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# CENTER FOR AUTO SAFETY

1825 CONNECTICUT AVENUE NW SUITE 330 WASHINGTON DC 20009-5708  
202-328-7700  www.autosafety.org

December 21, 2015

Augustus Chidester, Chief  
Crash Investigation Division  
National Highway Traffic Safety Administration  
Washington, D.C. 20510

Dear Chip,

We continue to be concerned about quality control of NHTSA's crash data files. The most recent example that has come to our attention – a January 2014 Texas case – in which a 2006 Ford Crown Victoria struck the rear of a 2006 Jeep Liberty: NASS Case 2014-49-002, FARS Case 2014-48-240. In this important, and particularly unfortunate crash, the Liberty had three safety issues that contributed to the deaths of the two front seat occupants: the exposed fuel tank which was the subject of a recall earlier this year, weak seatbacks that collapsed when the vehicle was struck, and at least some doors that jammed closed.

The FARS and the NASS reports contradict each other, with FARS citing vehicle impact (i.e., trauma death) as the Most Harmful Event while NASS finds fire as the cause of death for both occupants. One of the NHTSA reports is wrong. In this case, it is the FARS report. The attached Police Report contains multiple mistakes and omissions which undoubtedly contributed to the errors in the FARS report.

As a consequence of the seatback failure, the driver suffered an incapacitating head injury that prevented him from getting out of the vehicle. The source of his injury was probably incorrectly listed as the “head restraint system.” It is far more likely that his head injury came from an impact with something in the rear of the vehicle. His wife, the right front passenger, was uninjured and tried to get her husband out but failed. Both died in the fire.

The more important coding error in FARS is that the data element V32, Most Harmful Event, is coded: (12) [impact with a] Motor Vehicle In-Transport. The Most Harmful Event “element identifies the event that resulted in the most severe injury or, if no injury, the greatest property damage involving this motor vehicle.” (See 2014 FARS Coding and Validation Manual). In this case, fire is clearly the most harmful event which is coded (2) Fire/Explosion.

We are also concerned that this NASS case did not explicitly provide information on which doors jammed. It seems clear from the photographs that the driver's door was opened by force and that the left rear door was jammed closed. It also appears that the right front door frame was

significantly distorted, but there is no information on whether the right front passenger was able to open it or whether this door opened as a consequence of the crash. The NASS investigator photographed the right front door striker and latch as if this was an important aspect of whether the occupant could get the door opened.

It is interesting that Chrysler redesigned its 2004 Grand Cherokee to put the fuel tank ahead of the rear wheels, but continued the defective tank location for at least two years in the Liberty.

We ask that before these cases are made final that these errors be corrected. The FARS record for this case must be changed to fire/explosion as the MHE before the 2014 FARS file go final or else FARS will once again understate the number of fire deaths as it has done many times in the past.

We also suggest that in your annual meetings that you discuss these problems with your analysts and investigators.

Sincerely,

A handwritten signature in black ink, appearing to read 'm/b' followed by a stylized flourish.

Michael Brooks  
Staff Attorney

Attachments

Law Enforcement and TxDOT Use ONLY

FATAL  CMV  SCHOOL BUS  RAILROAD  MAB  SUPPLEMENT  ACTIVE  SCHOOL ZONE

Total Num. Units 2 Total Num. Prsns. 4 TxDOT Crash ID



Texas Peace Officer's Crash Report (Form CR-3 1/1/2010)  
Mail to: Texas Department of Transportation, Crash Records, P.O. Box 149349, Austin, TX 78714. Questions? Call (512) 486-5780  
Refer to Attached Code Sheet for Numbered Fields

Page: 1 of 4

\*These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.).

**\*Crash Date (MM/DD/YYYY)** 01 / 11 / 2014 **\*Crash Time (24HRMM)** 23:47 **Case ID**                      **Local Use** 14-004988

**\*County Name** DALLAS **\*City Name** DALLAS  Outside City Limit

In your opinion, did this crash result in at least  Yes  No **\$1,000 damage to any one person's property?** **Latitude (decimal degrees)**                      **Longitude (decimal degrees)**                     

**ROAD ON WHICH CRASH OCCURRED**

**\*1 Rdwy. Sys.** IH **\*Hwy. Num.** 35 **2 Rdwy. Part** 1 **Block Num.** 11600 **3 Street Prefix** N **\*Street Name** STEMMONS **4 Street Suffix** FWY

Crash Occurred on a Private Drive or Road/Private Property/Parking Lot  Toll Road/Toll Lane **Speed Limit** 60 **Const. Zone**  Yes  No **Workers Present**  Yes  No **Street Desc.** NB-IH-35

**INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER**

**At Int.**  Yes  No **1 Rdwy. Sys.** IH **Hwy. Num.** 635 **2 Rdwy. Part** 1 **Block Num.**                      **3 Street Prefix**                      **Street Name** LYNDON B JOHNSON **4 Street Suffix** FWY

**Distance from Int. or Ref. Marker** 5.00 **FT**  **MI**  **3 Dr. from Int. or Ref. Marker** N **Reference Marker**                      **Street Desc.**                      **RRX Num.**                     

**Unit Num.** 1 **5 Unit Desc.** 1  Parked Vehicle  Hit and Run **LP State** TX **LP Num.** CLV6820 **VIN** 2, F, A, F, P, 7, 1, W, 5, 6, X, 1, 1, 1, 4, 9, 7,

**Veh. Year** 2006 **6 Veh. Color** BLK **Veh. Make** FORD **Veh. Model** CROWN VIC **7 Body Style** P4  Pol. Fire, EMS on Emergency (Explain in Narrative if checked)

**8 DLID Type** 4 **DLID State** TX **DLID Num.** 33350353 **9 DL Class** 5 **10 CDL End.** 96 **11 DL Rest.** 96 **DOB (MM/DD/YYYY)** 05 / 09 / 1992

**Address (Street, City, State, ZIP)** 8005 MEADOWLARK LN ROWLET TX, 75088

Person Num.	12 Psn. Type	13 Seat Position	Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	14 Injury Severity	Age	15 Ethnicity	16 Sex	17 Eject.	18 Restr.	19 Airbag	20 Helmet	21 Sol.	22 Alc. Spec.	Alc. Result	23 Drug Spec.	24 Drug Result	25 Drug Category
1	1	1	ESPARZA, IVAN, GARCIA	C	21	H	1	1	1	2	97	N	2		2	99	97
2	2	3	ESPARZA, EDUARDO, G	C	22	H	1	1	1	2	97	N					
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.																	

Owner  Lessee **Owner/Lessee Name & Address** ESPARZA, IVAN, GARCIA 8005 MEADOWLARK LN ROWLET TX, 75088

**Proof of Fin. Resp.**  Yes  No **Expired**  **Exempt**  **26 Fin. Resp. Type**                      **Fin. Resp. Name**                      **Fin. Resp. Num.**                     

**Fin. Resp. Phone Num.**                      **27 Vehicle Damage Rating 1**                      **F, D, 5** **27 Vehicle Damage Rating 2**                      **Vehicle Inventoried**  Yes  No

**Towed By** DSO TOW **Towed To** DSO TOW 9724376869

**Unit Num.** 2 **5 Unit Desc.** 1  Parked Vehicle  Hit and Run **LP State** TX **LP Num.** BPF3323 **VIN** 1, J, 4, G, L, 4, 8, K, 2, 6, W, 2, 5, 9, 1, 8, 6,

**Veh. Year** 2006 **6 Veh. Color** BLU **Veh. Make** JEEP **Veh. Model** LIBERTY **7 Body Style** SV  Pol. Fire, EMS on Emergency (Explain in Narrative if checked)

**8 DLID Type** 99 **DLID State**                      **DLID Num.**                      **9 DL Class** 99 **10 CDL End.** 99 **11 DL Rest.** 99 **DOB (MM/DD/YYYY)**                     

**Address (Street, City, State, ZIP)**                     

Person Num.	12 Psn. Type	13 Seat Position	Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	14 Injury Severity	Age	15 Ethnicity	16 Sex	17 Eject.	18 Restr.	19 Airbag	20 Helmet	21 Sol.	22 Alc. Spec.	Alc. Result	23 Drug Spec.	24 Drug Result	25 Drug Category
1	99	1	UNKNOWN,	K	99		1	1	1	99	97	N	96		96	97	97
2	2	3	UNKOWN, ,	K	99			1	99	99	97	N					
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.																	

Owner  Lessee **Owner/Lessee Name & Address** REED, CHANTAE, 2100 GRAYSON DR 2026 GRAPEVINE TX, 76051

**Proof of Fin. Resp.**  Yes  No **Expired**  **Exempt**  **26 Fin. Resp. Type** 2 **Fin. Resp. Name** STATE FARM **Fin. Resp. Num.** 230 2055-118-43 001

**Fin. Resp. Phone Num.** 8774922066 **27 Vehicle Damage Rating 1**                      **V, B, 7** **27 Vehicle Damage Rating 2**                      **B, L, 6** **Vehicle Inventoried**  Yes  No

**Towed By** DSO TOW **Towed To** DSO TOW 9724376869

DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HR/MM)
	1	1	PARKLAND	FARMERS BRANCH EMS		
	1	2	PARKLAND	FARMERS BRANCH EMS		
	2	1	ME OFFICE	ME	01 / 11 / 2014	
	2	2	ME OFFICE	ME	01 / 12 / 2014	

CHARGES	Unit Num.	Prsn. Num.	Charge	Citation/Reference Num.
	1	1	PC49.08 - INTOX MANSLAUGHTER	14-005012
	1	1	PC49.08 - INTOX MANSLAUGHTER	14-005013

DAMAGE	Damaged Property Other Than Vehicles		Owner's Name	Owner's Address

Unit Num.	<input type="checkbox"/> 10,001+ LBS.	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 9+ CAPACITY	28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.
Carrier's Corp. Name			Carrier's Primary Addr.			
30 Rwy. Access	31 Veh. Type	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.	HazMat ID Num.	32 HazMat Class Num. HazMat ID Num.
33 Cargo Body Style	Trailer 1 Unit Num.	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	34 Trlr. Type	Trailer 2 Unit Num.	<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	34 Trlr. Type
Sequence Of Events	35 Seq. 1	35 Seq. 2	35 Seq. 3	35 Seq. 4	Total Num. Axles	Total Num. Tires

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)				Environmental and Roadway Conditions						
	Unit Num.	Contributing	May Have Contrib.		Contributing	May Have Contrib.			38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control
	1	45	22							1	3	97	3	4	1
2															

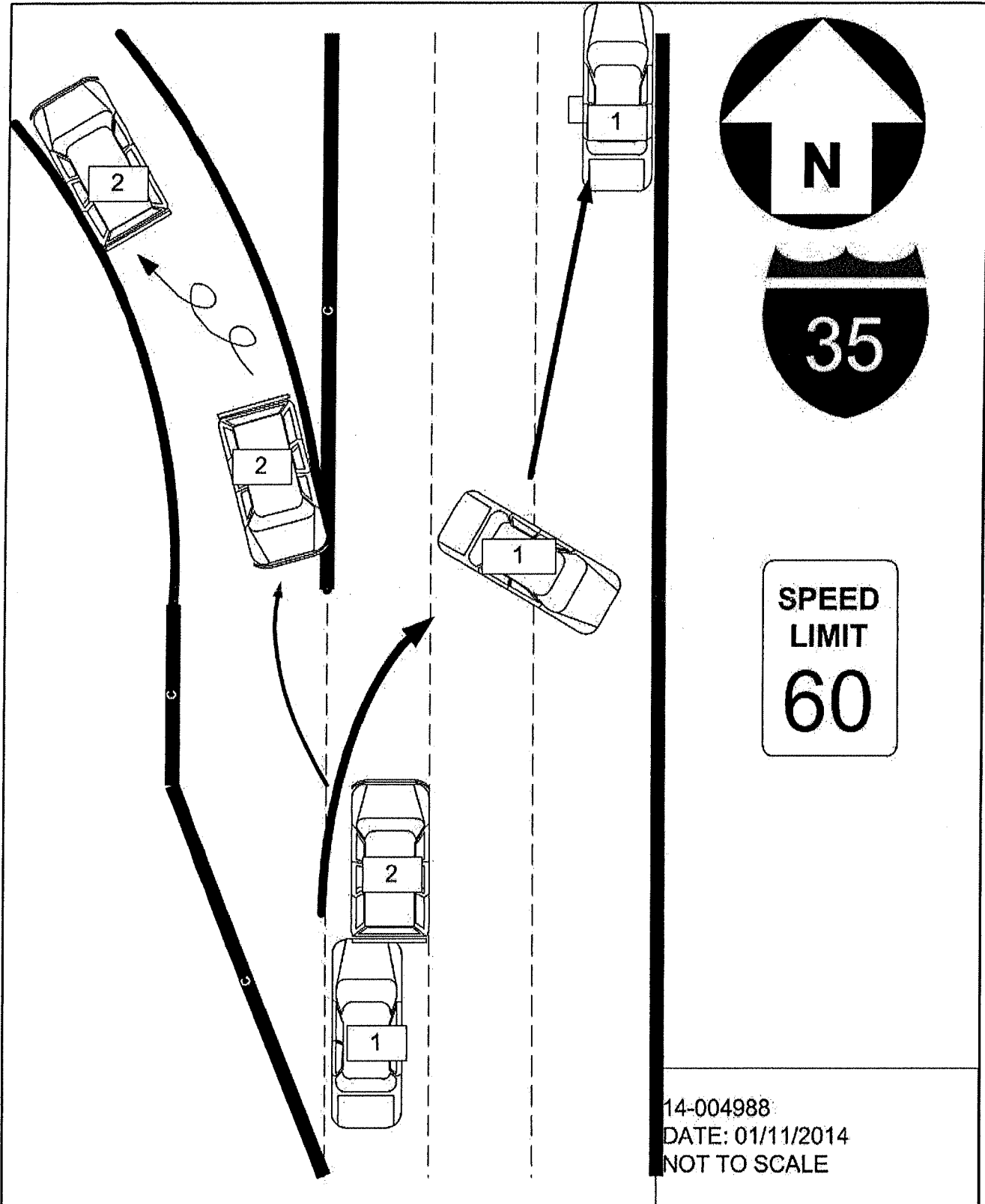
NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)	Indicate North	Field Diagram - Not to Scale

SEE ATTACHED PAGE FOR NARRATIVE

SEE ATTACHED PAGE FOR DIAGRAM

Time Notified (24HR/MM)	23:58	How Notified	RADIO DISPATCHED	Time Arrived (24HR/MM)	00:05	Report Date (MM/DD/YYYY)	01 / 12 / 2014
Invest. Comp.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Investigator Name (Printed)	P KOENIG	ID Num.	995	District/Area	TS01
ORI Num.	TX0570000	*Agency	DALLAS SO				

# Report Diagram



# Report Narrative

Page: 4 of 4

UNIT 1 AND 2 WERE TRAVELING NB IH 35 IN THE LEFT LANE WHEN UNIT 1 STRUCK UNIT 2 FROM BEHIND. UNIT 2 WAS CATAPULTED BY UNIT 1 INTO THE ON RAMP TO WB 635 WHERE UNIT 2 STRUCK THE RIGHT CONCRETE BARRIER JUST BEFORE COMING TO A REST AND CATCHING ON FIRE FURTHER UP ON THE RAMP TO WB 635. UNIT 1 SPUN OUT IN THE CENTER AND RIGHT LANE THEN CONTINUED TO TRAVEL NB IH 35 COMING TO A STOP JUST BEFORE THE EXIT TO VALLEY VIEW LN.

THE DRIVER OF UNIT 1 FLED THE SCENE AND WAS LATER CAUGHT BY FARMERS BRANCH PD.

PRELIMINARY B.A.C ON DRIVER OF UNIT 1 AT THE HOSPITAL .271

UNIT 1'S SPEEDOMETER WAS STUCK AT 98MPH.

IDENTIFICATION AND LOCATION	<b>1. Roadway System</b> IH = Interstate US = US Highway SH = State Highway FM = Farm to Market RR = Ranch Road RM = Ranch to Market BI = Business Interstate BU = Business US BS = Business State BF = Business FM SL = State Loop TL = Toll Road	<b>2. Roadway Part</b> 1 = Main/Proper Lane 2 = Service/Frontage Road 3 = Entrance/On Ramp 4 = Exit/Off Ramp 5 = Connector/Flyover 98 = Other (Explain in Narrative)	<b>3. Street Prefix</b> <u>Direction from Int. or Ref. Marker</u> N = North NE = Northeast E = East SE = Southeast S = South SW = Southwest W = West NW = Northwest	<b>4. Street Suffix</b> RD = Road ST = Street DR = Drive AVE = Avenue BLVD = Boulevard PKWY = Parkway LN = Lane FWY = Freeway HWY = Highway WAY = Way TRL = Trail LOOP = Loop	EXPY = Expressway CT = Court CIR = Circle PL = Place PARK = Park CV = Cove
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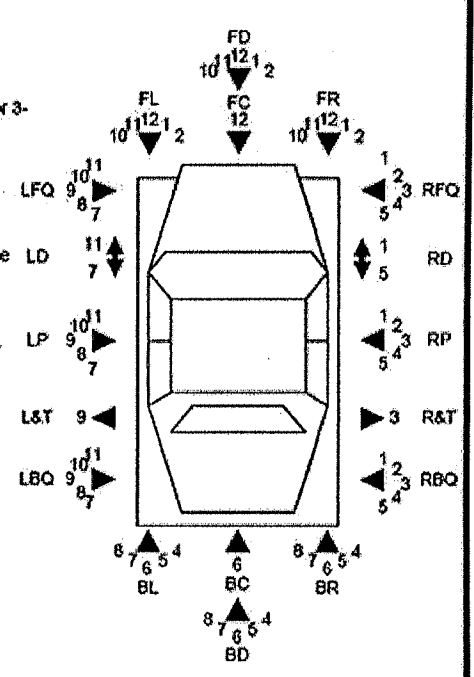
<b>5. Unit Description</b> 1 = Motor Vehicle 2 = Train 3 = Pedalcyclist 4 = Pedestrian 5 = Motorized Conveyance 6 = Towed/Trailer 7 = Non-Contact 98 = Other (Explain in Narrative)	<b>6. Vehicle Color</b> BGE = Beige BLK = Black BLU = Blue BRZ = Bronze BRO = Brown CAM = Camouflage CPR = Copper GLD = Gold GRY = Gray GRN = Green MAR = Maroon MUL = Multicolored ONG = Orange PNK = Pink PLE = Purple RED = Red SIL = Silver TAN = Tan TEA = Teal (green) TRQ = Turquoise (blue) WHI = White YEL = Yellow 98 = Other (Explain in Narrative) 99 = Unknown	<b>7. Body Style</b> P2 = Passenger Car, 2-Door P4 = Passenger Car, 4-Door PK = Pickup AM = Ambulance BU = Bus SB = Yellow School Bus FE = Farm Equipment FT = Fire Truck MC = Motorcycle SV = Sport Utility Vehicle PC = Police Car/Truck PM = Police Motorcycle TL = Trailer, Semi-Trailer, or Pole Trailer TR = Truck TT = Truck Tractor VN = Van 98 = Other (Explain in Narrative) 99 = Unknown	<b>8. Driver License/ID Type</b> 1 = Driver License 2 = Commercial Driver Lic. 3 = Occupational 4 = ID Card 5 = Unlicensed 98 = Other 99 = Unknown
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<b>9. Driver License Class</b> A = Class A AM = Class A and M B = Class B BM = Class B and M C = Class C CM = Class C and M M = Class M 5 = Unlicensed 98 = Other/Out of State 99 = Unknown	<b>10. Commercial Driver License Endorsements</b> H = Hazardous Materials N = Tank Vehicles P = Passengers S = School Bus T = Double/Triple Trailer X = Tank Vehicle with HazMat 5 = Unlicensed 96 = None 98 = Other/Out of State 99 = Unknown	<b>11. Driver License Restrictions</b> A = With Corrective Lenses B = LOFS Age 21 or Over C = Daytime Only D = Not to Exceed 45 MPH E = No Expressway Driving F = Must Hold Valid Learner Lic. to MM/DD/YY G = TRC 545.424 Applies until MM/DD/YY H = Vehicle Not to Exceed 26,000 lbs GVWR I = Motorcycle Not to Exceed 250 CC J = Licensed Motorcycle Operator Age 21 or Over in Sight K = Moped L = Vehicle w/o Air Brakes - Applies to Vehicles Requiring CDL M = CDL Intra-state Commerce Only N = Ignition Interlock Required O = Occ./Essent. Need DL-No CMV-See Court Order P = Stated on License Q = LOFS 21 or Over Vehicle Above Class B R = LOFS 21 or Over Vehicle Above Class C S = Outside Rear View Mirror or Hearing Aid T = Automatic Transmission U = Applicable Prosthetic Devices V = Applicable Vehicle Devices W = Power Steering X = Vehicle Not to Exceed Class C Y = Valid TX Vision or Limb Waiver Req'd. Z = Valid Fed. Vision or Limb Waiver Req'd. 5 = Unlicensed 96 = None 98 = Other/Out of State 99 = Unknown
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<b>12. Person Type</b> 1 = Driver 2 = Passenger/Occupant 3 = Pedalcyclist 4 = Pedestrian 5 = Driver of Motorcycle Type Vehicle 6 = Passenger/Occupant on Motorcycle Type Vehicle 98 = Other (Explain in Narrative) 99 = Unknown	<b>13. Seat Position</b> 1 = Front Left 2 = Front Center 3 = Front Right 4 = Second Seat Left 5 = Second Seat Center 6 = Second Seat Right 7 = Third Seat Left 8 = Third Seat Center 9 = Third Seat Right 10 = Cargo Area 11 = Outside Vehicle 13 = Other in Vehicle 14 = Passenger in Bus 16 = Pedestrian, Pedalcyclist, or Motorized Conveyance 98 = Other (Explain in Narrative) 99 = Unknown	<b>14. Injury Severity</b> A = Incapacitating Injury B = Non-Incapacitating Injury C = Possible Injury K = Killed N = Not Injured 99 = Unknown	<b>15. Ethnicity</b> W = White B = Black H = Hispanic A = Asian I = Amer. Indian/Alaskan Native 98 = Other 99 = Unknown	<b>16. Sex</b> 1 = Male 2 = Female 99 = Unknown	<b>17. Elected</b> 1 = No 2 = Yes 3 = Yes, Partial 97 = Not Applicable 99 = Unknown
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<b>18. Restraint Used</b> 1 = Shoulder and Lap Belt 2 = Shoulder Belt Only 3 = Lap Belt Only 4 = Child Seat, Facing Forward 5 = Child Seat, Facing Rear 6 = Child Seat, Unknown 7 = Child Booster Seat 96 = None 97 = Not Applicable 98 = Other (Explain in Narrative) 99 = Unknown	<b>19. Airbag</b> 1 = Not Deployed 2 = Deployed, Front 3 = Deployed, Side 4 = Deployed, Rear 5 = Deployed, Multiple 97 = Not Applicable 99 = Unknown	<b>27. Vehicle Damage Rating</b> In most cases, enter in the format XX-ABC-Y, where XX is the Direction of Force (1-12), ABC is the Damage Description 2- or 3-letter code), and Y is the Damage Severity (0-7).
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<b>20. Helmet Use</b> 1 = Not Worn 2 = Worn, Damaged 3 = Worn, Not Damaged 4 = Worn, Unk. Damage 97 = Not Applicable 99 = Unknown if Worn	<b>21. Solicitation</b> Y = Solicit N = No Solicit	<b>22. Alcohol Specimen Type</b> 1 = Breath 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)	<b>23. Drug Specimen Type</b> 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)	<b>24. Drug Test Result</b> 1 = Positive 2 = Negative 97 = Not Applicable 99 = Unknown	<b>25. Drug Category</b> 2 = CNS Depressants 3 = CNS Stimulants 4 = Hallucinogens 6 = Narcotic Analgesics 7 = Inhalants 8 = Cannabits 10 = Dissociative Anesthetics 11 = Multiple Drugs (Explain in Narrative) 97 = Not Applicable 98 = Other Drugs (Explain in Narrative) 99 = Unknown	<b>26. Financial Responsibility Type</b> 1 = Liability Insurance Policy 2 = Proof of Liability Insurance 3 = Insurance Binder 4 = Surety Bond 5 = Certificate of Deposit with Comptroller 6 = Certificate of Deposit with County Judge 7 = Certificate of Self-Insurance
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COMMERCIAL MOTOR VEHICLE	<b>28. Vehicle Operation</b> 1 = Interstate Commerce 2 = Intrastate Commerce 3 = Not in Commerce 4 = Government 5 = Personal	<b>29. Carrier ID Type</b> 1 = US DOT 2 = TxDOT 3 = ICC/MC 98 = None 99 = Other (Explain in Narrative)	<b>30. Roadway Access</b> 1 = Full Access Control 2 = Partial Access Control 3 = No Access Control	<b>31. Vehicle Type</b> 1 = Passenger Car 2 = Light Truck 3 = Bus (9-15) 4 = Bus (>15) 5 = Single Unit Truck 2 Axles 6 Tires 6 = Single Unit Truck 3 or More Axles 7 = Truck Trailer 8 = Truck Tractor (Bobtail) 9 = Tractor/Semi Trailer 10 = Tractor/Double Trailer 11 = Tractor/Triple Trailer 98 = Other (Explain in Narrative) 99 = Unknown Heavy Truck	<b>32. Hazardous Material Class Number</b> 1 = Explosives 2 = Gases 3 = Flammable Liquids 4 = Flammable Solids 5 = Oxidizers and Organic Peroxides 6 = Toxic Materials and Infectious Substances 7 = Radioactive Materials 8 = Corrosive Materials 9 = Miscellaneous Dangerous Goods
	<b>33. Cargo Body Style</b> 1 = Bus (9-15) 2 = Bus (>15) 3 = Van/Enclosed Box 4 = Cargo Tank 5 = Flatbed 6 = Dump 7 = Concrete Mixer	8 = Auto Transporter 9 = Garbage Refuse 10 = Grain Chips Gravel 11 = Pole 13 = Intermodal 14 = Logging	15 = Vehicle Towing Another Vehicle 97 = Not Applicable 98 = Other (Explain in Narrative)	<b>34. Trailer Type</b> 1 = Full Trailer 2 = Semi-Trailer 3 = Pole Trailer	
	<b>35. Sequence of Events</b> 1 = Non-Collision: Ran Off Road 2 = Non-Collision: Jackknife 3 = Non-Collision: Overturn Rollover 4 = Non-Collision: Downhill Runaway 5 = Non-Collision: Cargo Loss Or Shift 6 = Non-Collision: Explosion Or Fire 7 = Non-Collision: Separation of Units 8 = Non-Collision: Cross Median/Centerline 9 = Non-Collision: Equipment Failure 10 = Non-Collision: Other 11 = Non-Collision: Unknown 12 = Collision Involving Pedestrian 13 = Collision Involving Motor Vehicle In Transport 14 = Collision Involving Parked Motor Vehicle 15 = Collision Involving Train 16 = Collision Involving Pedalcycle 17 = Collision Involving Animal 18 = Collision Involving Fixed Object 19 = Collision With Work Zone Maintenance Equipment 20 = Collision With Other Movable Object 21 = Collision With Unknown Movable Object 98 = Other (Explain in Narrative)				
FACTORS AND CONDITIONS	<b>36. Factors and Conditions</b> 1 = Animal on Road - Domestic 2 = Animal on Road - Wild 3 = Backed without Safety 4 = Changed Lane when Unsafe 14 = Disabled in Traffic Lane 15 = Disregard Stop and Go Signal 16 = Disregard Stop Sign or Light 17 = Disregard Turn Marks at Intersection 18 = Disregard Warning Sign at Construction 19 = Distraction in Vehicle 20 = Driver Inattention 21 = Drove Without Headlights 22 = Failed to Control Speed 23 = Failed to Drive in Single Lane 24 = Failed to Give Half of Roadway 25 = Failed to Heed Warning Sign 26 = Failed to Pass to Left Safety 27 = Failed to Pass to Right Safety 28 = Failed to Signal or Gave Wrong Signal 29 = Failed to Stop at Proper Place 30 = Failed to Stop for School Bus 31 = Failed to Stop for Train 32 = Failed to Yield ROW - Emergency Vehicle 33 = Failed to Yield ROW - Open Intersection 34 = Failed to Yield ROW - Private Drive 35 = Failed to Yield ROW - Stop Sign 36 = Failed to Yield ROW - To Pedestrian 37 = Failed to Yield ROW - Turning Left 38 = Failed to Yield ROW - Turn on Red 39 = Failed to Yield ROW - Yield Sign 40 = Fatigued or Asleep 41 = Faulty Evasive Action 42 = Fire in Vehicle 43 = Fleeing or Evading Police 44 = Followed Too Closely 45 = Had Been Drinking 46 = Handicapped Driver (Explain in Narrative) 47 = Ill (Explain in Narrative) 48 = Impaired Visibility (Explain in Narrative) 49 = Improper Start from Parked Position 50 = Load Not Secured 51 = Opened Door into Traffic Lane 52 = Oversized Vehicle or Load 53 = Overtake and Pass Insufficient Clearance 54 = Parked and Failed to Set Brakes 55 = Parked in Traffic Lane 56 = Parked without Lights 57 = Passed in No Passing Lane 58 = Passed on Right Shoulder 59 = Pedestrian FTYROW to Vehicle 60 = Unsafe Speed 61 = Speeding - (Over Limit) 62 = Taking Medication (Explain in Narrative) 63 = Turned Improperly - Cut Corner on Left 64 = Turned Improperly - Wide Right 65 = Turned Improperly - Wrong Lane 66 = Turned when Unsafe 67 = Under Influence - Alcohol 68 = Under Influence - Drug 69 = Wrong Side - Approach or Intersection 70 = Wrong Side - Not Passing 71 = Wrong Way - One Way Road 72 = Cell/Mobile Phone Use 73 = Road Rage 98 = Other (Explain in Narrative)				
	<b>37. Vehicle Defects</b> 5 = Defective or No Headlamps 6 = Defective or No Stop Lamps 7 = Defective or No Tail Lamps 8 = Defective or No Turn Signal Lamps 9 = Defective or No Trailer Brakes 10 = Defective or No Vehicle Brakes 11 = Defective Steering Mechanism 12 = Defective or Slick Tires 13 = Defective Trailer Hitch 98 = Other (Explain in Narrative)	<b>38. Weather Condition</b> 1 = Clear 2 = Cloudy 3 = Rain 4 = Sleet/Hail 5 = Snow 6 = Fog 7 = Blowing Sand/Snow 8 = Severe Crosswinds 98 = Other (Explain in Narrative) 99 = Unknown	<b>39. Light Condition</b> 1 = Daylight 2 = Dark, Not Lighted 3 = Dark, Lighted 4 = Dark, Unknown Lighting 5 = Dawn 6 = Dusk 98 = Other (Explain in Narrative) 99 = Unknown	<b>40. Entering Roads</b> 2 = Three Entering Roads - T 3 = Three Entering Roads - Y 4 = Four Entering Roads 5 = Five Entering Roads 6 = Six Entering Roads 7 = Traffic Circle 8 = Cloverleaf 97 = Not Applicable 98 = Other (Explain in Narrative)	
<b>41. Roadway Type</b> 1 = Two-Way, Not Divided 2 = Two-Way, Divided, Unprotected Median 3 = Two-Way, Divided, Protected Median 4 = One-Way 98 = Other (Explain in Narrative)	<b>42. Roadway Alignment</b> 1 = Straight, Level 2 = Straight, Grade 3 = Straight, Hillcrest 4 = Curve, Level 5 = Curve, Grade 6 = Curve, Hillcrest 98 = Other (Explain in Narrative) 99 = Unknown	<b>43. Surface Condition</b> 1 = Dry 2 = Wet 3 = Standing Water 4 = Snow 5 = Slush 6 = Ice 7 = Sand, Mud, Dirt 98 = Other (Explain in Narrative) 99 = Unknown	<b>44. Traffic Control</b> 2 = Inoperative (Explain in Narrative) 3 = Officer 4 = Flagman 5 = Signal Light 6 = Flashing Red Light 7 = Flashing Yellow Light 8 = Stop Sign 9 = Yield Sign 10 = Warning Sign 11 = Center Stripe/Divider 12 = No Passing Zone 13 = RR Gate/Signal 15 = Crosswalk 16 = Bike Lane 17 = Marked Lanes 18 = Signal Light With Red Light Running Camera 96 = None 98 = Other (Explain in Narrative)		



**CAUSE NO. DC-14-04077**

<b>CHERYL DIXON YOUNG and MARTELL</b>	§	<b>IN THE DISTRICT COURT</b>
<b>YOUNG, Individually, and as Heirs of and on</b>	§	
<b>Behalf of the Estate of CHANTAE REED,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	
<b>VS</b>	§	<b>DALLAS COUNTY, TEXAS</b>
	§	
<b>CHRYSLER GROUP, LLC, and</b>	§	
<b>IVAN GARCIA ESPARZA</b>	§	
	§	
<b>Defendants.</b>	§	<b>298<sup>th</sup> JUDICIAL DISTRICT COURT</b>

**PLAINTIFFS' FIRST AMENDED PETITION,  
REQUEST FOR DISCLOSURE AND JURY DEMAND**

TO THE HONORABLE COURT:

Plaintiffs, Cheryl Dixon Young and Martell Young, Individually, and as Heirs of and on behalf of the Estate of Chantae Reed, deceased, file their First Amended Petition and Jury Demand complaining of Defendants, Chrysler Group LLC, and Ivan Garcia Esparza and for cause-of-action respectfully shows the Court as follows:

**I.  
DISCOVERY CONTROL PLAN**

1. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiffs' intend to proceed with discovery under Level 3 as set forth in Rule 190.3.

**II.  
PARTIES**

2. Plaintiffs, Cheryl Dixon Young and Martell Young, are the biological parents of Chantae Reed. Chantae Reed was a resident of the State of Texas.

3. Defendant, Chrysler Group LLC, is a Michigan corporation engaged in and doing business in Texas. Chrysler Group LLC may be served with process through its

registered agent, CT Corporation System, via certified mail, return receipt requested or by personal service at CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, TX 75201.

4. At all relevant times to the causes-of-action asserted herein, the non-resident defendant, Chrysler Group LLC, has had continuous and systematic contacts with the State of Texas by delivering its products and services into the stream-of-commerce with the expectation that the products would reach consumers within the State of Texas. Further, Defendant has had minimum contacts with Texas and is doing business in Texas, by, among other things: entering into contracts, by mail or otherwise, with residents of the State of Texas, contracting for performance in Texas, recruiting Texas residents for employment inside and/or outside the State and committing torts in the State of Texas. The causes-of-action asserted herein arise from such contact and business.

5. Defendant Ivan Garcia Esparza is an individual residing in Rowlett, Dallas County, Texas and may be served with process at 8005 Meadow Lark Lane, Rowlett, TX 75088.

**III.**  
**ASSUMED NAMES**

6. Pursuant to Rule 28 of the Texas Rules of Civil Procedure, Plaintiff hereby brings suit against all partnerships, unincorporated associations, individuals, entities, and private corporations doing business under the assumed name of or including the words: Chrysler Group LLC, Chrysler, and Jeep Motor Company.

**IV.**  
**JURISDICTION AND VENUE**

7. The amount-in-controversy herein, exclusive of costs and interest, exceeds the

minimal jurisdictional limits of this Court.

8. As required by Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs plead that they seek monetary relief in excess of \$1,000,000. However, as stated below, Plaintiffs demand this case be tried before a jury, at which time said jury shall determine the monetary relief awarded.

9. Venue is proper in Dallas County pursuant to the Texas Civil Practice & Remedies Code because the collision made the basis of this suit occurred in Dallas County and one of the defendants resides in Dallas County.

**V.**  
**WRONGFUL DEATH BENEFICIARIES**

10. Plaintiff will show that upon Chantae Reed's death, two separate and distinct causes-of-action arose, one being for the benefit of her estate, which survives her death pursuant to Section 71.021 of the Texas Civil Practice and Remedies Code, and the other cause-of-action being for the benefit of the statutory wrongful death beneficiary of Chantae Reed as provided by Section 71.004 of the Texas Civil Practice and Remedies Code. No estate is pending or necessary. Cheryl Dixon Young and Martell Young, Jr. bring their survival action as heirs and on behalf of the Estate of Chantae Reed to recover for her conscious pain and suffering, mental anguish, medical bills, funeral and burial expenses, and all other damages allowed by law. Cheryl Dixon Young and Martell Young, Jr. also bring their lawsuit in their individual capacities seeking relief for all damages allowed by law in connection with the death of their daughter. The damages to which they are entitled in their individual capacities include but are not limited: pecuniary loss in the past and future; loss of companionship and society in the past and future; mental anguish in the past and future; and loss of inheritance.

**VI.**  
**FACTUAL BACKGROUND**

11. January 11, 2014, Chantae Reed was the restrained passenger of a 2006 Jeep Liberty (VIN: 1J4GL48K26WQ259186) involved in a rear end collision in Dallas County, Texas. Chantae Reed's husband, Danny Reed, was the driver of the Jeep Liberty. Chrysler Group LLC designed, marketed and manufactured the vehicle in question.

12. The 2006 Jeep Liberty was rear ended by a car driven by Defendant Ivan Garcia Esparza. Chantae Reed survived the rear impact without injury. Defendant Ivan Esparaza and his passenger survived the impact without injury. However, in this otherwise survivable collision, the jeep's gas tank ruptured and the vehicle burst into flames. Unfortunately, as Chantae Reed was attempting to assist her husband in escaping from the fire she was overcome by the smoke and flames. Both Chantae Reed and Danny Reed burned to death. Chantae Reed's autopsy shows soot in the mouth and throat but no hematoma or impact fractures.

13. The 2006 Jeep Liberty in this case is the subject of a recall by the National Highway Traffic Safety Administration ("NHTSA") due to a defectively designed fuel tank that is mounted behind the rear axle. This defective design, among others, poses an unreasonable risk of fuel-fed fires when the vehicle is rear ended.

**VII.**  
**CAUSES OF ACTION**

**A. Strict Products Liability Against Defendant Chrysler Group, L.L.C.**

14. The 2006 Jeep Liberty at issue in this suit was manufactured, marketed, and distributed by Chrysler Group LLC.

15. At all material times, Defendants, Chrysler Group LLC was a “Manufacturer” of the vehicle defined in TEX. CIV. PRAC. & REM. 82.001(4).

16. The vehicle and its related equipment were designed, manufactured, constructed, and/or distributed by and through its agents and/or representatives of Defendant, Chrysler Group LLC.

17. The Defendant was regularly engaged in the business of supplying or placing products, like the product in question in the stream of commerce for use by the consuming public, including Chantae Reed. Further, such conduct was solely for commercial purposes.

18. The vehicle in question and its parts remained unchanged from the time they were originally manufactured, distributed and sold by Defendant until they reached Chantae Reed and ultimately led to her and her husband’s death. Stated another way, the product in question was defective and in an unreasonably dangerous condition when it left the hands of the Defendant and remained defective and unreasonably dangerous at all times thereafter until they ultimately caused Chantae Reed’s death.

19. With respect to the design of the product in question, at the time it left the control of the Defendant, there were safer alternative designs. Specifically, there were alternative designs that, in reasonable probability, would have prevented or significantly reduced the risk of injury or death to Chantae Reed. Furthermore, such safer alternative designs were economically and technologically feasible at the time the product left the control of the Defendant by the application of existing or reasonably achievable scientific knowledge.

20. At the time the vehicle was placed into the stream of commerce, it was, or should

have been, reasonably expected and foreseeable that persons such as Chantae Reed would use the vehicle in the manner and application in which it was being used at the time Chantae Reed sustained the injuries that led to her death.

21. At the time the vehicle in question left control of the Defendant, it was defective and unreasonably dangerous in that it was not adequately designed, manufactured, or marketed to minimize the risk of injury or death. By way of example and without limitation, the product in question was unreasonably, dangerously defective in the following ways:

- a. The vehicle was unreasonably dangerous and defectively designed in that it was not crashworthy and reasonably fit for clearly foreseeable accidents;
- b. The vehicle was unreasonably dangerous and defectively designed in that the fuel tank was mounted behind the rear axle allowing the fuel tank to easily rupture and explode during rear impact collisions. This made the vehicle unreasonably, dangerously, defectively designed for the vehicle's intended and reasonably foreseeable uses;
- c. The vehicle was unreasonably dangerous and defectively designed in that the fuel tank is inadequately protected for clearly foreseeable use of the vehicle. This made the vehicle unreasonably, dangerously, defectively designed for the vehicle's intended and reasonably foreseeable uses;
- d. The vehicle was unreasonably dangerous and defectively designed in that the vehicle and its related parts have significant likelihood to catch on fire on impact. This made the vehicle unreasonably, dangerously, defectively designed for the vehicle's intended and reasonably foreseeable uses;
- e. The vehicle was unreasonably dangerous and defectively designed in that the fuel tank was not adequately protected from a rear impact accident because it could easily be punctured in a car crash. This made the vehicle unreasonably, dangerously, defectively designed for the vehicle's intended and reasonably foreseeable uses;
- f. The vehicle was unreasonably dangerous and defectively designed in that the vehicle's fuel filler neck also tears off in crashes making it a fire hazard. This made the vehicle unreasonably, dangerously, defectively designed for the vehicle's intended and reasonably foreseeable uses;

- g. The vehicle was unreasonably dangerous and defective in its design to the extent a bolt in the rear sway bar was little more than a tenth of an inch from the gas tank, meaning it could easily be punctured in a crash. This condition made the vehicle unreasonably dangerous and defective for its intended and reasonably foreseeable uses;
- h. The vehicle was unreasonably dangerous and defective in that it did not contain adequate instructions or warnings as to the manner to avoid risks and danger involved, in particular, with the dangerous propensity of the Jeep Liberty to catch on fire upon rear impact. This failure made the vehicle unreasonably dangerous and defective for its intended and reasonably foreseeable uses; and
- i. The vehicle was unreasonably dangerous and defective in that it failed to warn of the risks and nature and extent of dangers associated with its dangerous propensity to catch fire due to the location of the fuel tank in that the warnings and instructions provided, if any, were not in any form that could reasonably be expected to catch the attention of reasonably prudent person in the circumstances of the products' intended or reasonably foreseeable uses.

22. Plaintiffs further contend that Defendant Chrysler is not entitled to a rebuttal presumption that they are not liable for any injury to Chantae Reed caused by the formulation, labeling, or design of the vehicle because they have not established that the vehicle's formulation, labeling or design complied with the mandatory standards adopted by the DOT. Additionally, in the event that Defendant does establish compliance with FMVSS, Plaintiff will present evidence that the standard is inadequate to protect the public from unreasonable risks of injury or damage.

23. The above unreasonably dangerous defects in the vehicle were the proximate and producing causes of Chantae Reed's death and Plaintiffs' damages.

**B. Negligence of Defendant Ivan Esparza**

24. Defendant Ivan Esparza was negligent in his operation of his motor vehicle. Defendant Esparza was negligent in, at least, the following ways:

- a. Failing to maintain control of his vehicle;

- b. Failing to properly and timely apply his brakes;
  - c. Traveling at an excessive rate of speed;
  - d. Traveling while impaired and under the influence;
  - e. Rear ending the vehicle in which Chantae Reed was riding; and
  - f. Other acts of negligence which may be shown at the time of trial.
25. The above acts of negligence were a producing and/or proximate cause of Chantae Reed's death and resulting damages to the Plaintiffs.

**VIII.**  
**DAMAGES**

26. The unlawful acts and practices by the Defendant are and were a producing and proximate cause of Chantae Reed's injuries and eventual death, as well as Plaintiff's damages. Accordingly, Defendants are liable to the Plaintiffs for all Plaintiffs' damages.

27. As a result of the negligent acts of the Defendants, Plaintiffs, individually, as and as wrongful death beneficiaries, have suffered damages that include, but are not limited to the following:

- a. Pecuniary loss in the past and future;
  - b. Loss of companionship and society in the past and future;
  - c. Mental anguish in the past and future;
  - d. Loss of inheritance;
  - e. Loss of consortium in the past and future; and
  - f. Loss of services in the past and future.
28. Cheryl Dixon Young and Martell Young, as Heirs and on behalf of the Estate of Chantae Reed have suffered damages, which include, but are not limited to:

- a. Pain and mental anguish Ms. Reed suffered before her death;



- b. Medical expenses of Ms. Reed for injuries associated with the collision;  
and
- c. Funeral and burial expenses.

**IX.**  
**REQUEST FOR DISCLOSURE**

29. Pursuant to Rule 194.1 of the Texas Rules of Civil Procedure, Defendants are requested to disclose, within fifty (50) days of service of this request, the information and materials described in Rule 194.2.

**X.**  
**DEMAND FOR TRIAL BY JURY**

30. Plaintiffs hereby demand that a jury be impaneled to decide the factual issues of this case. The jury fee is submitted with Plaintiffs' Original Petition.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein, and that upon final trial, Plaintiffs have judgment against Defendants for those damages described above and in the full amounts allowed by law, specifically including, but not limited to:

- a. A judgment in excess of the jurisdictional limits of this Court;
- b. Pre-judgment interest;
- c. Post-judgment interest;
- d. Costs and Expenses; and
- e. All such relief, whether at law or in equity, to which plaintiffs may show themselves justly entitled.

Respectfully submitted,

/s/ Andrew L. Payne

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiffs' First Amended Petition has been served upon all counsel listed below on this 9<sup>th</sup> day of May, 2014.

Roy A. Spezia  
Germer Gertz Beaman & Brown, L.L.P.  
301 Congress Avenue, Suite 1700  
Austin, Texas 78701

/s/ Andrew L. Payne

**Andrew L. Payne/Todd H. Ramsey**