August 31, 2010

Honorable David L. Strickland, Administrator
NHTSA
Headquarters/West Building
1200 New Jersey Ave. SE
Washington, DC 20590

Honorable Ray LaHood, Secretary
United States Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Senator Frank Lautenberg
324 Hart Senate Office Bldg.
Washington, DC 20510-3003

Mr. Clarence Ditlow
Center for Auto Safety
Suite 330
1825 Connecticut Avenue NW
Washington, DC 20009-5708

Dear Sirs:

The recent media reports of the Federal Government's investigation of the Chrysler Jeep Grand Cherokee have come to my attention. I am the surviving spouse of a ~~victim~~ of a post-~~collision~~ fuel tank fire/explosion.

My wife, Susan, was travelling on a New Jersey highway and was struck in the rear while driving a Jeep Grand Cherokee. Upon impact, the rear of the Jeep where the gas tank was located immediately burst into flames. As you can see from the attached doctor's letter, my wife suffered horribly as she burned to death.

The purpose of this letter is to offer my assistance to this investigation. At the time of my wife's death, in addition to the 1996 Jeep Grand Cherokee she was driving, we owned a 2003 Jeep Grand Cherokee. This vehicle has remained in my garage since her death because I will not sell or permit it to be resold to another potentially

unfortunate family who is unaware of the fact that the Jeep Grand Cherokee was designed with an unprotected fuel tank located in the most vulnerable position behind the axle and below the bumper.

Since Susan's death, I have obtained information which exposes Chrysler's knowledge of fuel system fires caused by fuel tank locations behind the axle. Chrysler knew their cars were dangerous well before Susan's death. I am enclosing the 1978 memo authored by L.L Baker, Chrysler's manager of automotive safety. A careful reading of this memorandum also reveals that at the very least, "...a protective impact deflection structure may have to be provided..."

As the 1978 Baker memorandum states, "An investigation whether to relocate the fuel tank or provide impact deflecting structures is presently underway."

The Jeep that Susan was driving in 2007 at the time of her death had a plastic fuel tank located behind the axle and no protection whatsoever, including no impact deflecting structure. We now know that Susan's horrendous suffering and death was entirely preventable.

If my 2003 Jeep Grand Cherokee is needed for inspections or testing, including crash testing, my family would be willing to donate this vehicle.

If you wish to know any further details about Susan's collision or the ongoing litigation please contact my attorney, Angel M. DeFilippo at Grieco, Oates & DeFilippo, LLC, 414 Eagle Rock Avenue, Suite 200, West Orange, NJ 07052, (973) 243-2099.

Again, my intent is to assist you in preventing another family from suffering the grief and losses that we continue to experience

Very truly yours,

Thomas Kline

cc: Angel M. DeFilippo, Esq.
Paul V. Sheridan

Ross I.S. Zbar, MD, FACS
Diplomate of the American Board of Plastic Surgery
Member, American Society of Plastic Surgery
Fellow, Cleft Palate Craniofacial Association
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Plastic and Reconstructive Surgery

August 09, 2010

Angel DeFilippo
Grieco, Oates & DeFilippo, LLC
414 Eagle Rock Avenue, Suite 200
West Orange, NJ 07052

Dear Ms DeFilippo, **Re: Susan Morris**

This report is authored after review of the following documents which were supplied by your office: County of Morris Office of Medical Examiner Autopsy Report for Susan Morris; Forensic Dental Exam; Death Certificate; Police Report; Witness statement of Peter Moodie and; photographs.

There are particularly disturbing findings in the autopsy report indicating that Ms Morris was alive and conscious immediately following the motor vehicle accident (MVA) which resulted in the explosion of her automobile.

On page four of the State Police report filed by Trooper 6598, it is noted that Ms Morris (vehicle #2) was found "laying across the front passenger seat." Either she could have been: (1) thrown following the impact unconscious versus dead or; (2) electively tried to escape her burning automobile. Both the physics of a rear end impact and review of the photographs clearly underscore the latter as the likely scenario.

The autopsy report notes a carboxyhemoglobin level (COHb) of only 29 as measured by NMS.labs. Fire releases carbon monoxide (CO) which is bound by the hemoglobin in red blood cells in lieu of oxygen. Mental and muscular deterioration generally occur at a COHb level of 30 or greater. This means that Ms Morris was indeed actively breathing after the fire started (ie - she inhaled CO and was alive). Furthermore, when she stopped breathing (ie – died), her COHb was not so elevated that she slipped into an unconscious state and slowly suffocated, thus elevating her COHb level even higher. Rather her thermal injuries were so extensive that she most likely died from these and subsequently stopped breathing. Based on her COHb level, she was not given the opportunity to "slip into unconsciousness" but rather was "cooked alive."

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There is no evidence in the autopsy report of any other organ injury, but for thermal damage and its sequela. The blunt trauma to the chest with "undisplaced rib fractures" [sic] is of no consequence.

Further evidence of her breathing after impact is supplied by soot deposition in her larynx and trachea as well as her lungs. The autopsy report notes "severe hyperemia" and "congestion" – evidence of the body's reaction to breathing noxious fumes into the delicate internal lining of the body's respiratory system. Responses to these unpleasant foreign bodies include severe and spasmodic coughing and eye irritation.

The heat fractures in the extremities as described in the autopsy report are a result of such high temperatures that the muscle shrinks as it is cooked and pulls at the bony insertions while the outer cortex of bone is weakened from thermal injury. The heat fractures in the skull are a result of increased intracranial pressure as the escaping steam from the cooked brain blows out the calvarial bones. Heat amputations of digits which are described in the report are a result of such high temperature that the skin, muscle, tendons and bone are simply carbonized and turned into dust. Fortunately, these terribly tragic events were completed after Ms Morris' death, however; these certainly started before she died. When combined with the COHb level indicating definite but not terminal CO exposure, the proximate cause of death even more so is likely thermal injury.

Thermal injury is well known as perhaps the most painful injury from which to recover. The pain is caused by raw exposure of nerves to environmental stimuli (due to absence of skin/soft tissue). Even light touch can be horribly painful. Any person who has experienced a first or second degree burn can attest to the severe pain which results. The medical literature is replete with manuscripts describing medical management of these suffering patients. As the burn becomes deeper (third and fourth degree), ironically the pain decreases since the nerves which propagate the signal to the brain are themselves eliminated by the thermal injury. Simply stated, the pain is well known as excruciating.

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The burns that Ms Morris suffered went through an evolution. There was both direct flame as well as heat injury. Her entire body was exposed to all stages of burn – progressing from first through fourth degree burns. These finally became so severe that heat fractures occurred. There is no way to know exactly when she died, but she certainly was exposed to severe pain.

Since she was conscious following this MVA, the fear and knowledge of imminent death is another critical factor in perception of pain. Once again, the medical literature is replete with studies documenting how anxiety increases the level of pain experienced.

In summary, the autopsy report provides evidence that Ms Morris was conscious after impact; moved to the passenger seat in order to attempt escape; and died as a result of acute thermal injury. She did not suffer any other injuries that would indicate she was unconscious or thrown out of the driver's seat at the time of impact. Moreover, the physics of a rear impact would not produce a scenario where she could be thrown into the passenger's seat. Rather it is most likely that Ms Morris was conscious after her car was hit. With flames lapping throughout the vehicle, she climbed into the passenger seat trying to escape immolation. She suffered direct pain from flames and heat as her skin melted away. The first and second degree burns throughout her entire body would be excruciatingly painful. She would be racked by coughing due to the soot and her eyes would be tearing excessively as well. Since she was presumably conscious, her anxiety would actually increase the severity of her pain and the horrific nature of her situation. A reasonable estimate would be that she was alive for perhaps three to five minutes. Death was a merciful escape.

References:

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Shkrum M and Ramsay D. Forensic Pathology of Trauma. 2007 Humana Press, Totowa, NJ 07512.

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"C O N F I D E N T I A L

Inter Company Correspondence

File Code: | Date: August 24, 1978

From—Name & Department	Division	Plant/Office	CIMAS Number
R. M. Sinclair, Director International Product Development	Product Plan. & Design Office	Chrysler Center	416—20—15
To—Name & Department	**Division**	**Plant/Office**	**CIMAS Number**
L. L. Baker, Manager Automotive Safety	Engineering Office	Chrysler Center	418—12—34

Subject: Fuel System Design - Chrysler Passenger Cars And Trucks.

Pursuant to the discussions between Messrs. Vining, Jeffe, Sperlich and yourself with Mr. Mochida on August 22, the fuel system design for domestic passenger cars and trucks is summarized for Mr. Mochida's information.

Not only are the impact performance requirements of MVSS-301 pertinent to the design approach but the significant increase in the last few years in the numbers of product liability cases involving fuel system fires and the increase in the size of the awards by sympathetic juries has to be recognized. In the Ford Pinto case the NHTSA Office of Defects Investigation selected arbitrary performance criteria of minimal or no fuel leakage when the test car is impacted in the rear by a full size car at 35 mph as a basis for questioning the safety of a recall modification of the Pinto.

- Passenger Car

  Fuel Tank Location

  The front wheel drive configuration in Chrysler's Omni and Horizon allowed the fuel tank to be located beneath the rear seat. This location provides the protection of all of the structure behind the rear wheels—as well as the rear wheels themselves—to protect the tank from being damaged in a collision. This same location will be used in the new 1981 K-Body cars which will also have a front wheel drive.

  The rear wheel drive H-Body scheduled for introduction in 1983 will have the fuel tank located over the rear axle and beneath the floor pan.

  The question of whether M, R or J-Body cars should be converted to tank over axle prior to their phase-out is a matter under intensive study at this time.

  Filler Neck And Cap

  As the fuel tank is moved to a more forward location, the fuel fill is moved to the side of the car. The fuel cap will be recessed below the body surface and a fuel fill door provided. The fuel filler neck is designed to break away from the car body with the fuel filler cap still in place.

  In this design the filler cap and fill neck or fill tube remain with the tank to avoid separation and possible fuel leakage. This side fill is scheduled for J and M-Bodies in 1980 and the Y-car in 1981.

The fuel fill is less likely to be damaged in a sideswipe when located on the right side of the car. As new models are introduced, the fuel fill will be moved to the right side of the vehicle. This may also offer greater protection to drivers who run out of gasoline on the highway, since they will fill the tank on the side away from the traffic.

Structure

In 1979 through 1983, the M, R, and J model cars which have the fuel tank under the floor pan behind the rear wheels, structural reinforcement of the longitudinals on each side of the tank, shielding of any unfriendly surfaces adjacent to the tank, and the design of straps and hangers to limit undesired tank movement will be employed.

Truck

Fuel Tank Location

The same principles regarding fuel tank location apply to truck design. It is important that these larger fuel tanks are not only shielded from damage in a collision but do not break away from the truck and thereby spread fuel onto the roadway. The approach used by Mitsubishi on the SP-27 of locating the fuel tank ahead of the rear wheels appears to provide good protection for the tank.

The front wheel drive T-115 to be introduced in 1982 will have the fuel tank ahead of the rear wheels and under the rear seat. However, in rear wheel drive trucks there is no clearance over the axle for fuel tank installation and in many cases there is insufficient space ahead of the axle for fuel tanks of the desired capacity.

Chrysler is investigating fuel tank relocation ahead of the rear wheels for vans and multi-purpose vehicles, but present plans for pickups through 1983 and for MPV's and vans through 1985 have the fuel tank located behind the rear wheels. In vehicles both with and without bumpers there is a concern with vertical height differences that create a mismatch with passenger car bumpers. Where fuel tank location behind the rear axle is all that is feasible, a protective impact deflection structure may have to be provided whether or not a bumper is provided. An investigation whether to relocate the fuel tank or to provide impact deflecting structures is presently underway.

Fill Neck And Cap

All trucks and vans have side fill. The sweptline pickup truck (DW 1-3) and multi-purpose vehicles (AD-1 & AW-1) will have a recessed fill cap and fuel filler door beginning in 1981.

L. L. Baker