

KLING, ET AL v. MORGAN-ALCALA, ET AL
FRANCOIS CASTAING

June 14, 2011

Prepared for you by



Bingham Farms/Southfield • Grand Rapids
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION, MORRIS COUNTY
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4 THOMAS KLINE, AS ADMINISTRATOR AD
5 PROSEQUENDUM OF THE HEIRS AT LAW
6 OF SUSAN MORRIS KLINE, (DECEASED),
7 AS ADMINISTRATOR OF THE ESTATE
8 OF SUSAN MORRIS KLINE, and THOMAS
9 KLINE, INDIVIDUALLY,
10 Plaintiffs,
11 vs. Docket No. MRS-L-3575-08
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13 VICTORIA MORGAN-ALCALA, CARLOS
14 ALCALA, NATALIE RAWLS,
15 DAIMLERCHRYSLER CORPORATION, A/K/A
16 CHRYSLER CORPORATION, LOMAN AUTO
17 GROUP, CHRYSLER GROUP LLC (For
18 Discovery Purposes), JOHN DOES A
19 THROUGH Z, (Names Being Fictitious),
20 ABC CORPORATIONS, 1 THROUGH 100,
21 (Names Being Fictitious),
22 Defendants.
23 _____
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1 The Videotaped Deposition of FRANCOIS CASTAING,
2 Taken at 30800 Telegraph Road, Suite 2925,
3 Bingham Farms, Michigan,
4 Commencing at 8:34 a.m.,
5 Tuesday, June 14, 2011,
6 Before Lezlie A. Setchell, CSR-2404, RPR, CRR.

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8 APPEARANCES:

9

10 COURTNEY E. MORGAN, JR.

11 Morgan & Meyers, P.L.C.

12 3200 Greenfield Road

13 Suite 260

14 Dearborn, Michigan 48120

15 313.961.0130

16 Appearing on behalf of the Plaintiffs.

17

18 ANGEL M. DeFILIPPO

19 Grieco, Oates & DeFilippo, L.L.C.

20 414 Eagle Rock Avenue

21 West Orange, New Jersey 07052

22 973.243.2099

23 Appearing on behalf of the Plaintiffs.

24

25

1 RUSSELL J. SACCO, JR.

2 6 Claremont Road

3 Suite E

4 Bernardsville, New Jersey 07924

5 908.953.0300

6 Appearing on behalf of the Plaintiffs.

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8 JAMES T. GILL

9 Leary, Bride, Tinker & Moran

10 7 Ridgedale Avenue

11 Cedar Knolls, New Jersey 07927

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13 Appearing telephonically on behalf of

14 Defendants Alcalá.

15

16 CHRISTOPHER G. FUSCO

17 Callahan & Fusco, L.L.C.

18 72 Eagle Rock Avenue

19 Suite 320

20 East Hanover, New Jersey 07936

21 973.618.9770

22 Appearing on behalf of Defendant Loman Auto Group.

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25

1 SHEILA JEFFREY

2 Miller, Canfield, Paddock and Stone, P.L.C.

3 101 North Main, 7th Floor

4 Ann Arbor, Michigan 48104-1400

5 734.668.7797

6 Appearing on behalf of the witness.

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8 **ALSO PRESENT:**

9 **Paul V. Sheridan**

10 Antonio C. Irizarry

11 Rachel Bierle - Video Technician

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1 that was tested by Chrysler and passed tests that are
2 supposed to pass like I talked earlier at length. So
3 the car passed the test with or without such-and-such
4 accessories, and so that's the way it was released for
5 production.

6 Now, if a car crashed into this lady, poor
7 lady, at an excessive speed that was beyond what we
8 tested for, nobody can explain what happened --

9 BY MS. DeFILIPPO:

10 Q. Okay.

11 A. -- with or without a tow package, with or without a
12 skid plate, with or without everything.

13 Q. Mr. Castaing, what protected her tank if it came in
14 contact with another -- if the tank, itself, was
15 contacted by another vehicle --

16 MR. FUSCO: Object to the form.

17 BY MS. DeFILIPPO:

18 Q. -- was there any structure of the Jeep ZJ, in Susan's
19 Jeep ZJ which protected her fuel tank?

20 A. Okay. I said earlier, I'm going to repeat one more
21 time, that the Jeep ZJ fuel tank was protected by the
22 body around it. It was not -- let me finish, let me
23 finish -- it was not protected by the tow package. It
24 was not protected by the skid plate underneath. It
25 was protected from stones underneath but not for the

3:47:24

1 301 crash that we talked about or a rear crash. So
2 the question that you ask doesn't make sense to me.
3 Q. Okay. Let me make more sense to you. Susan's car had
4 nothing around her tank. She did not have any skid
5 plate, and she didn't have any plate-plate, any,
6 anything. She had a plastic tank. Are we agreed on
7 that? Assume that, assume those facts.

8 MS. JEFFREY: No. I'm going to object to
9 the form because he just stated that there was an
10 entire structure surrounding the tank.

11 MS. DeFILIPPO: I'm going to get to that.
12 I'm getting to that. I haven't -- you didn't let me
13 finish the question because I was going to incorporate
14 that into my question.

15 MR. FUSCO: The problem is you used the
16 word "nothing". You said "nothing".

17 BY MS. DeFILIPPO:

18 Q. All right. Mr. Castaing, Susan's tank, itself, was
19 visible from the rear. Someone standing behind the
20 car looking at it, you could see the gas tank, itself.

21 A. Uh-huh.

22 Q. A part of that tank was visible below the bumper, and
23 I want to know specifically as you sit here today what
24 structure of the vehicle specifically, you say body, I
25 want to know specifically a part, a structure that

3:48:38

1 protected that portion of the tank that hung below the
2 bumper and was visible to the eye from another car
3 hitting it?

4 A. I'm going to repeat what I've already said one more
5 time that --

6 Q. No, I don't want you to repeat what you said. I want
7 the specific part. I'm asking you specifically. You
8 gave me a general answer, and you said the body. I
9 want to know specifically what part of the body
10 protected the part I described to you that is visible
11 and hangs below the bumper and can be impacted
12 directly by another vehicle?

3:49:35

13 A. The accessories that you talked about have nothing to
14 do with protecting the tank, whether there's --

15 Q. Fine, fine.

16 A. Let me finish. The tow package does not protect the
17 tank. The skid plate underneath only protect the tank
18 from stones from the ground.

19 Q. Fine.

20 A. So the car as you describe it was not the car with
21 nothing. You have the car with all the structure, the
22 back structure around it to protect the tank, and this
23 configuration was tested at the proving ground by --

24 Q. What back structure?

25 A. There were --