10 marked Banta-28 through Banta-33 for
 11 identification.)
 12
 13 Q. Let's just start with photograph
 14 which I have marked Banta-29. Would you
 15 look at that photograph, Mr. Banta, this
 16 one?
 17 A. Okay.
 18 Q. You've already testified that
 19 that depicts the back of the CARCO Jeep
 20 Grand Cherokee prior to being stuck.
 21 Correct?
 22 A. Yes.
 23 Q. And you've already indicated that
 24 what's yellow in the bottom of the bumper
 25 is the gas tank. Correct?

1 Banta-23?
 2 A. Yes.
 3 Q. It is?
 4 A. Yes, the rear crossmember.
 5 Q. So the rear crossmember, that is
 6 the piece of equipment that you indicated
 7 previously protects the tank. Correct?
 8 A. No. The rear crossmember and the
 9 bumper both. They're both back there and
 10 they're tied together.
 11 Q. So with the bumper off are you
 12 saying that the rear crossmember doesn't
 13 protect the tank?
 14 MR. BRADLEY: Just note my
 15 objection. I believe he testified before
 16 there was a box that protected the tank.
 17 THE WITNESS: They're in
 18 combination.
 19 Q. I'm saying with the bumper off as
 20 you see it here in Banta-23, are you
 21 indicating there's no protection for any
 22 part of that tank?
 23 A. Well, I guess --
 24 MR. BRADLEY: From what?
 25 THE WITNESS: There is protection



1 Q. You you did look at the films?
 2 A. Oh, yeah.
 3 Q. And if you re-looked at the films
 4 you could then again indicate what
 5 happened in those cases. Correct?
 6 A. I'll try.
 7 Q. Well, you'll give your opinion as
 8 to what you think happened with respect to
 9 that? Why was a bracket added to the '97
 10 car as far as you're concerned?
 11 MR. BRADLEY: Just note my
 12 objection.
 13 THE WITNESS: The 97 ZJ had a new
 14 fuel tank. It was a co-extruded multi
 15 level tank, multilayer tank that was also
 16 reshaped and some believed that it would
 17 require a new certification test. So it
 18 was tested again and again and it would
 19 not pass. So impact performance people
 20 determined that it needed a reinforcement
 21 on that left rail and when they put the
 22 reinforcement on, it passed easily.
 23 Q. Let me stop you right there. So
 24 what was the -- tell me the mechanism that
 25 allowed a reinforcing bracket to make it

1 Q. Behavior of the movement of the
 2 rail vis-à-vis the tank. Correct?
 3 A. Yes.
 4 Q. That's really the rigidity we're
 5 talking about.
 6 MR. BRADLEY: Note my objection.
 7 THE WITNESS: Yes.
 8 Q. As you said before, it's for
 9 those things to move together in a crash.
 10 A. I think what it does, when you
 11 put that bracket on it makes this beam,
 12 the distance of the bracket, stronger and
 13 it changes the bend points, you know,
 14 where it deforms.
 15 Q. Right.
 16 A. It moves the deformation away
 17 from wherever it was before.
 18 Q. And you're hitting again with a
 19 flat plywood board coming at you,
 20 nondeformable flat moving barrier. So
 21 you're not hitting sideways or under-ride.
 22 It's just a flat out hit in the back so
 23 that that bracket then strengthened that
 24 rail from that flat hit?
 25 MR. BRADLEY: Just note my

1 so that the tank didn't fail.
 2 MR. BRADLEY: Note my objection.
 3 THE WITNESS: There was a new
 4 tank. The tank was reshaped.
 5 Q. I understand.
 6 A. So the old compliance test wasn't
 7 valid for the new tank.
 8 Q. But what about the bracket
 9 protected the tank?
 10 MR. BRADLEY: Just note my
 11 objection.
 12 THE WITNESS: The thought is that
 13 the bracket gave additional strength to
 14 the left frame rail resulting in a change
 15 in the way the left frame rail distorted
 16 in the impact. Therefore, passing the 301
 17 test.
 18 Q. So it gave it more structural
 19 rigidity in the back?
 20 A. That's the belief.
 21 Q. And the 301 test, you're hitting
 22 with a barrier that's flat. Right?
 23 A. Not necessarily structural
 24 rigidity but it changed the behavior of
 25 the rail during the crush.

1 objection.
 2 THE WITNESS: The bracket
 3 obviously strengthened the rail but I
 4 think the design intent there was to move
 5 the bend points.
 6 Q. You agree with the fact that
 7 Chrysler never did any vehicle-to-vehicle
 8 testing?
 9 A. That's right.
 10 MR. BRADLEY: Just note my
 11 objection.
 12 Q. Do you agree that in some areas
 13 the government does not have the resources
 14 to cover everything that-- every possible
 15 safety issue that should be covered?
 16 MR. BRADLEY: Just note my
 17 objection.
 18 THE WITNESS: Yeah. They hit the
 19 obvious ones.
 20 Q. And there are some areas --
 21 A. Some limitations the
 22 manufacturers have.
 23 Q. Well, the government resources
 24 are a little different since they're tax
 25 based, wouldn't you say?



1 A. Yes.
 2 Q. And they can't pass on the costs
 3 by selling a vehicle.
 4 A. And they depend on the auto
 5 manufacturers to do the testing.
 6 Q. That's right. And in fact, they
 7 don't even have or did not have an FMVSS
 8 for something like steering. Correct?
 9 MR. BRADLEY: Note my objection.
 10 Q. No FMVSS that covered issues
 11 regarding steering?
 12 MR. BRADLEY: Note my objection.
 13 THE WITNESS: No FMVSS for fire.
 14 Q. Right, per se. Per se.
 15 A. Yeah. There's the end direct
 16 301, 302, 303, 304.
 17 Q. But in steering safety or
 18 steering column safety there's no FMVSS at
 19 all?
 20 MR. BRADLEY: Just note my
 21 objection.
 22 THE WITNESS: I think there is
 23 for columns.
 24 Q. But not for the actual steering
 25 mechanism?

1 objection.
 2 THE WITNESS: I think between the
 3 Blazer and Explorer they were both strong
 4 competitors. Both sold more than the
 5 Grand Cherokee.
 6 Q. With the exception of the ZJ and
 7 the XJ or the old Ford Pinto, can you give
 8 me an example of a very minor rear end hit
 9 in a vehicle which resulted in a fuel tank
 10 fire?
 11 MR. BRADLEY: Just note my
 12 objection as to minor and comparing to
 13 other vehicles.
 14 THE WITNESS: Can you read that
 15 back?
 16 (Whereupon the previous question
 17 is read back.)
 18 THE WITNESS: Not limited to the
 19 rear end.
 20 Q. Would you also agree that the
 21 tank in the ZJ could have been located
 22 mid-ship?
 23 MR. BRADLEY: Note my objection.
 24 A. It could with a significant
 25 degree of tear-off. It could not in the

1 A. I think you're correct.
 2 Q. Would you agree that NHTSA does
 3 not allow compliance based on the test of
 4 a vehicle if the parts are different than
 5 what will be the production vehicle?
 6 A. That's right.
 7 MR. BRADLEY: Just note my
 8 objection.
 9 Q. Do you agree that Chrysler was
 10 not aware of any problem locating the tank
 11 in the rear and, therefore, no problems of
 12 location were ever taken into
 13 consideration?
 14 MR. BRADLEY: Just note my
 15 objection.
 16 THE WITNESS: Yes.
 17 Q. Do you agree that the number one
 18 competitor of the ZJ back in the nineties
 19 was the Ford Explorer?
 20 MR. BRADLEY: Note my objection.
 21 THE WITNESS: One of the
 22 competitors.
 23 Q. Do you agree with the number one
 24 competitor?
 25 MR. BRADLEY: Note my continuing

1 ZJ or WJ be located mid-ship but for a
 2 pretty significant tear-up. Frame rails
 3 would have to move, the body would have to
 4 change. It could be done but it would not
 5 be the ZJ anymore. That's essentially what
 6 we did on the WK, we extended the wheel
 7 base and moved the frame rails, made room
 8 for it.
 9 Q. Why did you do that?
 10 MR. BRADLEY: Note my objection.
 11 THE WITNESS: Why did we move it?
 12 Q. Yes.
 13 A. We wanted a more contemporary
 14 location and we needed more real estate
 15 underneath the vehicle for a spare tire.
 16 Q. But what's more contemporary?
 17 What does that mean?
 18 A. Oh, the general trend in the auto
 19 industry is to try to make things uniform
 20 in their production facilities. With the
 21 exception of the Jeep line everything else
 22 had moved up to middle or saddle tanks.
 23 That seemed to be the contemporary way to
 24 build vehicles.
 25 Q. Do you know if anyone, Chrysler



1 or anyone, did any kind of high speed
 2 vehicle-to-vehicle crash testing to
 3 determine the effectiveness of the skid
 4 plate or lack of effectiveness in the ZJ?
 5 A. No.
 6 MR. BRADLEY: Note my objection.
 7 Q. Does FMVSS 301 require the
 8 manufacturer to do side impact testing?
 9 A. Yes.
 10 Q. 301 does?
 11 A. Yes.
 12 Q. So I want to talk to you about
 13 the Dodge Durango. That had a mid ship
 14 tank. Correct?
 15 A. It did, yes.
 16 Q. And it did not hang below the
 17 frame rails, however. It was tucked up
 18 into, as high as the frame rails. Is that
 19 accurate?
 20 MR. BRADLEY: Just note my
 21 objection to this line of questioning.
 22 THE WITNESS: I'm not sure of
 23 that.
 24 Q. You're not sure if it did or not?
 25 A. I'm not sure, no.

1 Q. What was it in the year 1990?
 2 MR. BRADLEY: Just note my
 3 objection.
 4 THE WITNESS: Twenty.
 5 Q. Twenty into the side with a
 6 nondeformable flat barrier?
 7 A. Yes. Essentially it's the same
 8 kind of barrier to hit with the rear, just
 9 different weight.
 10 Q. I want to go back to the tests.
 11 We talked about 5208 and 5380. Correct?
 12 Do you remember? Well, the record will
 13 bear me out.
 14 The next test I want you to look
 15 at is 5441.
 16 MR. BRADLEY: Are you going to
 17 mark this? Do you want the cover page?
 18 MS. DE FILIPPO: Yes. Just mark
 19 it.
 20
 21 (Safety Test Vehicle Crash Test
 22 Letter is received and marked Banta-38 for
 23 identification.)
 24
 25 Q. By the way, do you disagree --

1 Q. I just want to go back --
 2 A. We have 15 minutes and I need a
 3 cup of coffee.
 4 Q. When you said 301 required side
 5 impact testing, what were you referring
 6 to? What has to be tested regarding side
 7 impact?
 8 A. The side -- 301 requires frontal,
 9 side and rear, all three, and followed by
 10 rollover in each case.
 11 Q. What's the side impact testing?
 12 A. The side impact testing at that
 13 time was a moving barrier, moving rigid
 14 barrier similar to the rear.
 15 Q. Was that to test fuel system
 16 integrity?
 17 A. Yes. Front, side and rear are
 18 the three elements of 301. In the case of
 19 front, the vehicle goes into a fixed
 20 barrier. In the case of the side and the
 21 rear, it's a moving rigid barrier end of
 22 the vehicle.
 23 Q. What's the speed on the side
 24 impact?
 25 A. The old speed was 20.

1 have you read the Teets deposition in this
 2 case?
 3 A. Yes.
 4 Q. Do you disagree with Mr. Teets
 5 when he indicates that he met you in the
 6 nineties when he was at Jeep and Truck
 7 Engineering and that you didn't work in
 8 design of the fuel tanks on the Jeep or on
 9 the testing?
 10 MR. BRADLEY: Just note my
 11 objection.
 12 THE WITNESS: No, that's correct.
 13 Q. You agree with him?
 14 A. Um-hum.
 15 Q. And he said --
 16 A. Wait a minute. I met him before
 17 the nineties.
 18 Q. He said he met you in the mid
 19 nineties.
 20 A. No. I met him in the eighties
 21 when he first started at Chrysler. He
 22 just doesn't remember.
 23 Q. So you disagree with him on that?
 24 A. Yes.
 25 Q. He said Bob was in the safety



**ZJ-Body Jeep Grand Cherokee:
What Showroom Customer Would See if
Fuel Tank was not colored to match rear
underbody / rear suspension components.**

