

SUPERIOR COURT OF DECATUR COUNTY
STATE OF GEORGIA

JAMES BRYAN WALDEN and
LINDSAY WALDEN, Individually and
on Behalf of the Estate of Their Deceased Son,
REMINGTON COLE WALDEN,

Plaintiffs,

v.

CHRYSLER GROUP, L.L.C., and
BRYAN L. HARRELL,

Defendants.

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CIVIL ACTION

FILE NO. 12-CV-472

AFFIDAVIT OF NORMA F. HUBELE, PH.D.

STATE OF ARIZONA
COUNTY OF MARICOPA

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, Norma F. Hubele, Ph.D., who testified as follows:

1.

I am over eighteen years old and am of sound mind. Under power of oath, I swear and affirm that the following is true and correct.

2.

The purpose of this affidavit is to demonstrate to the court that even with the revision of my counts, my opinions do not change. The corrected data continues to support my opinion that, when compared to peer vehicles with mid-ship fuel tanks, the Jeep Grand Cherokee model years 1993-2004 has a higher rate of vehicles with fire as the most harmful event and fatal vehicles with fire as the most harmful event based on the Fatality Analysis Reporting System (FARS)

database. (*Deposition* of Dr. Norma F. Hubele in *Walden v. Chrysler*, June 26, 2014, p. 80, line 12, p. 104, lines 9-12, p. 105, lines 10-12, p. 129, lines 22-23).

3.

To describe the problem with my selection process and the recent correction made, it is necessary to describe the details of the computer code used to search the FARS database. My intention was to select only Jeep Grand Cherokee model years 1993-2004 from the FARS database as a basis for my opinions in this case. Unintentionally, my selection criteria was too broad and consequently included some Jeep Cherokees.

4.

Now for the details. The relevant computer code has two parts. The first part limits the vehicles selected to those with make/model coded as "2404." The second part limits the vehicles selected to those with a VIN (vehicle identification number) decoded to models identified by any one of the following 3-character strings L/O, L59, LCF, LMT LRO, LRT and LSE for the Jeep Grand Cherokee. The original computer code read as follows:

where (make_mod in (2404) or vina_mod in ('L/O' 'L59' 'LCF' 'LMT' 'LRO' 'LRT' 'LSE'))

5.

The make/model code of 2404 was too broad and should have been limited by the vina_mod part of the code. The limitation would have been achieved if the Boolean term *and* was used instead of the Boolean term *or* linking the two parts of the computer code. The corrected computer code now reads:

where (make_mod in (2404) and vina_mod in ('L/O' 'L59' 'LCF' 'LMT' 'LRO' 'LRT' 'LSE'))

Again, the only difference between the original computer code and the new computer code is to change the *or* term to the *and* term of this single line of code.¹

6.

The original faulty computer logic resulted in selecting the intended Jeep Grand Cherokees and some unintended Jeep Cherokees from the FARS database. The computer logic was corrected with the new code, used to search the FARS database and the resultant numbers were checked with the list provided by Dr. Paul Taylor in Exhibit 8 of his *Deposition* on October 2, 2014.² The corrected vehicle counts for the Jeep Grand Cherokee model years 1993-2004 from the FARS database originally shown in Exhibit 11 of my deposition have been revised as Exhibit A to this affidavit.

7.

No other parts of the computer program used to select Jeep Grand Cherokees as well as comparison vehicles from FARS have been changed. Consequently, all the FARS counts for the comparison vehicles remain the same as shown in Exhibit 11 of my deposition and Exhibit A.

8.

The methodology of scaling the FARS vehicle counts using registration data is not in dispute. (*Deposition* of Dr. Paul Taylor in *Walden v Chrysler*, October 2, 2014, p. 62, lines 12-20, p. 67, lines 20-23, Exhibit 10; *Hubele Dep.* p. 27, lines 15-18, Exhibit 11). The simple methodology uses the FARS vehicle counts in the numerator and the registration data for the same vehicles in the denominator to form a rate useful for comparison purposes. In preparing to

¹ The computer program is given in Exhibit 26 of my deposition and Attachment G of Chrysler's Brief. The program contains over 400 lines of code and was used to select Jeep Grand Cherokees as well as comparison vehicles from FARS.

² Also reproduced as Attachment F of *Defendant Chrysler Group LLC's Brief in Support of Its Motion to Exclude the Testimony of Norma F. Hubele, Ph.D.* Taylor's Exhibit also included a 2004 Jeep Grand Cherokee with *vina_mod* equal to OVR which has been included in the revised counts.

compute my rates, it was my intention to only include the Jeep Grand Cherokee model years 1993-2004 in the FARS counts. Toward this end, I compiled registration data from Chrysler's material and R. L. Polk for the Jeep Grand Cherokee model years 1993-2004. When the Jeep Cherokee counts were unintentionally included in the FARS counts, then the registration data did not match the FARS vehicles. When the FARS counts of the Jeep Grand Cherokee model years 1993-2004 are corrected, they match the registration data used to compute the comparison rates. The registration data used to compute the rates for the Jeep Grand Cherokee model years 1993-2004 is correct and does not need to be revised.

9.

In summary,

- a. I have adjusted my computer program to count only the Jeep Grand Cherokee model years 1993-2004, as originally intended. The results continue to support my opinions as originally stated in my deposition that, when compared to peer vehicles with mid-ship fuel tanks, the Jeep Grand Cherokee model years 1993-2004 has a higher rate of vehicles with fire as the most harmful event and fatal vehicles with fire as the most harmful event. (*Deposition of Dr. Norma F. Hubele in Walden v. Chrysler*, June 26, 2014, p. 80, line 12, p. 104, lines 9-12, p. 105, lines 10-12, p. 129, lines 22-23).
- b. I have made the single-word change to my computer code, compared my revised counts with the vehicles listed in Taylor's Exhibit 8, and changed the Jeep Grand Cherokee counts of Exhibit 11 of my deposition (See Exhibit A).
- c. No changes have been made to any other FARS counts of any comparison vehicles.
- d. No changes have been made to the registration data for the Jeep Grand Cherokee model years 1993-2004 or any comparison vehicles.

- e. The graphical displays in Exhibits 6, 7, 8, 9, and 10 of my deposition have been revised to reflect the new rates for the Jeep Grand Cherokee for model years 1993-2004 based on Exhibit A (See Exhibit B); no other rates on these graphs have been changed from the original exhibits.
- f. The rates and graphs shown in Exhibits A and B continue to support my opinion that the Jeep Grand Cherokee model years 1993-2004 have a higher rate of vehicles with fire as the most harmful event and a higher rate of vehicles with fire as the most harmful event and a fatality in the vehicle, as occurred in this case. The Jeep Grand Cherokee rates for the time periods 1992-2011 compared to 1992-2012 show an increase in the relative frequency.

This 16 day of January, 2015.

Norma F. Hubele

 NORMA F. HUBELE, PH.D.

I, SHAUN W. YATES, a notary public for the county and state, certify that Norma F. Hubele, Ph.D., whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instruments, he executed the same voluntarily.

Sworn to and subscribed before me this 16 day of January, 2015.

SUBSCRIBED & SWORN BEFORE ME
 THIS 16 DAY OF January, 2015
 STATE OF Arizona
 COUNTY OF maricopa
Shaun W. Yates

 NOTARY PUBLIC
 MY COMMISSION EXPIRES June 16, 2017

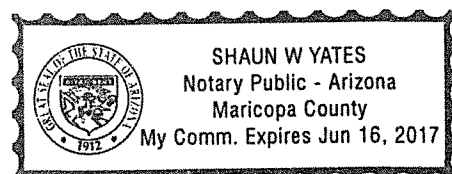


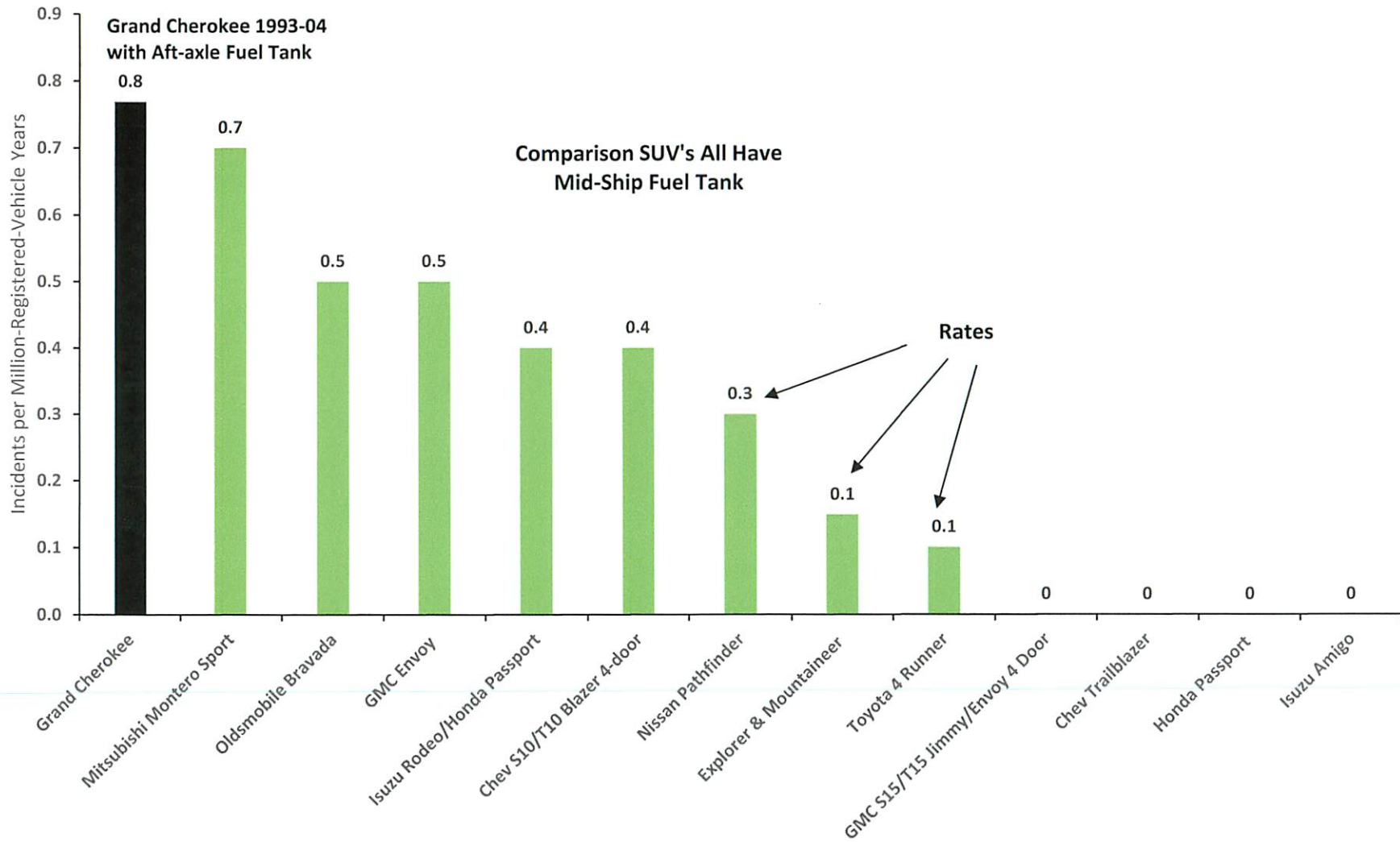
EXHIBIT A

| | | | From "Ungrouped vehicles from NHTSA list by impact point" Chrysler file, No rollovers, Fatality not Necessarily in Vehicle, #CGLLC042443 | | | | | | | | Additional Analysis | | | | | | | | | |
|----------------------------|--------------------------------|--------------------------------|--|-----|-------|-------------|----------------|----------|------------|----------|--------------------------|---------------|-------|-----------------|------------|------|------------|-------|------|------|
| | | | FARS 92-11 | | | | | | | | Calendar Years 1992-2011 | | | | | | | | | |
| | | | Initial | | | | | Vehicles | | | Rate | | MHE=1 | | Rate | | Cumulative | | | |
| | | | Impact=rear | | Notes | | | | Rate | | MHE=1 | | Rate | | Corres. To | | | | | |
| x-Label for Chrysler Graph | | | x-Label for all other graphs | | (4) | Per million | FARS 92-11 (4) | RVY | MHE=Fire | MHE=Fire | Fatal Vehicle | Fatal Vehicle | Rate | MHE=1 | MHE=1 | Rate | MHE=1 | MHE=1 | Rate | |
| Mak_mod in FARS | | | Grand Cherokee | | | 1993-2004 | 0.8 | 24 | 31,215,711 | 12 | 0.38 | 12 | 0.38 | 26 | 0.78 | 14 | 33,251,123 | 0.42 | 14 | 0.42 |
| | | | | | | | | | | | | | | Fire Occurrence | | | | | | |
| | | | | | | | | | | | | | | CY=2012 Only | | | | | | |
| 52401, 5270 | Mitsubishi Montero Sport | Mitsubishi Montero Sport | 1997-2004 | 0.7 | | 2 | 2,857,143 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | | | | | | | |
| 21401 | Oldsmobile Bravada | Oldsmobile Bravada | 1996-2004 | 0.5 | | 1 | 2,000,000 | 0 | 0.00 | 0 | 0.00 | 0 | 0.00 | | | | | | | |
| 23401 | GMC Envoy | GMC Envoy | 2002-2007 | 0.5 | (5) | 2 | 4,000,000 | 1 | 0.25 | 1 | 0.25 | 0 | 0 | | | | | | | |
| 38402, 3872 | Isuzu Rodeo | Isuzu Rodeo/Honda Passport | 1998-2004 | 0.4 | (1) | 1 | 3,750,000 | 1 | 0.27 | 1 | 0.27 | 0 | 0 | | | | | | | |
| 20401, 20420 | Chev S10/T10 Blazer 4-door | Chev S10/T10 Blazer 4-door | 1995-2005 | 0.4 | | 6 | 15,000,000 | 2 | 0.13 | 1 | 0.07 | 0 | 0 | | | | | | | |
| 35401 | Nissan Pathfinder | Nissan Pathfinder | 1996-2007 | 0.3 | | 2 | 6,666,667 | 1 | 0.15 | 1 | 0.15 | 0 | 0 | | | | | | | |
| | Explorer & Mountaineer | Explorer & Mountaineer | 1998-2000 | 0.1 | (2) | 11 | 74,000,000 | 1 | 0.01 | 0 | 0 | 1 | | | | | | | | |
| 4970, 49401 | Toyota 4 Runner | Toyota 4 Runner | 1993-2007 | 0.1 | | 2 | 20,000,000 | 1 | 0.05 | 0 | 0 | 1 | | not MHE=f | | | | | | |
| 23401 | GMC S15/T15 Jimmy/Envoy 4 Door | GMC S15/T15 Jimmy/Envoy 4 Door | 1995-2007 | 0 | | 0 | NA | 0.00 | 0.00 | 0 | 0 | 0 | | | | | | | | |
| 20403 | Chev Trailblazer | Chev Trailblazer | 2002-2007 | 0 | | 0 | NA | 0.00 | 0.00 | 0 | 0 | 0 | | | | | | | | |
| 37401 | Honda Passport | Honda Passport | 1998-2002 | 0 | (1) | 0 | NA | 0.00 | 0.00 | 0 | 0 | 0 | | | | | | | | |
| 37403, 3839 | Isuzu Amigo | Isuzu Amigo | 1998-2000 | 0 | | 0 | NA | 0.00 | 0.00 | 0 | 0 | 0 | | | | | | | | |
| | Total | Total | | | | 27 | | 7 | | 4 | | | | | | | | | | |
| 14401 | Mercury Mountaineer | Mercury Mountaineer | 1997-2007 | 1 | | 4 | 4,000,000 | 0 | 0.00 | 0 | 0 | 0 | | | | | | | | |
| 12401, 12403 | Ford Explorer | Ford Explorer | 1993-2007 | 0.1 | | 7 | 70,000,000 | 1 | 0.01 | 0 | 0 | 1 | | not MHE=f | | | | | | |
| | | | | | | | | | | | | | | 1992-2011 | 0.38 | | | | | |
| | | | | | | | | | | | | | | 1992-2012 | 0.42 | | | | | |

Notes: (1) Registration data estimated from June 18, 2013 presentation, p. 15, CGLLC042373, since count of number of collisions with MHE=fire and fatality in any vehicle=2 from Chrysler data file.
 (2) Explorer & Mountaineer data should be combined with Navajo and Aviator data, but since Navajo and Aviator had 0 occurrences and was not published in the Chrysler list, no Polk data could be estimated.
 (3) Grand Cherokee data was obtained from FARS by Dr. Hubele using the same filters as used to match Chrysler data of other make-models-years.
 (4) The yellow highlight indicates that Dr. Hubele was able to match the tallies found in Chrysler's data file given in CGLLC042975.
 (5) The pink indicates that Chrysler did not provide data for Envoy, in spite of the fact that it was listed on its graph. Furthermore, Trailblazer, Rainier, Envoy Denali and Ascender were not included and Polk data could not be estimated for the combined value.

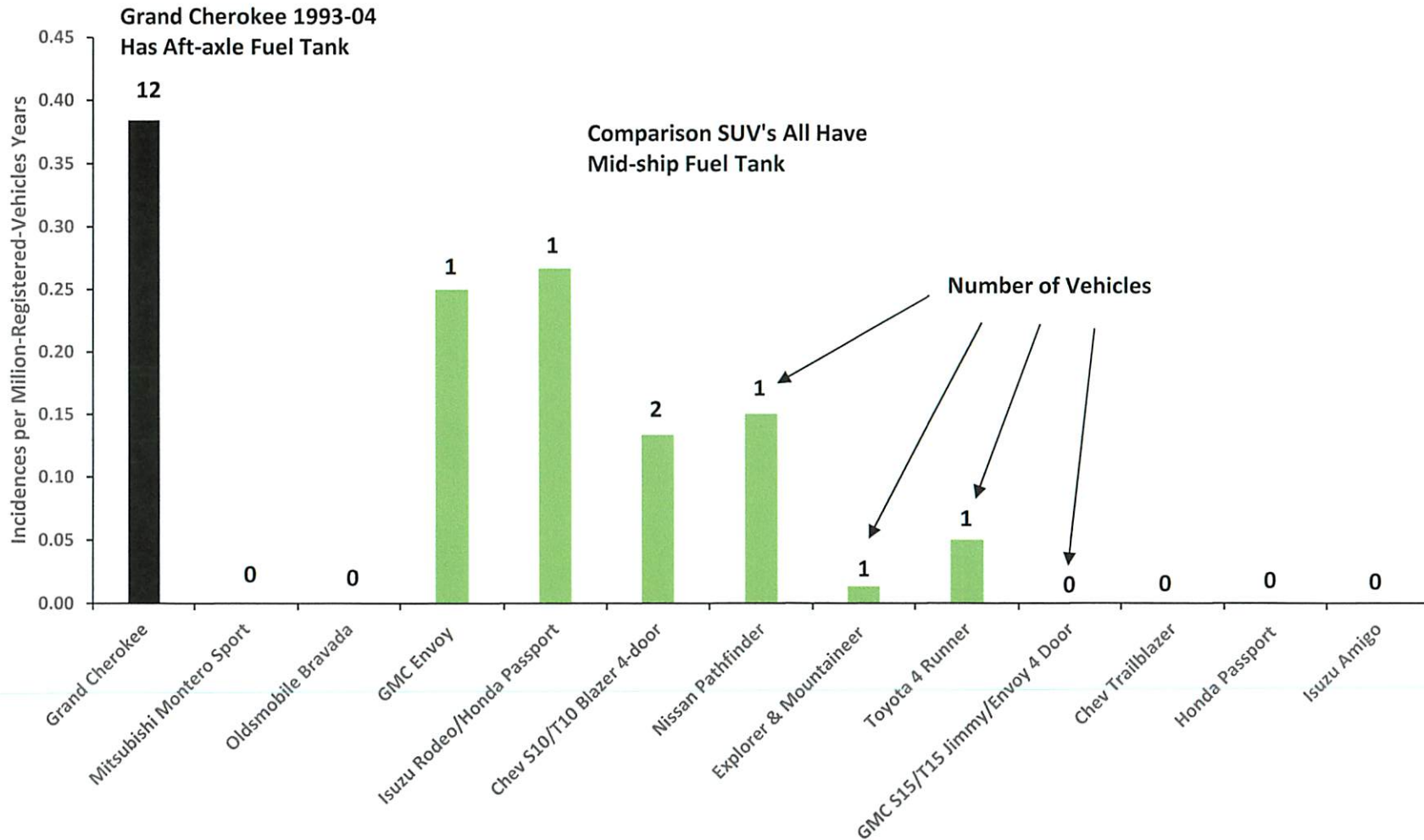
EXHIBIT B

"Vehicles in Fatal Crashes with Initial Impact to Rear and Accompanied by Fire"



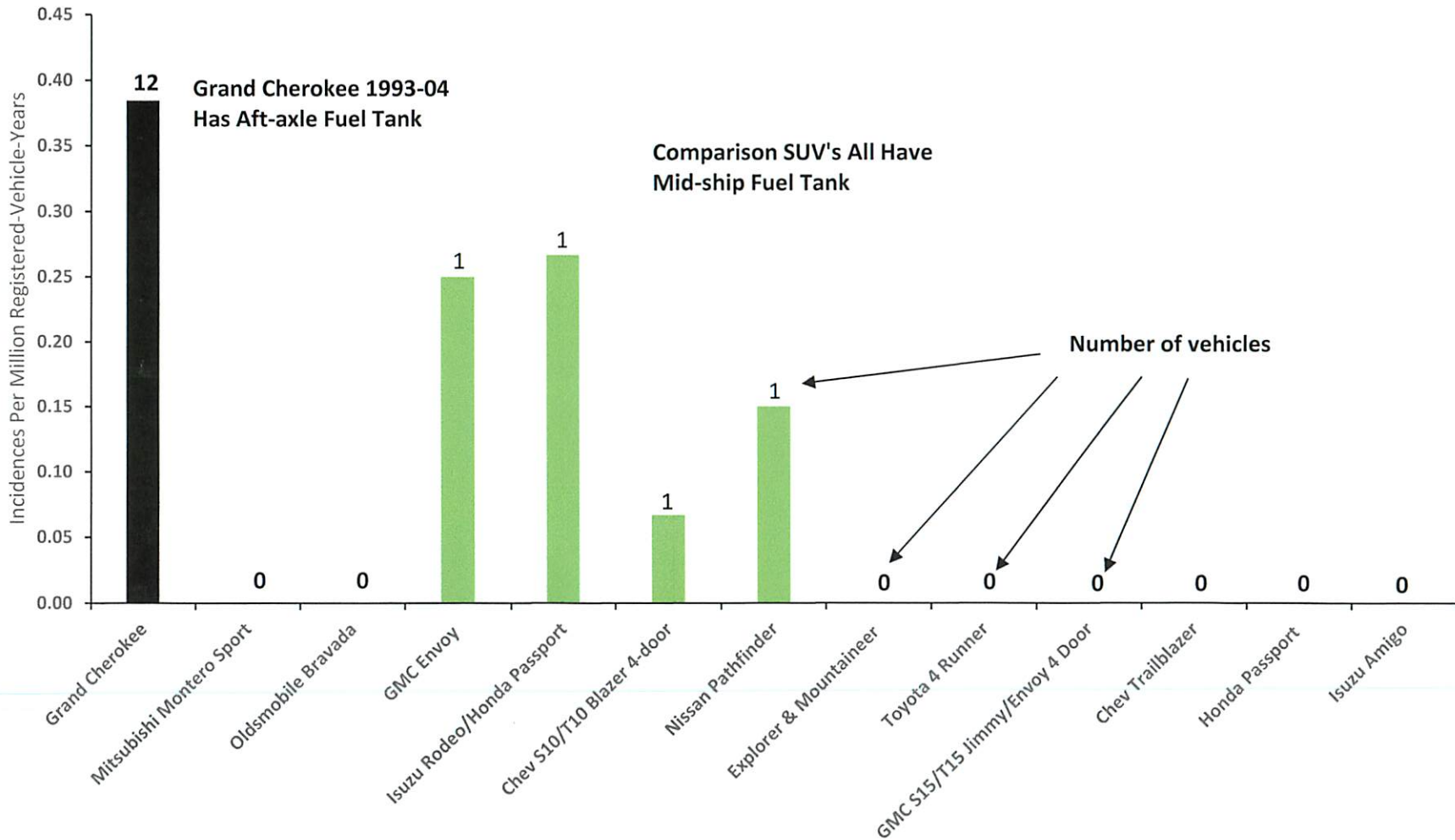
Note: January 13, 2015 revision to Dr. Hubele's Exhibit 6 of June 26, 2014 Deposition. Jeep Grand Cherokee computed by Dr. Hubele for calendar years 1992-2001; all other vehicle rates provided by Chrysler for calendar years 1992-2011 in presentation dated June 18, 2013, p. 3. Fatality not necessarily in vehicle.

**"Vehicles in Fatal Crashes with Initial Impact to Rear and
Accompanied by Fire"
When Most Harmful Event is Fire**



Note: January 13, 2015 revision to Dr. Hubele's Exhibit 7 of June 26, 2014 Deposition. Jeep Grand Cherokee computed by Dr. Hubele for calendar years 1992-2001; all other vehicle rates provided by Chrysler for calendar years 1992-2011 and reduced by Dr. Hubele to vehicles with most harmful event = fire. Fatality not necessarily in vehicle.

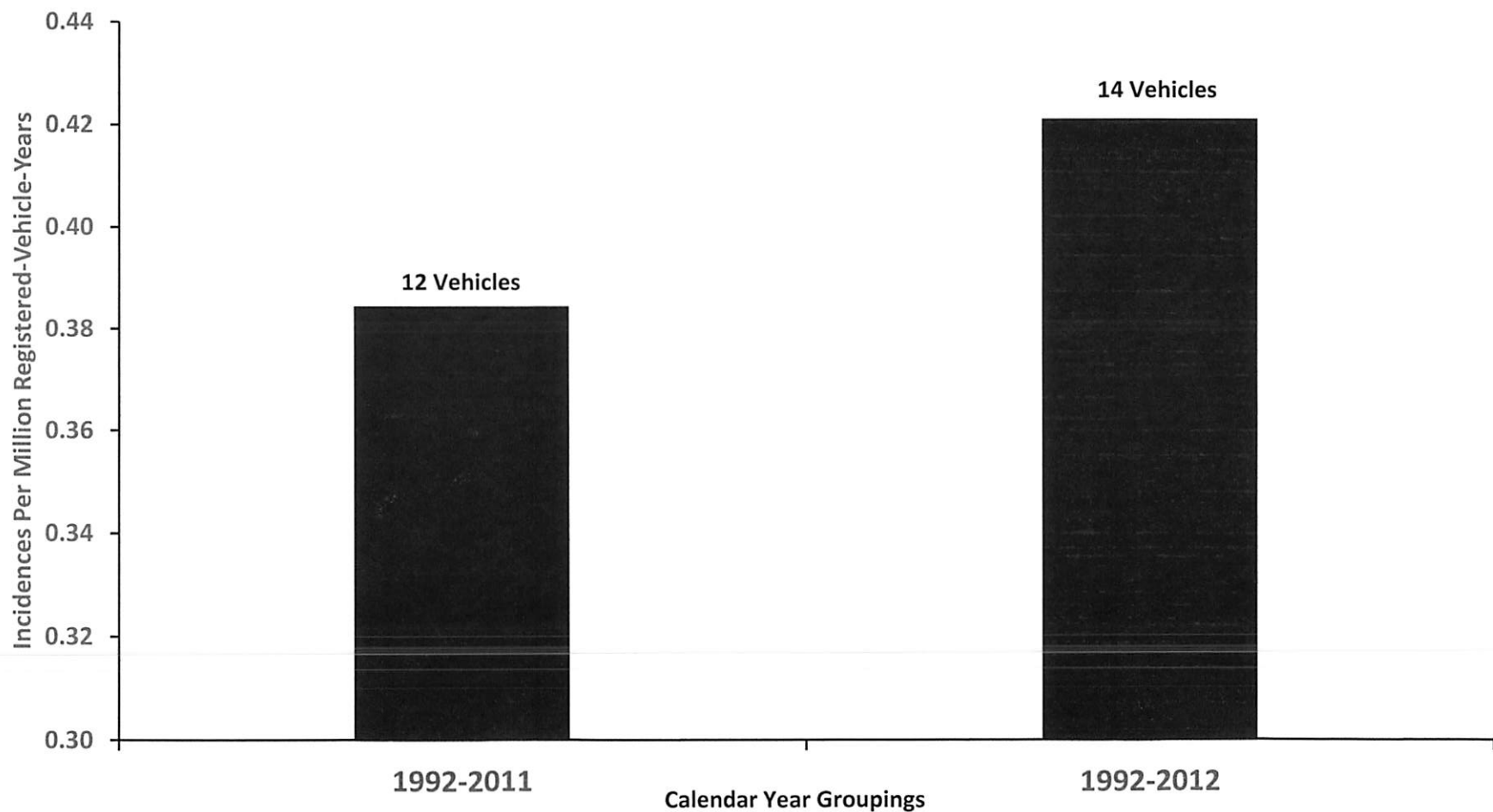
"Vehicles in Fatal Crashes with Initial Impact to Rear And Accompanied by Fire" When Most Harmful Event is Fire and Fatality in Vehicle



Note: January 13, 2015 revision of Dr. Hubele's Exhibit 8 of June 26, 2014 Deposition. Jeep Grand Cherokee computed by Dr. Hubele for calendar years 1992-2011; all other vehicle rates provided by Chrysler for calendar years 1992-2011 and reduced by Dr. Hubele to vehicles with most harmful event = fire and fatality in vehicle.

Vehicles in Fatal Crashes and Most Harmful Event is Fire Rate Jeep Grand Cherokee Model Years 1993-2004

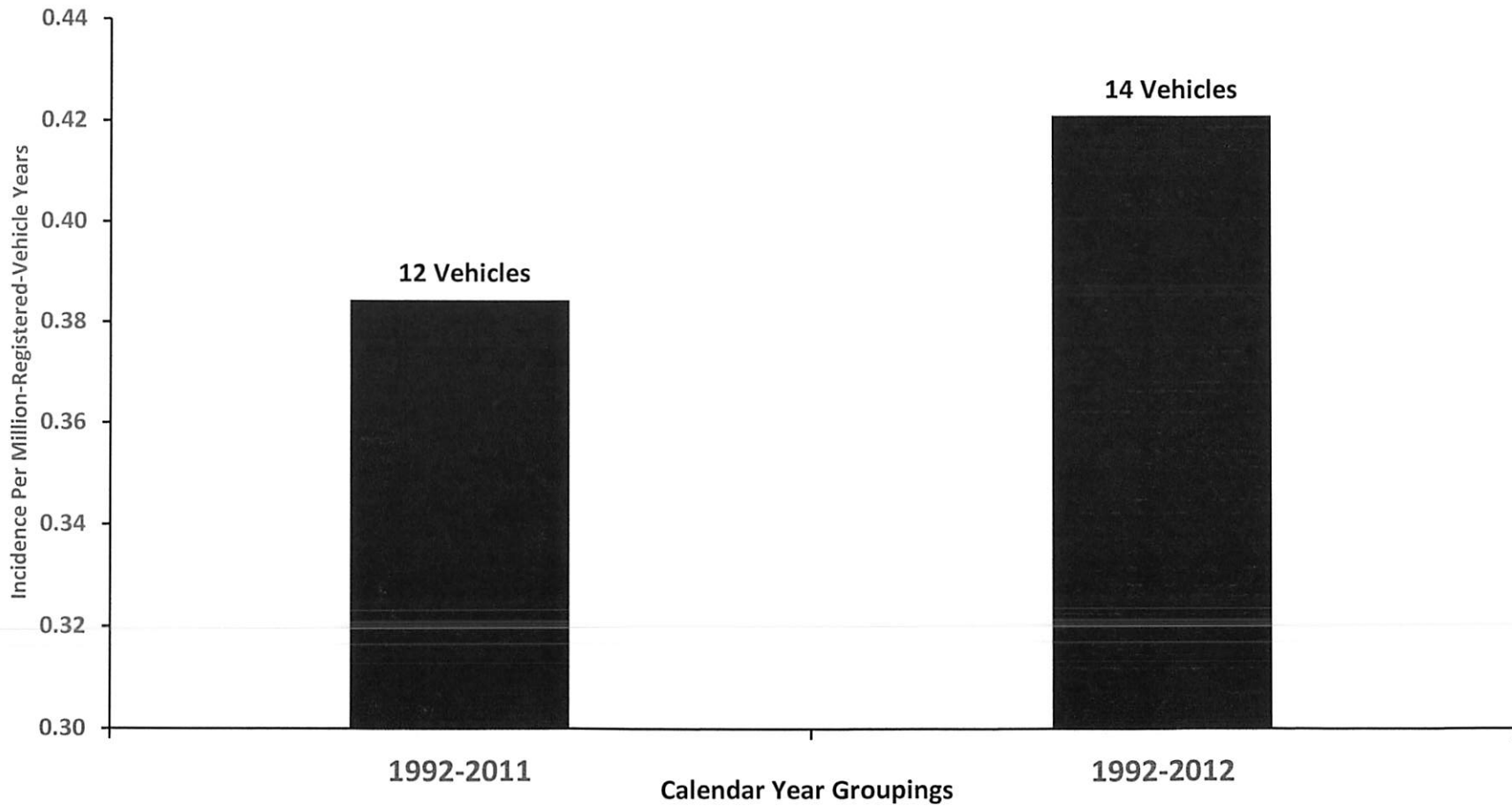
Calendar Years 1992-2011 vs. 1992-2012



Note: January 13, 2015 revision of Dr. Hubele's Exhibit 9 of June 26, 2015 Deposition. Fatality not necessarily in vehicle.

**Vehicles in Fatal Crashes and Most Harmful Event is Fire Rate
Jeep Grand Cherokee Model Years 1993-2004
With Fatality in Vehicle**

Calendar Years 1992-2011 vs. 1992-2012



Note: January 13, 2015 revision of Dr. Hubele's Exhibit 10 of June 26, 2014 Deposition.