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# CENTER FOR AUTO SAFETY

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202-328-7700 ◆ www.autosafety.org

May 23, 2012

Honorable David Strickland, Administrator  
National Highway Traffic Safety Administration (NHTSA)  
1200 New Jersey Avenue SE  
Washington DC 20590

Dear Administrator Strickland:

In NHTSA's history of defect investigations and recalls, there has never been one where four year old children in child restraints have burned to death in fire crashes until now. On February 12, 2006, four year old Cassidy Jarmon was killed despite riding in a child seat to protect her when the 1993 Jeep Grand Cherokee driven by her mother was struck from behind and burst into flames. On March 6, 2012, four year old Remington Cole Walden was killed despite riding in a child booster seat to protect him when the 1999 Jeep Grand Cherokee driven by his aunt was struck from behind and engulfed in flames.



The other occupants in the crashes could not get the above pictured four year olds out because they were trapped in the flaming vehicle. Remington is but the latest fatality in 201 fatal fire crashes with 285 deaths involving 1993-2004 Jeep Grand Cherokees.

Chrysler's David D. Dillon has now admitted what the Center has said all along – the 1993-04 Jeep Grand Cherokee far exceeds its top competitor, the 1993-04 Ford Explorer in most harmful event (MHE) rear impact fire crashes. (Attachment A - Deposition in Kline V Lohman Auto Group.) Mr Dillon also disclosed that the April 6, 2011 presentation to NHTSA on FARS was not prepared by Chrysler but rather was prepared by Exponent Failure Analysis which made such a misleading analysis to NHTSA in the GM pickup side saddle gas tank investigation that GM Vice President Harry Pearce apologized to NHTSA Administrator Marion Blakely for the presentation. (Attachment B.)

The April 6 FARS analysis shows a MHE fire rate of 0.44 crashes per million years of use compared to 0.022 for the Ford Explorer based on 12 Grand Cherokee MHE rear fire crashes and 1 Ford Explorer MHE rear fire crash. The analysis does not include the July 10, 2009 TX MHE rear fire crash (FARS 481432 – Attachment C) so the 1993-04 Grand Cherokee MHE fire rate is 0.48 per million years of use which is 22 times higher than the Ford Explorer. With 18 deaths in the 12 MHE Jeep crashes, the difference is even higher than 22 to 1.

Honorable David Strickland  
May 23, 2012  
Page Two

The FHWA and KARCO crash tests of the Jeep Grand Cherokee and Ford Explorer fully support this 22 to 1 greater MHE crash fire rate for the Grand Cherokee versus the Ford Explorer. The crash tests done by FHWA and CAS show the Grand Cherokee suffered a catastrophic fuel system failure at energy levels both significantly below present FMVSS 301 levels. Yet the Ford Explorer suffered no breach of the fuel system in a 70 mph FHWA crash test with an energy level nearly twice that of FMVSS 301.

Test	Impactor	Impactor Weight	Impactor Speed	Crash Energy
old FMVSS 301	flat face barrier	4,000 pounds	30 mph	121,000 lb-ft
new FMVSS 301	contoured barrier	3,015 pounds	50 mph	253,000 lb-ft
FHWA Explorer	2003 Taurus sedan	3,110 pounds	68 mph	483,000 lb-ft
FHWA Grand Cher.	2000 Taurus SW	3,296 pounds	49.7 mph	274,000 lb-ft
Karco Grand Cher.	1987 Taurus sedan	3,387 pounds	51.4 mph	301,000 lb-ft
Karco Grand Cher.	1988 Taurus sedan	3,364 pounds	40.7 mph	187,000 lb-ft

If Chrysler does not voluntarily recall these deadly vehicles that kill children secured in child restraints as the Center has asked Chairman Sergio Marchionne, then the only way to prevent more fire deaths is for NHTSA to order a mandatory safety recall and require Chrysler to design an effective remedy for any vehicle outside the repair for free provision of the Safety Act.

Sincerely,



Clarence Ditlow  
Executive Director

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, MORRIS COUNTY

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,

Plaintiffs,

vs.

Docket No. MRS-L-3575-08

VICTORIA MORGAN-ALCALA, CARLOS  
ALCALA, NATALIE RAWLS,  
DAIMLERCHRYSLER CORPORATION, A/K/A  
CHRYSLER CORPORATION, LOMAN AUTO  
GROUP, CHRYSLER GROUP LLC (For  
Discovery Purposes), JOHN DOES A  
THROUGH Z, (Names Being Fictitious),  
ABC CORPORATIONS, 1 THROUGH 100,  
(Names Being Fictitious),  
Defendants.

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THE DEPOSITION OF DAVID DILLON, DECEMBER 21, 2011

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The Videoconference Deposition of DAVID DILLON,  
Taken at 840 West Long Lake Road, Suite 200,  
Troy, Michigan,  
Commencing at 10:40 a.m.,  
Wednesday, December 21, 2011,  
Before Lezlie A. Setchell, CSR-2404, RPR, CRR.

APPEARANCES:

ANGEL M. DeFILIPPO  
Grieco, Oates & DeFilippo, L.L.C.  
414 Eagle Rock Avenue  
Suite 200  
West Orange, New Jersey 07052  
973.243.2099

Appearing via videoconference on behalf of  
the Plaintiffs.

RUSSELL J. SACCO, JR.  
6 Claremont Road  
Suite E  
Bernardsville, New Jersey 07924  
908.953.0300

Appearing via videoconference on behalf of  
the Plaintiffs.

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1 JAMES T. GILL  
2 Leary, Bride, Tinker & Moran  
3 7 Ridgedale Avenue  
4 Cedar Knolls, New Jersey 07927  
5 973.539.2090  
6 Appearing via videoconference on behalf of  
7 Defendants Alcalá.

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9 CHRISTOPHER G. FUSCO  
10 MATTHEW D. STOCKWELL  
11 Callahan & Fusco, L.L.C.  
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16 Appearing on behalf of Defendant Loman Auto Group.

17  
18 SHEILA JEFFREY  
19 Miller, Canfield, Paddock and Stone, P.L.C.  
20 101 North Main, 7th Floor  
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22 734.668.7797  
23 Appearing on behalf of Defendant Chrysler.  
24  
25

00004

1 BRIAN S. WESTENBERG  
2 Miller, Canfield, Paddock and Stone, P.L.C.  
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5 Troy, Michigan 48098  
6 248.267.3220  
7 Appearing on behalf of Defendant Chrysler.

8  
9 ALSO PRESENT:  
10 Paul V. Sheridan  
11 Antonio C. Irizarry

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Troy, Michigan  
Wednesday, December 21, 2011  
10:40 a.m.

DAVID DILLON,

was thereupon called as a witness herein, and after  
having first been duly sworn to testify to the truth,  
the whole truth and nothing but the truth, was  
examined and testified as follows:

MS. JEFFREY: Before we get started, I just  
want to confirm that this is a discovery deposition,  
correct?

MS. DeFILIPPO: This is a discovery  
deposition, yes.

MS. JEFFREY: Okay. Thank you.

EXAMINATION

BY MS. DeFILIPPO:

Q. Mr. Dillon, my name is Angel DeFilippo. I'm an  
attorney. I represent the Kline family in an action  
which has been brought stemming from an automobile  
collision and fire which occurred back in February of  
2007. We're here to take your deposition because  
you've been offered as a person with knowledge of  
certain facts and circumstances involved in the  
Chrysler Jeep Grand Cherokee.

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1                           Have you ever had your deposition taken  
2           before?  
3    A.    I have not.  
4    Q.    Now for the record, you are in Michigan, we are in New  
5           Jersey, and we're doing this by videoconference,  
6           correct?  
7    A.    That's correct.  
8    Q.    And with you in Michigan is your attorney, Sheila  
9           Jeffrey from --  
10                       MS. JEFFREY:  Miller Canfield.  
11  BY MS. DeFILIPPO:  
12  Q.    Miller Canfield, right, and also the attorney for  
13        Loman Auto Group is with you, there are a couple of  
14        attorneys and an office individual from Loman Auto  
15        Group firm which is Callahan & Fusco, correct?  
16  A.    I'm not familiar with their names or their functions,  
17        but there are individuals that Sheila could probably  
18        name.  
19  Q.    Okay.  Have you had an opportunity to meet with your  
20        attorney before beginning this proceeding today?  
21  A.    Yes, ma'am.  
22  Q.    And have you met with the Fusco firm, any individual  
23        from that firm before coming here today?  
24  A.    I have not.  
25  Q.    And are they seated to your right?

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1    A.    They are seated to my left.  
2    Q.    All of the individuals that I mentioned are to your  
3        left?  
4    A.    Not all of the individuals.  
5    Q.    Can you just tell me where everyone is seated?  
6                       THE WITNESS:  Can you help with that,  
7        Sheila?  
8                       MS. JEFFREY:  He's not familiar with their  
9        names but I'm Sheila Jeffrey.  I'm directly to Dave's  
10       left.  Matt Stockwell is sitting next to me, Chris  
11       Fusco is sitting next to Matt, and Tony Irizarry is  
12       sitting next to Chris Fusco.  On Dave's right is the  
13       court reporter and Brian Westenberg from my firm.  
14                       MS. DeFILIPPO:  Thank you, Sheila.  
15  BY MS. DeFILIPPO:  
16  Q.    I'm sorry, I think I asked you if you ever had your  
17        deposition taken before and you said you had?  
18  A.    I said that I had not.  
19  Q.    Or you said that you had not.  I'm having trouble  
20        hearing you.  You're not -- I don't know if it's the  
21        microphone on your end but your answers are very hard  
22        to hear.  Can you just let me ask you just one more  
23        time so I can be sure that we can hear it.  
24                       Have you ever had your deposition taken  
25        before?

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1 A. No.

2 Q. Okay. That was better. Mr. Dillon, since you have  
3 not had your deposition taken before, I assume that  
4 your attorney explained to you the process of a  
5 deposition and how -- and what we do in the  
6 proceeding, correct?

7 A. I hope so, yes.

8 Q. Okay. I'm going to give you a few instructions that  
9 are in effect throughout the proceeding and apply to  
10 anyone who asks you questions, not just myself. First  
11 of all, the court reporter who you have indicated or  
12 your attorney has indicated is seated to your right  
13 and even the audio and the video that's being  
14 conducted, we -- in order to take down what's said in  
15 this room, all of your answers need to be verbal. So  
16 a shrug or a grunt or a syllable that's not actually a  
17 word and has to be interpreted is not, even though we  
18 might have a video, isn't what we want to hear. We  
19 want to hear actual words when we ask a question. You  
20 understand that, correct?

21 A. I understand that.

22 Q. And any question that I or anyone asks you throughout  
23 this proceeding, we want you to tell us if there's  
24 anything that needs clarification because if you  
25 answer the question, we'll assume you understood it.

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1 Is that clear?

2 A. I understand that, yes.

3 Q. Okay. And your attorney said something in the  
4 beginning of this deposition, referred to it as a  
5 discovery deposition, and it is a discovery  
6 deposition, but this deposition according to the rules  
7 of the State of New Jersey can be used for many  
8 reasons. Everything that's said today will be typed  
9 up in a booklet form and can be used throughout the  
10 pendency of this litigation and at trial in accordance  
11 with the rules of the State of New Jersey. You  
12 understand that, correct?

13 A. I'm not familiar with the rules of the  
14 State of New Jersey, but I'll answer the questions  
15 that you ask me today.

16 Q. And one final thing, and I think everybody needs this  
17 instruction because we all have a propensity to speak  
18 when we anticipate a question before the question is  
19 actually completed, and likewise, we all have a  
20 propensity to ask the next question if we think we've  
21 already gotten the answer. We have to respect each  
22 other's questions and answers so that you don't begin  
23 answering until I or anyone else is finished  
24 questioning, and we will give you the same respect and  
25 not begin another question until your answer is

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1 completely finished. You understand that?  
2 A. I understand that.  
3 Q. Do you have any questions before we begin of anyone?  
4 A. None that I can think of.  
5 Q. Okay. We have marked a document, Mr. Dillon -- I have  
6 marked it Dillon-1, 12-21-11, which is today's date  
7 and we have faxed it to you. Can you look at that  
8 document and tell me what it is?  
9 MS. JEFFREY: Angel, we don't have a copy  
10 of the marked CV on our end, what you faxed over, and  
11 should we be having the court reporter here mark it is  
12 what I'm thinking?  
13 MS. DeFILIPPO: You know, I think -- I  
14 think she should mark it over on your end.  
15 MS. JEFFREY: Okay.  
16 MS. DeFILIPPO: And then my marking --  
17 it'll just make it easier.  
18 MS. JEFFREY: That's fine. So I'll have  
19 her take this document that you faxed over and mark  
20 that Dillon-1, 12-21-11?  
21 MS. DeFILIPPO: Yes, that's what we marked.  
22 MS. JEFFREY: Okay.  
23 MARKED FOR IDENTIFICATION:  
24 DEPOSITION EXHIBIT 1  
25 10:47 a.m.

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1 MS. JEFFREY: Okay. We're all set.  
2 BY MS. DeFILIPPO:  
3 Q. So the question was: Can you identify the document?  
4 A. Yes, ma'am.  
5 Q. Dillon 1, what is this document, Dillon 1?  
6 A. It's my CV.  
7 Q. Okay. Again, the sound quality is seeming to go down,  
8 so if you could just keep your voice up.  
9 And is this CV which is marked Dillon 1  
10 accurate and up-to-date to the present time?  
11 A. I believe it is, yes.  
12 Q. Would you like to make any corrections, additions,  
13 deletions, or any changes, whatsoever, to this  
14 Dillon 1 document which I'll note for the record is a  
15 two-page document?  
16 A. None at this time.  
17 Q. Now, Mr. Dillon, can you tell me, going back to your  
18 engineering experience, can you tell me when you first  
19 began working as an engineer?  
20 A. I began working as a degreed engineer subsequent to my  
21 graduation from undergraduate school beginning in  
22 1996.  
23 Q. I missed a word there. You said I began working as a  
24 something engineer. What did you say?  
25 A. I just said engineer.



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1 Q. I'm sorry, I just can't hear you.  
2 A. Degreed.  
3 MS. JEFFREY: I believe you said degreed  
4 engineer.  
5 THE WITNESS: Yeah.  
6 MS. DeFILIPPO: Okay. I'm really having  
7 trouble hearing. Is anybody else in this room having  
8 trouble?  
9 Is there a way to turn up the volume on  
10 your end? We're on the maximum volume here. Can you  
11 hear me?  
12 MS. JEFFREY: Yes.  
13 THE WITNESS: I can hear you just fine.  
14 Thank you.  
15 MS. DeFILIPPO: Okay. We're on maximum  
16 volume here, so if you could turn up your volume, it  
17 would really help a lot.  
18 MS. JEFFREY: Okay. Just hold on a second.  
19 (Off the record at 10:49 a.m.)  
20 (Back on the record at 10:49 a.m.)  
21 THE WITNESS: Does this help?  
22 MS. DeFILIPPO: No. That made it worse.  
23 Wow. Now there's feedback.  
24 MR. WESTENBERG: Try it now.  
25 MS. JEFFREY: Try it now.

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1 THE WITNESS: Is that better?  
2 MS. DeFILIPPO: No. You are -- now we have  
3 a lot of feedback. I'm hearing myself but when you  
4 were speaking, Sheila, we could hear you fine, just  
5 not the witness. Is there something by you, maybe a  
6 microphone that you can move?  
7 MS. JEFFREY: No. I think I just talk  
8 louder than he does, so I'll just ask Dave --  
9 MS. DeFILIPPO: No. The quality of your  
10 sound is a normal voice and his is not.  
11 MR. WESTENBERG: Just raise your voice a  
12 little bit if you can.  
13 THE WITNESS: I'll try to speak up a bit  
14 higher. Does that help?  
15 MS. DeFILIPPO: Yeah, that's better.  
16 THE WITNESS: Okay.  
17 BY MS. DeFILIPPO:  
18 Q. Now I believe that you said that you began as a  
19 degreed engineer in 1996 after you graduated from  
20 college, you had an engineering degree?  
21 A. That's correct.  
22 Q. Okay. And from what school was that, Mr. Dillon?  
23 A. At the time the name of the university was GMI  
24 Engineering and Management Institute.  
25 Q. And what is it now?

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- 1 A. Today it's called Kettering University.  
2 Q. And that degree was the same degree that you would get  
3 in any four-year university or college in terms of an  
4 engineering degree?  
5 A. That's correct.  
6 Q. And did you place any concentration in any area of  
7 engineering when you studied at Kettering?  
8 A. Mechanical engineering.  
9 Q. And was your degree in mechanical engineering?  
10 A. That's correct.  
11 Q. Or were you licensed -- were you subsequently licensed  
12 as a mechanical engineer anywhere?  
13 A. My degree is in mechanical engineering.  
14 Q. Did you subsequently obtain a license anywhere as a  
15 mechanical engineer?  
16 A. No, ma'am.  
17 Q. And with your mechanical engineering degree, you began  
18 working immediately at Chrysler?  
19 A. I originally started working at the Chrysler facility,  
20 but I was a contract engineer originally working  
21 through a third-party contract house.  
22 Q. And through that third-party contract house you were  
23 assigned to Chrysler jobs as a mechanical engineer?  
24 A. As a release engineer is what we call it, but yes, I  
25 worked on site at Chrysler through a third party, yes.

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- 1 Q. Were you ever certified as a professional engineer or  
2 PE?  
3 A. No, ma'am.  
4 Q. And when you called yourself a release engineer, what  
5 does that mean?  
6 A. A release engineer is responsible for the design and  
7 development of components in a vehicle, and we call it  
8 releasing because you're essentially releasing those  
9 parts into the Chrysler system so that they can be  
10 used for the manufacture of those components to be  
11 used in their intended vehicles.  
12 Q. Were any of those components involved in the fuel  
13 system --  
14 A. No, ma'am.  
15 Q. -- that you worked on?  
16 Did you ever work on any, in any capacity  
17 on the fuel system of a vehicle?  
18 A. No, ma'am.  
19 Q. What parts, what component parts did you design or  
20 develop as a release engineer when you began?  
21 A. When I began in 1996, I worked on interior components,  
22 specifically door, door trim assemblies and hard trim  
23 assemblies.  
24 Q. So are we talking about the interior doors of, of cars  
25 or trucks, Jeeps; what are we talking about?

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- 1 A. At the time, the vehicle was specifically the 1998  
2 Dodge Durango, and yes, we're talking about the  
3 interior door panels.
- 4 Q. Were you a design engineer?
- 5 A. That's not really a term that we necessarily use. The  
6 term that we use is release engineer, but I was  
7 responsible for the design and release of those  
8 components.
- 9 Q. When you say you're responsible for the design and  
10 release, do you actually draw the design of interior  
11 components of the Dodge Durango vehicle?
- 12 A. No, ma'am.
- 13 Q. Okay. So can you tell me hands-on what you actually  
14 did as the release engineer?
- 15 A. Responsible for working with the actual designers to  
16 develop the designs of those components. So  
17 essentially you're responsible for overseeing and  
18 guiding the design process and releasing those  
19 components at different phases of the vehicle build.
- 20 Q. And I can appreciate that you said that you worked  
21 with the actual design engineers, and I'm trying to  
22 find out --
- 23 A. No, I didn't -- I didn't --
- 24 MS. JEFFREY: No, wait. Let her finish.  
25 Go ahead. She froze up.

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- 1 BY MS. DeFILIPPO:
- 2 Q. I think your answer a minute ago was that you worked  
3 with the actual design engineers, and I'm trying to  
4 find out to be a little more specific, when you say  
5 you worked with the actual design engineers, what did  
6 you do with respect to them?
- 7 A. First of all, I didn't say I worked with the design  
8 engineers. I said I worked with the designers. Those  
9 are the individuals that work on the CATIA tube that  
10 developed the drawings, themselves.
- 11 Q. You worked with the individuals who developed the  
12 drawings?
- 13 A. That's correct.
- 14 Q. Okay. So what hands-on did you do in working with  
15 those individuals that were developing the drawings;  
16 what was your role?
- 17 A. I'm not sure I understand your question.
- 18 Q. Well, "worked with" is a very broad term. You said  
19 you worked with them. What exactly more specifically  
20 did you do in working with the people who developed  
21 the designs?
- 22 A. As the release engineer, I was responsible for the  
23 design and the release of those components. There was  
24 a team of designers that I worked with to oversee and  
25 guide the development of those components, the design

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- 1 of those components.
- 2 Q. Well, let me ask you then more specific questions. As  
3 part of that job, did you change any of the designs  
4 that the designers came up with or alter their  
5 drawings in any way, or are we talking about a  
6 management job?
- 7 A. I wouldn't consider it a management job. I was just a  
8 release engineer at the time. So I'm not sure that I  
9 understand your question specifically.
- 10 Q. Did you ever have an occasion as a release engineer to  
11 alter a drawing that the designers presented to you?
- 12 A. At my direction as the release engineer responsible  
13 for the design of those components, I guided the  
14 designers to make changes to the designs so that we  
15 could release them for production.
- 16 Q. Would you describe yourself as an engineering manager?
- 17 A. At that time?
- 18 Q. Yes.
- 19 A. Absolutely not.
- 20 Q. Were you working with suppliers of component parts to  
21 Chrysler, or were you working directly with Chrysler  
22 employees?
- 23 A. I would say both, primarily we worked with the supply  
24 base, and we had internal designers as well as  
25 designers that were located at the supplier's

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- 1 facility.
- 2 Q. Did you work on any other vehicles other than the  
3 Durango?
- 4 A. During what period?
- 5 Q. During the period when you were a contract employee  
6 working with Chrysler?
- 7 A. No, ma'am. My job was exclusively the 1998 Dodge  
8 Durango.
- 9 Q. And did you ever work with anything other than the  
10 interior doors as the contract employee?
- 11 A. As I indicated earlier and as the CV indicates, I  
12 worked on what we refer to as the door trim and what  
13 we also refer to as the hard trim.
- 14 Q. And all of that is interior trim?
- 15 A. That's correct.
- 16 Q. Now when did you -- when did your job as a contract  
17 employee with Chrysler end?
- 18 A. I was converted to a direct employee in July of 1997.
- 19 Q. And what was your job in July of 1997?
- 20 A. As the CV indicates, I moved to Newark, Delaware where  
21 I was responsible for interior componentry on the  
22 Dodge Durango.
- 23 Q. Was that different than the door, interior door trim  
24 component, components that you worked with prior to  
25 1997 in July?

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- 1 A. The scope of the components that I worked on was  
2 greater than what I worked on when I was a release  
3 engineer but also was inclusive of the door trim and  
4 the hard trim.  
5 Q. So what other components did you work with once you  
6 became or converted to a Chrysler employee?  
7 A. Initially, as I recall, I had the hard trim, the door  
8 trim and what we call overhead systems.  
9 Q. What are overhead systems?  
10 A. That would include components that are located on or  
11 in what we refer to as the headliner, the material  
12 that lines the roof of the vehicle.  
13 Q. And how long were you in that particular position with  
14 Chrysler?  
15 A. I was located at Newark, Delaware for a period of two  
16 years.  
17 Q. Two?  
18 A. Two years, yes.  
19 Q. Two years, and what was your title during that time?  
20 A. I had sort of two responsibilities while I was there.  
21 I initially started as what we called a PVE engineer,  
22 PVE stands for plant vehicle engineering, and then  
23 approximately eight months into it, I was promoted to  
24 what we called the plant vehicle engineering leader  
25 for the interior system. So at that point, the

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- 1 responsibility was for all of the interior componentry  
2 for the Dodge Durango.  
3 Q. Did it include any other vehicle other than the Dodge  
4 Durango, and by "it", I mean your responsibilities?  
5 A. No, ma'am.  
6 Q. Who did you report to at Newark, Delaware; who was  
7 your supervisor?  
8 A. When I was in the capacity of the plant vehicle  
9 engineering leader for the interior systems, my  
10 manager at the time, his name was Marion Boon.  
11 Q. And how long during those two years was -- is it  
12 Mr. Boon?  
13 A. That's correct.  
14 Q. Ms. Boon?  
15 A. Mr. Boon.  
16 Q. Mr. Boon, and how long was Mr. Boon your immediate  
17 supervisor?  
18 A. As I recall, it would have been from approximately  
19 April of 2008 until the time that I left the assembly  
20 plant which I recall being July of 1999.  
21 Q. And what was your reason for leaving the assembly  
22 plant in Newark, Delaware?  
23 A. I had been asked to take another assignment back in  
24 the Detroit area.  
25 Q. Was it a promotion?

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- 1 A. It was not.  
2 Q. And what was the reason for your being asked to move  
3 to Detroit, if there was one?  
4 A. Well, the what we called PVE assignment was a  
5 development assignment for engineers, and typically  
6 that assignment was targeted to last two years. So at  
7 the end of that assignment, the engineers typically  
8 rotate back into the engineering organization.  
9 Q. So when you went back to Detroit, did your title  
10 change?  
11 A. Yes, ma'am.  
12 Q. And what was your title at that time in 1999?  
13 A. At that time I was a product engineer responsible for  
14 sort of the upfront development work for the next  
15 generation Dodge Durango, specifically interior  
16 componentry.  
17 Q. Did anything that you did as a product engineer for  
18 the next generation Dodge Durango encompass safety  
19 issues?  
20 MS. JEFFREY: Object to form.  
21 A. I'm not sure what you mean by "issues".  
22 BY MS. DeFILIPPO:  
23 Q. Did you have any responsibility to in any way ensure  
24 safety with respect to the interior components of the  
25 vehicle, the Dodge Durango that you worked on as a

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- 1 product engineer?  
2 MS. JEFFREY: Object to form.  
3 A. If I understand your question correctly, what you're  
4 asking me is if I was involved in the development of  
5 any interior components that had to comply with any  
6 sort of safety standards. The answer is yes.  
7 BY MS. DeFILIPPO:  
8 Q. And what were they?  
9 A. I certainly couldn't name them all today but, you  
10 know, several of them would be FMVSS 302 which is, you  
11 know, flammability standard, FMVSS 201 which is a head  
12 impact criteria standard.  
13 Q. The FMVSS 201 is a standard involving head impacts you  
14 said?  
15 A. Yes, ma'am.  
16 Q. So it has to do with the, whether or not the vehicle  
17 was crashworthy?  
18 MS. JEFFREY: Object to form.  
19 A. Are you looking for me to define crashworthy? I'm not  
20 sure exactly what your question is.  
21 BY MS. DeFILIPPO:  
22 Q. Well, in your capacity as product engineer when you  
23 were working with compliance issues and in particular  
24 with FMVSS 201, would you agree that you were  
25 determining whether or not the vehicle was crashworthy

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- 1 as per the FMVSS 201 standard?  
2 MS. JEFFREY: I object to form.  
3 A. My job was to make sure that the interior components  
4 met the standards that applied to those components.  
5 BY MS. DeFILIPPO:  
6 Q. And the standards are government standards only?  
7 A. Not always necessarily only government standards but  
8 typically they're government standards globally, as  
9 well as here in the U.S. that those components are  
10 required to, to meet.  
11 Q. Okay. And my question is -- let's just take, for  
12 instance, head impact standard of FMVSS 201. Was  
13 there any other standard that you as product engineer  
14 had to meet other than the FMVSS 201 and standards of  
15 other governments globally?  
16 A. As I said before, the 201 and the 302 standard is a  
17 subset of the entire set of standards that would have  
18 to be complied to. If you're asking me to list all of  
19 the standards that the components I was responsible  
20 for had to meet, I couldn't do that today.  
21 Q. Okay. What I'm really asking is apart from  
22 governmental standards of any government, whether it  
23 be our government, the U.S., or some other country,  
24 did you meet any other standards from any other  
25 organization, entity, or anyone at all other than

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- 1 governments?  
2 MS. JEFFREY: You're including Chrysler  
3 standards I assume?  
4 MS. DeFILIPPO: No, I did not include and I  
5 specifically did not include them, but if you want to  
6 answer for him, you can go ahead.  
7 A. Could you repeat the question for me? I'm not sure I  
8 understand.  
9 BY MS. DeFILIPPO:  
10 Q. My question to you is -- I understand that you can't  
11 recite all of the standards by title, but my question  
12 is not that. My question is: Apart from government  
13 standards, whatever they were, that you were as  
14 product engineer responsible to comply with, were  
15 there standards from any other place, organization,  
16 entity, which you also had to comply with as product  
17 engineer at Chrysler?  
18 A. "Comply" is a fairly technical term, and my  
19 interpretation of comply would be specific to  
20 regulations that come from either a government agency,  
21 either here or internationally.  
22 Q. Okay. Were you responsible as product engineer for  
23 Chrysler in meeting any other standards other than  
24 governmental standards?  
25 A. Yes, ma'am.

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- 1 Q. And what were they?
- 2 A. Again, I don't recall specifically by name or by  
3 number, but there are material standards that apply  
4 that typically come from the Society of Automotive  
5 Engineering or a material standards organization, but  
6 I simply couldn't list those today for you. This was,  
7 you know, 10/12 years ago.
- 8 Q. And without listing these actual standards, you've  
9 already indicated that they were promulgated at least  
10 by one organization and that is the Society of  
11 Automotive Engineering, correct?
- 12 A. As I recall, yes.
- 13 Q. Were there any other organizations or entities which  
14 promulgated standards which you were required to meet  
15 as product engineer for Chrysler?
- 16 A. Not that I recall. There may have been but not that I  
17 recall.
- 18 Q. When you were product engineer or at any time that you  
19 worked for Chrysler, did you ever do FMEA testing?
- 20 MS. JEFFREY: Object to form.
- 21 A. I'm not -- my understanding of an FMEA is that you  
22 don't test an FMEA.
- 23 BY MS. DeFILIPPO:
- 24 Q. So for the record, FMEA stands for what, Mr. Dillon?
- 25 A. Failure Mode and Effects Analysis.

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- 1 Q. Did you ever do a Failure Mode Effects Analysis in  
2 your capacity as a product engineer for Chrysler or at  
3 any time you worked at Chrysler?
- 4 A. Yes.
- 5 Q. And what did you do a Failure Mode Effects Analysis  
6 for?
- 7 A. Well, typically we would do as a release engineer an  
8 FMEA for the component. So I believe that most of the  
9 components that I worked on at that time had an FMEA.
- 10 Q. What's the purpose of doing an FMEA, a Failure Mode  
11 Effects Analysis; why do you do that?
- 12 A. Well, an FMEA is identified -- is intended to identify  
13 risks, the severity of that risk, the likelihood of  
14 that risk ever occurring, and then you have the  
15 opportunity to potentially identify design  
16 enhancements that could be leveraged to mitigate those  
17 risks.
- 18 Q. And when we talk about risks, we're talking about  
19 risks to the ultimate consumer?
- 20 A. Risk of failure. It's not necessarily and  
21 specifically risks to a consumer.
- 22 Q. Well, who would the risks be to if not who's  
23 purchasing the product?
- 24 A. I'm not sure what you mean by risk specifically.
- 25 Q. Well, you used the term risks, so you said when you do



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1 a Failure Mode Effects Analysis for anything, you want  
2 to do it to identify risks, the severity of them, the  
3 likelihood of them occurring, and then you have an  
4 opportunity to design to mitigate those risks. Are we  
5 talking about risks to the ultimate buyer of the  
6 product, the consumer?

7 A. In that context, what I mean by risk are risks to the  
8 function of the component.

9 Q. Okay. So when you say risks to the function of the  
10 component, are you talking about purely warranty  
11 exposure to Chrysler?

12 MS. JEFFREY: Object to form.

13 A. No.

14 BY MS. DeFILIPPO:

15 Q. Is warranty exposure something you also take into  
16 account when you're doing Failure Mode Effects  
17 Analysis?

18 A. The function of the component, if in fact it didn't  
19 function as intended, could have an impact on  
20 warranty. So because of that relationship, the answer  
21 is yes, but not directly.

22 Q. Okay. And would you also agree with me that if the  
23 component or any part fails, it could also have an  
24 impact on the safety of a consumer in a general sense?

25 MS. JEFFREY: Object to form.

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1 A. As the term FMEA suggests, it depends on the failure  
2 mode.

3 BY MS. DeFILIPPO:

4 Q. Okay. And I'm not -- I'm not confining you to any  
5 failure mode. My question is: Could, could the  
6 results of an FMEA also have an effect on the safety  
7 to consumers of the particular part that is analyzed?

8 A. Yes, ma'am.

9 Q. Now you also said that you were only as product  
10 engineer in that capacity for I think, according to  
11 your CV, for five years, correct?

12 A. Yes, ma'am.

13 Q. And after that you assumed a different position, but  
14 that was also at Chrysler, correct?

15 A. It was at an entity that had the name Chrysler in it,  
16 yes, that's correct.

17 Q. Are you referring to DaimlerChrysler?

18 A. Yes, ma'am.

19 Q. When was the merger with DaimlerChrysler?

20 MS. JEFFREY: Object to form.

21 A. I don't recall the date specifically that the merger  
22 took place.

23 BY MS. DeFILIPPO:

24 Q. Okay. So that I'm clear and I don't have to ask you  
25 again, is it fair to say that from the time that you

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- 1 converted to a Chrysler employee to the present, which  
2 was in 1997 to the present time, you have continually  
3 worked only at Chrysler or a Chrysler entity?  
4 A. I've held positions over the last --  
5 MR. STOCKWELL: Is there a horse in there.  
6 BY MS. DeFILIPPO:  
7 Q. I'm sorry. Go ahead.  
8 A. Can you repeat the question, please?  
9 Q. Is it fair to say that from 1997 when you converted  
10 from a contract employee to a Chrysler employee, you  
11 have worked continually as a Chrysler employee to the  
12 present time?  
13 A. I wouldn't necessarily characterize it like that.  
14 I've held positions at several different companies  
15 over the last 13/14 years. All of them have had the  
16 name Chrysler contained within the entity name, but  
17 the entities have changed over time.  
18 Q. Can you tell me roughly when the merger occurred with  
19 Daimler?  
20 MS. JEFFREY: Object to form. There was no  
21 merger.  
22 BY MS. DeFILIPPO:  
23 Q. What do you call it, Mr. Dillon, when there was  
24 involvement with Daimler and Chrysler together; if you  
25 don't call it a merger, what do you call it,

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- 1 Mr. Dillon?  
2 A. I'm not a -- my background is not in business law or  
3 anything like that, so I don't know what to call it.  
4 Q. Well, when there was an affiliation between Chrysler  
5 and Daimler, roughly when did that occur?  
6 A. My understanding is that when the company's name  
7 changed from Chrysler Corporation to DaimlerChrysler,  
8 I believe that happened in November of 1997. I  
9 believe so.  
10 Q. All right. So now when you assumed a new position  
11 after 2004, what was that position; you were called a  
12 senior specialist?  
13 A. That's correct.  
14 Q. Is that an engineering position?  
15 A. It's part of the engineering organization, yes, ma'am.  
16 Q. Well, is it hands-on engineering work that you do as a  
17 senior specialist?  
18 MS. JEFFREY: Object to form.  
19 A. I'm not sure what you mean by "hands-on".  
20 BY MS. DeFILIPPO:  
21 Q. Do you use the skills as an engineer that you learned  
22 when you got your engineering degree as a senior  
23 specialist?  
24 A. Yes, ma'am.  
25 Q. In what capacity do you use those skills as a senior

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- 1 specialist from 2004 to 2007?
- 2 A. Primarily understanding the, the chemistry and the  
3 process of emissions, emissions reduction, etcetera,  
4 in a vehicle.
- 5 Q. So do you actually work on the emissions of the  
6 vehicle in any way hands-on --  
7 MS. JEFFREY: Object to form.
- 8 BY MS. DeFILIPPO:  
9 Q. -- as a senior specialist?
- 10 MS. JEFFREY: Sorry. Object to form.
- 11 A. Again, I'm not sure what you mean by "hands-on".
- 12 BY MS. DeFILIPPO:  
13 Q. Well, do you design any of the emissions components --  
14 A. No, ma'am.  
15 Q. -- by drawing them or designing them in words?  
16 A. No, ma'am.  
17 Q. Okay. Did you actually work in the plant on the  
18 emissions components --  
19 A. No.  
20 Q. -- as a senior specialist from 2004 to 2007?  
21 A. No, ma'am, I did not.  
22 Q. Did you have any direct design responsibility for any  
23 of the emissions components as a senior specialist  
24 from 2004 to 2007?  
25 A. No, ma'am, I don't recall having that responsibility,

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- 1 no.
- 2 Q. So if you look at your CV under senior specialist 2004  
3 to 2007, you indicate that you were responsible for  
4 communicating DaimlerChrysler and industry positions  
5 regarding state, federal, and international mobile  
6 emissions policy and regulatory development. Who were  
7 you responsible for communicating DaimlerChrysler and  
8 industry positions to?
- 9 A. Well, I communicated internally within the company and  
10 communicated externally as well with a number of  
11 different entities, one of which would be the Alliance  
12 of Automobile Manufacturers, as well as different  
13 government agencies as appropriate.
- 14 Q. So did you interface with governmental -- United  
15 States governmental agencies in the years 2004 to  
16 2007?  
17 A. From time to time, yes, I did.
- 18 Q. And it says as I continue reading that you were a  
19 technical -- technical representation when  
20 communicating with state and federal lawmakers,  
21 including testimony at legislative hearings?  
22 A. That's correct.
- 23 Q. Did you actually give testimony at legislative  
24 hearings, you personally?  
25 A. Yes, ma'am.

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- 1 Q. And did you prepare your testimony for legislative  
2 hearings that you gave?  
3 A. Generally I believe I did, yes.  
4 Q. And did you prepare the testimony in writing?  
5 A. I believe that the testimony was submitted in writing  
6 subsequent to the actual testimony.  
7 Q. And did you keep a file with copies of the written  
8 testimony which was submitted prior to the actual  
9 testimony being given?  
10 A. We submitted the testimony subsequent to the actual  
11 testimony.  
12 Q. Okay. And did you keep a file of that actual  
13 testimony?  
14 A. I personally did not, no.  
15 Q. Who did?  
16 A. The testimony would have been stored on either my  
17 computer or a group drive within that department at  
18 the time.  
19 Q. What department would that be?  
20 A. What was the name of the department, is that the  
21 question?  
22 Q. Yes.  
23 A. I'll probably botch it a little bit but generally the  
24 name of the department was mobile emissions regulatory  
25 development and policy.

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- 1 Q. Did any of the testimony or the written documents that  
2 we've just referred to in the years of 2004 to 2007  
3 encompass fuel systems or fuel system design or any  
4 fuel system component?  
5 A. The testimony specifically?  
6 Q. Yes.  
7 A. I don't recall if the testimony specifically referred  
8 to standards as they applied to the fuel system.  
9 Q. Well, I don't mean to confine you to standards. Was  
10 any of the testimony about fuel systems, fuel system  
11 design, fuel system components that you gave in the  
12 years 2004 to 2007?  
13 A. If I had testified regarding evaporative emissions  
14 standards, the answer would be yes. However, I don't  
15 recall if my testimony was specific to evaporative  
16 standards or not.  
17 Q. Is there such a thing within Chrysler as a PHR?  
18 A. Yes, there is.  
19 Q. And does that stand for personal history record?  
20 A. That's a good question. I've not really memorized  
21 that but I think it is personnel or personal history  
22 record, yes.  
23 Q. And is that different than the Dillon 1 that we've  
24 marked for identification?  
25 A. The general content shouldn't be any different.

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- 1 Q. Well, it's a different document; is that what you're  
2 saying?
- 3 MS. JEFFREY: Object to form.
- 4 A. I guess I'm not sure what your question is. Is it a  
5 different document? It's not really a document. It's  
6 something that's maintained electronically.
- 7 BY MS. DeFILIPPO:
- 8 Q. Okay. So there's an electronic document called a PHR  
9 with your name on it?
- 10 MS. JEFFREY: Object to form.
- 11 A. There is -- there is a PHR in Chrysler's personnel  
12 system that has my employment history on it.
- 13 BY MS. DeFILIPPO:
- 14 Q. And you can print that out from your electronic  
15 device, correct?
- 16 A. Yes, ma'am.
- 17 MS. DeFILIPPO: Okay. I'm just going to  
18 make a request for that at this time, and we can  
19 discuss it later.
- 20 BY MS. DeFILIPPO:
- 21 Q. You don't happen to have it with you, do you,  
22 Mr. Dillon?
- 23 A. No, ma'am.
- 24 Q. Or access to it?
- 25 A. I don't.

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- 1 Q. After your position as senior specialist regulatory  
2 environmental affairs ended in 2007, you assumed  
3 another position within the Chrysler organization; is  
4 that fair to say?
- 5 A. Yes, ma'am.
- 6 Q. And that position was manager core component strategy.  
7 Can you just define what core component strategy is?
- 8 A. Essentially it's developing an approach to identifying  
9 the most cost effective means by which we can procure  
10 components for our vehicles.
- 11 Q. And does that mean in dealing with your suppliers, you  
12 needed to know what resources were outside of Chrysler  
13 to, to be cost effective in component parts?
- 14 A. I'm sorry, I don't understand the question.
- 15 Q. Well, are you dealing with component parts within the  
16 company or as produced by suppliers outside of  
17 Chrysler when you talk about being cost effective?
- 18 A. Generally speaking if I understand your question --  
19 let me just take a step back.
- 20 Is your question was this strategy focused  
21 on components that were manufactured by suppliers or  
22 components that manufactured, that were manufactured  
23 by Chrysler or both; is that your question?
- 24 Q. That's right, that's my question.
- 25 A. Okay. The strategy was focused on components that

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- 1 were primarily manufactured by a supplier external to  
2 Chrysler.
- 3 Q. Did Chrysler or did you in your capacity as manager of  
4 the core component strategy do any engineering designs  
5 for suppliers to meet relative to these component  
6 parts?
- 7 A. In that capacity I was not responsible for the design  
8 of components.
- 9 Q. Did anyone who worked for you in that capacity at  
10 Chrysler design or engineer the component parts to be  
11 sent to the suppliers?
- 12 MS. JEFFREY: Object to form.
- 13 A. Did anyone that worked for me, were they responsible  
14 for --
- 15 BY MS. DeFILIPPO:
- 16 Q. Let me rephrase it.
- 17 A. Okay.
- 18 Q. Let me rephrase it, okay, because maybe it wasn't  
19 clear.
- 20 Did you have people working for you in your  
21 capacity as manager of the core component strategy?
- 22 A. The responsibility was sort of across the entire  
23 engineering organization. So we had a number of,  
24 well, you know, a number of individuals that reported  
25 through that function, but it was more of a dotted

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- 1 line relationship and not a direct report as I believe  
2 you're indicating.
- 3 Q. Well, were any of the people that were part of the  
4 core component strategy which were spread, I  
5 understand, spread across engineering, were any of  
6 those people actually doing designs or engineering  
7 plans to be sent to outside suppliers to be followed  
8 by them in supplying components to Chrysler?
- 9 A. Yes, ma'am.
- 10 Q. Okay. And were you involved in supervising those  
11 individuals?
- 12 A. I didn't directly supervise the individuals that were  
13 responsible for designing the components that we were  
14 -- that were part of this activity.
- 15 Q. Do you know who was at that time back in 2007 to 2008?
- 16 A. As I stated earlier, it was an entire engineering  
17 organization that participated in this activity, so  
18 there would have been dozens of individuals who  
19 supervised the engineers that were responsible for the  
20 design activity of which I couldn't name at this point  
21 today.
- 22 Q. And in your capacity as manager of the core component  
23 strategy, you indicate that you reported to the  
24 executive vice president tasked with identifying,  
25 organizing and implementing the appropriate

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- 1 infrastructure. Who was that?
- 2 A. Well, the executive vice president wasn't my immediate
- 3 supervisor. There was a director that I reported to
- 4 who then officially reported to the executive vice
- 5 president.
- 6 Q. Okay. Who was the director that you reported to?
- 7 A. His name was Dennis Krozek.
- 8 Q. And what was his title, director of what?
- 9 A. At the time I believe his title was director of, I
- 10 believe, core component strategy.
- 11 Q. And the executive vice president that he reported to,
- 12 who was that in 2007 to 2008 when you were manager of
- 13 the core component strategy?
- 14 A. I apologize, I'm struggling for the last name. The
- 15 first name was Peter. I don't recall the last name.
- 16 Q. If you do recall at any time, just let us know, okay?
- 17 A. Yes, yes, ma'am.
- 18 Q. And did you work as manager of core component strategy
- 19 for a full year because I notice it's 2007 to 2008 but
- 20 there's no actual dates there?
- 21 A. I believe I took the assignment in March or April of
- 22 2007, and I moved to a different capacity in February
- 23 of 2008.
- 24 Q. Okay. Well, you have here January of 2008, right?
- 25 A. Yeah, that may be what's reflected in my PHR. I moved

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- 1 to China in February, so I probably changed
- 2 organizations in January, yes, ma'am.
- 3 Q. Okay. So your new job I guess you knew about in
- 4 January, and that took you to China for a year or so,
- 5 year-and-a-half?
- 6 A. That's correct.
- 7 Q. And was that a promotion?
- 8 A. I don't believe that it was.
- 9 Q. And is there a particular reason why you were chosen
- 10 to go to China?
- 11 A. I'm not aware of the reasons why I was chosen to go to
- 12 China.
- 13 Q. So your job there as vehicle development and program
- 14 management -- I don't know what you wrote there. It
- 15 says vehicle development and program management
- 16 responsible?
- 17 A. Yeah.
- 18 Q. What does that mean?
- 19 A. That means that --
- 20 Q. Is that a title? I'm looking for a title actually.
- 21 What was your title when you went to China?
- 22 A. I was the senior manager -- initially I was the senior
- 23 manager for vehicle development, and then during the
- 24 course of the 20 months, I eventually took over the
- 25 additional responsibility of local program management

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- 1 activities.
- 2 Q. Did you do any engineering as senior management of  
3 vehicle development?
- 4 A. By the definition, it's a vehicle level holistic  
5 development responsibility. I'm not sure specifically  
6 how to answer your question.
- 7 Q. Well then, why don't you tell me what exactly you did  
8 in vehicle development; what was your day-to-day life  
9 like in China as senior manager of vehicle  
10 development?
- 11 A. My specific responsibilities essentially were broken  
12 into two categories for vehicle development. Number  
13 one would be what we referred to at the time as  
14 vehicle synthesis, and that's -- that group would act  
15 as the voice of the customer and set vehicle  
16 functional objectives in terms of customer  
17 performance. There was another -- the other half of  
18 that, if you will, is more of the, the science-based  
19 activities where we look to ensure that the vehicle  
20 meets -- we set functional objectives for and work  
21 with our engineering colleagues to develop a vehicle  
22 that achieves functional objectives relative to  
23 dynamics, vehicle dynamics, NVH which stands for  
24 noise, vibration, and harshness, vehicle impact  
25 performance, as well as a number of other disciplines,

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- 1 including vehicle durability.
- 2 Q. So you talked about noise, vibration, and what was the  
3 third thing?
- 4 A. Harshness.
- 5 Q. Harshness, what does that mean, harshness?
- 6 A. In customer terms, it's how the vehicle feels, how the  
7 vehicle is perceived by the customer when they're  
8 operating the vehicle.
- 9 Q. Where did you obtain information to make decisions as  
10 to whether or not the vehicle met these -- the  
11 criteria which you've just identified? In other  
12 words, you said that you were the voice of the  
13 customer on vehicle synthesis and you wanted to  
14 determine how the vehicle handled or how the person  
15 felt in the vehicle, etcetera. Where did you obtain  
16 the information to help you make the decision that the  
17 vehicle met your criteria?
- 18 A. Well, those would be either tests or vehicle  
19 evaluations.
- 20 Q. Tests, what tests are you referring to?
- 21 A. There are a number of tests that would or could be  
22 done in order to evaluate a specific functional  
23 objective.
- 24 Q. So I think you also indicated that there was vehicle  
25 impact performance that you addressed as part of your



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- 1 job as senior manager of vehicle development, correct?  
2 A. I was responsible for the holistic development of the  
3 vehicle which included impact tests. One thing --  
4 Q. And did you --  
5 A. I apologize.  
6 Q. I'm sorry, go ahead.  
7 A. I want to point out as well just to be clear,  
8 unfortunately with, you know, Daimler or the Chrysler  
9 group going bankrupt, the vehicle or vehicles that we  
10 were working on never actually ended up in the market  
11 in China with a Chrysler badge on it.  
12 Q. With a -- I'm sorry, see just at the end of what  
13 you're saying, I don't catch the tail end. Did you  
14 say with a Chrysler badge on it; is that what you  
15 said?  
16 A. That's correct. Those vehicles never actually  
17 launched as Chrysler vehicles because of the  
18 bankruptcy.  
19 Q. Did they have any names at the time when they were in  
20 vehicle development in China?  
21 A. No, they did not have names.  
22 Q. So when you discussed what you were working on, did  
23 you discuss them by number, or how did you identify  
24 the vehicles you were -- that were in development in  
25 China?

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- 1 A. They had a code that we referred to, but I don't  
2 recall the specific code for those vehicles.  
3 Q. Okay. I want to get back to the vehicle impact  
4 portion of what you were doing, and you talked about  
5 tests. Did you do any vehicle impact testing on these  
6 vehicles in China?  
7 A. Again, those vehicles didn't make it to the market, so  
8 the answer is no, that we did not.  
9 Q. Well, was there any testing done during the  
10 development phase of the vehicles even though they  
11 didn't make it to the market?  
12 A. Chrysler --  
13 Q. And I'm referring to impact testing.  
14 A. As I recall, Chrysler group never performed any impact  
15 testing specifically for those vehicles.  
16 Q. What is the purpose or what was the purpose in doing  
17 impact testing?  
18 A. Again, Chrysler group didn't perform any impact tests  
19 on those vehicles, so --  
20 Q. Well --  
21 A. The purpose of tests that didn't happen doesn't exist.  
22 Q. Okay. But you did refer to some type of vehicle  
23 impact responsibility that you had as senior manager  
24 of vehicle development, correct?  
25 A. Yes, ma'am.

00047

1 Q. So what exactly did you do to fulfill the vehicle  
2 impact criteria --

3 MS. JEFFREY: Object to form.

4 BY MS. DeFILIPPO:

5 Q. -- that you described?

6 A. Well, I don't think I described any impact criteria  
7 specifically, but in general, right, it's identifying  
8 the functional objectives of the vehicle from an  
9 impact perspective and working with the engineering  
10 community specifically to design and develop the  
11 vehicle and the systems that will achieve those  
12 functional objectives.

13 Q. Well, is it fair to say that since there was no impact  
14 testing ever done in China, that the functional  
15 objectives of the vehicle from an impact perspective  
16 was never identified in the vehicles in China?

17 A. No, it wouldn't be fair to say that. The functional  
18 objectives were identified. The vehicle was being  
19 tooled for production, and the bankruptcy of Chrysler  
20 group interrupted that development process, and it  
21 never proceeded beyond that point.

22 Q. So what were the functional objectives that were  
23 identified in the vehicles from an impact perspective?

24 A. I don't recall all the specific functional objectives.  
25 I don't have those with me, and frankly, they're

00048

1 likely not available.

2 Q. Can you name any?

3 A. Sure. One example would be, you know, in China they  
4 use the European New Car Assessment Program for  
5 evaluating the overall performance of a vehicle. So  
6 that would be one example.

7 Q. Is there a term called NCAP?

8 A. NCAP?

9 Q. Right.

10 A. That would be the New Car Assessment Program.

11 Q. And that New Car -- that is a European standard?

12 MS. JEFFREY: Object to form.

13 A. Well, there -- there is a standard that applies and is  
14 developed here in the U.S., and there is a separate --  
15 standard probably isn't the right word by the way.  
16 There is a separate test or series of tests that are  
17 identified in Europe where they use essentially the  
18 same name, NCAP, but they call it the Euro or European  
19 New Car Assessment Program.

20 BY MS. DeFILIPPO:

21 Q. Is there impact testing in the NCAP?

22 A. Yes, ma'am.

23 Q. And is there car-to-car impact testing in the Euro  
24 NCAP or was there?

25 A. Not that I recall.

00049

- 1 Q. Is there car-to-car testing in the NCAP in this  
2 country?  
3 A. I don't believe so.  
4 Q. Is NCAP solely a term used by Chrysler?  
5 A. It's not a Chrysler term.  
6 Q. Does it generate from an organization outside of  
7 Chrysler?  
8 A. That is correct.  
9 Q. And what organization is that?  
10 A. I don't recall specifically.  
11 Q. Is the testing in Europe -- does the testing in Europe  
12 with respect to impact testing encompass offset impact  
13 testing?  
14 A. Again, I, I can't recite all of the tests nor the  
15 impact modes for you today. That's not something that  
16 I thought was going to be necessary today.  
17 Q. I don't -- I'm not holding you to all of them. I'm  
18 just asking specifically with respect to offset  
19 impact, if you know or you recall?  
20 A. I don't recall specifically whether or not there was  
21 an impact test done with an offset, and I'm not sure  
22 when you say an impact, I'm not sure from -- you know,  
23 what kind of impact you're referring to.  
24 Q. Does -- does NHTSA, the National Highway Traffic and  
25 Safety Administration, use the New Car Assessment

00050

- 1 Program, NCAP?  
2 A. Yeah, I believe they do, yes.  
3 Q. And can you tell me and in what capacity?  
4 A. I'm not sure I understand your question.  
5 Q. In what way does NHTSA use NCAP?  
6 A. The way I would characterize it is that -- and I don't  
7 recall specifically. I believe -- the reason why I  
8 said I am not sure, I believe it's a NHTSA program,  
9 but I don't recall specifically, but setting that to  
10 the side, assuming that they do, it essentially  
11 characterizes the overall impact performance of the  
12 vehicle.  
13 Q. Mr. Dillon, is it true that you have been interfacing  
14 with NHTSA relative to a petition which is presently  
15 pending involving the Jeep Grand Cherokee?  
16 A. I have not been interfacing with the agency regarding  
17 a petition, no.  
18 Q. Well, have you been writing to the agency with respect  
19 to the petition?  
20 A. I don't respond to petitions.  
21 Q. Have you written any documents or letters in response  
22 to the petition which is before NHTSA involving the  
23 Jeep Grand Cherokee?  
24 A. Again, my role is not to respond to petitions from an  
25 outside entity that may be petitioning the agency. My

00051

- 1 role is to respond to investigations that are  
2 initiated by the agency.
- 3 Q. What is a PE relative to NHTSA?  
4 A. PE stands for preliminary evaluation.  
5 MS. JEFFREY: Angel --  
6 MS. DeFILIPPO: So is there -- go ahead,  
7 I'm sorry. I didn't hear you.  
8 MS. JEFFREY: Okay. No. I'm sorry. We've  
9 been going for about an hour and 15 minutes, and our  
10 lunch is here. I'd like to break when you get to a  
11 good point. I'm not saying by any means this minute.  
12 Go ahead and finish your line of questioning.  
13 MS. DeFILIPPO: How about we give it until  
14 12 and then we stop, okay?  
15 MS. JEFFREY: That's fine.  
16 MS. DeFILIPPO: It's about five or six  
17 minutes.  
18 BY MS. DeFILIPPO:  
19 Q. I'm sorry, you said the PE was a preliminary  
20 evaluation?  
21 A. Yes, ma'am.  
22 Q. Are you interfacing with NHTSA with respect to a PE in  
23 connection with the Jeep Grand Cherokee?  
24 A. Yes, ma'am.  
25 Q. And you're doing that on behalf of Chrysler, correct?

00052

- 1 A. Yes, ma'am.  
2 Q. And in interfacing with NHTSA relative to the PE, you  
3 submitted documents to NHTSA in response, correct?  
4 A. We submitted documents to NHTSA in response to an  
5 information request that resulted from the preliminary  
6 evaluation.  
7 Q. Now when you say -- I noticed you changed my question  
8 to "we". When you say "we", who do you mean by "we"?  
9 A. Well, my role as senior manager of the product  
10 investigations and recall team is to identify a team  
11 of individuals that are knowledgeable of the subject  
12 matter and the processes and the law and oversee that  
13 team in developing that response and collecting, you  
14 know, the information that's necessary to support that  
15 response and making sure that it's both as sufficient  
16 as possible and accurate as possible.  
17 Q. So it's fair to say then that when you said "we", it's  
18 the team of individuals that you identified, and they  
19 are all individuals that are employed by Chrysler,  
20 correct?  
21 MS. JEFFREY: Object to form.  
22 A. The team is not always individuals that are directly  
23 employed by Chrysler.  
24 BY MS. DeFILIPPO:  
25 Q. Okay. Well then, can you tell me with respect to the

00053

1 Jeep PE which is currently before NHTSA who by either  
2 name or identification encompass your team?  
3 A. I had a gentleman from my staff that was assigned to  
4 that team. His name is Mike Royek. There was another  
5 gentleman that was assigned to the team from our  
6 product analysis group. His name is Dan Crimmins.  
7 Also part of that team was a representative from our  
8 Office of General Counsel. We had a gentleman that we  
9 employed who was a statistical expert from a company  
10 called Exponent. His name is Paul Davis, correct --  
11 no -- why am I having a problem with that. Paul -- I  
12 cannot recall his last name. I apologize.  
13 Q. Is his name Taylor?  
14 A. Thank you, yes, Paul Taylor. And there was a  
15 gentleman that works with us closely on investigations  
16 like this from Miller Canfield. His name is Brian  
17 Westenberg.  
18 Q. Is he a lawyer?  
19 A. He is, yes, ma'am.  
20 Q. And he's there with you today?  
21 A. He is, yes. In addition to those folks, I'd probably  
22 be remiss if I didn't identify the subject matter  
23 specialist, if you will, specifically Mike Teets.  
24 Mike Teets was involved in the development and release  
25 and design of the fuel systems at that time, and the

00054

1 other gentleman that I specifically recall is Ed  
2 Zylik. Ed Zylik at the time was involved in the  
3 impact development. He was a test engineer for the  
4 vehicle.  
5 Q. Did you say that you had someone from product  
6 analysis?  
7 A. Yes, ma'am.  
8 Q. And who did you say that was?  
9 A. I apologize if I didn't mention that. His name is Dan  
10 Crimmins.  
11 Q. And is he an attorney?  
12 A. No, ma'am.  
13 Q. Is product analysis part of the General Counsel's  
14 office at Chrysler?  
15 A. No, it is not.  
16 Q. And Mike Royek?  
17 A. That's correct.  
18 Q. Where is he from?  
19 A. He's on my staff.  
20 Q. So he is from product investigations?  
21 A. Yes, ma'am.  
22 Q. That part of the company. What -- what part or  
23 division of the company is product analysis from?  
24 A. That's part of the engineering organization.  
25 Q. It's part of engineering?

00055

- 1 A. Yes, ma'am.  
2 Q. So is Dan Crimmins an engineer?  
3 A. That's my understanding.  
4 Q. And who is Mr. Crimmins' supervisor?  
5 A. Who is his supervisor? I'm not sure if he has a  
6 supervisor between -- if there's a supervisor between  
7 Dan and his manager. I'm not sure who his direct  
8 supervisor is.  
9 Q. Well, who does he report to --  
10 A. Again, I'm not --  
11 Q. -- if you know?  
12 A. I'm not certain who his direct supervisor is.  
13 Q. With respect to your team, what exactly does Dan  
14 Crimmins do for this team?  
15 A. Dan provided technical support and support in terms of  
16 gathering information related to the design history,  
17 the test history and helped us get some of the  
18 pictures that we had to take of the underbody of the  
19 different iterations of the Jeep Grand Cherokee.  
20 Q. While we're on that, did Dan give you the engineering  
21 drawings for the Grand Cherokee in the different  
22 iterations?  
23 A. That was one of the specific tasks that was assigned  
24 to Dan simply because the history had gone so far  
25 back, the product analysis team has folks available to

00056

- 1 them that can reach into the old records, if you will,  
2 and extract those design records.  
3 Q. And I believe we made a request, and by "we" I mean  
4 the plaintiffs in this case, for the engineering  
5 drawings, and I'm just going to reiterate the request  
6 since you have access to them in relation to this  
7 petition, correct?  
8 A. Well, there were a lot of them that simply weren't  
9 available at the time. There were a few, however,  
10 that were still available.  
11 MS. JEFFREY: And just let me represent --  
12 MS. DeFILIPPO: Okay, and I --  
13 MS. JEFFREY: Let me represent for the  
14 record that we did produce the available engineering  
15 drawings.  
16 MS. DeFILIPPO: Well, if you did and  
17 they're on the unopened -- the portion of the disk  
18 that couldn't be opened, I'd just ask that you send  
19 them in hard copy.  
20 MS. JEFFREY: First of all --  
21 MS. DE FILIPPO: How hard can that be?  
22 MS. JEFFREY: Angel, what disk are you  
23 talking about?  
24 MS. DeFILIPPO: Sheila, I don't want to --  
25 I don't want to get into it. I'll get into it with

00057

1 you later, but --

2 MS. JEFFREY: Okay. No. If you're talking  
3 about the disk with the docket materials, the  
4 engineering drawings were not submitted to the docket.  
5 We produced the engineering drawings two years ago.

6 MS. DeFILIPPO: No. I asked for the  
7 engineering drawings, and I haven't received them yet,  
8 so I'm just making a re-request for them.

9 MS. JEFFREY: Okay, and I'm representing  
10 that you have received them in the summer of 2010.

11 MS. DeFILIPPO: Okay. Well, you don't have  
12 that many of them. How hard could it be to send them  
13 in hard copy?

14 MS. JEFFREY: We don't have them in hard  
15 copy. They are maintained electronically. We  
16 produced them in the form in which they were  
17 maintained which was appropriate under New Jersey  
18 Rules I'm told.

19 MS. DeFILIPPO: I don't think that's  
20 correct. I think it's appropriate to send everything  
21 under New Jersey Rules in hard copy.

22 MS. JEFFREY: Not if we don't maintain it  
23 in that way. Chrysler Group does not maintain the  
24 engineering drawings in hard copy and will not produce  
25 them in --

00058

1 MS. DeFILIPPO: Can you print them? My  
2 question is, can you print them?

3 MS. JEFFREY: We produced them in the form  
4 in which we maintain them. You can print them as  
5 easily as we can.

6 MS. DeFILIPPO: Well then, I'm asking you  
7 to print them and send them because I can't print them  
8 is what I'm saying.

9 MS. JEFFREY: Then you should go to  
10 Kinko's.

11 MS. DeFILIPPO: No.

12 BY MS. DeFILIPPO:

13 Q. Mr. Dillon, did you print out the engineering drawings  
14 at any time, or do you just use them on the internet  
15 or electronically?

16 A. We simply review them electronically. We didn't print  
17 them.

18 Q. And did you submit these drawings to NHTSA in  
19 connection with the PE for the Jeep?

20 A. The PE requested that we submit historical drawings of  
21 those components as I recall, and as a result, we  
22 submitted them to the agency.

23 Q. And did you submit them electronically?

24 A. Yes, ma'am.

25 MS. DE FILIPPO: Okay. Well, I'm going to

00059

- 1 reiterate my request to have them printed out and  
2 sent, and we can argue later. I don't want to take  
3 any more time with it. If you want to do lunch now,  
4 you certainly are willing -- I mean, I'm certainly  
5 willing to stop for a half hour.  
6 MS. JEFFREY: Okay. So we'll reconvene at  
7 12:30?  
8 MS. DeFILIPPO: 12:30, yes.  
9 MS. JEFFREY: Sounds good.  
10 MS. DeFILIPPO: Okay.  
11 (Lunch recess taken at 12:02 p.m.)  
12 (Back on the record at 12:38 p.m.)  
13 BY MS. DeFILIPPO:  
14 Q. Mr. Dillon, we stopped at your stint that you did in  
15 China, and I believe you were there until October of  
16 2009 as per Dillon 1, your CV, correct?  
17 A. That's correct.  
18 Q. And then after that, you came back from China and went  
19 to Auburn Hills, Michigan in October of 2009 where you  
20 have been until the present time, correct?  
21 A. That's correct.  
22 Q. And your position -- again, you're going to have to  
23 keep your voice up because, again, we're having some  
24 technical issue here.  
25 A. Sorry about that.

00060

- 1 Q. That's okay. And your position when you came back was  
2 different than it was in the past. You have here  
3 product investigations and campaigns responsible.  
4 What was your title in October of 2009 and to the  
5 present time?  
6 A. Senior manager of product investigations and recall  
7 administration.  
8 Q. Okay. And you've been in that capacity since October  
9 to date, correct?  
10 A. Yes, ma'am.  
11 Q. And was that a promotion from your, from your job in  
12 China --  
13 A. Yes, ma'am.  
14 Q. -- where you were senior manager of vehicle  
15 development, correct?  
16 A. That's correct.  
17 Q. And who is your immediate supervisor as senior manager  
18 of product investigations and recall?  
19 A. His name is Reginald Modlin.  
20 Q. Can you spell the last name for me?  
21 A. M-O-D-L-I-N.  
22 Q. And was he always your immediate supervisor from '09  
23 to the present time?  
24 A. Yes, ma'am.  
25 (Off the record at 12:40 p.m.)



00061

1 (Back on the record at 12:40 p.m.)

2 BY MS. DeFILIPPO:

3 Q. Prior to coming here today, Mr. Dillon, did you review  
4 any documents?

5 A. Yes.

6 Q. And can you just enumerate what they were?

7 A. The documents that I reviewed were the documents  
8 associated with the PE 10-031 from NHTSA.

9 MS. DeFILIPPO: Okay. I didn't catch  
10 anything after the word PE. Can the court reporter  
11 read that back for me?

12 (The requested portion of the record was  
13 read by the reporter at 12:41 p.m. as  
14 follows:

15 "Answer: The documents that I reviewed  
16 were the documents associated with the PE  
17 10-031 from NHTSA.")

18 MS. DeFILIPPO: Thank you.

19 BY MS. DeFILIPPO:

20 Q. And those documents, can you just recite for me a date  
21 for each of the documents and who authored them that  
22 you reviewed?

23 A. As I recall, I'd have to -- can I look?

24 MS. JEFFREY: Do you want --

25 BY MS. DeFILIPPO:

00062

1 Q. Yes, I don't care if you refer to the documents. You  
2 may.

3 A. Specifically there were two responses. The response  
4 to the information request from NHTSA was broken up  
5 into two pieces. The initial submission was provided  
6 on October 15th of 2010. The second submission, as I  
7 recall, was provided on November 12th of 2010.

8 Q. And were these documents authored by you?

9 A. I didn't author every single word within the document.  
10 It was a team where we authored the document together,  
11 but I'm responsible for the document myself.

12 Q. Was there a cover letter sent to NHTSA with these  
13 documents?

14 A. Yes, ma'am.

15 Q. And was the cover letter signed by you?

16 A. Yes, ma'am.

17 Q. And you're indicating that you're responsible for all  
18 of the material within the documents?

19 A. I'm responsible for making sure that they're factual  
20 and -- well, factual.

21 Q. The last part of what you said, again, I didn't catch,  
22 factual and --

23 A. I just repeated myself. My responsibility is to make  
24 sure that our response is as thorough as possible and,  
25 in fact, factual.

00063

- 1 Q. So let me just make sure I understand you. Prior to  
2 coming to this deposition today, the only documents  
3 you reviewed were the two responses that you provided  
4 to NHTSA in association with PE 10-031?  
5 A. Those are the two primary documents that I reviewed.  
6 There may have been one or two others, but by name I  
7 couldn't point them out.  
8 Q. Did you review any other documents that were submitted  
9 to NHTSA by the Center for Auto Safety or any other  
10 individual in connection with PE 10-031?  
11 A. I'm aware of a number of letters and some information  
12 that's been provided to NHTSA from CAS, and I recall  
13 reviewing some of that information but certainly not  
14 all of it.  
15 Q. Okay. When you say you're aware, does that mean you  
16 received and read documents submitted by CAS at some  
17 point in time but may not have reviewed them prior to  
18 coming to this deposition?  
19 A. I apologize if I seem ambiguous. I know that there  
20 were a number of documents submitted to the docket  
21 from the Center for Auto Safety. I reviewed some of  
22 those but not all of them.  
23 Q. Did Chrysler review all of them, someone at Chrysler?  
24 A. At some point I'm sure that someone, in fact, has  
25 reviewed most, perhaps not all of the documents

00064

- 1 submitted, but I couldn't tell you who exactly  
2 reviewed them, but I reviewed at some point in time  
3 most of the information that's been submitted by the  
4 CAS.  
5 Q. Have you responded to any of the documents that were  
6 submitted by anyone else to NHTSA, you or your team?  
7 A. Have I -- can you repeat the question, please?  
8 Q. Have you responded to any of the documents that were  
9 submitted by others to NHTSA relative to PE 10-031,  
10 you or your team responded?  
11 A. I have not responded to -- if I understand what you're  
12 asking me, this is my understanding of what you're  
13 asking me, if there was information submitted to NHTSA  
14 from an outside entity and whether or not we responded  
15 to NHTSA regarding that submission.  
16 Q. Correct.  
17 A. I don't believe that we made an effort to respond  
18 directly to any information that was submitted to the  
19 NHTSA.  
20 Q. Are you including the Center for Auto Safety as an  
21 outside entity in your answer?  
22 A. They're not part of the NHTSA. Yes, they're an  
23 outside entity.  
24 Q. So have you received any letters from NHTSA or a NHTSA  
25 attorney requesting that you respond to information

00065

1 supplied by any of the outside people other than  
2 Chrysler in connection with PE 10-031?  
3 A. No, not that I recall.  
4 Q. Mr. Dillon, have you ever spoken directly with anyone  
5 from the Center for Auto Safety?  
6 A. In person I have not had a conversation with anyone  
7 from the Center for Auto Safety.  
8 Q. Have you spoken to anyone from the Center for Auto  
9 Safety by any other means other than in person,  
10 whether it be electronically, telephonically, or any  
11 other way?  
12 A. There was a letter that was written and submitted by  
13 the CAS to Chrysler specifically to our CEO,  
14 Mr. Marchionne, which I was made aware of and we, in  
15 fact, developed a letter back to the CAS in response.  
16 Q. Do you have a copy of that letter with you that the  
17 CAS wrote to Marchionne?  
18 A. I don't have that letter with me, no.  
19 Q. And can you tell me whether or not a copy exists  
20 through your attorney right now of that letter?  
21 THE WITNESS: Is there a copy available  
22 through my attorney?  
23 MS. JEFFREY: No.  
24 A. No.  
25 BY MS. DeFILIPPO:

00066

1 Q. Do you know the date of that letter?  
2 A. I don't recall the date of that letter, no, ma'am.  
3 Q. Was the gist of that letter that the Center for Auto  
4 Safety was requesting that the chairman of Chrysler  
5 take responsibility for a Jeep defect as indicated by  
6 the petition 10-031?  
7 MR. STOCKWELL: Object to the form.  
8 MS. JEFFREY: Join.  
9 A. I would have to review and refamiliarize myself with  
10 that letter to make any statements.  
11 MS. JEFFREY: Angel, do you have it there?  
12 Can you fax it over?  
13 MS. DeFILIPPO: Can you tell -- I'm  
14 sorry -- I didn't hear you, Sheila.  
15 MS. JEFFREY: If you have it, could you fax  
16 it over so he can look at it?  
17 MS. DeFILIPPO: I don't know if I have that  
18 document right now. I'd have to look for it but to  
19 save time --  
20 MS. JEFFREY: Well, without being able to  
21 see it, I don't know how he can respond, but go ahead.  
22 MS. DeFILIPPO: Well, that's fine.  
23 BY MS. DeFILIPPO:  
24 Q. Relative to your reference to that letter that CAS  
25 wrote to Marchionne that you already testified that

00067

1 you read, can you recall the general gist, not  
2 specifics or exactly, but generally what the letter  
3 was about?  
4 A. Again, I wouldn't want to misrepresent what was said  
5 in that letter without having the opportunity to take  
6 a quick look at that, no.  
7 Q. Do you have any understanding as you sit here today as  
8 to what the Center for Auto Safety was writing about?  
9 MS. JEFFREY: He just answered that but go  
10 ahead.  
11 A. Well, the topic --  
12 BY MS. DeFILIPPO:  
13 Q. You can answer.  
14 A. The topic is 1993 through 2004 model year Jeep Grand  
15 Cherokees.  
16 MS. DeFILIPPO: Okay. I just found the  
17 letter. I found a letter. I'm going to show you what  
18 we'll fax or we'll send over to you. I guess we have  
19 to fax it.  
20 MS. JEFFREY: Yeah, I mean, or email it,  
21 scan and email it.  
22 MS. DeFILIPPO: Or we can do it with this  
23 gizmo that we have here. What's your email there?  
24 MS. JEFFREY: Who should I send it to?  
25 MR. WESTENBERG: Fax it.

00068

1 MS. JEFFREY: Fax it.  
2 MS. DeFILIPPO: He took my fax page, you  
3 know, the guy who was here.  
4 (Off the record at 12:51 p.m.)  
5 (Back on the record at 12:51 p.m.)  
6 MS. DeFILIPPO: Give us your fax again  
7 because the technician took the fax that I had written  
8 of yours. Can you give us that again?  
9 MS. JEFFREY: It's 248.879.2001.  
10 MS. DeFILIPPO: Okay. Rather than take any  
11 time, I'm going to move forward and we'll come back to  
12 that.  
13 BY MS. DeFILIPPO:  
14 Q. With respect to that document, however, that you know  
15 came from the Center for Auto Safety, I think you  
16 testified that there was a response to that document,  
17 correct?  
18 A. Yes, ma'am.  
19 Q. And was that response directly to the Center for Auto  
20 Safety?  
21 A. As I recall, yes, that's correct.  
22 Q. Do you have a copy of that response?  
23 MS. JEFFREY: I have a copy of it.  
24 A. My understanding is that our attorney has a copy of  
25 that response.

00069

- 1 MS. DeFILIPPO: And do you have it with you  
2 now?  
3 MS. JEFFREY: Yes. We should --  
4 MS. DeFILIPPO: Can you fax that to us,  
5 Sheila?  
6 MS. JEFFREY: What's your fax number?  
7 MS. DeFILIPPO: We need our fax number  
8 here. We'll get it. Okay. I'll move on with it.  
9 BY MS. DeFILIPPO:  
10 Q. Mr. Dillon, did you in any of the responses that you  
11 submitted on behalf of Chrysler to NHTSA, did you ever  
12 ask NHTSA to close the preliminary evaluation?  
13 A. I don't believe that we asked the NHTSA to close the  
14 investigation.  
15 Q. Did you ever ask NHTSA to cease working on the  
16 investigation?  
17 A. I don't believe that we asked NHTSA to stop working on  
18 the investigation.  
19 Q. Did you ever ask NHTSA to terminate the investigation?  
20 A. I don't believe we asked NHTSA to terminate the  
21 investigation.  
22 Q. Did you request NHTSA to do anything with respect to  
23 the investigation, did you make a request in any of  
24 the documents?  
25 A. I don't believe that we requested the agency to take

00070

- 1 any particular action.  
2 Q. The two documents that you made reference to was one  
3 was an October 15th, 2010 document, and I believe it  
4 was written to a Mr. Scott Yon, Chief of Vehicle  
5 Integrity Division of the National Department of  
6 Highway Transportation Safety Administration; is that  
7 correct?  
8 A. What's the date on the document that you're referring  
9 to?  
10 Q. October 15th. October 15th, 2010.  
11 A. Okay. I have that.  
12 Q. Do you have a copy of that letter in front of you?  
13 A. Dated October of 2010?  
14 Q. October 15th -- I'm sorry -- October 15th, 2010.  
15 A. Yes, ma'am.  
16 Q. Okay. And did you ever sign a letter stating that the  
17 Jeep Grand Cherokee was not defective and that on that  
18 basis, NHTSA should close preliminary evaluation  
19 10-031?  
20 A. I, yes, I signed a letter that expressed Chrysler's  
21 opinion that there was not a defect in that and that  
22 NHTSA should close the investigation.  
23 Q. And what letter -- what was the date of that letter?  
24 A. Well, I believe that letter is dated November 12th,  
25 2010.

00071

- 1 Q. So is that the letter that you referred to earlier as  
2 the only other submission apart from the October 15th,  
3 2010 letter that you sent to NHTSA?  
4 A. Yeah. You actually remind me of something. There  
5 were more than two pieces of information that was  
6 submitted. There was the two portions of the  
7 response, and then I believe later we submitted a  
8 presentation that was made. So I didn't mean to  
9 mislead you and allow you to think that there are only  
10 two pieces of information. There were two responses,  
11 two portions of the response to the information  
12 request.  
13 Q. One portion of the response was sent under cover of  
14 October 15th, 2010, correct?  
15 A. Yes, ma'am.  
16 Q. And the other portion of the response was sent under  
17 cover of November 12th, 2010, correct?  
18 A. That's correct, yes, ma'am.  
19 Q. And as part of the November 12th, 2010 letter -- and  
20 I'm looking at Page 22 of 22, if you have it in front  
21 of you. I think we'll mark the letter Page 22 of 22  
22 Dillon 2.  
23 MS. JEFFREY: The entire 22 pages or you  
24 just want that page?  
25 MS. DeFILIPPO: The entire 22 pages

00072

- 1 Dillon 2, the entire letter.  
2 MS. JEFFREY: All right. Hold on and let  
3 me find it, please.  
4 (Off the record at 12:59 p.m.)  
5 (Back on the record at 12:59 p.m.)  
6 MARKED FOR IDENTIFICATION:  
7 DEPOSITION EXHIBIT 2  
8 12:59 p.m.  
9 BY MS. DeFILIPPO:  
10 Q. Do you have it?  
11 A. I do.  
12 Q. Okay. By the way, this preliminary -- this letter  
13 which encloses the preliminary statement of 22 pages,  
14 the preliminary statement, itself, was not signed by  
15 you; is that correct?  
16 A. So there is a package of which is a 22-page document,  
17 and in addition to that 22-page document is the cover  
18 letter that goes along with that.  
19 Q. Okay. And in addition to the 22-page document and the  
20 cover letter dated November 12th, 2010 which is  
21 signed, is there a signature page to the 22-page  
22 document apart from the cover letter?  
23 MS. JEFFREY: Is the cover letter part of  
24 Dillon 2? I have that as the first page.  
25 MS. DeFILIPPO: Yes, I have that as the

00073

1 first page also.  
2 MS. JEFFREY: Okay, that's fine.  
3 MS. DeFILIPPO: But that does not start  
4 with Page 1. That's what I'm trying to clarify.  
5 MS. JEFFREY: Yeah.  
6 MR. FUSCO: I just wanted to make sure.  
7 BY MS. DeFILIPPO:  
8 Q. So is there a signature page for the 22-page document  
9 which is a part of the packet that you enclosed with  
10 the November 12, 2010 letter? Am I missing a  
11 signature page is my question because I don't have  
12 one?  
13 A. There's only one document. The document is a cover  
14 sheet followed by 22 pages of a response.  
15 Q. Okay. Is it fair to say that the signature page then  
16 is the November 12th cover document; that is the  
17 signature page to the 22-page document, do you agree  
18 with me?  
19 MS. JEFFREY: Just object to form on what  
20 you mean by signature page.  
21 A. This is the cover letter for the, let's call it  
22 23-page-in-total response, the second portion of the  
23 response to the information request received from  
24 NHTSA.  
25 BY MS. DeFILIPPO:

00074

1 Q. And you signed off on the 23 pages, correct, you  
2 personally?  
3 A. Yes, ma'am.  
4 Q. And on Page 22, you indicate, and correct me if I'm  
5 wrong: Accordingly, Chrysler Group has concluded that  
6 the 1993-2004 Jeep Grand Cherokee vehicles are neither  
7 defective nor do their fuel systems pose an  
8 unreasonable risk to motor vehicle safety in rear  
9 impact collisions. Chrysler Group believes this  
10 investigation should be closed.  
11 That's your statement, correct, on behalf  
12 of Chrysler?  
13 A. Yes, ma'am.  
14 Q. So when I asked you originally if you ever asked that  
15 NHTSA close the investigation, I believe now your  
16 testimony is you did ask?  
17 A. I did not make a request of the agency to close the  
18 investigation.  
19 MR. STOCKWELL: Object to form.  
20 MS. JEFFREY: And I join.  
21 (Discussion off the record at 1:02 p.m.)  
22 (Back on the record at 1:03 p.m.)  
23 BY MS. DeFILIPPO:  
24 Q. Are you saying, Mr. Dillon, that the statement where  
25 you indicate, quote, Chrysler Group believes this

00075

1 investigation should be closed, is not a request which  
2 you made to NHTSA to close the investigation  
3 preliminary evaluation 10-031; is that what you're  
4 saying?  
5 A. That's correct, that is not a request.  
6 Q. Okay. How would you characterize that sentence if not  
7 a request? Are you asking NHTSA to do something or  
8 are you just advising NHTSA?  
9 MR. STOCKWELL: Or something else.  
10 A. As the sentence reads, it is Chrysler's belief.  
11 BY MS. DeFILIPPO:  
12 Q. But then the sentence goes on and says: This  
13 investigation should be closed.  
14 Who can close the investigation if not  
15 NHTSA?  
16 MS. JEFFREY: Okay. I'm objecting to form  
17 because you can't read the last four words of that as  
18 the entire sentence. It starts: Chrysler Group  
19 believes.  
20 MS. DeFILIPPO: Okay. I'll read the entire  
21 sentence.  
22 BY MS. DeFILIPPO:  
23 Q. I'll read the entire sentence. It states: Chrysler  
24 Group believes this investigation should be closed.  
25 Who would close this investigation if not

00076

1 NHTSA?  
2 MR. FUSCO: That's a different question.  
3 A. Well, that's a slightly different question as I  
4 understand it. What you asked me before is whether or  
5 not we requested the agency to close the  
6 investigation. What that sentence states is  
7 Chrysler's belief that the investigation should be  
8 closed. It's not a request.  
9 BY MS. DeFILIPPO:  
10 Q. So you don't want NHTSA to close the investigation;  
11 Chrysler does not want NHTSA to close the  
12 investigation?  
13 MS. JEFFREY: Object to form.  
14 MR. STOCKWELL: We'll join in that  
15 objection.  
16 BY MS. DeFILIPPO:  
17 Q. Is that fair?  
18 A. Chrysler's belief is that neither the test history nor  
19 the field data demonstrates that there is a defect  
20 with the vehicle and, therefore, the investigation  
21 should be closed.  
22 Q. Does Chrysler want NHTSA to close the investigation?  
23 MR. STOCKWELL: Object to the form.  
24 A. I don't have a desire either way at this point.  
25 NHTSA's responsibility is to review the data and make



00077

1 their own determination.  
2 BY MS. DeFILIPPO:  
3 Q. So are you saying "I" on behalf of Chrysler?  
4 A. At that point I'm stating my own personal opinion.  
5 Q. Okay. Do you know if Chrysler wants NHTSA to close  
6 the investigation?  
7 A. I'm not aware of any conversations pertaining to a  
8 desire for Chrysler to make a determination either  
9 way --  
10 MS. JEFFREY: NHTSA.  
11 A. -- excuse me, NHTSA to make a determination either  
12 way. Our responsibility is to provide the information  
13 that NHTSA has requested and in our assessment state  
14 our belief.  
15 MS. DeFILIPPO: Can we read that back,  
16 please because we're having some technical issues  
17 here.  
18 (The requested portion of the record was  
19 read by the reporter at 1:07 p.m. as  
20 follows:  
21 "Answer: I'm not aware of any  
22 conversations pertaining to a desire for  
23 Chrysler to make a determination either  
24 way -- excuse me -- NHTSA to make a  
25 determination either way. Our

00078

1 responsibility is to provide the  
2 information that NHTSA has requested and in  
3 our assessment state our belief.")  
4 BY MS. DeFILIPPO:  
5 Q. Since authoring your letter of November 12th, 2010,  
6 can you tell me, have you been following or has  
7 Chrysler been following the information regarding  
8 rear-end fire deaths?  
9 MS. JEFFREY: Object to form.  
10 MR. STOCKWELL: Object to the form.  
11 MS. JEFFREY: What do you mean by "the  
12 information"?  
13 Do you know what she means?  
14 THE WITNESS: I don't.  
15 MS. DeFILIPPO: Mr. Dillon, let's go back  
16 to what you submitted to NHTSA. When you submitted  
17 your packet on October 15th, let's just make sure I  
18 know what was in that packet, and we'll mark it Dillon  
19 3, the cover letter of October 15th, 2010 of today's  
20 date which is 12-21.  
21 MARKED FOR IDENTIFICATION:  
22 DEPOSITION EXHIBIT 3  
23 1:08 p.m.  
24 BY MS. DeFILIPPO:  
25 Q. On 12-21-11 you sent a cover letter which is signed by

00079

1           you, and underneath your signature there's the words  
2           attachment and enclosures; is that a fair statement?  
3                   MS. JEFFREY: You just said 12-21-11.  
4                   MS. DeFILIPPO: No. That's what we marked  
5           it.  
6                   MS. JEFFREY: All right. Sorry. Confused.  
7 BY MS. DeFILIPPO:  
8 Q.        In your October 15th, 2010 letter to Scott Yon, you  
9           signed the letter David Dillon, and underneath your  
10          signature are the words attachment and enclosures,  
11          correct?  
12 A.        Yes, ma'am.  
13 Q.        Tell me what else is in the packet besides the cover  
14          letter of October 15th --  
15 A.        I'm sorry. There's another discussion going on. I  
16          apologize.  
17                   MS. JEFFREY: We just wanted to make sure  
18          that on your end Dillon 3 includes the cover letter  
19          and Page 1 of 19 attachment -- I'm sorry -- Page 1 of  
20          9.  
21                   MS. DeFILIPPO: I'm trying to ask you what  
22          it includes. I'm asking him so you don't have to  
23          worry. I'm going to make a clear record.  
24 BY MS. DeFILIPPO:  
25 Q.        So Dillon 3, I've marked the cover letter of

00080

1           October 15th, 2010, and underneath your signature says  
2           attachment and enclosures which indicates to me that  
3           there's a packet that you sent with the cover letter,  
4           correct?  
5 A.        There are attachments and enclosures that are in  
6          addition to the in total 10-page response, the cover  
7          letter and Page 1 through 9.  
8 Q.        Okay. And that's all you submitted on October 15th of  
9          2010, correct?  
10                   MS. JEFFREY: Object to form. By "all" do  
11          you mean the enclosures as well, or are you just  
12          referring to this 10-page document?  
13                   MS. DeFILIPPO: Well, where are the  
14          enclosures?  
15                   MS. JEFFREY: Some of them were given to  
16          you by the dealer.  
17                   MS. DeFILIPPO: I'm sorry, I didn't hear  
18          what you said. I want to enumerate what was sent with  
19          this Dillon 3.  
20 BY MS. DeFILIPPO:  
21 Q.        So now you've told me with Dillon 3 there's a cover  
22          letter and nine pages, correct?  
23 A.        I apologize if I misled you. You asked me about the  
24          cover letter that referenced attachments and  
25          enclosures and the nine-page document that follows. I

00081

1 refer to that as the response, that 10-page document.  
2 Perhaps you could send me --

3 Q. What went with the 10 pages? What did you send to  
4 NHTSA with the 10-page document, if anything?

5 A. In addition to the 10-page document, there were, in  
6 fact, additional enclosures and attachments that are,  
7 in fact, referenced within the numbered responses  
8 contained in Pages 1 through 9.

9 Q. Okay. I want to make sure that I have all the  
10 documents that you submitted on October 15th, 2010.  
11 So could you run through for me what the attachments  
12 and enclosures were?

13 MS. JEFFREY: And just let me interject for  
14 the record, we did produce everything except the  
15 confidential portions of the docket. So you don't  
16 have the confidential portions of the docket; you have  
17 the nonconfidential portions. The letter refers in  
18 some places to confidential documents. So anyway, go  
19 ahead. He can read through it and tell you what the  
20 enclosures are. Take your time.

21 MS. DeFILIPPO: Well, wait. I don't quite  
22 understand why we're talking about confidential  
23 documents when we signed a protective order. I mean,  
24 I thought we were entitled to get confidential  
25 documents because we signed a protective order. If

00082

1 I'm wrong, then we'll argue it later. I don't want to  
2 take the time now. Is it your position that, that in  
3 this matter, Kline versus Chrysler, et al, we are not  
4 entitled to confidential documents after having signed  
5 a protective order?

6 MS. JEFFREY: No.

7 MS. DeFILIPPO: That's not your position?

8 MS. JEFFREY: No.

9 MS. DeFILIPPO: Okay. So we should have  
10 the confidential documents in addition to whatever was  
11 submitted, correct?

12 MS. JEFFREY: I provided you at your  
13 request the nonconfidential portions of the docket.

14 MS. DeFILIPPO: I didn't request this  
15 docket by the way.

16 MS. JEFFREY: Okay. Then I don't know how  
17 you got it.

18 MS. DeFILIPPO: No. Let me clarify the  
19 record. Apparently these documents were requested by  
20 the attorney for Loman's, and when he made reference  
21 to documents, I said that before the deposition, I  
22 wanted to see the documents that Mr. Dillon was going  
23 to be asked to go over or authenticate, and now you're  
24 telling me that with respect to the documents, I don't  
25 have full documents because some of them are

00083

1 confidential, but I don't understand why  
2 confidentiality means anything to me when I signed a  
3 protective order, and I don't want to belabor it. I  
4 just want to make sure I have all the documents, and  
5 if you submitted them under separate cover somewhere  
6 else, you can tell me that.  
7 MR. STOCKWELL: This is Matt Stockwell for  
8 Loman Auto Group. From our perspective what we wanted  
9 to do, as everyone is well aware, is have these  
10 documents introduced into evidence through  
11 Mr. Dillon's authentication of the documents. So what  
12 we did was make a request to Chrysler for specifically  
13 what Mr. Dillon submitted and which was available on  
14 the NHTSA website, which would be the nonconfidential  
15 portion. So all we've requested from Chrysler is what  
16 is nonconfidential.  
17 MS. JEFFREY: And that said, Angel --  
18 Angel, let me, please. Chrysler is willing to produce  
19 the confidential portion of the document subject to  
20 protective order.  
21 MS. DeFILIPPO: Okay. That's fine. So  
22 when we run through what should be in each packet on  
23 those given dates, I just want to know what they are,  
24 and you can supply them later --  
25 MS. JEFFREY: That's fine.

00084

1 MS. DeFILIPPO: -- if we don't have them  
2 now. That's fine with me. I just want a running  
3 tally of what the documents were that were submitted,  
4 okay?  
5 MS. JEFFREY: That's fine.  
6 BY MS. DeFILIPPO:  
7 Q. Is that clear, Mr. Dillon?  
8 A. Yes, ma'am.  
9 Q. Do you understand?  
10 A. Yes, ma'am.  
11 Q. Okay. So don't leave out any documents. Tell me what  
12 you submitted with the October 15th, 2010 letter.  
13 A. Okay. I'll need a few minutes to review the document  
14 so that I can identify them.  
15 MS. DE FILIPPO: That's fine. Do you want  
16 to take a minute -- do you want to take a minute off  
17 the record?  
18 MS. JEFFREY: Yeah, could we do that and  
19 then we can also figure --  
20 MS. DeFILIPPO: Yes.  
21 MS. JEFFREY: We'll do that.  
22 MS. DeFILIPPO: Let's do that.  
23 (Recess taken at 1:15 p.m.)  
24 (Back on the record at 1:31 p.m.)  
25 BY MS. DeFILIPPO:

00085

- 1 Q. Mr. Dillon, are we back?  
2 A. Yes, ma'am.  
3 Q. Okay. Don't forget to speak up because we really have  
4 trouble hearing you here.  
5 A. Yes, ma'am.  
6 Q. All right. So now having gone off the record, you've  
7 had an opportunity to look at the document so that we  
8 can now list by document the submissions that were  
9 sent to NHTSA by Chrysler. Let's start with the first  
10 one we've marked Dillon 3, the October 15th, 2010  
11 letter signed by you and accompanying nine pages,  
12 correct?  
13 A. Yes, ma'am.  
14 Q. Did attachments and enclosures go with this Dillon 3?  
15 A. There are attachments and enclosures associated with  
16 this portion of the response, yes.  
17 Q. Okay. Can you tell me what they are?  
18 A. On Page Number 2 of 9, there is Enclosure Number 1  
19 which is an Access, Microsoft Access 2000 table --  
20 2007 table titled Production Data. That's the first  
21 enclosure.  
22 Q. And what is that; is that a DVD?  
23 MS. JEFFREY: Well, go ahead.  
24 A. It's an electronic file that we submitted to the  
25 agency as a Microsoft Access 2007 file.

00086

- 1 BY MS. DeFILIPPO:  
2 Q. Okay, and how -- what was the mode of submission; how  
3 did you submit that?  
4 A. I believe we did, in fact, submit it on a DVD.  
5 MS. DeFILIPPO: Okay. And I would ask for  
6 a copy of that.  
7 MS. JEFFREY: You got a copy of that.  
8 MS. DeFILIPPO: Okay. If I do, I just want  
9 you to tell me I do.  
10 MS. JEFFREY: Okay.  
11 MS. DeFILIPPO: Do I have that document in  
12 full, Sheila?  
13 MS. JEFFREY: Yes.  
14 MS. DeFILIPPO: And is that on DVD?  
15 MS. JEFFREY: Yes.  
16 MS. DeFILIPPO: Was that one of the  
17 original DVDs that you supplied with your answers to  
18 interrogatories?  
19 MS. JEFFREY: No. This was provided sort  
20 of on behalf of Loman at their request, and it would  
21 have been in late November, I believe.  
22 MS. DeFILIPPO: What's -- is there anything  
23 to identify it any better?  
24 MS. JEFFREY: I don't know what we labeled  
25 the DVD. I do know it was sent to you in November by

00087

1 me, and it would have been the only disk that I sent  
2 you other than the ones that accompanied that one.

3 MS. DeFILIPPO: Oh, is that the one in  
4 response to this discovery of Mr. Dillon? Yes?

5 MS. JEFFREY: My understanding is The Court  
6 directed Loman to give you the documents that it  
7 intended to show Dillon.

8 MS. DeFILIPPO: Right.

9 MS. JEFFREY: Just let me finish. Because  
10 I had all those documents, I took it upon myself to do  
11 that for Loman, and yes, this is part of what was  
12 submitted.

13 MS. DeFILIPPO: Okay, that's fine. That's  
14 fine but just so you know, both Mr. Stockwell and I  
15 agreed we could not open it.

16 MS. JEFFREY: Then you're --

17 MS. DeFILIPPO: And because we agreed we  
18 could not open it, she provided me with this hard copy  
19 for today. So whatever is on that DVD that can't be  
20 opened, I had to make a request for hard copy because  
21 I'm not the only one who couldn't open it.

22 MS. JEFFREY: Okay. This is a database  
23 that has seven pieces of information for 2.9 million  
24 vehicles. We're not going to produce a hard copy of  
25 that. You're going to need to --

00088

1 MS. DeFILIPPO: Well then, you'll have to  
2 do it -- you'll have to do it in a form that I can  
3 open because neither of us could open it, and  
4 Mr. Stockwell will verify that for sure.

5 MR. STOCKWELL: I think now we've figured  
6 out how to open it, but regardless, we're not seeking  
7 to introduce -- the data, it is what it is, but we  
8 figured out a way now to open it.

9 MS. DeFILIPPO: Well, now that you've  
10 figured out a way to open it, maybe you can send it to  
11 me in a way that I can open it.

12 MS. JEFFREY: Well, you can go to the  
13 docket. It's right on the public website, too.

14 MR. STOCKWELL: You have to buy Access,  
15 Microsoft Access.

16 MR. WESTENBERG: She doesn't have Access.

17 MR. STOCKWELL: You have to buy Microsoft  
18 Access. You can't open it without it.

19 MS. DeFILIPPO: Okay. Let's keep going.

20 BY MS. DeFILIPPO:

21 Q. What other documents? Fine. What other documents,  
22 Mr. Dillon, attachments and enclosures?

23 A. On Page 6 of 9 in our answer response to Question  
24 Number 3, there is Enclosure Number 2 which is a  
25 Microsoft Access 2007 file. The file is titled

00089

1 Request Number 2 Data.

2 Q. And that's a DVD, also?

3 A. It's an electronic Microsoft Access file that we  
4 submitted to the agency. The mode which we submitted  
5 it to the agency was likely on a DVD.

6 MS. DeFILIPPO: Do I have that, Sheila?

7 MS. JEFFREY: Yes.

8 MS. DeFILIPPO: Okay.

9 A. On Page 6 of 9 in the answer to Question Number 4,  
10 there is Enclosure Number 3. That enclosure has  
11 copies of our customer complaints, field reports,  
12 legal claims, and police reports.

13 BY MS. DeFILIPPO:

14 Q. Where is that -- where is that information?

15 A. I'm not sure I understand your question.

16 Q. Where is Enclosure 3?

17 A. Enclosure 3 was submitted electronically to NHTSA on a  
18 DVD. We have that information available ourselves as  
19 well.

20 MS. DeFILIPPO: Sheila, do I have that?

21 MS. JEFFREY: Yes.

22 BY MS. DeFILIPPO:

23 Q. Is it termed something else?

24 A. It should be a folder called -- so it's a folder  
25 called Enclosure 3. Included in that folder likely

00090

1 are a number of pdf files each one, you know,  
2 pertaining to an input that we received from a  
3 customer or from the field.

4 Q. Was that a confidential document?

5 A. I don't believe so.

6 Q. So that was not one where you requested  
7 confidentiality from NHTSA?

8 A. No, ma'am.

9 Q. Okay. You can continue, Mr. Dillon.

10 A. On Page 7 of 9 in our answer to Question Number 7, we  
11 provided copies of information pertaining to safety  
12 recall A-10 that was distributed to our dealers.  
13 Again, those should be -- those are all likely to be  
14 pdf files included in a folder titled Enclosure 4.

15 Q. Okay. You can continue.

16 A. On Page 7 of 9 in our answer to Question Number 9,  
17 there is an Enclosure Number 5 which is essentially a  
18 list of all of the part numbers associated with the  
19 multiple versions of brush guards and skid plates  
20 specifically pertaining to the 1993 through 2000 model  
21 year Grand Cherokee.

22 Next?

23 Q. Is that the sum of the documentation that was  
24 forwarded by Chrysler to NHTSA on October 15th of  
25 2010 --

00091

1 A. No, ma'am.  
2 Q. -- in response to the -- it's not?  
3 A. No. That was the information through Page 7. I was  
4 waiting for your ready response.  
5 Q. Oh, I'm sorry. Go ahead. Continue.  
6 A. Okay. In response to Question Number 9 on Page 8 of  
7 9, Subpart C, there is a title -- there is an  
8 enclosure called Enclosure 4 conf info -- C-O-N-F,  
9 yes, ma'am -- that contains a copy of skid plate and  
10 brush guard assembly drawings which we submitted to  
11 the NHTSA -- NHTSA's Chief Counsel Office.  
12 MS. DeFILIPPO: Well, I definitely don't  
13 have that.  
14 MS. JEFFREY: Counsel, I'll send that to  
15 you this week.  
16 MS. DeFILIPPO: Okay, thank you.  
17 A. Also on -- also -- go ahead.  
18 MS. JEFFREY: Go ahead.  
19 BY MS. DeFILIPPO:  
20 Q. Go ahead. I'm sorry.  
21 A. Okay. Also on Page 9 in our response to Question  
22 Number 9, Subpart F, there is an Enclosure Number 5.  
23 That's a file that contains the sales information,  
24 aftermarket sales information for -- it doesn't say  
25 specifically. I believe that's pertaining to the --

00092

1 let me make sure.  
2 Q. And just to correct the record, it's on Page 8,  
3 correct? I think you said 9.  
4 A. Yes, ma'am. I apologize.  
5 Q. Okay. That's all right. And it's Mopar accessory  
6 part sales?  
7 A. Yeah, it's part sales information pertaining to the  
8 subject matter of Question Number 9 which is skid  
9 plates, brush guards, and other protective guards, if  
10 you will, manufactured, marketed, or sold by Chrysler  
11 intended for use, of course, on these vehicles, 1993  
12 through 2004 Grand Cherokees.  
13 Q. So do we have a list of all the documentation and  
14 information sent to NHTSA on October 15th, 2010 in  
15 connection with the preliminary evaluation, PE?  
16 A. That's not a question I can answer.  
17 Q. Do we? The question is do we?  
18 MS. JEFFREY: I'm sorry?  
19 BY MS. DeFILIPPO:  
20 Q. I mean, have we gone through everything?  
21 MS. JEFFREY: She wants to know if you've  
22 identified all the enclosures, and I believe you can  
23 testify to that.  
24 A. For the document dated October 15th, 2010, I have  
25 identified all of the enclosures and attachments



00093

1 associated with that portion of the information  
2 request response.

3 BY MS. DeFILIPPO:

4 Q. Okay. And with respect to November 12th, 2010 which  
5 we're going to mark that letter of November 12th  
6 Dillon 4 dated 12-21-11, that's the marking, this is  
7 the second submission of information to NHTSA,  
8 correct?

9 MS. JEFFREY: Just to be clear, Angel, this  
10 has already been marked as Exhibit 2. You said 4.

11 MS. DeFILIPPO: I'm sorry. I'm sorry.  
12 Somebody must have taken my marked copy, Dillon 2.  
13 I'm sorry. Let me go back.

14 BY MS. DeFILIPPO:

15 Q. The November 12th, 2010 letter to NHTSA signed by  
16 David Dillon is marked Dillon 2 on 12-21-11, and it  
17 has 22 pages, correct?

18 A. It has a total of 23 pages including the cover letter.

19 Q. Okay. But the pages are numbered up to 22, and if you  
20 include the cover letter, you're saying there's 23  
21 pages, correct?

22 A. Yes, ma'am.

23 Q. Okay. And with your submission of November 12th,  
24 2010, there were also attachments and enclosures,  
25 correct?

00094

1 A. That's correct.

2 Q. And can you tell me what attachments and enclosures;  
3 can we do a list of those attachments and enclosures?

4 A. Located on Page 2 of 22 in response to Question Number  
5 5, Part A, there's an Enclosure 6-A. Included in that  
6 Enclosure 6-A are copies of 301 -- FMVSS 301  
7 compliance crash tests.

8 Q. Okay. Continue.

9 A. On Page 3 of 22 in response to Question Number 5, Part  
10 A, there is an Enclosure 6-B. Included in that  
11 enclosure are copies of FMVSS 301 developmental crash  
12 test results.

13 MS. DeFILIPPO: And, Sheila, I believe we  
14 have both 6-A and 6-B, correct?

15 MS. JEFFREY: You have 6-A. You have 6-B  
16 to the extent that it is not confidential, and we did  
17 not produce the portion of 6-B that is confidential,  
18 and I will do so this week.

19 MS. DeFILIPPO: Okay, thank you.

20 MS. JEFFREY: Go ahead.

21 A. Also, in response to Question Number 5, Part A on  
22 Page 3 of 22 in the second paragraph, there is  
23 Enclosure 6-C. That enclosure is a summary of  
24 FMVSS 301 crash test -- crash tests. That one was  
25 also submitted to the Chief Counsel Office in part,

00095

1 and I believe part of that was also potentially  
2 public.

3 BY MS. DeFILIPPO:

4 Q. Part of it was confidential and part of it was public?

5 A. If I read that correctly, it says conf info and  
6 public. So, yeah, the intent of that is a portion of  
7 that would be confidential and a portion of that would  
8 be public.

9 MS. DeFILIPPO: So I would request the  
10 portion that I don't have.

11 MS. JEFFREY: That's fine.

12 BY MS. DeFILIPPO:

13 Q. Okay.

14 A. Also on Page 3 of 22 in response to Question Number 5,  
15 Part A, there is Enclosure 6-D, and contained in that  
16 enclosure is FMVSS 301 compliance documents.

17 MS. DeFILIPPO: I think I have them. Do I  
18 have them all, Sheila?

19 MS. JEFFREY: Yes.

20 A. Also on Page 3 in response to Question Number 5, there  
21 is an enclosure, two of them marked 7-A and 7-B which  
22 is a, a list of design changes that may relate to the  
23 condition that was being investigated.

24 MS. DeFILIPPO: I don't think I have that.

25 MS. JEFFREY: Yeah, that's -- it's sort of

00096

1 referring forward in the document where  
2 confidentiality was requested for those, and we'll  
3 provide those as well.

4 A. Okay. Also on -- am I okay to proceed?

5 BY MS. DeFILIPPO:

6 Q. I'm sorry, I didn't hear the question.

7 A. Am I okay to proceed?

8 Q. Oh, yeah, yeah, absolutely, go ahead.

9 A. Also on Page 3 of 22 in response to Question Number 5,  
10 in the bottom paragraph there is an Enclosure 6-E  
11 which is referred to as the Jarmon report.

12 Q. Is that the Paul Taylor report?

13 A. Yes, ma'am.

14 Q. Okay. I have that. Go ahead.

15 A. Also on Page 3 of 22 in response to Question Number 5  
16 in the last paragraph, there is Enclosure Number 6-F  
17 which included the analysis of FARS and state crash  
18 data.

19 MS. DeFILIPPO: And I believe hard copy has  
20 been supplied to me on that.

21 MS. JEFFREY: I supplied it to you on a  
22 disk. I'm not sure.

23 MS. DeFILIPPO: Yeah, I think --

24 MS. JEFFREY: The dealer, Loman's counsel  
25 made that part of his package.

00097

1 MS. DeFILIPPO: Okay.  
2 MS. JEFFREY: 6-F.  
3 MR. STOCKWELL: Yes.  
4 A. Also in response to Question Number 5, Part C, there  
5 is an Enclosure 6-G that has a document related to a  
6 TAE study that was done with respect to a potential  
7 solution that was proposed and eventually implemented  
8 on recall A-10. That one was --  
9 BY MS. DeFILIPPO:  
10 Q. Are you talking about G; is that G as in goat?  
11 A. Yes, ma'am. That one was marked confidential business  
12 information.  
13 MS. DeFILIPPO: Okay. So you'll supply  
14 that, Sheila?  
15 MS. JEFFREY: Yes, yes, I will, yeah.  
16 A. Also on Page 4 of 22 in response to Question Number 5,  
17 Part C, there's an Enclosure 6-H. It contains the 573  
18 defect information report pertaining to recall number  
19 A-10.  
20 MS. DeFILIPPO: I don't think I have that.  
21 MS. JEFFREY: That is among the documents  
22 we submitted to you.  
23 MS. DeFILIPPO: The defect information  
24 report?  
25 MS. JEFFREY: Right.

00098

1 MS. DeFILIPPO: The recent submission? Are  
2 you talking about the recent disk?  
3 MS. JEFFREY: Yes.  
4 MS. DeFILIPPO: Yeah, that's the one I  
5 can't open. Okay. I'm sure Mr. Stockwell will be so  
6 happy to show me how to open it.  
7 MR. STOCKWELL: Yeah, you can purchase a  
8 program called Microsoft Access.  
9 MR. WESTENBERG: It's actually a pdf.  
10 MR. STOCKWELL: This is a pdf. So actually  
11 you can just open it with Adobe.  
12 MS. DeFILIPPO: Yeah. Well, great. Okay.  
13 BY MS. DeFILIPPO:  
14 Q. You can continue, Mr. Dillon.  
15 A. Thank you. On Page Number 5 of 22 in the response to  
16 Question Number 6, there is an Enclosure 7-A, and  
17 contained in that enclosure is information pertaining  
18 to the body style differences between the 1993 through  
19 '98 model year ZJ and the '99 through 2004 model year  
20 WJ.  
21 Also on Page 5 of 22 in response to  
22 Question Number 6 is Enclosure 7-B. Contained in 7-B  
23 is information pertaining to the subject component  
24 design history. That information was submitted to  
25 NHTSA requesting confidentiality treatment.

00099

1 MS. DeFILIPPO: Okay. And that's part of  
2 the request.

3 MS. JEFFREY: To me I assume?

4 BY MS. DeFILIPPO:

5 Q. That would be 7-B as in boy, correct?

6 A. Yes, ma'am.

7 Q. Okay, thank you.

8 A. Just to be clear, you're requesting that information  
9 from Sheila, correct.

10 Q. Sheila, that's correct.

11 MS. JEFFREY: That's right, yeah.

12 A. Okay. On Page 6 of 22 in response to Question  
13 Number 8, there is an Enclosure 8-A, and there's a  
14 document in there that outlines, you know, the  
15 different variations of the subject vehicle, build  
16 variations.

17 Also on Page 6 of 22 in response to  
18 Question Number 8 is Enclosure 8-B which is -- it  
19 contains information pertaining to graphical  
20 information about the vehicle. That one was submitted  
21 --

22 Q. I'm sorry, go ahead. Is that the vehicle drawings?

23 A. No --

24 Q. Are those the drawings?

25 A. -- not specifically drawings. These are graphical

00100

1 illustrations of the vehicle. I think if I recall  
2 correctly, it may be graphics related to the  
3 underbody.

4 MS. DeFILIPPO: Okay. And I would request  
5 those documents. I know I don't have them.

6 MS. JEFFREY: Yeah.

7 MS. DeFILIPPO: Do I have 8-A, the vehicle  
8 design variations? I don't think so.

9 MS. JEFFREY: Yeah, you do, and that's also  
10 among the documents that Matt Stockwell provided to  
11 you. It's just a table, one page or two pages.

12 MS. DeFILIPPO: That's on the recent DVD?

13 MS. JEFFREY: Right. Well, I don't know.  
14 You sent it to me on a pdf file.

15 MR. STOCKWELL: Oh, it's in this packet?

16 MS. JEFFREY: I think so. Table describing  
17 design variations.

18 MR. STOCKWELL: Okay, yeah, yeah, yeah.

19 MS. JEFFREY: It's a three-page document  
20 and it's a table.

21 MR. STOCKWELL: It's in that packet that I  
22 gave to you at the inspection, probably all the way in  
23 the back.

24 MS. DeFILIPPO: Well then, I guess you can  
25 tell me when we get to it.

00101

1 BY MS. DeFILIPPO:

2 Q. 8-C is also an enclosure?

3 A. Yes, ma'am. On Page 6 of 22 in response to Question  
4 Number 8, Part C, there is an enclosure. The  
5 enclosure is titled 8-C. The information contained in  
6 that enclosure are photographs of the undercarriage of  
7 the subject vehicles.

8 MS. DeFILIPPO: And that we don't have.

9 MS. JEFFREY: You would have that. That  
10 would be what I provided you in November.

11 MS. DeFILIPPO: This November?

12 MS. JEFFREY: Correct.

13 MS. DeFILIPPO: Okay. All right. That's  
14 the same DVD that didn't open.

15 MS. JEFFREY: Well, there were several DVDs  
16 I provided you. I'm not sure if you were having  
17 trouble with just the one.

18 MR. STOCKWELL: Let's just be clear. It's  
19 my understanding that the only problem with the DVD  
20 were the Microsoft Access data tables. I was not  
21 aware that you had any problem opening any pdfs or  
22 other documents. Is that the case, you couldn't open  
23 anything on this?

24 MS. DeFILIPPO: Well, let's talk about that  
25 later. We'll go over it later.

00102

1 MR. STOCKWELL: Whatever you want to do.

2 BY MS. DeFILIPPO:

3 Q. Is that it, Mr. Dillon?

4 A. Let me take a quick look at the remainder of the  
5 submission.

6 I --

7 MR. WESTENBERG: Go through it.

8 A. I believe on Page 16 of 22 in response to Question  
9 Number -- well, the response to the question was --  
10 oh, we already have that.

11 I apologize. We've already mentioned that  
12 attachment.

13 BY MS. DeFILIPPO:

14 Q. What are you talking about, 6-F?

15 A. Yes, ma'am.

16 Q. Yes, we already mentioned 6-F. That was the FARS  
17 information.

18 A. I believe that that's all of the enclosures and  
19 attachments that are referenced in the two portions of  
20 the IR response.

21 Q. Okay. Mr. Dillon, now, you submitted all of these  
22 documents with the two, on the two dates that we've  
23 mentioned, October 15th, 2010 under your cover, and I  
24 believe you stated earlier that you were responsible  
25 for the information in these submissions, correct?

00103

- 1 A. I'm responsible for overseeing the activities that the  
2 team takes on in response to the information request,  
3 but in the end I'm responsible for making sure that  
4 that information is, in fact, accurate.
- 5 Q. Well, did you direct that any specific information be  
6 provided?
- 7 MR. STOCKWELL: Object to the form.
- 8 BY MS. DeFILIPPO:
- 9 Q. Was any of the information provided to NHTSA at your  
10 direction?
- 11 A. Yes, ma'am.
- 12 Q. Okay. So can you tell me, isn't it fair to say that  
13 not all of the documentation that you submitted to  
14 NHTSA on those two dates was documentation that you  
15 authored or you directed?
- 16 MR. STOCKWELL: Object to the form.
- 17 A. My understanding of your question is did I author all  
18 of the information that was submitted in the  
19 response --
- 20 BY MS. DeFILIPPO:
- 21 Q. Correct.
- 22 A. -- and while I was available and involved in the  
23 development, in the collection of that information, I  
24 did not author every word in the document.
- 25 Q. Did you direct the collection of those documents?

00104

- 1 A. Yes, ma'am.
- 2 Q. And how did you go about that with respect to the  
3 team? I believe you mentioned that you had a team of  
4 at least six individuals. How -- or seven maybe. How  
5 did you go about directing them as to what to supply  
6 to you so that you can compile the information for  
7 NHTSA?
- 8 A. Well, we first reviewed the information request,  
9 itself, and identified specifically what questions  
10 were being asked by NHTSA, and based on those  
11 questions, we identified the information that would be  
12 responsive to those questions. So that is sort of the  
13 beginning portion of, you know, what is it that we  
14 need to collect in order to respond to the agency.
- 15 Q. But how did you identify what you needed to collect?
- 16 A. I read the information request.
- 17 Q. And then how did you determine who would be  
18 responsible for a specific portion of the documents?
- 19 A. That would primarily be based on their experience and  
20 what portion of the knowledge base, if you will, that  
21 they're most appropriately -- have the appropriate  
22 knowledge base to reply to.
- 23 Q. So can you tell me what portion of the documents you  
24 submitted to NHTSA was collected by Michael Teets?
- 25 MS. JEFFREY: Object to form.

00105

- 1 A. I can't tell you document by document or even, you  
2 know, within the documents piece by piece which  
3 portion came from which particular individual. Mike  
4 Teets was involved in the development of the fuel  
5 system, and we worked with Mr. Teets to understand  
6 what the history of the fuel system was during the  
7 life of the '93 through 2004 Grand Cherokee.  
8 BY MS. DeFILIPPO:  
9 Q. Did he supply you, though, with any documents?  
10 A. I don't recall specifically which documents Mr. Teets  
11 may have supplied or which ones he may not have  
12 supplied.  
13 Q. Are you certain he supplied any?  
14 A. I wouldn't state that he necessarily supplied any  
15 particular piece of documentation. He was responsible  
16 for the development of the fuel system at the time.  
17 So we leveraged his experience to make sure that the  
18 information that we gathered and provided to the  
19 agency was, in fact, thorough and accurate.  
20 Q. So are you saying that Michael Teets was responsible  
21 for the fuel system in the 1993 through 2004 Jeep  
22 Grand Cherokee?  
23 A. I probably am not in a position to testify as to what  
24 specific model years he was responsible for. I know  
25 generally that he was involved in the Grand Cherokee's

00106

- 1 fuel system's development.  
2 Q. Was he involved in the inception with the '93 Grand  
3 Cherokee to your knowledge?  
4 A. I don't recall at what point he became involved in the  
5 development of the Grand Cherokee vehicle.  
6 Q. Do you recall what, if any, information was provided  
7 to you by Ed Zylik?  
8 A. Again, Mr. Zylik was an individual that was involved,  
9 was a test engineer at the time and worked on the  
10 development of the Grand Cherokee I'll say that in  
11 general because I couldn't tell you which model years  
12 in particular. We worked with Mr. Zylik to procure  
13 the test history, and he helped us understand the  
14 history of the test programs so that we could, again,  
15 make sure that the information that we provided to the  
16 agency was both thorough and accurate.  
17 Q. Did Mr. Zylik provide you with any of the test  
18 materials or compliance materials that you provided to  
19 NHTSA?  
20 A. I think Mr. Zylik was involved in identifying either,  
21 A, the location or, B, making sure that we identified  
22 all of the tests that were involved in the Grand  
23 Cherokee involvement.  
24 Q. Now you said that Chrysler employed a statistical  
25 expert, Paul Taylor, to be part of the team that was

00107

1 put together to respond to the preliminary evaluation?

2 MR. STOCKWELL: Object to the form.

3 A. We reached out to Paul Taylor. I may have said he was  
4 a statistical expert. Actually, I don't want to  
5 necessarily state what he's an expert in. I know he's  
6 an expert in data analysis specifically related to the  
7 FARS database, and he helped us with the analysis that  
8 we did regarding state crash databases.

9 BY MS. DeFILIPPO:

10 Q. So he supplied you with a copy of the Jarmon report,  
11 correct?

12 MS. JEFFREY: Object to form.

13 A. I don't believe that I received a copy of the Jarmon  
14 report directly from Mr. Taylor.

15 BY MS. DeFILIPPO:

16 Q. Well, what did he supply to you, what information did  
17 he supply to you in connection with the PE?

18 A. We identified the need to perform an assessment of the  
19 FARS database, and in addition to that, we wished to  
20 perform an assessment of a number of different --

21 Q. I can't hear you. Can you say that again because  
22 you're really fading. Go ahead.

23 A. Yep. We identified the need to perform an analysis of  
24 the FARS database, as well as the need or the wish to  
25 analyze several different state crash databases, and

00108

1 Mr. Taylor has the experience of doing that task. So  
2 through the team, we assigned that task to Mr. Taylor.

3 Q. What information did he supply to you that you  
4 supplied to NHTSA?

5 A. As I recall, he provided and we submitted to the NHTSA  
6 an analysis of the FARS database regarding the Jeep  
7 Grand Cherokee 1993 through 2004 model year vehicles  
8 and their peer vehicles at the time, as well as an  
9 analysis of several different state crash databases.

10 Q. Well, this particular need that you identified with  
11 respect to an analysis that you called on Paul Taylor  
12 to do, did you in any way give him any parameters or  
13 instructions regarding what you wanted from him?

14 A. The -- excuse me -- the parameters were based on the  
15 information request and specific to NHTSA's, what  
16 NHTSA was investigating which was rear impact events  
17 at the 5, 6, or 7:00 position involving fires where  
18 fire was identified as the most harmful event.

19 Q. So is that the parameters that you gave to Paul  
20 Taylor --

21 A. Those are the parameters --

22 Q. -- prior to calling him as part of your team?

23 A. Based on the information request and the condition  
24 that the agency was investigating, that is at least  
25 one of the parameters that we provided with Paul --



00109

1 Paul Taylor with.

2 MS. DE FILIPPO: Well, I'm going to ask you  
3 to look into a packet that you should have there  
4 before you, and I'm going to mark it Dillon 4, and it  
5 is entitled Exponent Failure Analysis Associates, and  
6 it starts with PE 10-031 Chrysler 004792, a Bates  
7 Stamp, and continues through I believe Chrysler 004 --

8 MS. JEFFREY: 004818, is that it?

9 MS. DeFILIPPO: I think it's 005503. Would  
10 you look at those documents?

11 MS. JEFFREY: Our Exponent report ends at  
12 004818. Is there another document attached or --

13 MS. DeFILIPPO: There's an appendix list of  
14 materials with the same date on it of December 3rd,  
15 2007, and then after that I see PE -- I'm sorry --  
16 005501, analysis of FARS cases.

17 MS. JEFFREY: That's a different document.

18 MS. DeFILIPPO: Okay.

19 MS. JEFFREY: It's not part of the Exponent  
20 report.

21 MS. DeFILIPPO: Let's then confine the  
22 document Dillon 4 to 004792 through 004818. Take a  
23 look at that document.

24 MS. JEFFREY: I'll have the court reporter  
25 mark that, and then you will look at it.

00110

1 MS. DeFILIPPO: Dillon 4.

2 MARKED FOR IDENTIFICATION:

3 DEPOSITION EXHIBIT 4

4 2:13 p.m.

5 MS. JEFFREY: Angel, can we take a  
6 few-minute comfort break?

7 MS. DeFILIPPO: Yeah, you can.

8 MS. JEFFREY: We'll be back in five  
9 minutes.

10 MS. DeFILIPPO: Okay.

11 (Recess taken at 2:13 p.m.)

12 (Back on the record at 2:23 p.m.)

13 MS. DeFILIPPO: Before we continue with  
14 Mr. Dillon or maybe even with Mr. Dillon here, my  
15 question is, now having gone over all the information  
16 that was supplied with the submissions by Chrysler to  
17 NHTSA, can I be confident in that we have copies of  
18 everything that was sent to NHTSA, whether it be  
19 public or confidential?

20 MS. JEFFREY: No, because you don't have  
21 the confidential stuff which I will get to you.

22 MS. DeFILIPPO: No. I mean once you get  
23 that to me; in other words, once you send me the  
24 documents that we requested today, have we been  
25 supplied with, through this litigation, all the

00111

1 documents that have been supplied to NHTSA?

2 MS. JEFFREY: Well, one thing we haven't  
3 discussed is the slides that were placed in the docket  
4 related to an April --

5 MS. DeFILIPPO: I'm sorry? I'm sorry, I  
6 didn't hear you, the what that was placed in the  
7 docket?

8 MS. JEFFREY: A PowerPoint presentation was  
9 placed in the docket, and we produced the  
10 nonconfidential portion of that as well, and this was  
11 a presentation that was made in April, I believe, of  
12 2011, and we have not -- we'll produce the non -- I'm  
13 sorry -- the confidential portion of that pursuant to  
14 protective order.

15 MS. DeFILIPPO: Okay, and so with respect  
16 to now this particular litigation, once you supply me  
17 with the confidential and the information that we  
18 requested today, will we have a complete file and  
19 everything that was submitted to NHTSA?

20 MS. JEFFREY: One thing I don't know if you  
21 have or not would be the requests for confidential  
22 treatment that was made to NHTSA. That would be a  
23 letter request that was made regarding the  
24 confidential portions of the docket.

25 MS. DeFILIPPO: Okay. So I think, I mean,

00112

1 if you could just add that. What is it, a one-page  
2 document?

3 MS. JEFFREY: A page or two I believe,  
4 probably two or three maybe.

5 MS. DeFILIPPO: So then will that complete  
6 our file as to having all of the submissions that went  
7 to NHTSA?

8 MS. JEFFREY: By Chrysler, yes.

9 MS. DeFILIPPO: Okay, thank you. And I  
10 know we haven't rescheduled the de bene esse dep, but  
11 we can talk about that later.

12 MS. JEFFREY: I thought it was scheduled  
13 for January 5th.

14 MR. STOCKWELL: That's what I have.

15 MS. DeFILIPPO: Well, maybe it is. I may  
16 not have received that in my office yet, but if it is,  
17 that's fine.

18 BY MS. DeFILIPPO:

19 Q. So Mr. Dillon, these documents that are in a packet  
20 that were given to me in hard copy, I believe the  
21 attorneys who are with you today have a copy of that  
22 hard copy at the table where you are, correct; could  
23 you --

24 MR. STOCKWELL: I do.

25 BY MS. DeFILIPPO:

00113

1 Q. Could you verify that they have a copy of everything  
2 that they supplied to me and in terms of documents  
3 which they are going to be talking --

4 MS. JEFFREY: I don't know how he would  
5 know that, but Matt Stockwell said yes, he has a copy  
6 of that.

7 MS. DeFILIPPO: Okay, thank you, thank you.

8 BY MS. DeFILIPPO:

9 Q. Now when you submitted these documents, I think you  
10 indicated that they, as far as what your role in the  
11 submission was was you were the collector of the  
12 documents, correct?

13 A. I'm responsible for overseeing the team that was put  
14 together with the intention of collecting the  
15 information and developing the response to NHTSA's  
16 information request.

17 Q. And did you say to each individual, I want you to get  
18 X, I want you to get Y, for example, or did you say,  
19 Let's read the document together or what that NHTSA is  
20 requesting and tell me, members of my team, can you  
21 supply me with any information in response to this;  
22 was it more like that, the latter or the former?

23 MR. STOCKWELL: Object to the form.

24 BY MS. DeFILIPPO:

25 Q. Or something else?

00114

1 A. Well, I think it's, if I recall correctly, more like  
2 the latter. We reviewed the information as a team --

3 MS. JEFFREY: Keep your voice up.

4 A. -- identified the information that was necessary and  
5 requested by the agency and then identified who the  
6 individual or individuals would be responsible for  
7 collecting and making sure that information is as  
8 accurate and factual, thorough and factual as  
9 possible.

10 BY MS. DeFILIPPO:

11 Q. Okay. So let me just -- let me just make sure I'm  
12 clear. It was you personally who identified the  
13 information that was needed based on the request of  
14 NHTSA?

15 A. That wasn't a unilateral activity. That was done  
16 within the team.

17 Q. I'm sorry?

18 A. That was done within a team.

19 Q. Well, who identified what information was needed; the  
20 whole team identified what information would be  
21 needed?

22 A. The team reviewed the document. We identified the  
23 information that was required per the information  
24 request, and then we collectively identified based on  
25 who had the best knowledge base to go back and collect

00115

1 that information. When you say we, yes, I in the end  
2 have the ultimate responsibility of identifying those  
3 people, but it was done as a team.

4 Q. Okay. So I think you answered that. It wasn't you  
5 personally saying, Mr. So-and-so, you get me this,  
6 Mr. So-and-so, you get me that. It was the entire  
7 team sitting down looking at the request and deciding  
8 as a group who could best get documents if there were  
9 any in response, correct; is that a fair statement?

10 A. I believe that to be correct, yes.

11 Q. Okay. And at least some of these documents, for  
12 instance, the one that we've just marked which is the  
13 Paul Taylor, we marked it Dillon --

14 MS. JEFFREY: 4.

15 BY MS. DeFILIPPO:

16 Q. 11 -- 4, I'm sorry. That document was not prepared by  
17 anyone at Chrysler but rather an outside entity or  
18 person, correct?

19 A. This document was not actually prepared at my request,  
20 nor was it prepared in response to the information  
21 request. It was prepared, as I understand it, with  
22 relation to a different activity. However, because it  
23 was responsive to the information request, we felt  
24 compelled to provide that information to NHTSA.

25 Q. So it was prepared in response to a lawsuit, the

00116

1 Jarmon lawsuit, in which Chrysler was a defendant,  
2 correct?

3 A. I believe that's the case.

4 Q. And was it you who believed that this document  
5 prepared by Paul Taylor for the Jarmon case was  
6 germane to the responses that Chrysler would give to  
7 NHTSA?

8 A. Yeah. As I stated, we believe that it was responsive  
9 to the information request; therefore, provided the  
10 information to NHTSA.

11 Q. Did you or anyone at Chrysler supply Paul Taylor or  
12 Exponent with any of the data that he used in  
13 compiling this report which we marked Dillon 4?

14 A. I'm not familiar with the criteria or who was involved  
15 in requesting this information, so I wouldn't be able  
16 to answer that question.

17 Q. Have you adopted this report as a Chrysler document?

18 MS. JEFFREY: Object to form.

19 A. I submitted this document in response to the  
20 information request because it was responsive to a  
21 question that was asked.

22 BY MS. DeFILIPPO:

23 Q. However, it's not a Chrysler document, correct?

24 A. The document was not prepared by Chrysler, that's  
25 correct.

00117

1 Q. And nobody at Chrysler supplied to your knowledge any  
2 information contained in this document, correct?

3 MS. JEFFREY: Object to form.

4 A. Again, I wasn't involved in the development of this  
5 paper, so I simply couldn't answer that question.

6 BY MS. DeFILIPPO:

7 Q. Are there any other documents in the hard copy  
8 documents that you have there with Mr. Stockwell that  
9 are documents that were not prepared by Chrysler  
10 individuals?

11 MS. JEFFREY: He's going to need to go  
12 through these documents, Angel.

13 MS. DeFILIPPO: Yeah. It's not a very  
14 voluminous packet. Just look through it and if you  
15 take out your letter, your letters that we've marked  
16 Dillon 2 and Dillon 3, I think if you just look at the  
17 rest of the document.

18 MS. JEFFREY: I'm having him look at this  
19 in the order in which Matt Stockwell gave it to us.  
20 It's a little bit of a jumble, but go ahead.

21 MS. DeFILIPPO: That's fine, that's fine.

22 (Off the record at 2:33 p.m.)

23 (Back on the record at 2:33 p.m.)

24 A. The first document, as I understand it, that you may  
25 be looking at is Bates paged Chrysler 01 through

00118

1 Chrysler 81. This presentation was developed by  
2 Chrysler. It does contain information, however, that  
3 we had -- an analysis, information pertaining to an  
4 analysis that we contracted Paul Taylor to complete.

5 BY MS. DeFILIPPO:

6 Q. I'm sorry, Mr. Dillon, I got 01 through -- I didn't  
7 get your last number.

8 A. 81 as I understand it.

9 MS. DE FILIPPO: Okay. Let's mark 01  
10 through 81 Dillon 5 on this date, 12-21-11.

11 MARKED FOR IDENTIFICATION:

12 DEPOSITION EXHIBIT 5

13 2:34 p.m.

14 A. Can I continue?

15 BY MS. DeFILIPPO:

16 Q. Wait a minute. Do you have it as a marking, Dillon 5,  
17 12-21, and it's the Chrysler 01 to 81?

18 A. Yes, ma'am.

19 Q. Do you have it?

20 A. Yes, ma'am.

21 Q. Does it have a cover page that is white with the  
22 exception of bold print that says 4-16-2011 Chrysler  
23 Group presentation to the office of defect  
24 investigations?

25 A. That's not a page that I developed.

00119

- 1 MS. JEFFREY: That was something that --  
2 that was something that my law firm made so that it  
3 was evident to you what that was.
- 4 BY MS. DE FILIPPO:  
5 Q. But is that, in fact, a description of what Pages 01  
6 through 81 are?  
7 A. Yes, ma'am.  
8 Q. Okay. So when you look at this document, 01 through  
9 81, if you would, and if you would go to Page 03, can  
10 you tell me, is this document, Chrysler 03 of  
11 Dillon 5, is that page a page that was prepared by  
12 Chrysler?  
13 A. Yes, ma'am.  
14 Q. Okay. And did you prepare this yourself?  
15 A. I did.  
16 Q. Okay. Can you tell me what rock filter is?  
17 A. Yes, ma'am. It's basically a term to reflect, you  
18 know, broadly, right, is the vehicle over-represented  
19 or not. What we mean by rock filter is it would catch  
20 something -- it would be a filter that would identify  
21 a condition that stood out and/or was large, right, so  
22 the term rock filter.  
23 Q. Well, is that a term -- is that a NHTSA term?  
24 A. No, ma'am.  
25 Q. Is that you -- is that your term?

00120

- 1 A. Yeah, in hindsight that's a personal term that I use,  
2 and I guess I wish I hadn't used it at this point.  
3 Q. Okay. So when you put it next to EWR, which is the  
4 early warning reports, right?  
5 A. Early warning reporting data, yes, ma'am.  
6 Q. Early warning reporting data, that is data from NHTSA;  
7 am I correct in that?  
8 A. That's data that we pull from NHTSA's database that's  
9 based on information that Chrysler and other  
10 manufacturers have submitted.  
11 Q. Now I understand what you just said, but the early  
12 warning reporting system is a database from NHTSA,  
13 correct?  
14 A. Yes, ma'am.  
15 Q. Okay. And the early warning reporting system is  
16 information sent to NHTSA by not just Chrysler but all  
17 auto manufacturers, correct?  
18 A. It's information that's submitted by Chrysler and  
19 other manufacturers, yes, ma'am.  
20 Q. And that information is basically if a claim is filed  
21 against an auto manufacturer, you would indicate what  
22 state it came from, what model of car you're talking  
23 about, what year, if there's a component claim, what  
24 component is involved, correct?  
25 A. It generally categorizes the input that we've received

00121

- 1 into a number of different categories. It's between  
2 20 and 30 different categories in total.
- 3 Q. And as an auto manufacturer, you, Chrysler or anybody,  
4 they are not required to send in to the early warning  
5 reporting system database any of the underlying  
6 documents that support whatever you say is in that  
7 document, correct?
- 8 A. I believe that to be a correct statement.
- 9 Q. So the auto manufacturer can indicate on the forms  
10 that they're submitting to the early warning reporting  
11 system basically an instance of a damage to a vehicle  
12 or a claim about a damage to a vehicle but -- and they  
13 could say that the claim is a fire claim, but it  
14 doesn't necessarily indicate whether it's a cigarette  
15 lighter problem or a fuel system problem, correct?
- 16 A. That's correct, and hence the term rock filter. We  
17 were simply looking at the EWR data to assess whether  
18 or not the Grand Cherokees were over-represented in  
19 terms of the number of fires or the rate of fires it  
20 had experienced.
- 21 Q. But some of that information in the EWR, you wouldn't  
22 know whether or not it was a fuel system fire, a  
23 rear-end hit fire, a cigar lighter fire or anything;  
24 it wouldn't necessarily give you all of the  
25 information, correct?

00122

- 1 A. That's correct and, hence, the term rock filter --  
2 Rock filter.
- 3 A. -- meaning it looked at a very high level, right, to  
4 assess whether or not the Grand Cherokee was  
5 over-represented just with the term or the category  
6 fire. It's not specific to a particular type of fire,  
7 just simply starting at a very high level.
- 8 Q. And so if you're looking at data from other  
9 manufacturers, regardless of your rock filter, you  
10 wouldn't be able to know whether or not to include the  
11 problems of a, for instance, a fuel system problem in  
12 another vehicle or a cigarette lighter problem in  
13 another vehicle because there's no way for you to  
14 filter it, correct?
- 15 A. That's correct.
- 16 Q. And the rock filter is purely your filtering, you, and  
17 I say you and Chrysler, filtering in the method and  
18 the, and with respect to the items that you designate  
19 to filter, correct?
- 20 A. No. As I stated, we were simply looking at the number  
21 of inputs that the vehicles that we were looking at  
22 had, and when I say inputs, the number of fires. As  
23 you pointed out, it's not a particular type of fire or  
24 we're not pointing to a particular origin. We're just  
25 starting from a very high level and digging deeper and

00123

- 1 deeper as we go through the investigation.
- 2 Q. Can you tell me today as you sit here what your rock  
3 filter was other than just looking for fire?
- 4 A. As I stated before, we were simply looking for the  
5 number of fires in the subject vehicle population  
6 relative to the peer vehicles during that same build  
7 period as a very high-level comparison. It was not  
8 used in our final determination, if you will.
- 9 Q. What do you mean by it was not used in your final  
10 determination?
- 11 A. It was simply a starting point, right, for us to  
12 understand whether or not the Jeep Grand Cherokee had  
13 any more fires than the peer vehicle. We recognized  
14 that it doesn't allow us to precisely identify either  
15 the area or the cause of those fires, but again,  
16 simply allowing us to look at whether or not the Grand  
17 Cherokee had more fires in general than the peer  
18 vehicles.
- 19 Q. So if you knew that a vehicle, for instance, if you  
20 knew that a Ford vehicle had been recalled in that  
21 period because it had brake fluid fires or brake fluid  
22 fire problems, would you then filter out all the Ford  
23 vehicles that were comparable in that timeframe --
- 24 A. No. Again --
- 25 Q. -- with your rock filter?

00124

- 1 A. No. The term rock filter I think is perhaps being  
2 overly-represented here. It's a very broad term.  
3 It's not literally a filter, all right? Again, we  
4 looked at specifically the number of vehicles during  
5 that '93 through 2004 model year period for each of  
6 the peer vehicles that we looked at, and then we also  
7 looked at the number of fires that we had during that  
8 -- during those model years. It's simply that. I  
9 don't want to over-complicate it --
- 10 Uh-oh, did we lose --
- 11 MS. JEFFREY: Are you there, Angel? Hello?  
12 (Recess taken at 2:44 p.m.)  
13 (Back on the record at 2:47 p.m.)
- 14 BY MS. DeFILIPPO:
- 15 Q. So, Mr. Dillon, I understand what you're saying that  
16 I'm a little hung up with the word rock filter, so  
17 without reference to the word rock filter, was there a  
18 filter applied by Chrysler when you looked at the EWR  
19 information whereby if you knew that data was  
20 incorrect, like a cigarette lighter had a fire, that's  
21 obviously not a fire anybody cares about or there was  
22 a problem with the cigarette lighter, if you  
23 absolutely knew that, you could filter that out of  
24 your data that you submitted to NHTSA; did you do  
25 that?



00125

- 1 A. We don't have the opportunity to filter the data as  
2 you're suggesting. As I stated before --
- 3 Q. And so --
- 4 A. -- we don't use -- we didn't in the end find any  
5 conclusions based on this information. It just  
6 indicates --
- 7 Q. So the EWR information then it's fair to say was not,  
8 was not part of the underlying information you used to  
9 arrive at your final conclusion to NHTSA, correct?
- 10 A. Yeah, that's fair, yes.
- 11 Q. Okay. Now on 03, on that same page, you indicate that  
12 there were state databases, and you chose states that  
13 could sort by tow-away crashes, significant events but  
14 not exclusive to events only involving fatality. Is  
15 that your language?
- 16 A. Yes, ma'am.
- 17 Q. Okay. So I know that you chose three states,  
18 Illinois, North Carolina, and Florida. Why did you  
19 choose those three states?
- 20 A. As the three points below there indicate, we wanted to  
21 be able to sort at a level of severity that was still  
22 significant but not as severe as the most severe event  
23 which are those that typically result in a fatality.  
24 So, number one, we wanted to use state databases that  
25 allowed us to sort by tow-away, meaning a level of

00126

- 1 severity that was significant -- significant enough to  
2 result in a tow-away but didn't necessarily result in  
3 a fatality.
- 4 The second reason for choosing these three  
5 states is simply the fact that they had a large  
6 population, a large vehicle population, so that we  
7 could make sure that we had as significant a sample  
8 size as possible.
- 9 And then finally, states were chosen that  
10 had the capability of identifying the fire, origin of  
11 the fire at the vehicle level, rather than just  
12 identifying that there was a fire. They could --  
13 their reporting system identified which vehicle did  
14 the fire originate from.
- 15 Q. And when you say reporting system, you're referring to  
16 police reports at the scene, correct?
- 17 A. Well, based on police reports, yes.
- 18 Q. Let's go back to what you said about significant  
19 events. Would you agree with me that a car who's hit  
20 on any wheel well would require towing but be not a  
21 very significant crash?
- 22 MR. STOCKWELL: Object to the form.
- 23 MS. JEFFREY: Join.
- 24 A. That's a good question and I'm glad you brought that  
25 up. We also, you know, focused our assessment -- I

00127

- 1 should have said it. It goes without saying. But up  
2 above we were consistent in that we assessed only  
3 those incidents that were a result of a rear impact.  
4 BY MS. DeFILIPPO:  
5 Q. So if a vehicle was hit in the rear at 5, 6, or 7 as  
6 you describe, and part of the vehicle body was pushed  
7 into the tire, wouldn't you agree that you'd have to  
8 tow that car away; you couldn't drive it away?  
9 MS. JEFFREY: Object to form.  
10 A. I'm not sure exactly what you're asking.  
11 BY MS. DeFILIPPO:  
12 Q. I'm asking, did you see in the police reports any  
13 events where the crash involved part of the car being  
14 pushed into a tire where the car had to be towed away?  
15 A. Well, it's conceivable --  
16 Q. A severe tire rub, for instance?  
17 A. I didn't review all of the police reports  
18 individually.  
19 Q. So I'm glad you brought that up. Where is the data  
20 that upon which you based the information that you  
21 concluded regarding these three states?  
22 A. I'm not an expert in the field of state database  
23 analyses. We hired Paul Taylor to do that, and he's  
24 probably the most well suited to answer that question.  
25 Q. So Paul Taylor then was the one who looked at the data

00128

- 1 from the police reports or the state databases that he  
2 used?  
3 A. As I stated earlier, we requested that Paul Taylor  
4 perform both the FARS analysis and the state analysis  
5 based on the criteria that NHTSA provided us and based  
6 on the criteria that we've pointed out in this  
7 presentation.  
8 Q. So with respect to the FARS information and the state  
9 database information and conclusions, that was based  
10 on information selected, compiled, and put together by  
11 Paul Taylor, correct?  
12 MS. JEFFREY: Object to form.  
13 BY MS. DeFILIPPO:  
14 Q. And Exponent; is that fair?  
15 A. At our request.  
16 Q. I understand it's at your request, but nobody at  
17 Chrysler was, was with Paul Taylor doing the  
18 selecting, the analysis, or any of the collection or  
19 reviewing the databases, correct?  
20 A. Again, Chrysler hired Paul Taylor as an expert in this  
21 field to take on that activity.  
22 Q. I got that. That's clear. Did anybody at Chrysler,  
23 any Chrysler employee, you, anybody assist or were  
24 part of Paul Taylor's work that he was hired to do by  
25 Chrysler?

00129

- 1 A. We were involved in reviewing the information as it  
2 was presented to us in its draft form. So yes, we  
3 were involved in reviewing that information.  
4 Q. Well, what did you review; did you review the  
5 underlying data?  
6 A. We relied on Paul Taylor to do that because that's his  
7 area of expertise.  
8 Q. Okay. What did you review?  
9 A. We reviewed the information that he provided us which  
10 was the analysis of those state databases.  
11 Q. So what part of this document was Paul Taylor's  
12 information that he supplied to Chrysler?  
13 A. Would you like me to go slide by slide again?  
14 Q. Yeah, sure, yes, because we've already --  
15 A. Okay. The information on Number 6 basically outlines  
16 the criteria or what vehicles were used. This was  
17 reviewed with Paul Taylor before creating the summary,  
18 but this is information that we received from Paul  
19 Taylor based on our direction.  
20 Q. So you're saying Chrysler 06, that page is information  
21 that you received from Paul Taylor?  
22 A. It's information that we received from Paul Taylor  
23 based on the criteria that we established and directed  
24 him to use.  
25 Q. Where is the criteria that you established and

00130

- 1 directed him to use?  
2 A. It's listed on Slide 6.  
3 Q. Slide 6.  
4 A. And it's also listed in the slide that we were  
5 reviewing earlier -- there we go -- Slide 3, yes,  
6 ma'am.  
7 Q. Well, who determined what states were going to be  
8 examined; was it you or Paul Taylor?  
9 A. So here's the process. We gave Paul Taylor the  
10 criteria that we wished to assess. We wished to be  
11 able to sort by tow-away events because it indicates  
12 particular level of severity. We wished to have a  
13 population, a state that had a large population, i.e.,  
14 a large sample size. We wished to have a state that  
15 allows the fire, the origin of the fire to be  
16 identified specifically by vehicle. And we wanted, of  
17 course, a state that would allow us to identify those  
18 events that occurred in a rear impact.  
19 Based on that criteria, Mr. Taylor came  
20 back and explained to us which states would be most  
21 appropriate to use and most reliable based on those  
22 criteria.  
23 Q. So Mr. Taylor's opinion and decision as to what states  
24 to use is what you went with, correct?  
25 MR. STOCKWELL: Object to the form.

00131

1 A. Yes. It wasn't Mr. Taylor's decision.

2 BY MS. DeFILIPPO:

3 Q. Well, whose decision was it as to the states that were  
4 picked based on the criteria?

5 MR. STOCKWELL: Object to the form.

6 BY MS. DeFILIPPO:

7 Q. Once you told him the criteria as you've just  
8 described that you'd like to be able to look at, who  
9 made the decision that it would be Illinois, Florida,  
10 and North Carolina?

11 A. It was a study that was done on behalf of Chrysler.  
12 Chrysler had the final say as to which states were  
13 involved. That --

14 Q. Well --

15 A. -- decision was based on --

16 MR. STOCKWELL: Let him finish his answer.

17 BY MS. DeFILIPPO:

18 Q. I'm sorry. Go ahead. I'm sorry.

19 A. That decision was based on the criteria that we gave  
20 to Mr. Taylor and the response that he gave to us  
21 indicating which states had the most reliable  
22 databases that would allow us to sort using these  
23 criteria.

24 Q. Did he give you any other states besides Illinois,  
25 Florida, and North Carolina?

00132

1 A. Those are the three states, as I understand it, that  
2 could be analyzed using the criteria that we had given  
3 Mr. Taylor.

4 Q. Did Paul Taylor give you any other states to choose  
5 from to analyze based on your criteria?

6 A. I don't believe so.

7 Q. So after you gave Paul Taylor your criteria, he came  
8 back with his opinion that it would be Illinois, North  
9 Carolina, and Florida to satisfy your criteria,  
10 correct?

11 A. He gave us a list of the states that met all of our  
12 criteria. Those three states were the three states  
13 you just mentioned. If there had been a fourth or  
14 fifth state, we would have included that in our  
15 assessment as well.

16 Q. So his list was only three, correct?

17 A. His list was three states, yes, ma'am.

18 Q. Did you discuss with Paul Taylor whether or not  
19 New Jersey had a tow-away sorting capacity?

20 A. If I recall correctly, I think New Jersey met some of  
21 the criteria but not all of the criteria.

22 Q. So are you saying that Illinois, Florida, and  
23 North Carolina meet all of the criteria, that they  
24 have a sorting capacity by tow-away, that they have a  
25 large vehicle population, and they also have an

00133

- 1 indication of whether a fire or where the fire existed  
2 in the vehicle; is that what you're saying?  
3 A. The third criteria is the origin of the fire, being  
4 able to separate it by vehicle, but --  
5 Q. By vehicle?  
6 A. By vehicle, yes.  
7 Q. By vehicle. So the only thing that you were trying to  
8 separate with respect to the fire was whether it was  
9 the hitting car or the car that got hit --  
10 A. Again --  
11 Q. -- correct?  
12 A. As I stated earlier, these were rear impact fires, so  
13 impacts at the 5, 6, or 7:00 position.  
14 Q. Right.  
15 A. And we were looking for states that allowed us to sort  
16 by the criteria that we've identified, but we wanted  
17 to make sure that we included in those, in the data  
18 the incidents where the fire originated in the Grand  
19 Cherokee vehicle or in this case the vehicle that was  
20 struck.  
21 Q. The vehicle that was struck versus the vehicle that  
22 struck, correct?  
23 A. Yes, ma'am.  
24 Q. Now can you tell me, if you recall, which one of those  
25 three criterias did New Jersey fail?

00134

- 1 MS. JEFFREY: Object to form.  
2 A. I don't recall to be honest with you. I faintly  
3 remember New Jersey being part of the original list of  
4 potentials, but as I understand it, the State of  
5 New Jersey database would not support an analysis  
6 based on the criteria that were identified.  
7 BY MS. DeFILIPPO:  
8 Q. And again, just so I'm clear, New Jersey either didn't  
9 have a large vehicle population, didn't indicate where  
10 the fire originated, in the hitting car or the car  
11 that was hit, and didn't sort by tow-away crashes?  
12 MR. STOCKWELL: Object to the form. You  
13 mean and/or but okay.  
14 BY MS. DeFILIPPO:  
15 Q. Correct, is that what you're saying, it missed one of  
16 those three criteria?  
17 A. That's my recollection, yes, ma'am.  
18 Q. And is it fair to say that you just testified that if  
19 it didn't miss any of those criteria, it would have  
20 been included in your analysis?  
21 A. If it was presented as an alternative state that we  
22 could have included in the assessment and it met all  
23 three criteria, then I believe we would have used  
24 that.  
25 Q. And when you say if it was presented, you mean

00135

- 1 presented by Paul Taylor, correct?
- 2 A. Yes, ma'am.
- 3 Q. Okay. So no one at Chrysler looked at the states that
- 4 weren't presented to you by Paul Taylor, correct?
- 5 A. We requested Paul Taylor to assess the states and
- 6 determine which of the three met those criteria.
- 7 These are the three that he came back with.
- 8 Q. Okay. So my question is: No one at Chrysler looked
- 9 at the states, any states that Paul Taylor did not
- 10 come back to you with, correct?
- 11 A. The individuals at Chrysler that were involved in this
- 12 investigation didn't have that expertise or knowledge.
- 13 So we relied on Paul Taylor and his expertise to
- 14 provide us with that guidance.
- 15 Q. Okay. Now when did Paul Taylor do his analysis of the
- 16 state databases in connection with this submission?
- 17 A. I couldn't tell you what date was associated with the
- 18 analysis. I can tell you that he provided it at the
- 19 request of Chrysler and the investigative team in
- 20 support of the November 12th submission.
- 21 Q. Do you know if Paul Taylor conducted this analysis
- 22 prior to your request?
- 23 A. My understanding is that it had not been completed
- 24 prior to my request, although it may have been
- 25 completed in part in the Jarmon case but, number one,

00136

- 1 I think the Jarmon case didn't have all three of the
- 2 states, and number two, it wouldn't have been
- 3 appropriate for us to submit that as evidence because
- 4 it wasn't reflective of the calendar years which we
- 5 had to include. So, in other words, it wasn't
- 6 up-to-date.
- 7 Q. Is it your understanding that Mr. Taylor took what
- 8 information he had previously used or started with in
- 9 the Jarmon case and updated it for purposes of your
- 10 request?
- 11 MR. STOCKWELL: Object to the form.
- 12 MS. JEFFREY: Object to form.
- 13 A. I don't know if he took -- as I -- as I recall, in the
- 14 Jarmon case, there was one state. In our submission,
- 15 there were three states. So specific to that one
- 16 state that you're referencing, I personally don't know
- 17 if he took that initial study and updated it or if he
- 18 started from scratch regarding based on the criteria
- 19 that we provided him. Frankly, I'm not even -- I
- 20 don't even know that the criteria we provided him -- I
- 21 guess it would be consistent with what was submitted
- 22 in the Jarmon case, so I apologize.
- 23 BY MS. DeFILIPPO:
- 24 Q. It would be consistent, correct?
- 25 A. I think so, yeah. There were rear impacts where fire

00137

1 was involved in the Grand Cherokee or the vehicle that  
2 was struck, sort by tow-away, large vehicle  
3 population, identification of fire at the vehicle  
4 level. So yeah, the one state that was provided in  
5 the Jarmon case met those criteria obviously.

6 Q. What state was that?

7 MS. JEFFREY: Do you want to look at the  
8 report?

9 THE WITNESS: Yeah, I'm going to have to  
10 look at the report.

11 MS. JEFFREY: Can we take a break when it  
12 comes to a good point?

13 MS. DeFILIPPO: Yeah, sure.

14 MS. JEFFREY: There's a pending question  
15 now. Sorry.

16 A. In the Jarmon report, it included the analysis of the  
17 Illinois state database. Illinois was also included  
18 in the assessment of the --

19 BY MS. DeFILIPPO:

20 Q. It was only Illinois in the Jarmon case?

21 A. Yes, ma'am, that's my understanding.

22 Q. And if you go to Chrysler 04 which is part of your,  
23 what we've marked as Dillon 5, on Chrysler 04, there  
24 is a dot, and the dot corresponds to another dot under  
25 the note, and it's the second dot under the word

00138

1 "Note" and I'll read it. It says: Data is time  
2 limited in that data includes inputs since the second  
3 quarter of 2003 and does not include vehicles more  
4 than ten years old.

5 Are you referring to the data that's listed  
6 in that chart on 04?

7 A. Yes, ma'am.

8 Q. And the second quarter of '03 -- since the second  
9 quarter of '03 would be data that is time limited from  
10 June of '03, correct, so no data was looked at before  
11 June of '03; there was no data supplied on this chart  
12 before June of '03, correct?

13 A. So this data is extracted from NHTSA's database, and  
14 they only maintain the database back so many years.  
15 So that's why it's limited.

16 Q. All I'm asking is that it starts -- it starts in June  
17 of '03; nothing before that is included in this chart,  
18 correct?

19 A. Yes, ma'am.

20 Q. And then it says it does not include vehicles more  
21 than ten years old. Are we talking about ten years  
22 from when you submitted the petition, which would be  
23 from 2000?

24 A. I'm not familiar with the petition that was submitted.

25 Q. I'm sorry, I'm sorry, when you submitted your response

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1 to the PE, are we talking about ten years from that  
2 point?  
3 A. This --  
4 Q. So 2000 -- I'm sorry?  
5 A. Well, this note applies to, I hope you understand  
6 this, only the EWR data, right, only the EWR data, and  
7 I've already stated that the EWR data isn't  
8 significant in terms of what we used to reach our  
9 conclusions. So I'm not sure --  
10 Q. Okay. I just want to --  
11 MS. JEFFREY: Can he finish?  
12 BY MS. DeFILIPPO:  
13 Q. Okay. I just want to make sure I understand the  
14 language, however.  
15 A. Uh-huh.  
16 Q. So am I correct in reading this that the data you  
17 looked at was from June of '03 and did not include any  
18 vehicles that were more than ten years old, so that  
19 means no vehicles that were before the model year  
20 2000; is that a fair reading of that note?  
21 A. Yes, ma'am.  
22 MS. DeFILIPPO: Okay. We can take a break  
23 now.  
24 MS. JEFFREY: Okay. Five minutes.  
25 (Recess taken at 3:10 p.m.)

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1 (Back on the record at 3:20 p.m.)  
2 BY MS. DeFILIPPO:  
3 Q. Mr. Dillon, when you devised the criteria that you  
4 gave to --  
5 MS. JEFFREY: Angel, we're not seeing you  
6 again. We're just seeing a gray screen.  
7 MS. DeFILIPPO: All right. There's  
8 something going on with the controls here. You'll  
9 have to play with them. That's not good.  
10 MS. JEFFREY: Angel, before you start, can  
11 I ask, do you have any idea how much longer you might  
12 be here?  
13 MS. DeFILIPPO: Well, I would have said I'd  
14 be done in two hours, but it seems like it's just  
15 taking forever to get from Point A to Point B. So I'm  
16 going to do the best I can to go as quickly as I can.  
17 MS. JEFFREY: Is there any way you can  
18 estimate?  
19 MS. DeFILIPPO: Can you see me now? Can  
20 you see me?  
21 MS. JEFFREY: Yes.  
22 BY MS. DeFILIPPO:  
23 Q. Okay. Mr. Dillon, when you gave the criteria to Paul  
24 Taylor to come up with your states that were going to  
25 be included in your state database analysis, did you



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- 1 -- were you aware of the Kline versus Chrysler case?  
2 A. I'm not certain that I was aware of this case  
3 specifically when -- no, I don't believe I was  
4 specifically.  
5 Q. Was anyone in your team aware of the case in  
6 New Jersey?  
7 A. On our team we had people from the Office of the  
8 General Counsel, so part of the task was to provide us  
9 with the information pertaining to what claims or  
10 lawsuits that we might have had. So I'm sure that  
11 they were aware of that case at the time.  
12 Q. Did anything about the Kline case or your knowledge of  
13 the Kline case figure into the criteria which you gave  
14 to Mr. Taylor?  
15 A. No. I was not aware of the details or the specifics  
16 of the Kline case, and at no time did it come into  
17 play in terms of the decision regarding what states  
18 were chosen. We chose every state that met the  
19 criteria that I outlined.  
20 Q. Mr. Dillon, did you say earlier in the day that, and I  
21 think we were talking about the kind of documents that  
22 went back and forth between you and NHTSA as a result  
23 of the PE, and I believe I asked you if you received  
24 anything from NHTSA, and you said you did, correct, a  
25 letter from NHTSA with the request?

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- 1 A. I'm --  
2 Q. Am I correct on that?  
3 A. I'm drawing a blank. Can you repeat the question?  
4 Q. When we were initially talking about how you became  
5 aware of the PE, you said you received a letter from  
6 NHTSA; is that correct?  
7 A. Well, I first became aware of the PE when NHTSA --  
8 they publish an opening resume. The opening resume  
9 typically comes several weeks before we receive what's  
10 called the information request. The opening resume  
11 just states what the vehicles are that they're  
12 investigating, what the alleged condition is that  
13 they're investigating, and what their initial  
14 assessment indicates in terms of the field data.  
15 Q. And I believe you told me that you never respond to a  
16 petition, that you would only respond when the  
17 petition -- when NHTSA deemed the petition was worthy  
18 of a preliminary investigation; is that correct?  
19 MR. STOCKWELL: Object to the form.  
20 A. No, I wouldn't agree with that. What I said was my  
21 team responds to inquiries or investigations from the  
22 agency.  
23 BY MS. DeFILIPPO:  
24 Q. From NHTSA, correct?  
25 A. Yes, ma'am.

00143

- 1 Q. And you told me that you only made two responses,  
2 October 15th and November 12th of 2011 (sic) with  
3 attachments and enclosures, correct?
- 4 A. What I said was there were two submissions associated  
5 with the information request specifically, mid October  
6 and mid November and --
- 7 Q. And --
- 8 A. Go ahead.
- 9 Q. Go ahead. I'm sorry. I didn't want to interrupt you.
- 10 A. I'm finished.
- 11 Q. There were no other written communications between you  
12 and NHTSA other than those two October -- those two  
13 dates, October 15th and November 12th?
- 14 MS. JEFFREY: Object to form. That's  
15 inaccurate. I've talked about the requests for  
16 confidentiality that was made, and I said I would get  
17 you those.
- 18 MS. DeFILIPPO: Okay.
- 19 MS. JEFFREY: Those are additional  
20 communications.
- 21 BY MS. DeFILIPPO:
- 22 Q. All right. So there was a request for confidentiality  
23 that was made by Chrysler to NHTSA, correct?
- 24 A. Uh-huh, that's correct.
- 25 Q. Was there any other written document which you

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- 1 authored and submitted to NHTSA in connection with  
2 PE 10-031?
- 3 A. There was a submission that I made requesting an  
4 extension of the timing that we were provided to  
5 respond to the information request. I submitted that  
6 approximately a week or a week-and-a-half prior to the  
7 October 15th, the original October 15th due date.
- 8 Q. And were there any other requests that were made of  
9 Chrysler by NHTSA in connection with PE 10-031 that  
10 you're aware of?
- 11 A. Subsequent to submitting the second response, there  
12 were two things as I recall. Number one, there was a  
13 request from the Office of, I'll call them the Office  
14 of General Counsel but it's the Chief Counsel's Office  
15 at NHTSA asking us to reply and provide some specific  
16 information pertaining to our confidentiality request.  
17 So that's one.
- 18 The other was NHTSA had requested that we  
19 provide them with a copy of the presentation that we  
20 gave them in either late April or early May, which is  
21 what you're looking at hopefully on your desk there.
- 22 Q. So the first request that you referred to, was that a  
23 request that was made of you by the senior attorney at  
24 NHTSA Otto Matheke who -- in connection with a letter  
25 which NHTSA received from Paul Sheridan?

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- 1 A. I believe that's the letter that I'm referring to,  
2 yes, ma'am.
- 3 Q. Did you reply to NHTSA?
- 4 A. Yes, ma'am, we did.
- 5 Q. And where is that reply?
- 6 A. NHTSA is in possession of that reply.
- 7 MS. DE FILIPPO: Okay. I would just ask  
8 that you give us a copy of that reply.
- 9 MS. JEFFREY: Okay.
- 10 BY MS. DeFILIPPO:
- 11 Q. Now getting back to the document that we were  
12 referring to, the Chrysler 06, you had indicated that  
13 the data or the information on the page called  
14 Chrysler 06 of Dillon 5 indicates vehicles used in the  
15 analysis for the FARS data, correct?
- 16 A. I'm sorry, could you repeat the question?
- 17 Q. Do you have in front of you Chrysler 06 which was part  
18 of the document Dillon 5?
- 19 A. Yes, ma'am.
- 20 Q. Okay. And that document sets forth vehicles which  
21 Chrysler wanted to analyze in connection with the FARS  
22 data, Fatal Analysis Reporting System data, correct?
- 23 A. Yes, ma'am.
- 24 Q. Okay. Can you tell me who chose the vehicles that  
25 would be compared to the Jeep Grand Cherokee in the

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- 1 FARS data portion of your document?
- 2 A. I'm not sure that I could say that one particular  
3 individual identified each and every one of these, but  
4 what I can tell you is that essentially what this is  
5 is a list of midsize SUVs that would be considered  
6 peer vehicles to the Jeep Grand Cherokee during the  
7 1993 through 2004 model years.
- 8 Q. Was it a person within your team, the team itself, or  
9 was it Mr. Taylor who chose the vehicles?
- 10 A. It wasn't -- in the end I'm responsible for, you know,  
11 deciding or authorizing what vehicles are included.  
12 What I can tell you is there was no vehicle that was  
13 particularly excluded that may have been offered up as  
14 an option pertaining to midsize SUVs built during that  
15 period.
- 16 Q. Who offered the vehicles up as an option; was that  
17 Paul Taylor?
- 18 A. No. I think that was, again, more of a brainstorming  
19 activity where we said, all right, what were the  
20 midsize SUVs that were built during that time period,  
21 put them on a sheet of paper, and we gave that to Paul  
22 and that's what he analyzed.
- 23 Q. Okay. So Paul Taylor had no involvement in selecting  
24 the vehicles that would be compared to the Jeep Grand  
25 Cherokee?

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- 1 A. I didn't say that. Paul was a part of the team, and  
2 Paul --
- 3 Q. Well, was he part -- did he participate in any way in  
4 selecting the vehicles that would be part of the  
5 analysis.
- 6 A. As, as part of the team that we selected to develop  
7 the response and perform the analyses, he would have  
8 had an input on vehicles that were in the midsize SUV  
9 category during that time period.
- 10 Q. So what was his input as a statistical person; what  
11 input did he have in selecting the vehicles that are  
12 listed on Chrysler 6?
- 13 A. As I indicated earlier, I don't recall a particular  
14 vehicle that was suggested by a particular individual.  
15 Again, it was a list where we sat down as a group,  
16 said, okay, what are the midsize SUVs built during  
17 that timeframe, let's get the list down and then let's  
18 perform the analysis of these vehicles, and again, I  
19 just want to --
- 20 Q. Did Chrysler --
- 21 MS. JEFFREY: Hold on. Let him finish. Go  
22 ahead, Dave.
- 23 A. I just want to --
- 24 BY MS. DeFILIPPO:
- 25 Q. I thought you were. I mean, you really have to keep

00148

- 1 your voice up at the end because when you speak down,  
2 for some reason I can't hear you.
- 3 A. Okay, apologize.
- 4 Q. It's okay.
- 5 A. I just wanted to reiterate, I don't recall any  
6 particular midsize SUV that was built during that  
7 timeframe that was offered up as an alternative that  
8 we said no, don't include that.
- 9 Q. Okay.
- 10 A. All of the vehicles that I was aware of were included.
- 11 Q. And that's fair, and I'm just wondering, did you need  
12 Paul Taylor's input to devise a list of all the SUVs  
13 that you thought were peer vehicles, or was that  
14 something the Chrysler team did and handed to Paul  
15 Taylor, or something else?
- 16 A. It's something that we could have done on our own, but  
17 Paul was a part of the team that we assembled, so he  
18 may have had input into the brainstorming session when  
19 we sat down and generated that list.
- 20 Q. Now would you agree with me that in the normal and  
21 ordinary course of business, Chrysler does not compare  
22 vehicles and how they perform in crash tests, correct?
- 23 MR. STOCKWELL: Object to the form.
- 24 A. I'm not sure I understand your question.
- 25 BY MS. DeFILIPPO:

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- 1 Q. In the ordinary course of Chrysler's business,  
2 Chrysler doesn't compare vehicles, outside vehicles,  
3 non-Chrysler vehicles to Chrysler vehicles to  
4 determine how they perform in crash tests or in  
5 crashes; you would agree with me, correct?  
6 MR. STOCKWELL: Same objection.  
7 A. I'm not a crash test engineer, nor am I involved in  
8 that sort of activity, so I couldn't answer that  
9 question. I don't know.  
10 BY MS. DeFILIPPO:  
11 Q. Do you know if Chrysler ever crash tested vehicles of  
12 other manufacturers?  
13 A. Again, I haven't been involved in crash test  
14 engineering at least here in the U.S. or since I've  
15 began working, and so I couldn't answer that question.  
16 I'm not a crash engineer.  
17 Q. So you don't know, right?  
18 A. I don't know.  
19 Q. You personally don't know, correct?  
20 A. I personally don't know, that's correct.  
21 Q. And Mr. Zylik, it's Edward Zylik, correct, as part of  
22 your team?  
23 A. I believe it's pronounced Zylik.  
24 Q. All right. Mr. Zylik, that's Edward Zylik, he's part  
25 of your team, correct?

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- 1 A. He was engaged as part of the team to help us collect  
2 and analyze the test results specific to the Jeep  
3 Grand Cherokee and its 301 impact performance.  
4 Q. So I'm going to read to you from Page 69 of  
5 Mr. Zylik's deposition that he gave in the case of  
6 Kline versus Chrysler, and the question was: As part  
7 of your function in the impact development group, did  
8 you compare vehicles and how they perform in crash  
9 tests?  
10 And his answer was: Not really, no.  
11 Question: Did you ever -- were you ever  
12 asked to perform crash testing on vehicles of other  
13 manufacturers?  
14 And his answer was: No.  
15 You have -- you made him part of your team  
16 because of his knowledge that he could help you with  
17 in connection with the PE, correct?  
18 A. As I indicated earlier, we identified Ed Zylik as a  
19 member of the team so that he could help us understand  
20 the test history of the '93 through 2004 Jeep Grand  
21 Cherokee. That's why he was part of the team.  
22 Q. And Mr. Zylik testified under oath, as I've read to  
23 you, that Chrysler does not as part of their normal  
24 function compare crash testing of Chrysler vehicles  
25 with other manufacturers' vehicles in the ordinary

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1 course of business, correct?  
2 MS. JEFFREY: I'm going to object to the  
3 form of that, and I'd like to see the transcript. We  
4 don't have it here. I don't know what --  
5 MS. DeFILIPPO: Well --  
6 MS. JEFFREY: Just let me finish my  
7 objection. I'm not sure if the question related to  
8 ZJs or other vehicles.  
9 MS. DeFILIPPO: Wait a minute. Hold on.  
10 If you're going to object and you're going to start  
11 telling this witness what to say, you're going to have  
12 to get him to leave. I don't know why you're  
13 objecting. I read from a transcript that is sworn to,  
14 and if you have any doubt that I read it correctly or  
15 what it was about, then, you know, you can certainly  
16 do what you have to do at that point.  
17 MS. JEFFREY: It's just that --  
18 MS. DeFILIPPO: It's a transcript --  
19 MS. JEFFREY: -- I don't think your summary  
20 said what he testified to. So if you want to read --  
21 MS. DeFILIPPO: Well, I don't think that's  
22 for you to say. That's really -- this is not the kind  
23 of objection that's permissible in New Jersey. I'm  
24 questioning this witness about something that Chrysler  
25 did and he didn't know and a member of his team did.

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1 MS. JEFFREY: Can you read what the  
2 transcript says again and then ask your question?  
3 BY MS. DeFILIPPO:  
4 Q. As part of your function in the impact development  
5 group, did you compare vehicles and how they perform  
6 in crash tests.  
7 Not really, no.  
8 MS. JEFFREY: His function.  
9 MR. STOCKWELL: You used the words  
10 "ordinary course of business" in your question.  
11 MS. DeFILIPPO: Were you ever asked to  
12 perform crash testing on vehicles of other  
13 manufacturers?  
14 No.  
15 I don't think that requires anything more,  
16 and we can argue about it later, but it's not for you  
17 to argue in front of this witness.  
18 MR. STOCKWELL: What's your question then?  
19 BY MS. DeFILIPPO:  
20 Q. My question is: You have no reason to dispute what  
21 Mr. Zylik said in a deposition sworn to testimony in  
22 the Kline case, correct?  
23 MR. STOCKWELL: Object to the form.  
24 MS. JEFFREY: Join.  
25 A. Again, I wish I had a copy of this to read so I can

00153

1 sort of put it in context.

2 BY MS. DeFILIPPO:

3 Q. What context --

4 MR. STOCKWELL: Let him finish.

5 A. My understanding of what Mr. Zylik is telling you is  
6 it's based on his own personal experience. I don't  
7 know that he's speaking on behalf of Chrysler and what  
8 all of Chrysler does. But again, I don't have a copy  
9 of that, and I can't put it into perspective.

10 BY MS. DeFILIPPO:

11 Q. So are you willing to state today that you believe  
12 that in the ordinary course of business, Chrysler  
13 compares the performance in crash tests or crashes of  
14 their vehicles with vehicles of other manufacturers;  
15 is that what are's saying?

16 MR. STOCKWELL: Objection to the form.

17 MS. JEFFREY: Join.

18 A. I've already stated that I'm not a test engineer. I  
19 wasn't involved in the development of the Jeep Grand  
20 Cherokee, specifically the fuel system or the 301 rear  
21 impact. So it would be pure speculation on my part.  
22 I can't answer that question.

23 BY MS. DeFILIPPO:

24 Q. Okay. Mr. Dillon, in this analysis that you provided  
25 to NHTSA, it's fair to say that Chrysler was comparing

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1 the performance of the Jeep ZJ with other vehicles  
2 from other manufacturers in rear-end crash tests; is  
3 that fair to say?

4 A. No, that's not fair to say.

5 Q. Oh, so there was no comparison made in this analysis  
6 that you offered up to NHTSA --

7 A. That's right.

8 Q. -- between the Jeep Grand Cherokee and other vehicles  
9 in real-world tests?

10 MS. JEFFREY: Object to form.

11 A. You said -- no, I'm saying that Chrysler has not  
12 compared vehicles in its assessment regarding vehicle  
13 tests, no.

14 BY MS. DeFILIPPO:

15 Q. What was the comparison that was -- why did you choose  
16 other manufacturers' vehicles; what kind of comparison  
17 was Chrysler making in this presentation to NHTSA?

18 A. Our intention of performing this analysis was to  
19 evaluate the performance of the vehicle in the field  
20 with respect to rear impacts that resulted in a fire  
21 where fire was identified as the most harmful event.

22 Q. So you were comparing your vehicle, the Jeep Grand  
23 Cherokee, to other vehicles in the field as to how  
24 they performed in rear-end crashes, correct?

25 A. That's correct.

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1 Q. And is it your understanding that at any time you ever  
2 heard that Chrysler ever made comparisons between the  
3 Chrysler vehicles and any other manufacturers' vehicle  
4 as to how they would perform in rear-end crashes apart  
5 from responding to the NHTSA PE?

6 MS. JEFFREY: I object to form. That's not  
7 intelligible.

8 A. Yeah, I honestly -- not to sound offensive, but I  
9 didn't understand that question.

10 BY MS. DeFILIPPO:

11 Q. Is it your understanding that Chrysler has ever  
12 compared the performance of their vehicles with other  
13 vehicles vis-a-vis rear-end crash collisions in any  
14 other context other than in responding to NHTSA?

15 MS. JEFFREY: Object to form.

16 A. So let me try to clarify something. With respect to  
17 what we may have done historically, that was not the  
18 question that was asked by the agency.

19 MR. FUSCO: Say you don't understand the  
20 question.

21 A. So that's not what we -- that's not the question that  
22 we asked or information that we sought out. What we  
23 looked for very specifically was the performance of  
24 the vehicle in the field, and we analyzed our vehicle  
25 compared to the peer vehicles as identified by NHTSA,

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1 as well as some other peer vehicles in that midsize  
2 SUV category. That's what we based our analysis on.

3 MS. DeFILIPPO: I didn't get that.  
4 Somebody coughed. Could you read that back?

5 (The requested portion of the record was  
6 read by the reporter at 3:43 p.m. as  
7 follows:

8 "Answer: That's not the question that we  
9 asked or information that we sought out.  
10 What we looked for very specifically was  
11 the performance of the vehicle in the  
12 field, and we analyzed our vehicle compared  
13 to the peer vehicles as identified by  
14 NHTSA, as well as some other peer vehicles  
15 in that midsize SUV category. That's what  
16 we based our analysis on.")

17 BY MS. DeFILIPPO:

18 Q. And are you aware of any other time when Chrysler  
19 performed an analysis such as you just described?

20 A. Well, in the Jarmon case, there was an analysis  
21 completed on Jeep ZJ up to a particular time in, point  
22 in time. That's the extent of my knowledge of any  
23 analyses or studies that were done regarding the  
24 performance of the Jeep Grand Cherokee in the field.

25 Q. Did you request of your team, and especially the



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1 individual who you said provided you with history on  
2 the Jeep, did you request from Mr. Zylik information  
3 as to whether or not apart from a lawsuit a comparison  
4 between your vehicle and peer vehicles of other  
5 manufacturers was ever done by Chrysler?

6 MS. JEFFREY: Object to form.

7 A. I'm not sure what kind of comparison you're referring  
8 to.

9 BY MS. DeFILIPPO:

10 Q. Any kind in the field as you've described, the same  
11 comparison that you've described you've done with  
12 respect to this PE for NHTSA. Did you inquire as to  
13 Mr. Zylik when you talked to him about the history of  
14 the Jeep whether or not any other time a comparison  
15 such as this was done with the exception of a lawsuit?

16 MR. STOCKWELL: Object to the form.

17 A. Mr. Zylik is a test engineer.

18 BY MS. DeFILIPPO:

19 Q. Is what, he's what?

20 A. He was a test engineer at the time. His role as a  
21 test engineer was not to evaluate historical  
22 performance of any particular vehicle in the field.  
23 Certainly 10, 15, 20 years later his role today is not  
24 related to investigating the performance of the Jeep  
25 Grand Cherokee in the field. That's what my

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1 organization does. Again, specifically what we  
2 leveraged Mr. Zylik's experience for was to understand  
3 the 301 impact test history of the '93 through 2004  
4 Jeep Grand Cherokee.

5 Q. Did you do any type of investigation through anyone,  
6 your division in the company or your predecessor who  
7 would do what you do within Chrysler to determine  
8 whether, whether a comparison such as you've described  
9 that you've done for NHTSA between the Jeep Cherokee  
10 and other manufacturers' vehicles had ever been done  
11 before apart from a lawsuit?

12 MR. STOCKWELL: Object to the form.

13 A. So just to be clear again, you're referring to an  
14 analysis of the vehicle's performance in the field?

15 BY MS. DeFILIPPO:

16 Q. Yes.

17 A. Any of those analyses would have been responsive to  
18 the NHTSA information request. We provided all of the  
19 analyses that were completed regarding field  
20 performance that were -- and the only one that was  
21 available is the Jarmon, the analysis that was done  
22 for the Jarmon case.

23 Q. So the answer is there was no other analysis performed  
24 other than with respect to the Jarmon lawsuit --

25 A. That's not correct.

00159

- 1 Q. -- of your Jeep? Well, Mr. Dillon, I'm going to read  
2 back my prior question.  
3           Could you read back the question before  
4 this just very last one.  
5           (The requested portion of the record was  
6 read by the reporter at 3:47 p.m. as  
7 follows:  
8 "Question: Did you do any type of  
9 investigation through anyone, your division  
10 in the company or your predecessor who  
11 would do what you do within Chrysler to  
12 determine whether, whether a comparison  
13 such as you've described that you've done  
14 for NHTSA between the Jeep Cherokee and  
15 other manufacturers' vehicles had ever been  
16 done before apart from a lawsuit?")  
17 MS. DeFILIPPO: That was a good question.  
18 BY MS. DeFILIPPO:  
19 Q. So do you understand the question?  
20           MR. WESTENBERG: He answered it.  
21 A. Yes, ma'am.  
22 BY MS. DeFILIPPO:  
23 Q. Okay. Is the answer no?  
24           MR. STOCKWELL: Object to the form.  
25 A. I've already answered that question. We reviewed the

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- 1 information that was available to us and looked for  
2 studies or analyses that were conducted prior to the  
3 receipt of the information report, and the only  
4 analysis of the field performance of the vehicle was  
5 that which I referred to which was done in support of  
6 the Jarmon case. That one and the analysis that was  
7 done on behalf of Chrysler in support of this  
8 investigation are the only two analyses that I'm aware  
9 of that were conducted regarding the field data  
10 performance of the Jeep Grand Cherokee relative to its  
11 peer vehicles.  
12 BY MS. DeFILIPPO:  
13 Q. So the analyses that you described were done for NHTSA  
14 and for a lawsuit only; that's fair to say, correct?  
15           MS. JEFFREY: Object to form.  
16 A. I've -- I've answered that question, yes, ma'am.  
17 BY MS. DeFILIPPO:  
18 Q. Now if you look at Chrysler 07, part of Dillon 5, that  
19 says on the bottom: Rollover if any of the following  
20 conditions are true. Crash year 1992 to 2009,  
21 rollover equals one or two, first or subsequent event  
22 rollover. Crash year 1992 to 2009, first harmful  
23 event equals rollover one -- equals one rollover and  
24 vehicle form submitted equals one. Crash year 1992 to  
25 2009, most harmful event equals one rollover. Crash

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1 year 2004 to 2009, any sequence of event code equals  
2 one rollover.

3 Can you explain what that means?

4 A. What this does is we, in the course of providing this  
5 analysis of the FARS data, we also did an analysis of  
6 the Jeep Grand Cherokee relative to its peer vehicles  
7 in the event of rollovers. So what this does is  
8 identify what criteria were used when identifying a  
9 vehicle that met the criteria of a rollover.

10 Q. Okay. But I don't understand it. Do you understand  
11 what each of these categories is and how you separate  
12 them out?

13 A. The details of the crash database is not something  
14 that I'm an expert in. What this information does is  
15 reflect very specifically the criteria that Mr. Taylor  
16 used so that NHTSA could understand what the criteria  
17 was and so that they could repeat the study, and if  
18 they had any differences of opinion, they could  
19 communicate those.

20 Q. I'm sorry, if who had a difference of opinion?

21 A. The NHTSA. That's who would respond.

22 Q. Taylor and NHTSA? I'm sorry, who are we talking  
23 about?

24 A. What's the question?

25 Q. You said if they had a difference of opinion. Who are

00162

1 we talking about having a difference of opinion?

2 A. Well, this presentation was generated and presented to  
3 NHTSA. NHTSA in this case is "they".

4 Q. Well, who would have a difference of opinion, NHTSA,  
5 within NHTSA you mean?

6 A. Let me take a step back. What this is is very  
7 specifically identifying what the criteria are for  
8 identifying what a rollover event is. We do this and  
9 communicate it to NHTSA so that they can understand  
10 very clearly what those criteria are, number one, and  
11 number two, so that they can replicate our results if  
12 they wish to, and number three, allow them to identify  
13 any differences of opinion they might have so that we  
14 could resolve those differences.

15 Q. Okay. Now I'm specific. I'm looking at Chrysler 07,  
16 and it says here: Crash year 2004 to 2009, any  
17 sequence of event code equals one, parens, rollover.

18 I thought one was only the first event as  
19 indicated in crash year 1992 to 2009. I'm just trying  
20 to understand so that I can review the data myself.  
21 Can you explain that to me because I don't understand?

22 A. This is detailed information that's sort of in the  
23 weeds, and it's not something that I'm an expert in.  
24 That's something that we relied on Paul Taylor to do  
25 at our request so that we could provide that

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- 1 information to NHTSA in support of our investigation.  
2 In doing so, we provided these criteria to the NHTSA  
3 so that we could be very transparent with the agency  
4 so that they could understand the criteria that we  
5 used, they could repeat the study if they wished to,  
6 and if there were any differences of opinion, they  
7 could voice those differences.
- 8 Q. But in repeating the study, you have to understand the  
9 terminology, wouldn't you agree?
- 10 A. If you're an expert in that particular field, you'll  
11 understand this.
- 12 Q. So are you saying that Paul Taylor will understand,  
13 that he will be able to answer my question?
- 14 A. Absolutely.
- 15 Q. You're confident, okay. So when you look at  
16 Chrysler 08, you see that Chrysler 08 has a sample  
17 incident rate calculation. Is this a document that  
18 Paul Taylor gave to Chrysler?
- 19 A. The document I created but the information that's  
20 essentially contained within this document I requested  
21 from Mr. Taylor, yes.
- 22 Q. Okay. So what do you mean -- what did you create  
23 about this document?
- 24 A. I took the information that Mr. Taylor gave me and put  
25 it in this slide so that, again, we could be

00164

- 1 transparent in the methods that we used in making our  
2 calculation so that the agency can understand it and  
3 repeat it as required, and if there are any  
4 differences of opinion, they could voice those  
5 differences.
- 6 Q. Okay. So the information that you put into this chart  
7 came from Paul Taylor, correct?
- 8 A. This came from Paul Taylor, and as I understand it, it  
9 came from Polk database.
- 10 Q. I'm sorry, say that again, Polk?
- 11 A. Polk database, P-O-L-K.
- 12 Q. Okay. But essentially you took information that Paul  
13 Taylor gave you as correct; you didn't question it,  
14 correct?
- 15 A. The information that Paul Taylor gave us is, in fact,  
16 information that he could testify is correct based on  
17 his expertise.
- 18 Q. He could testify, Paul Taylor could testify, correct?
- 19 A. He could validate the data.
- 20 Q. Right. So now looking at this data, you have an  
21 understanding of the data on this page?
- 22 A. Yeah, I have a general understanding of the data, yes.
- 23 Q. Okay. So am I correct in stating that there may be  
24 vehicles that exist over in these totals that are the  
25 same vehicles that have been re-registered?

00165

- 1 A. No, I don't believe so. If you're asking me if  
2 vehicles were double counted, my understanding is no.  
3 Q. No, I'm not.  
4 A. Well then, maybe you can help clarify the question.  
5 Q. I'm asking you if there are any repeat registrations  
6 of a given vehicle in this chart?  
7 A. I don't understand your question.  
8 Q. Well, the chart says that it's Jeep Grand Cherokee  
9 U.S. registration data by model and year of  
10 registration, correct?  
11 A. That's correct.  
12 Q. So in the year 1992, the 1993 Jeep, 15,000 of them  
13 were registered. So over in the total there's 15,000,  
14 correct?  
15 A. That's correct.  
16 Q. And in the year '93, the '93 was registered, and there  
17 were 152,590 registered, correct?  
18 A. There were 152,590 vehicles registered and on the road  
19 that calendar year.  
20 Q. And those are new cars, new registrations, never  
21 having been preowned in any way?  
22 A. That's not my understanding.  
23 Q. In 1993, 152,590 Jeep Grand Cherokees of the model  
24 1993 were registered in the United States, correct?  
25 A. That's correct.

00166

- 1 Q. Okay. However, in 1994, there were 201,380 1993 model  
2 years registered in '94 and 185,063 model year '94s  
3 registered. We can assume that they were all new in  
4 '94, correct?  
5 A. In the calendar year 1994, the model year 1994  
6 vehicles were all likely new.  
7 Q. Excuse me, I'm sorry, what? In calendar year 1994 --  
8 A. The 1994.  
9 Q. -- the model year 1993, there were 201,380 that were  
10 registered, '93 vehicles?  
11 A. Vehicles on the road, registered vehicles on the road.  
12 Q. On the road that were model year 1993, correct?  
13 A. That's correct.  
14 Q. How many times during the useful life is a Jeep Grand  
15 Cherokee registered?  
16 A. I wouldn't be able to answer that question.  
17 Q. So how can you be certain that when you get these  
18 registration numbers, that there are no duplicate Jeep  
19 Grand Cherokees in here?  
20 A. I think maybe you're missing the point here. We're  
21 not counting how many times a Jeep Grand Cherokee was  
22 registered in a calendar year. We're counting how  
23 many Jeep Grand Cherokees were registered to be on the  
24 road in that calendar year.  
25 Q. So there's 27,093,848 Jeep Grand Cherokees registered

00167

1 to be on the road in 2010?  
2 MS. JEFFREY: Object to form.  
3 A. No, ma'am, that's not correct.  
4 BY MS. DeFILIPPO:  
5 Q. Is that what you're saying?  
6 A. That's not correct.  
7 Q. Excuse me. Okay. What does that number represent?  
8 A. That represents the number of vehicle years that the  
9 Grand Cherokee has, in my terms, under its belt, how  
10 many vehicle years it's been on the road.  
11 Q. So how many Jeep Grand Cherokees were made between  
12 1992 and 2010 in total?  
13 A. I wouldn't be able to answer that question. Again, I  
14 think you're misunderstanding this chart.  
15 Q. Maybe you can explain to me, what is the point of this  
16 chart?  
17 A. The point of this chart is to explain how the  
18 denominator -- numerator or denominator -- denominator  
19 was calculated in determining the rates of these  
20 events.  
21 Q. I didn't hear you at all. Could you say that again?  
22 A. The point of this slide is to, again, be transparent  
23 with the agency and explain to them how we arrived at  
24 the denominator, the value in the denominator which we  
25 used to generate the rate at which vehicles

00168

1 experienced these events.  
2 Q. Okay. I understand that you're trying to arrive at a  
3 denominator, but what about the registration and  
4 vehicles on the road is significant to you from this  
5 chart?  
6 A. This chart depicts the number of registered vehicles  
7 on the road in that calendar year. It doesn't depict  
8 how many --  
9 Q. At any given --  
10 MS. JEFFREY: Wait, let him finish, please.  
11 BY MS. DeFILIPPO:  
12 Q. Sorry. Go ahead.  
13 A. I lost my train of thought. Go ahead.  
14 Q. So in the calendar year, let's take 2000, there were  
15 163,764 Jeeps on the road registered?  
16 A. That's correct.  
17 Q. That were model year '93?  
18 A. That's my understanding, yes, ma'am.  
19 Q. So when you get down to the year 2009, you're saying  
20 that there were 2,032,546 total Jeeps of every model  
21 year on the road, correct?  
22 A. Not every model year. Model year specifically 1993  
23 through 2004.  
24 Q. That's what I mean. 1993, every model year  
25 represented on the chart, in 2009, there were

00169

1 2,032,546 Jeeps from 1993 to 2004 on the road, in  
2 other words, ZJs and WJs?  
3 A. That's correct.  
4 Q. Correct?  
5 A. Yes, ma'am.  
6 Q. And that's the way it was in 2009, but in 2010 you  
7 didn't run it. Is that -- is that fair?  
8 A. When we submitted this response, we were not through  
9 the 2010 calendar year, so we did not include 2010.  
10 Q. I understand. I'm just making sure that the total on  
11 the bottom has nothing to do with 2010, correct?  
12 A. That's correct. If we --  
13 Q. And so --  
14 A. If we ran the numbers now, basically the denominator  
15 would grow. It would be larger.  
16 Q. Didn't hear one word you said.  
17 MR. STOCKWELL: Let the court reporter read  
18 it back.  
19 MS. DeFILIPPO: Can you read that back.  
20 (The requested portion of the record was  
21 read by the reporter at 4:04 p.m. as  
22 follows:  
23 "Answer: If we ran the numbers now,  
24 basically the denominator would grow. It  
25 would be larger.")

00170

1 BY MS. DeFILIPPO:  
2 Q. What is your understanding of a confidence interval?  
3 COURT REPORTER: Did you say confidence or  
4 competence?  
5 MS. JEFFREY: Confidence.  
6 MS. DeFILIPPO: Confidence.  
7 A. My understanding of a confidence interval, essentially  
8 it's a tolerance band that represents the reliability  
9 of the calculated rate.  
10 BY MS. DeFILIPPO:  
11 Q. And you generally see confidence intervals in polling  
12 situations, correct?  
13 A. I am not familiar with polling to be honest with you,  
14 so I couldn't answer that question.  
15 Q. Well, when you -- when you poll and you take a  
16 representative, maybe 1,000 people to determine maybe  
17 what a million would do, you basically know that  
18 you're only taking a sample of a thousand out of the  
19 entire, let's say, million population, correct?  
20 MR. STOCKWELL: Objection.  
21 A. Again, I'm not familiar with polling. What I can tell  
22 you is NHTSA uses confidence intervals as a matter of  
23 their normal course of business. In the past when  
24 NHTSA has, in my mind at least, accidentally not used  
25 confidence intervals, they've been criticized

00171

1 significantly by other government agencies.  
2 Specifically one that I recall is the National Academy  
3 of Science. So we took it upon ourselves to apply the  
4 confidence intervals knowing that the agency would  
5 have to do it anyhow.  
6 BY MS. DeFILIPPO:  
7 Q. And who calculated the confidence intervals; was that  
8 also on Paul Taylor?  
9 A. Yes, ma'am, we relied on Paul Taylor and his expertise  
10 to assist us with calculating those confidence  
11 intervals.  
12 Q. Now when you're doing confidence intervals and other  
13 agencies criticize NHTSA for confidence intervals or  
14 not using confidence intervals, is that in relation to  
15 analysis of FARS data in particular?  
16 A. I don't know that specifically. I just know that  
17 historically NHTSA chooses to use confidence intervals  
18 when it performs evaluations of data sets. It's a  
19 standard that's used --  
20 Q. Well, when --  
21 MS. JEFFREY: Let him finish. Are you  
22 done?  
23 BY MS. DeFILIPPO:  
24 Q. I'm sorry, are you done?  
25 A. Confidence intervals is a standard that's used by the

00172

1 industry, by the agency, and as you indicated perhaps  
2 even by polling organizations, but it's a standard  
3 method --  
4 Q. Do you --  
5 MS. JEFFREY: Wait.  
6 MS. DeFILIPPO: See, because I can't hear  
7 the end of what you're saying, I think you're done.  
8 MS. JEFFREY: Can you see that he's  
9 talking, though?  
10 MS. DeFILIPPO: No, because I'm looking  
11 down. I'm not always looking up. So can you just  
12 keep your voice up because I know he can hear me?  
13 MS. JEFFREY: Can we take a few-minute  
14 break? It's been another hour and I think fatigue may  
15 be setting in a little bit.  
16 MS. DeFILIPPO: I just have a couple more  
17 questions in this vein.  
18 MS. JEFFREY: That's fine.  
19 BY MS. DeFILIPPO:  
20 Q. Mr. Dillon, can you tell me as you sit here today that  
21 you know for sure that NHTSA uses confidence intervals  
22 in relation to their analysis from FARS data in  
23 particular?  
24 A. I'm not certain what NHTSA does in particular as it  
25 applies to FARS data. I know very specifically that



00173

- 1 NHTSA has been criticized in the past for not using  
2 them. It's a standard tool that both the NHTSA and  
3 the agency use. We did it so that we can apply some  
4 level of confidence to our findings, and NHTSA has the  
5 ability to do the same analysis, and we're sure it  
6 will come to the same result because the standard,  
7 itself, or the method by which you develop these  
8 confidence intervals is not magic. It's just  
9 straightforward mathematics.
- 10 Q. That's not my question. My question is: Do you know  
11 whether NHTSA uses confidence intervals in analysis of  
12 FARS data?
- 13 A. We appear to have a technical problem.  
14 MS. JEFFREY: Yeah. You're frozen again.  
15 Oh, now you're not. Okay.
- 16 A. If I understand your question, and I'll try to repeat  
17 it --
- 18 BY MS. DeFILIPPO:
- 19 Q. Please don't. Please don't.  
20 MR. STOCKWELL: Then ask it again if he  
21 doesn't understand it.  
22 MS. DeFILIPPO: I'm going to ask it very  
23 straightforward.
- 24 BY MS. DeFILIPPO:
- 25 Q. Do you, David Dillon, know whether or not NHTSA uses

00174

- 1 confidence intervals in analysis of FARS data?
- 2 A. I can't say that with 100% certainty, but again, my  
3 understanding is that they do.
- 4 Q. Nonresponsive to the question.  
5 MR. STOCKWELL: He just did.  
6 MS. DeFILIPPO: I just want to know if you  
7 know for sure.  
8 MR. STOCKWELL: He just did.  
9 MS. DeFILIPPO: I'm not asking for anything  
10 apart from what you know.  
11 MS. JEFFREY: He just answered as far as he  
12 knows, they do.  
13 MR. FUSCO: Let's go.  
14 MR. STOCKWELL: Next question.  
15 MS. DeFILIPPO: Apparently he doesn't know.
- 16 BY MS. DeFILIPPO:
- 17 Q. My question is: Do you know for sure whether NHTSA  
18 uses confidence intervals in analyzing FARS data?  
19 THE WITNESS: Perhaps we could read my  
20 answer to the question previously?  
21 MS. DeFILIPPO: No. I just want an answer  
22 to my question. You don't get to reread prior  
23 questions.  
24 MR. FUSCO: Yes, you do when --  
25 MS. DeFILIPPO: My question is very

00175

1 straightforward.  
2 MR. STOCKWELL: Yes, you do when you ask it  
3 twice.  
4 MS. JEFFREY: I would like for the court  
5 reporter to read the answer to that question.  
6 MS. DeFILIPPO: I wouldn't.  
7 MS. JEFFREY: I don't care.  
8 MS. DeFILIPPO: I asked a new question.  
9 The question is a new question, and I'm asking for a  
10 yes or no answer. If you can't answer it -- if you  
11 can't answer it yes or no, then say I can't answer it  
12 yes or no. It calls for a yes or no answer.  
13 MS. JEFFREY: You cannot tell him to answer  
14 yes or no.  
15 BY MS. DeFILIPPO:  
16 Q. Are you able to answer my question, yes or no?  
17 MR. FUSCO: There's no need to harass the  
18 witness.  
19 A. It seems you have an issue with, a legal issue.  
20 BY MS. DeFILIPPO:  
21 Q. Are you able to answer the question, yes or no?  
22 MR. STOCKWELL: Are you able to answer it  
23 with a yes or no answer?  
24 A. The question is again, can we repeat the question?  
25 MS. JEFFREY: Read it back.

00176

1 (The requested portion of the record was  
2 read by the reporter at 4:10 p.m. as  
3 follows:  
4 "Question: My question is: Do you know  
5 for sure whether NHTSA uses confidence  
6 intervals in analyzing FARS data?")  
7 A. I believe I answered previously. My understanding is  
8 that they do, but I can't say for certain. I cannot  
9 confirm with certainty that they do, but again, my  
10 understanding is that yes, they do.  
11 MS. DeFILIPPO: I didn't hear the answer.  
12 Could you read that back, please?  
13 (The requested portion of the record was  
14 read by the reporter at 4:11 p.m. as  
15 follows:  
16 "Answer: I believe I answered previously.  
17 My understanding is that they do, but I  
18 can't say for certain. I cannot confirm  
19 with certainty that they do, but again, my  
20 understanding is that yes, they do.")  
21 BY MS. DeFILIPPO:  
22 Q. What do you base your understanding --  
23 A. I'm sorry, you broke up.  
24 MS. JEFFREY: You're just freezing up. Can  
25 we try to reboot?

00177

1 BY MS. DeFILIPPO:

2 Q. What do you base your understanding on?

3 COURT REPORTER: I didn't get that. You're  
4 frozen half the time. I apologize.

5 BY MS. DeFILIPPO:

6 Q. What do you base your understanding on?

7 A. My understanding is based on conversations that I've  
8 had with experts in the field, in particular Paul  
9 Taylor.

10 Q. Paul Taylor?

11 A. That's one.

12 Q. Did you say Paul Taylor?

13 A. That's correct.

14 Q. I just didn't hear it. I'm just trying to see if  
15 that's what you said. Did you say Paul Taylor?

16 A. Paul Taylor for one.

17 Q. Okay.

18 A. And in my conversations with NHTSA when I presented  
19 this information, there was no objections to using  
20 this method of analyses from the agency.

21 Q. Does the FARS data that you presented to NHTSA include  
22 the Jarmon case?

23 A. I don't recall by case name or number what was and  
24 wasn't included. I believe it -- I just don't know.  
25 I wish I could answer you that right now but I'm not

00178

1 certain.

2 Q. Does the FARS data include fires where the Jeep deaths  
3 were to persons in the striking vehicle?

4 A. The original assessment did not include an evaluation  
5 of fatalities that may have occurred in the striking  
6 vehicle. However --

7 Q. When did --

8 MR. WESTENBERG: Finish.

9 A. However, in our presentation that we made to NHTSA in  
10 late April or early May of 2011, this year, we did  
11 provide an analysis of the Jeep Grand Cherokee  
12 relative to its peer vehicles using that criteria, and  
13 the Jeep Grand Cherokee compared very favorably to the  
14 peer vehicles.

15 BY MS. DeFILIPPO:

16 Q. Mr. Dillon, I'm talking about this document that we  
17 have made now -- we have indicated now has been part  
18 of the hard document that you submitted with the two  
19 -- on the two dates of October 15th and November 12th,  
20 and I'm talking about the FARS data in this document.  
21 Did the FARS data in this document include fires where  
22 deaths were to persons in the striking vehicle?

23 MS. JEFFREY: Okay. Angel, when you say  
24 "this document", are you referring to -- what are you  
25 referring to, the slides that he's talking about or

00179

1 the October 12th and --

2 MS. DeFILIPPO: I'm referring to, let's

3 take, it starts out with FARS data --

4 MS. JEFFREY: Exhibit 5?

5 MS. DeFILIPPO: It starts out with

6 Chrysler 05, it's got a page that says 11-12-2010 FARS  
7 data assessment.

8 BY MS. DeFILIPPO:

9 Q. In the 11-12-2010 FARS data assessment, did the FARS  
10 data include fires where Jeep deaths were to persons  
11 in the striking vehicle?

12 MS. JEFFREY: Can we mark that document?

13 I'm not clear which one you're --

14 MS. DeFILIPPO: I'm starting with your FARS  
15 data which has -- which starts out on Chrysler 05.

16 That is the cover page to the FARS data.

17 MS. JEFFREY: I don't know what she's  
18 talking about.

19 MS. DeFILIPPO: Chrysler 05, it's the same  
20 document that we've been talking about, and it  
21 continues on, I believe.

22 MR. WESTENBERG: Dillon 5.

23 MS. DeFILIPPO: I don't know how far the  
24 FARS data goes until you get to the state crash data.  
25 So it's 05 through 18.

00180

1 MS. JEFFREY: This document, of this  
2 document.

3 A. Could you repeat your question?

4 BY MS. DeFILIPPO:

5 Q. Did the FARS data which was submitted on  
6 November 12th, 2010 which is on Pages Chrysler 05 to  
7 Chrysler 18, did that data include fires where the  
8 Jeep deaths were to persons in the striking vehicle?

9 A. The data that was submitted on November 12th did not  
10 include fatalities that occurred in the striking  
11 vehicle. However, I wish to point out that in the  
12 presentation material that you're looking at marked  
13 Dillon 5, we did, in fact, perform that analysis, and  
14 the analysis -- in the analysis the Grand Cherokee  
15 compared very favorably in that rollover mode to the  
16 peer vehicles.

17 Q. Mr. Dillon, that wasn't my question. I'm going to ask  
18 it again so we have a question and an answer.

19 MS. JEFFREY: Just answer the question.

20 BY MS. DeFILIPPO:

21 Q. In the November 12th, 2010 FARS data which is from  
22 Chrysler 5 to Chrysler 18, is it your testimony that  
23 the FARS data does not include fires where the Jeep  
24 deaths were to persons in the striking vehicle?

25 A. And I'll say, number one, we have provided an analysis

00181

1 to NHTSA --

2 Q. Mr. Dillon --

3 MR. STOCKWELL: Let him finish. Before you  
4 cut him off, Angel, let him finish. Before you cut  
5 him off, let him finish.

6 BY MS. DeFILIPPO:

7 Q. It's a yes or no question, and I'm looking for a yes  
8 or no answer, and if you can't answer yes or no to  
9 that question, just tell me you can't because your  
10 attorney should really direct you that it is a yes or  
11 no question.

12 MS. JEFFREY: I'm not going to direct him  
13 on how to answer and neither are you.

14 MS. DeFILIPPO: Well, I can because I'm  
15 going to ask the question so constructed that it is a  
16 yes or no question.

17 BY MS. DeFILIPPO:

18 Q. If you can't answer it yes or no, just tell me. My  
19 question is: Does the FARS data which is on Pages  
20 Chrysler 5 through 18 of the document before you, does  
21 the FARS data include fires where Jeep deaths were to  
22 persons in the striking vehicle, yes or no?

23 A. In the pages of the presentation that you have  
24 identified, that data does not include fatalities that  
25 occurred in the striking vehicle.

00182

1 Q. Thank you. Now do you know a man named Owen Viergutz?

2 A. I don't.

3 MS. JEFFREY: Angel, can we take a break at  
4 some point?

5 MR. WESTENBERG: Yeah, now.

6 MS. DeFILIPPO: Sure.

7 MS. JEFFREY: Okay.

8 MS. DeFILIPPO: But I think we should only  
9 take five minutes.

10 MS. JEFFREY: All right.

11 MS. DeFILIPPO: I'd like to just finish  
12 this up. Because, otherwise, we're not going to  
13 finish today.

14 MS. JEFFREY: We'll see you at 4:24.

15 (Recess taken at 4:18 p.m.)

16 (Back on the record at 4:25 p.m.)

17 BY MS. DeFILIPPO:

18 Q. Mr. Dillon, you said you never heard of the name Owen  
19 Viergutz?

20 A. No, ma'am.

21 Q. Okay. And can you tell me what you believe to be the  
22 ZJ's competition upon its introduction to the public?

23 MR. STOCKWELL: Objection.

24 MS. JEFFREY: Foundation.

25 BY MS. DeFILIPPO:

00183

- 1 Q. What other vehicles?  
2 MR. STOCKWELL: Objection.  
3 A. I couldn't tell you. I wasn't involved in the  
4 development of that program. That's typically defined  
5 by marketing or, you know, the head of the engineering  
6 organization at the time, so I don't know.  
7 BY MS. DeFILIPPO:  
8 Q. So if I tell you that Mr. Viergutz who was head of the  
9 program of developing the or engineering the Jeep ZJ  
10 swore that the number one was the Ford Explorer, would  
11 you have any reason to doubt him?  
12 A. I would defer to him.  
13 Q. So now in looking at the FARS data which is on Page  
14 Chrysler 12, I'm looking at data which says it is  
15 assessment of all rear impacts with fatalities where  
16 fire is not necessarily the most harmful event and  
17 there are bar graphs, correct?  
18 A. Chrysler 12, is that correct?  
19 Q. That's correct. Do you have that in front of you?  
20 A. Yes, ma'am.  
21 Q. And I want you to look at the Grand Cherokee crashes  
22 per million years of use. So you have -- the Grand  
23 Cherokee has a pretty low level of crashes in general  
24 in comparison with all the other vehicles you have  
25 there, correct? If you take the total number of

00184

- 1 crashes per million years of use, the bar is low in  
2 comparison; am I correct? It's the second to the  
3 lowest bar?  
4 A. I wouldn't say that with any confidence level but just  
5 numerically looking at it, it's the second lowest,  
6 second shortest bar on the graph.  
7 Q. So even though the Grand Cherokee had the second  
8 lowest amount of crashes per million years of use, it  
9 had the absolute highest crashes, rear impacts with  
10 fatalities with fire?  
11 A. That's correct.  
12 Q. And if you look at the other bar graph which is next  
13 to it and it's crashes per million years of use for  
14 the '99 to 2004 WJ, the Grand Cherokee is still the  
15 second lowest bar in crashes per million years of use,  
16 correct?  
17 A. That's correct.  
18 Q. And it has the highest number of fires in rear impacts  
19 with fatalities where fire was not necessarily the  
20 most harmful event, correct?  
21 A. That's correct.  
22 Q. And if you go to the next page, which is Chrysler 13,  
23 you see that if you look at the Grand Cherokee, it's  
24 still the second lowest amount of crashes per million  
25 years of use in all rear impacts with fatalities where

00185

- 1 fire is not necessarily the most harmful event from  
2 '93 to 2004, correct?
- 3 A. That's correct. It's a summation of the numbers that  
4 were represented in the prior two graphs.
- 5 Q. This graph is a summation of what we just went over,  
6 but it's combining the years of the ZJ and the WJ,  
7 correct?
- 8 A. That's correct.
- 9 Q. And you see the Grand Cherokee had 25 rear fires with  
10 fatalities, even though it had the second lowest  
11 number of crashes per million years of use, and when  
12 you compare it to the Ford Explorer who only had 10  
13 rear fires in however many million years of use and it  
14 was the third highest number of crashes, you see that  
15 the Grand Cherokee is at least two times, more than  
16 two times, has more than two times rear-end crashes  
17 with rear fires --
- 18 MR. STOCKWELL: Objection to form.
- 19 BY MS. DeFILIPPO:
- 20 Q. -- than the Explorer; is that fair?
- 21 A. Can you repeat the question for me? It was a long  
22 question, just the actual question.
- 23 Q. Well, compare if you would the Ford Explorer to the  
24 Grand Cherokee. The Grand Cherokee having less  
25 crashes than the Ford Explorer with less crashes has

00186

- 1 two times more rear fires than, in rear-end collisions  
2 with fatalities than the Explorer, correct?
- 3 A. Well, I don't know that it had less crashes. It had a  
4 lower crash rate, but it may not have necessarily had  
5 less crashes.
- 6 Q. What's the difference?
- 7 A. Number of crashes versus crashes per million vehicle  
8 years.
- 9 Q. Okay, per million years of use. So it had the lowest  
10 -- it had the second lowest crashes per million years  
11 of vehicle use, correct?
- 12 A. Yes, ma'am.
- 13 Q. Okay. And the Explorer had the highest, third highest  
14 crashes per million years of use, correct?
- 15 A. That's correct.
- 16 Q. And yet the Grand Cherokee had 25 counts of rear fires  
17 to the Explorer's 10?
- 18 A. That's what the chart reflects, yes.
- 19 Q. All right. And do you have the data for what the  
20 black bar represents?
- 21 A. We have the data available, yes.
- 22 Q. Okay, and I'd like you to supply that data if you  
23 would.
- 24 MS. JEFFREY: I'll take that under  
25 advisement.

00187

1 BY MS. DeFILIPPO:

2 Q. Does Chrysler have the data or is that also Paul  
3 Taylor's data?

4 A. It was data that was generated on behalf of Chrysler  
5 by Paul Taylor.

6 Q. And did Paul Taylor give you the data along with the  
7 analysis?

8 A. Yes, ma'am.

9 MS. DeFILIPPO: And I would like that data,  
10 and obviously we can talk about it later.

11 BY MS. DeFILIPPO:

12 Q. Can you tell me, when you look at this chart, does the  
13 Trooper have a gas tank, the model year Trooper '93 to  
14 2004, does that have a gas tank behind the axle?

15 A. I don't know.

16 Q. The Pathfinder, does that have a gas tank behind the  
17 axle?

18 A. I don't know.

19 Q. '93 to 2004, I'm sorry?

20 A. With the exception of -- with the exception of the  
21 Grand Cherokee, I don't have at my disposal an  
22 analysis of where the gas tank was located relative to  
23 the axle on any of these vehicles.

24 Q. So do you offhand know if the Explorer from the years  
25 '93 to 2004 had a gas tank located behind the axle,

00188

1 rear axle?

2 A. I don't recall. I know that some of these vehicles  
3 during a portion of that '93 through 2004 model year  
4 had fuel tanks located aft of the axle. I do know  
5 that. They came out during the course of the  
6 investigation. I asked that question, and the answer,  
7 you know, just to make sure that Chrysler wasn't  
8 necessarily an outlier with respect to the design, and  
9 the answer was no, other vehicles during that period  
10 had a rear-mounted fuel tank, but as to --

11 Q. But you don't know which of these vehicles, and if you  
12 did, you don't know which years they had their gas  
13 tanks behind the axle as you sit here today, correct?

14 A. The data is available, but I don't -- the data is  
15 available. When I say that, it's -- you know, we  
16 could go and inspect all of the vehicles, but offhand  
17 right now I couldn't tell you.

18 Q. Does Paul Taylor have the data for that?

19 A. I don't believe he would. That's not something that  
20 we would have asked him to do.

21 Q. Do you know where the gas tank is located on the Jeep  
22 Grand Cherokee WK that was a 2005 vehicle going  
23 forward?

24 A. That wasn't the subject of the investigation, so I  
25 didn't look into that. I'm not certain.



00189

- 1 Q. So now if you look at Chrysler 14 and you look at the  
2 model years 1993 to 1998, all fatal rear impacts  
3 identifying crashes with fire as the most harmful  
4 event, and if you look at the Grand Cherokee, it's  
5 still the second to lowest bar on the crashes per  
6 million years of use, and the Explorer is still third  
7 to the highest, and the Grand Cherokee had nine counts  
8 of rear fire to the Explorer's one with more crashes  
9 per million years of use; is that fair?
- 10 A. I think I understand your question, but would you mind  
11 repeating it?
- 12 Q. If you look at the Grand Cherokee, you got less  
13 crashes for the Grand Cherokee per million years of  
14 use and more counts of rear fires than any other  
15 vehicle on that graph, correct?
- 16 A. That's what's reflected in this graph, yes.
- 17 Q. And nine to one without adjustment for the common  
18 denominator which would be crashes per million years  
19 of use, correct?
- 20 MS. JEFFREY: Object to form.
- 21 BY MS. DeFILIPPO:
- 22 Q. Nine to one on the Explorer without even adjusting for  
23 the fact that there were less overall crashes per  
24 million years of use in the Grand Cherokee?
- 25 MS. JEFFREY: Object to form. What's the

00190

- 1 question?
- 2 A. Yeah, I don't quite -- I think you maybe are asking it  
3 -- I don't understand the question.
- 4 BY MS. DeFILIPPO:
- 5 Q. Okay. Let me ask it a different way. If the Explorer  
6 and the Grand Cherokee had the same amount of crashes  
7 per million years of use, it wouldn't be nine to one  
8 anymore; the number would be significantly different,  
9 wouldn't you say?
- 10 MS. JEFFREY: Object to form.
- 11 A. I think perhaps you don't understand the chart. I can  
12 help explain it if you have particular questions, but  
13 I don't agree with what you just said, no.
- 14 BY MS. DeFILIPPO:
- 15 Q. Okay. Did you compile this chart, Chrysler 14, the  
16 first one for model years '93 to '98?
- 17 A. Again, the FARS analysis was done at the request of  
18 Chrysler, the investigative team specifically, by Paul  
19 Taylor.
- 20 Q. So it was done by Paul Taylor on Paul Taylor's data,  
21 correct?
- 22 A. No. It was done based upon NHTSA's data. NHTSA --
- 23 Q. Okay.
- 24 A. NHTSA is responsible for and owns the FARS database.  
25 What Paul did on our --

00191

- 1 Q. But Paul --
- 2 MS. JEFFREY: Wait. Go ahead.
- 3 A. What Paul did on Chrysler's behalf was an analysis of
- 4 NHTSA's FARS data.
- 5 BY MS. DeFILIPPO:
- 6 Q. But Paul actually went to the NHTSA database and
- 7 gleaned and procured and obtained that data, correct?
- 8 A. Yes, ma'am.
- 9 Q. Chrysler didn't give Paul Taylor the data from the
- 10 NHTSA data bank; Paul did it himself, correct?
- 11 A. We hired Paul to do that, that's correct.
- 12 Q. I understand that but nobody at Chrysler actually
- 13 collected the data from NHTSA and handed it to Paul
- 14 and said, Now do this bar graph; it was Paul who went
- 15 and got the data and then did the bar graph at the
- 16 request of Chrysler, correct?
- 17 A. As I stated before, that's correct.
- 18 Q. Okay. Maybe you can explain to me how, how you would
- 19 compare the model years 1993 to '98 Grand Cherokee and
- 20 versus the Explorer based on the bar graph as you see
- 21 it on Chrysler 14?
- 22 A. So the way to compare the performance of the Jeep
- 23 Grand Cherokee relative to its peer vehicles, not just
- 24 the Ford Explorer, but relative to the peer vehicles
- 25 is reflected on Slide 15. I believe it's Bates or

00192

- 1 Bates page marked Chrysler 15.
- 2 Q. No, Mr. Dillon, I didn't ask that question. I asked
- 3 you to look at the bar graph on Chrysler 14 and tell
- 4 me, if you can, if you can't, tell me that, too, if
- 5 you can compare the performance of the Grand Cherokee
- 6 versus just the Explorer for purposes of my question
- 7 in the model years 1993 to '98?
- 8 MS. JEFFREY: Object to form.
- 9 A. You have to be specific about the criteria that you
- 10 want me to use to compare the vehicles.
- 11 BY MS. DeFILIPPO:
- 12 Q. Well, what criteria can you use based on this bar
- 13 graph on Chrysler 14?
- 14 A. Well, there is a value represented by the dark-colored
- 15 bar. Those are conditions per million vehicle years,
- 16 fatalities where -- let me make sure I get this
- 17 correct.
- 18 Okay. So that's all other fatal rear
- 19 impact events regardless of whether or not there was a
- 20 fatality, that's the dark bar.
- 21 Q. No, regardless of whether there's a fire?
- 22 A. A fire or not, that's correct, that's what's stated on
- 23 the chart.
- 24 Q. Right.
- 25 A. Okay?

00193

1 Q. Okay.

2 A. The other comparison that you could make would be to  
3 compare the light-colored portions of the bar. Those  
4 represent the conditions per million vehicle years of  
5 specifically rear impacts where there was a fatality  
6 where fire was identified as the most harmful event.  
7 Finally, you could simply compare the absolute  
8 numbers. Those are the three means by which I'm aware  
9 of you could compare the Grand Cherokee with the peer  
10 vehicles using this data.

11 Q. Okay. Now has Chrysler ever conducted any consumer  
12 research wherein the consumers were unanimous in their  
13 desire to see the auto manufacturers exceed government  
14 safety regulations?

15 MS. JEFFREY: Object to foundation.

16 MR. STOCKWELL: Join.

17 A. I'm not -- to me that sounds like marketing work, and  
18 I don't nor have I ever worked in that department, so  
19 I couldn't speak to that. I don't know.

20 BY MS. DeFILIPPO:

21 Q. Did you submit any document or are you aware of any  
22 document that indicates that the Kline, the Susan  
23 Kline ZJ, Grand Cherokee ZJ represented a  
24 configuration that complied with 301?

25 MS. JEFFREY: Object to form.

00194

1 A. Can you repeat the question again?

2 MS. DeFILIPPO: Yes, she can read it back.  
3 (The requested portion of the record was  
4 read by the reporter at 4:43 p.m. as  
5 follows:

6 "Question: Did you submit any document or  
7 are you aware of any document that  
8 indicates that the Kline, the Susan Kline  
9 ZJ, Grand Cherokee ZJ represented a  
10 configuration that complied with 301?")

11 A. Our test data demonstrates that the, the ZJ complied  
12 at all times, so my answer to that would be yes.  
13 However, I believe you're asking a very, very specific  
14 question, and so I don't want to misrepresent myself.  
15 The answer is I'm not certain that that exact  
16 combination of build was ever reflected in our  
17 certification testing. I could look and we could  
18 determine that, but I don't want to say with certainty  
19 that that's the case.

20 BY MS. DeFILIPPO:

21 Q. Did you ever submit to NHTSA in connection with the PE  
22 involving the Jeep Grand Cherokee the Baker memo which  
23 is dated 1978 --

24 MR. STOCKWELL: Objection, foundation.

25 BY MS. DeFILIPPO:

00195

- 1 Q. -- from the Baker/Sinclair memo regarding fuel system  
2 design, Chrysler passenger cars and trucks?  
3 A. I don't believe that we submitted a document  
4 pertaining to Baker you said?  
5 Q. Yeah, L.L. Baker, Manager Automotive Safety, and  
6 R.M. Sinclair, Director of International Product  
7 Development?  
8 A. No, we didn't submit any documents with those names on  
9 them that I recall.  
10 Q. And can I ask you if you are aware of any documents  
11 related to an investigation of fuel tank relocation  
12 ahead of the rear wheels for vans and multi-purpose  
13 vehicles?  
14 MS. JEFFREY: And you're reading from a  
15 1978 document; is that correct?  
16 MS. DeFILIPPO: Yes.  
17 MS. JEFFREY: So you're asking if he was  
18 aware of an investigation in 1978?  
19 MS. DeFILIPPO: No.  
20 BY MS. DeFILIPPO:  
21 Q. If there was any investigation from 1978 going forward  
22 of fuel tank relocation at Chrysler ahead of the rear  
23 wheels for vans and multi-purpose vehicles at any time  
24 from 1978 to the present?  
25 A. That doesn't really fall within the scope of my

00196

- 1 responsibility, nor would it have been responsive to  
2 NHTSA's investigation, so no, I didn't seek out any  
3 information like that, nor am I aware of any in  
4 particular.  
5 Q. Did you put in your documents that you submitted to  
6 NHTSA under your cover letter a statement about the ZJ  
7 being based on 70, 7-0 years of design?  
8 MS. JEFFREY: Can he look at the document?  
9 Which one are you referring to?  
10 MS. DeFILIPPO: He can look at it.  
11 MS. JEFFREY: Which one?  
12 A. It's not 70. It's 77.  
13 BY MS. DeFILIPPO:  
14 Q. Are you looking through the documents?  
15 A. No, I'm not looking through the documents. If you can  
16 refer to me --  
17 Q. Do you recall making the statement -- do you recall  
18 making the statement that the Jeep Grand Cherokee, to  
19 NHTSA, was based on 70, 7-0 years of design?  
20 MS. JEFFREY: 77-0, what does that mean?  
21 MS. DeFILIPPO: 7-0, 70 years of design.  
22 BY MS. DeFILIPPO:  
23 Q. Do you recall that statement in any of the documents  
24 that you submitted to NHTSA?  
25 A. Yeah, I may have. The Jeep or the Jeep Grand Cherokee

00197

- 1 has many decades of history associated with it, but  
2 I'd have to take a look at the document. If you can  
3 point out where we said that, then I can answer a  
4 question.
- 5 Q. All right, I'll get back to that.
- 6 Are you aware of any rear-end hit fire  
7 deaths involving the Jeep Grand Cherokee after 2005?
- 8 A. I'm not aware of any, but that's not something that we  
9 evaluated during the course of this investigation.
- 10 Q. Do you know whether or not the FMEA was, an FMEA was  
11 ever done for the fuel system on the ZJ?
- 12 A. I wasn't involved in the development of that program  
13 nor the components of the system but -- so I'm not  
14 certain. I couldn't answer that.
- 15 Q. Did Mr. Zylik or Teets ever discuss with you whether  
16 or not an FMEA was ever done for the fuel system on  
17 the ZJ?
- 18 A. I believe it's likely that there was an FMEA done at  
19 the component level on the fuel system components, but  
20 that's not something I have at my disposal.
- 21 Q. Do you believe that the FARS data included the fire  
22 death of Jose Sierra?
- 23 MR. STOCKWELL: Objection.
- 24 A. I'm not familiar with the name specifically, so I  
25 could, given the appropriate amount of time, look and

00198

- 1 determine that, but I can't put a -- I can't -- I  
2 don't recognize that name.
- 3 BY MS. DeFILIPPO:
- 4 Q. Are you familiar with the Rodney Wood case that  
5 happened in Texas, there was a death by fire in a  
6 rear-end hit?
- 7 MR. STOCKWELL: Objection.
- 8 A. I believe that we have a summary of that event that we  
9 include in our submission to NHTSA.
- 10 BY MS. DeFILIPPO:
- 11 Q. Was the Rodney Wood case included in the FARS data?
- 12 A. Again, I don't know which precise cases were included  
13 in the FARS data and which ones were not. I can tell  
14 you that we submitted 25 individual cases where there  
15 was a rear impact that resulted in a fire, and our  
16 FARS assessment actually identified 25 rear impact  
17 cases where there was a fire. So my belief is that  
18 it's likely that if all of these cases you're  
19 referring to are included in our submission, that I  
20 would have to verify, but if that's the case, then the  
21 answer would be yes.
- 22 Q. And who would have the data for you to verify that;  
23 would that be Paul Taylor, also?
- 24 A. I would have the data. I would probably work with  
25 Paul to make sure that I identified the absolute

00199

1 correct case and correlate it with the lawsuit that  
2 you're referring to.

3 Q. Okay. And I would then ask that you tell me if the  
4 FARS data that you used in your analysis contained the  
5 Jose Sierra Jeep death by fire, the Bennett Hartsel  
6 Jeep death by fire --

7 MS. JEFFREY: Which was a rollover by the  
8 way.

9 MS. DeFILIPPO: That's right.

10 BY MS. DeFILIPPO:

11 Q. -- and the Rodney Wood death by fire because I think  
12 we've already established that Jarmon was not  
13 included?

14 A. I don't recall establishing that.

15 MS. JEFFREY: And I object to form. Do you  
16 have a question, Angel?

17 MR. WESTENBERG: What's the question of the  
18 witness?

19 MS. JEFFREY: What's your question?

20 BY MS. DeFILIPPO:

21 Q. My question is: Were those four cases included in the  
22 FARS data which was used and submitted to NHTSA?

23 MS. JEFFREY: Do you know?

24 A. Again, I would have to look at each individual case --  
25 MR. WESTENBERG: As you sit here today.

00200

1 A. -- and cross-reference it and make sure that it is, in  
2 fact, included but again, there were 25 FARS cases  
3 identified, and we submitted 25 known incidents to  
4 NHTSA. So if I were put in a position to answer the  
5 question right now, I simply couldn't because I don't  
6 know the cases by name, okay?

7 BY MS. DeFILIPPO:

8 Q. Okay.

9 A. But given a sufficient amount of time, I could  
10 certainly do that for you.

11 Q. Okay, thank you. Would you agree with me that the  
12 Jeep Grand Cherokee 1993 to 2004 is ten times more  
13 likely to have a rear fire in rear impact than the  
14 Ford Explorer?

15 MR. STOCKWELL: Objection to form.

16 A. No, I would not agree with that.

17 BY MS. DeFILIPPO:

18 Q. When you -- when you did your comparison with these  
19 vehicles and you included the Chevy Blazer, does the  
20 Chevy Blazer have a two-door model?

21 A. I would have to check. I'm not certain that it had a  
22 two-door model or not.

23 Q. Well, the data Page 06 or the criteria Page 06 that we  
24 looked at says that the Chevy S-10 Blazer included the  
25 Chevy S -10 and the T-10 Blazer. Do you know whether

00201

1 any of the Blazers that were used for comparison in  
2 your FARS data was a two-door Blazer?  
3 A. As I stated earlier, I'm not certain of that but I  
4 could certainly look into it and let you know.  
5 Q. Did you discuss with either Mr. Teets or Zylik what,  
6 if anything, Chrysler does after submitting the  
7 compliance reports to NHTSA, and by that I mean are  
8 there any routine post-compliance report audits done  
9 by Chrysler?  
10 MS. JEFFREY: Object to form.  
11 A. I am not certain whether or not we performed  
12 post-compliance crash tests verification activity.  
13 I'm not certain. But what I can say is that, in fact,  
14 NHTSA does do that. They have a COP program, a  
15 Conformance Production Program, whereby every year  
16 they identify, you know, a fairly large number of  
17 target vehicles, and as part of their program of  
18 ensuring that the manufacturers are, in fact,  
19 compliant, they test those vehicles relative to the,  
20 to the Federal Vehicle Safety Standards, and if at any  
21 point the vehicles are identified as noncompliant,  
22 then obviously manufacturers would have to remedy  
23 that, and the fact is that --  
24 BY MS. DeFILIPPO:  
25 Q. So are you saying that --

00202

1 MS. JEFFREY: Angel, he did not finish. Go  
2 ahead.  
3 MS. DeFILIPPO: Oh, I'm sorry. I thought  
4 he did.  
5 BY MS. DeFILIPPO:  
6 Q. Go ahead. I'm sorry.  
7 A. I lost my train of thought.  
8 MS. DeFILIPPO: Want to read back the  
9 answer and you can continue. Go ahead. I'm sorry. I  
10 don't hear the end.  
11 MS. JEFFREY: He can't remember. Just go  
12 on.  
13 THE WITNESS: No apology necessary. I lost  
14 my train of thought. We can move forward.  
15 MS. DeFILIPPO: Well, read back the last  
16 answer because now I lost you.  
17 (The requested portion of the record was  
18 read by the reporter at 4:57 p.m. as  
19 follows:  
20 "Answer: I am not certain whether or not  
21 we performed post-compliance crash tests  
22 verification activity. I'm not certain.  
23 But what I can say is that, in fact, NHTSA  
24 does do that. They have a COP program, a  
25 Conformance Production Program, whereby

00203

1 every year they identify, you know, a  
2 fairly large number of target vehicles, and  
3 as part of their program of ensuring that  
4 the manufacturers are, in fact, compliant,  
5 they test those vehicles relative to the,  
6 to the Federal Vehicle Safety Standards,  
7 and if at any point the vehicles are  
8 identified as noncompliant, then obviously  
9 manufacturers would have to remedy that,  
10 and the fact is that --")  
11 THE WITNESS: Uh-oh, she's frozen.  
12 MS. DeFILIPPO: You're frozen, Angel.  
13 (Recess taken at 4:57 p.m.)  
14 (Back on the record at 5:01 p.m.)  
15 MS. DeFILIPPO: I think we were going to  
16 read back your last answer, correct?  
17 MS. JEFFREY: You weren't getting it when  
18 she read it I assume.  
19 (The requested portion of the record was  
20 read by the reporter at 5:02 p.m. as  
21 follows:  
22 "Answer: I am not certain whether or not  
23 we performed post-compliance crash tests  
24 verification activity. I'm not certain.  
25 But what I can say is that, in fact, NHTSA

00204

1 does do that. They have a COP program, a  
2 Conformance Production Program, whereby  
3 every year they identify, you know, a  
4 fairly large number of target vehicles, and  
5 as part of their program of ensuring that  
6 the manufacturers are, in fact, compliant,  
7 they test those vehicles relative to the,  
8 to the Federal Vehicle Safety Standards,  
9 and if at any point the vehicles are  
10 identified as noncompliant, then obviously  
11 manufacturers would have to remedy that,  
12 and the fact is that --")  
13 A. I think where I was going with that is, you know, the  
14 ZJ that you're referring to was, in fact, at all times  
15 compliant with the 301 standard. Our testing records  
16 show that and the field data demonstrates that, you  
17 know. With nearly 20 years in the field and over  
18 300 billion miles accumulated, the vehicle is  
19 performing well in the field, and the occupants or the  
20 operator is at no greater risk of experiencing these  
21 events than the peer vehicles.  
22 BY MS. DeFILIPPO:  
23 Q. So can you tell me specifically what NHTSA audits took  
24 place on the 1993 to 1997 ZJ or '6 let's say?  
25 A. I didn't look into that, no.



00205

- 1 Q. And would Chrysler have a record of that?  
2 A. I don't believe Chrysler would have a record of that.  
3 Q. But NHTSA would?  
4 A. NHTSA would if they did that, yeah.  
5 Q. Does Chrysler test their cars every year on assembly?  
6 MR. STOCKWELL: Object to the form.  
7 A. Test vehicles for what?  
8 BY MS. DeFILIPPO:  
9 Q. For compliance with federal regulations?  
10 MR. STOCKWELL: Object to the form.  
11 A. Is there a particular regulation that you're referring  
12 to?  
13 BY MS. DeFILIPPO:  
14 Q. Let's take 301.  
15 A. Once the vehicle is complied, right, we test the  
16 vehicle to ensure that it meets the 301 standards,  
17 unless there is a change that takes place from one  
18 model year to the next that would have resulted in  
19 potentially a change in performance in the 301 test,  
20 then no, we wouldn't do that from one year to the  
21 next.  
22 Q. Okay. And so am I correct in stating that there is no  
23 random testing that's done for compliance --  
24 MS. JEFFREY: Object to form.  
25 MR. STOCKWELL: Object to the form.

00206

- 1 BY MS. DeFILIPPO:  
2 Q. -- inside Chrysler, inside Chrysler that is?  
3 A. Random testing, I'm not sure what you mean by that.  
4 Q. Just randomly pull out a vehicle and test it --  
5 MS. JEFFREY: Object to form.  
6 MR. STOCKWELL: Object to the form.  
7 BY MS. DeFILIPPO:  
8 Q. -- without a regular set testing schedule or reason,  
9 just a random test?  
10 A. Well, I can represent to you that often prior model  
11 year vehicles are used for development testing for the  
12 subsequent model year.  
13 Q. Now when you said 300 billion miles, what did you mean  
14 by that?  
15 A. I mean the 3 million vehicles that were built in the  
16 1993 through 2004 model year, the Jeep Grand Cherokees  
17 have accumulated over 300 billion miles subsequent to  
18 their being introduced into the market.  
19 Q. And how did you arrive at that number 300 billion  
20 miles; again, was that a Paul Taylor number?  
21 A. No, I don't believe Paul Taylor necessarily developed  
22 that. It would be based on the number of vehicles  
23 that were on the road each calendar year and the  
24 average number of miles that that particular category  
25 of vehicle travels per year.

00207

- 1 Q. And the data that you got for the number of vehicles  
2 on the road on any given year, was that supplied to  
3 you by Paul Taylor?
- 4 A. No. That type of information would be available  
5 through Ward's Automotive.
- 6 Q. I'm sorry, say it again, who?
- 7 A. That type of information, average vehicle miles  
8 traveled per year is publicly available through many  
9 sources, one of which is Ward's Automotive.
- 10 Q. And is that where you obtained that information that  
11 you testified to today?
- 12 A. That would be one source of the information. I don't  
13 recall exactly where we procured the average vehicle  
14 miles traveled per year for a midsize SUV, but Ward's  
15 is a source that you could rely on.
- 16 Q. Now I asked you earlier if you knew Clarence Ditlow  
17 and you said that you met him in person I believe?
- 18 MS. JEFFREY: Object to form.
- 19 A. I don't believe you asked me if I met him, so I'll say  
20 that I have not met him, and I've not spoken with him,  
21 either.
- 22 BY MS. DeFILIPPO:
- 23 Q. You have not met him in person but have you spoken to  
24 him on the phone?
- 25 A. I have not.

00208

- 1 Q. Did you interface with him in any other way,  
2 electronically, emails or mail or any other way?
- 3 A. As we discussed earlier in response to a letter that  
4 was submitted to Chrysler from Mr. Ditlow to  
5 Mr. Marchionne, we have a process by which that  
6 information is filtered through our call center, and  
7 based on the subject matter, I was made aware of that  
8 letter, and I subsequently wrote a response to  
9 Mr. Ditlow.
- 10 Q. So the response that came from Chrysler was your  
11 letter to Mr. Ditlow.
- 12 A. It's my signature on that letter, yes, ma'am.
- 13 MS. DeFILIPPO: That's the letter that we  
14 don't have that we're supposed to be supplied with,  
15 correct?
- 16 MS. JEFFREY: You never gave me the fax  
17 number. Do you want me to fax it to you?
- 18 MS. DeFILIPPO: Yeah. We never got the fax  
19 number. Can you give her the fax number?
- 20 BY MS. DeFILIPPO:
- 21 Q. Did Chrysler conduct any rear structural crash --  
22 crush measurements resulting from a crash?
- 23 MR. STOCKWELL: Object to the form.
- 24 MS. JEFFREY: Join.
- 25 BY MS. DeFILIPPO:

00209

1 Q. To your knowledge?

2 A. That's not something that I would have looked for  
3 during the course of our investigation, so -- but  
4 during the course of the investigation, I did not  
5 become aware of that, but it doesn't necessarily mean  
6 that Chrysler did not. So the answer is I don't know.

7 Q. As a result of any 301 testing that Chrysler did, was  
8 any crush data compiled by Chrysler for the ZJ?

9 A. I'm not a crash test engineer, but during the course  
10 of the investigation, it seems I would have been aware  
11 of that as it is basically an analysis of a test, and  
12 based on that information, I would suggest that we  
13 likely did not, but I'm not aware of any.

14 Q. Now I know I requested earlier the drawings, and I  
15 believe that those drawings are also the subject of  
16 the document that you said that you read that was  
17 submitted to NHTSA by Paul Sheridan, correct?

18 MS. JEFFREY: Just object to form. You're  
19 using the word "drawings", and graphics are what he  
20 testified about.

21 MS. DeFILIPPO: I'm sorry, say that again?  
22 I didn't hear you.

23 MS. JEFFREY: You're using the word  
24 "drawings" and it's graphics that the -- that we  
25 sought protection for.

00210

1 MS. DeFILIPPO: I know. Let me just find  
2 the letter. There was 12 drawings that were indicated  
3 to be confidential, and I believe that's what I  
4 requested.

5 MS. JEFFREY: You're right, skid plate  
6 drawings, you're right about that.

7 MS. DeFILIPPO: Okay. So that's the --  
8 it's the documents that were referred to by Paul  
9 Sheridan. That's the ones I'm thinking of or asking  
10 for.

11 MS. JEFFREY: What's the question, Angel?

12 MS. DeFILIPPO: Just making sure that, is  
13 that going to be something you're going to fax to me  
14 or are you going to get them at a later time?

15 MS. JEFFREY: Well, no, what I was going to  
16 fax you was this letter I have available right now. I  
17 don't have the graphics that are part of the docket  
18 submission. But they were submitted under  
19 confidentiality, and like I said, I will provide those  
20 to you this week.

21 MS. DeFILIPPO: I just want to make sure  
22 we're on the same page as to what I asked for. I want  
23 the 12 drawings that were referred to by the Paul  
24 Sheridan letter which we marked.

25 Did you fax it to her?

00211

1                   Because I don't see the document here right  
2 now, but I know we faxed it to you. Did you get a  
3 fax?  
4                   MS. JEFFREY: Angel, would you put your  
5 request in writing so that the record can be clear?  
6                   MS. DeFILIPPO: Okay. Your letter.  
7                   (Off the record at 5:13 p.m.)  
8                   (Back on the record at 5:13 p.m.)  
9                   MS. JEFFREY: Angel, you did not -- the  
10 letter you faxed over was the one to -- the one to  
11 Sergio Marchionne by Ditlow. I have not seen anything  
12 from Sheridan.  
13                   (Off the record at 5:13 p.m.)  
14                   (Back on the record at 5:14 p.m.)  
15                   MS. DeFILIPPO: Let's take a quick break  
16 because obviously it disappeared, and it can't have  
17 gone anywhere.  
18                   MS. JEFFREY: Okay. We don't have that  
19 letter on this end. Just keep that in mind.  
20                   MS. DeFILIPPO: Well, I definitely had it  
21 on this end, and I don't know where it could have  
22 gone, so let me take a quick break and look through  
23 all these documents. Let's just take a five-minute  
24 break. It should be here.  
25                   (Recess taken at 5:14 p.m.)

00212

1                   (Back on the record at 5:25 p.m.)  
2 BY MS. DeFILIPPO:  
3 Q. We faxed to you the October -- it's stamped  
4 October 14th, 2011 document to Mr. Dillon from Otto G.  
5 Matheke, III, Senior Attorney at NHTSA, and the  
6 reference -- and I think we talked about it before,  
7 and I said did you mean that you were -- that you were  
8 aware of a document that references some request of  
9 Paul Sheridan. Do you recall that, Mr. Dillon?  
10 A. I recall the question, yes.  
11 Q. Okay. Do you have that document in front of you now  
12 that we faxed over?  
13 A. I do not.  
14                   MS. JEFFREY: The document you faxed over  
15 -- the only document we have that you faxed over is  
16 the September 1st, 2011 letter to Sergio Marchionne  
17 from Ditlow.  
18                   MS. DeFILIPPO: We just faxed this one just  
19 now.  
20                   MR. WESTENBERG: How many pages?  
21                   MS. JEFFREY: How many pages?  
22                   MS. DeFILIPPO: Two.  
23                   MS. JEFFREY: Okay. It's coming, yeah,  
24 okay. Next question? Can we jump around maybe?  
25                   MS. DeFILIPPO: The question -- I just want

00213

1 to make sure that the drawings that we're referring to  
2 that we're requesting are the drawings that were the  
3 subject matter of that letter. They're 12 drawings.

4 MS. JEFFREY: Yes, yeah, we understand that  
5 and they are among what we will be producing.

6 MS. DeFILIPPO: Okay, thank you.

7 BY MS. DeFILIPPO:

8 Q. Now, I know, Mr. Dillon, I had referenced before the  
9 70-year history that you made reference to in your  
10 attachments to NHTSA, and I'm referencing your  
11 November 12th, 2010 submission on Page 8 of 22. I  
12 know you had asked me to reference it.

13 My question to you previous in this  
14 deposition was whether or not you made reference to a  
15 70-year history of designing automobiles with a fuel  
16 tank aft of the rear axle, and you indicated you may  
17 have but you wanted me to direct you to where. Do you  
18 see where you indicated that?

19 A. Yes, ma'am.

20 Q. Okay. Just for the record, the statement actually  
21 starts with: The fuel system design strategies that  
22 were used in the 1993 to 2004 Jeep Grand Cherokee  
23 vehicles were not developed in a vacuum. Rather, they  
24 were the result of more than a 70-year history of  
25 designing automobiles with fuel tank aft of the rear

00214

1 axle.

2 Is that your statement on Page 8 of the  
3 document of 22 pages?

4 A. Yes, ma'am.

5 Q. And you do not have any personal information about  
6 this; you had to obtain that information from somebody  
7 else either within your team or within Chrysler,  
8 correct?

9 A. Yeah, that would be correct.

10 Q. And so in answering the questions as posed by NHTSA in  
11 response to the PE, you went back to a history of more  
12 than 70 years where the fuel tanks were designed aft,  
13 behind the rear axle, correct?

14 A. What I was referring to is the organization that has  
15 had multiple names, but the organization that now was  
16 referred to as the Chrysler Group, LLC, has had a long  
17 history of developing vehicles in general. Among  
18 those vehicles developed over the last 70 years, there  
19 have been a number of them that have been packaged  
20 with a fuel tank behind the rear axle.

21 Q. Okay. And was this a design that the engineers  
22 developed, or did this come from packaging within the  
23 corporation?

24 MS. JEFFREY: Object to form.

25 A. I wasn't involved at the time with the development of

00215

1 these, certainly the '93 through 2004 programs, and  
2 clearly programs before that I certainly wasn't  
3 involved in. So I'm not the person to ask that  
4 question. I don't know.

5 BY MS. DeFILIPPO:

6 Q. Okay. And so any of this information that you have  
7 with respect to the Jeep Grand Cherokee 1993 through  
8 1996 is not based on firsthand information; you had to  
9 get it from somewhere else, correct, your personal  
10 firsthand information?

11 A. Well, I'm not sure what you mean by that. My role as  
12 the head of this department is to oversee a team  
13 that's responsible for collecting the information  
14 that's responsive to the investigation. So the  
15 information that I have available to me is information  
16 that, in fact, is gathered from individuals within the  
17 organization and in some cases outside the  
18 organization as required, but I would still consider  
19 that firsthand information. I'm overseeing the team  
20 that's responsible for collecting that information.

21 Q. What did you do to verify that Chrysler had a 70-year  
22 history of designing automobiles with the fuel tank  
23 aft of the rear axle?

24 A. We spoke with our engineering community to make sure  
25 that the Grand Cherokee wasn't, in fact, the only

00216

1 vehicle that had ever had a rear-mounted fuel tank.

2 Q. So who did you speak to, I'm sorry, I didn't get who  
3 you spoke to?

4 A. I don't recall by name but certainly Mike Teets and Ed  
5 Zylik were the primary folks on the team relative to  
6 that subject matter.

7 Q. And they told you about the history of the fuel tank  
8 location on the Jeeps in particular?

9 A. We primarily in the course of the investigation  
10 focused on the '93 through 2004 Jeep Grand Cherokees,  
11 that's correct.

12 Q. And when you investigated the 70-year history of  
13 Chrysler designing automobiles with the fuel tank aft  
14 of the rear axle, did you come up with the  
15 Baker/Sinclair memo?

16 A. First of all --

17 MR. STOCKWELL: Object to the form.

18 MS. JEFFREY: Object to form.

19 A. I didn't say I investigated the 70-year history. What  
20 I stated was in over 70 years, we have had a history  
21 or experience with mounting fuel tanks aft of the  
22 axle. So we didn't develop these designs -- we,  
23 Chrysler, didn't develop these designs in a vacuum.  
24 We did it based on years of experience.

25 BY MS. DeFILIPPO:

00217

1 Q. Okay. And when you did your investigation to be able  
2 to make that statement, did you discover the  
3 Baker/Sinclair memo in 1978?

4 MR. STOCKWELL: Object to the form.

5 A. No, ma'am.

6 BY MS. DeFILIPPO:

7 Q. Okay. And did your investigation also include when  
8 you went back to the 70-year history the Dodge  
9 Durango?

10 MR. STOCKWELL: Objection to the form and  
11 your continued use of the word "investigation".

12 MS. JEFFREY: And foundation as well.

13 MS. DeFILIPPO: I believe that the witness  
14 used the word "investigation".

15 A. Can you repeat the question?

16 BY MS. DeFILIPPO:

17 Q. When you -- when you were obtaining information to  
18 support your statement that the design of the Jeep was  
19 based on a 70-year history of designing automobiles  
20 with the fuel tank aft of the rear axle, did you look  
21 at the design of the Dodge Durango as one of those  
22 automobiles designed by Chrysler?

23 MS. JEFFREY: Object to form.

24 A. The Dodge Durango is sort of outside the scope of the  
25 investigation that we were asked, you know, to

00218

1 perform. What I was indicating is that Chrysler over  
2 the last 70 years has had experience in mounting fuel  
3 tanks aft of the axle. In fact, NHTSA, itself, has  
4 gone on public record as identifying fuel tanks  
5 designed aft of the rear axle as being a reasonable  
6 placement. In fact, they've indicated that it's the  
7 design of the components and the system and the  
8 structure that's much more important as compared to  
9 the actual location of the tank.

10 BY MS. DeFILIPPO:

11 Q. And so they were referring to protection, and if  
12 you're going to design a vehicle with a fuel tank aft  
13 of the rear axle, then there are many other things to  
14 take into consideration by way of protection and  
15 safety and crashworthiness, correct?

16 MR. STOCKWELL: Object to the form.

17 BY MS. DeFILIPPO:

18 Q. Is that what NHTSA was referring to?

19 MR. STOCKWELL: How would he know that?

20 Object to the form.

21 A. I wouldn't know specifically what NHTSA is referring  
22 to. What they're --

23 BY MS. DeFILIPPO:

24 Q. Well, didn't you -- I'm sorry, are you still  
25 answering?

00219

- 1 MS. JEFFREY: Yes.
- 2 A. Well, their statement was general to the location of  
3 fuel tanks aft of the axle. NHTSA has went on the  
4 record as stating that it's a reasonable position, a  
5 reasonable design alternative and that what's most  
6 important rather than the actual location of the tank  
7 is the design of the components and the structure that  
8 supports and protects the fuel tank.
- 9 BY MS. DeFILIPPO:
- 10 Q. Right. So NHTSA did not confine manufacturers to a  
11 location when it came to where the fuel tank would be,  
12 correct; you would agree with that?
- 13 A. Yes, ma'am.
- 14 Q. However, they did speak to protection and the  
15 importance of being aware that wherever the tank is  
16 mounted and designed, that it be safe and that the  
17 vehicle be crashworthy, correct?
- 18 MS. JEFFREY: Object to form.
- 19 A. That's not what they said.
- 20 BY MS. DeFILIPPO:
- 21 Q. Do you think that NHTSA requires that the vehicle be  
22 crashworthy?
- 23 MR. STOCKWELL: Object to the form.
- 24 A. NHTSA has a definition of crashworthy, and my  
25 understanding of that definition is the protection

00220

- 1 that the vehicle provides to prevent an unreasonable  
2 risk of injury or fatality in the event of a crash.
- 3 BY MS. DeFILIPPO:
- 4 Q. Okay. Now getting back to Mr. Ditlow, you -- I think  
5 you said that you did not meet him but you are aware  
6 who he is, correct?
- 7 A. That's correct.
- 8 Q. And with respect to the PE 10-031, you disagree with  
9 Mr. Ditlow, correct --
- 10 MS. JEFFREY: Object to form.
- 11 BY MS. DeFILIPPO:
- 12 Q. -- you and Chrysler?
- 13 MR. STOCKWELL: In what respect?
- 14 A. I'm not sure what you're asking me to disagree with.
- 15 BY MS. DeFILIPPO:
- 16 Q. You disagree with Mr. -- do you disagree with  
17 Mr. Ditlow that the Jeep Grand Cherokee has a defect  
18 that requires NHTSA to address?
- 19 MR. STOCKWELL: Object to the form.
- 20 A. Based on the test data, it demonstrates that the  
21 vehicles complied with the 301 standard, and based on  
22 the field data that indicates that the Jeep Grand  
23 Cherokees are not overly-represented and that  
24 occupants of the Jeep Grand Cherokees are no more  
25 likely to end up in one of these incidents, the answer



00221

1 is yes, I disagree with Mr. Ditlow.  
2 BY MS. DeFILIPPO:  
3 Q. So you disagree that the design of the Jeep Grand  
4 Cherokee poses an unreasonable risk to the consumer,  
5 correct?  
6 MR. STOCKWELL: Object to the form.  
7 A. I disagree that it poses an unreasonable risk to motor  
8 vehicle safety.  
9 BY MS. DeFILIPPO:  
10 Q. Do you -- do you respect Mr. Ditlow --  
11 MR. STOCKWELL: Objection --  
12 BY MS. DeFILIPPO:  
13 Q. -- as an individual who has a position to present?  
14 MS. JEFFREY: I object to form and  
15 foundation. He doesn't know Mr. Ditlow, so he cannot  
16 respect or disrespect him.  
17 BY MS. DeFILIPPO:  
18 Q. Do you know if Chrysler has any relationship with or  
19 ever had any relationship with Mr. Ditlow?  
20 A. I believe in the past there have been conversations  
21 that took place between Chrysler representatives and  
22 Mr. Ditlow.  
23 Q. Do you or did you become aware of the fact that in the  
24 past, Chrysler was interested in Mr. Ditlow's approval  
25 of their particular automobiles?

00222

1 MS. JEFFREY: Object to form.  
2 MR. STOCKWELL: I'll join.  
3 A. Are you suggesting to me that Chrysler asked for  
4 approval from the CAS for their vehicles? I'm not  
5 aware of that.  
6 BY MS. DeFILIPPO:  
7 Q. Did you -- are you aware of Chrysler seeking  
8 Mr. Ditlow or the Center for Auto Safety's endorsement  
9 of the safety of any of the Chrysler vehicles?  
10 MR. STOCKWELL: Object to the form.  
11 A. I wasn't involved in any of those conversations, so I  
12 couldn't speak to that. So I don't know.  
13 BY MS. DeFILIPPO:  
14 Q. Did anybody tell you that Chrysler had direct  
15 discussions with Mr. Ditlow and the Center for Auto  
16 Safety regarding their internal crash test results?  
17 A. I'm not aware of those discussions.  
18 Q. Do you know a man named Lewis Goldfarb?  
19 A. No.  
20 Q. Did you say no?  
21 A. I don't know who that person is.  
22 Q. Did you ever hear his name, Lewis H. Goldfarb?  
23 A. No, ma'am.  
24 Q. And if I tell you he was the Assistant General Counsel  
25 at Chrysler Corporation back in the '90s, it would

00223

1 mean nothing to you?

2 MR. STOCKWELL: Object to the form.

3 A. I mean no disrespect to that, but I'm not familiar  
4 with that name nor his association with Chrysler.

5 BY MS. DeFILIPPO:

6 Q. And in researching the history of the Jeep Grand  
7 Cherokee, the ZJ, did you ever run across the name  
8 Mr. Goldfarb at any time?

9 A. No, ma'am. I just want to be clear. What we  
10 investigated with respect to the Jeep Grand Cherokee  
11 was specific to what we were asked to investigate by  
12 the agency. In addition to that information, we,  
13 again, did several analyses related to the performance  
14 of the vehicle in the field. So there may have been  
15 documents or something that, you know, may have this  
16 person's name on it with respect to the Jeep Grand  
17 Cherokee, but I'm not aware of it.

18 Q. Chrysler came to some conclusions, however, with  
19 respect to the defect alleged regarding the Jeep Grand  
20 Cherokee, correct?

21 MS. JEFFREY: Object to form.

22 MR. WESTENBERG: Asked and answered.

23 MS. JEFFREY: NHTSA did not allege a  
24 defect.

25 MS. DeFILIPPO: I said a defect alleged,

00224

1 and I'm not even talking about NHTSA.

2 BY MS. DeFILIPPO:

3 Q. In this case, in the Kline case, did Chrysler come to  
4 any decisions with respect to whether there was a  
5 defect in the Jeep Grand Cherokee?

6 A. I'm not privy to the discussions pertaining to the  
7 Kline case. What I can tell you is that the Jeep ZJ  
8 that Ms. Kline was driving was at all times compliant  
9 with the 301 standard. These events are extremely  
10 rare, and in nearly 20 years, the field data supports  
11 the fact that occupants of the Jeep ZJs or the Grand  
12 Cherokees built during that time were not  
13 overly-represented, and the occupants are no more  
14 likely to experience this event than those in the peer  
15 vehicles.

16 Q. Are you saying that a Jeep in the configuration and  
17 outfitted the way the Kline Jeep was outfitted was  
18 tested on 301 testing and passed 301 tests?

19 MR. STOCKWELL: Object to the form.

20 A. You've already asked that question, and I answered to  
21 the best of my ability.

22 BY MS. DeFILIPPO:

23 Q. But I think now you're changing your answer, or maybe  
24 I'm incorrect --

25 A. No, ma'am.

00225

- 1 Q. -- but I think your answer was you didn't know.  
2 Wasn't that your answer?
- 3 A. Well, what I -- what I stated was that the ZJ of that  
4 vintage was tested for and complied with the standard.  
5 You were very specific to the exact configuration of  
6 the Kline vehicle --
- 7 Q. That's right.
- 8 A. -- and I'm not aware of what that exact configuration  
9 was, but I can tell you with certainty that from  
10 Chrysler's perspective, that vehicle complied with the  
11 standard.
- 12 Q. But can you tell me with certainty that that vehicle  
13 in that configuration was tested by Chrysler on the  
14 301 testing?
- 15 A. When -- as I understand it, as I've learned during the  
16 course of this investigation, our test engineers and  
17 our fuel system engineers particular to this 301 test  
18 standard, they evaluate the multiple different  
19 iterations of the vehicle configurations, and what  
20 they do is test what they believe to be worst case  
21 scenarios, and when the opportunity presents itself,  
22 they also test configurations that may be in between,  
23 what might be considered to be, you know, one end of  
24 the spectrum on the build configuration and the  
25 opposite end of the spectrum.

00226

- 1 So in the judgment of our engineers at the  
2 time, all of the configurations in the Jeep Grand  
3 Cherokee configured -- or excuse me -- complied with  
4 the 301 standard.
- 5 Q. How does judgment enter into a test? If you're  
6 testing -- my question is clearly confined, as you  
7 said, as you correctly said, to the specific  
8 configuration that was being driven by Susan Kline at  
9 the time that she burned to death, and I'm not  
10 interested in all the iterations. I'm talking about  
11 that configuration on the 1996 Jeep Grand Cherokee,  
12 and you stated previously and I think you said you  
13 didn't know if that particular configuration was  
14 tested and met the 301 standards. I'm just making  
15 sure you're not changing your answer at this time  
16 because I wasn't sure from your last answer or last  
17 couple of answers?
- 18 MS. JEFFREY: Objection. I want to know  
19 what the question is, Angel.
- 20 BY MS. DeFILIPPO:
- 21 Q. So the question is: Are you stating that you, without  
22 qualification, that a vehicle with the configuration  
23 of the Jeep Grand Cherokee 1996 that Susan Kline was  
24 driving at the time that she died was tested and  
25 passed the 301 testing that Chrysler did?

00227

1 MR. STOCKWELL: Object to the form.

2 A. I believe I indicated initially in my response that I  
3 believed that it was. However, there are thousands of  
4 configurations of the Jeep Grand Cherokee vehicle, I'm  
5 certain of that. So did we run thousands of tests for  
6 each particular configuration? The answer is no. So  
7 standing here today not knowing the configuration of  
8 Ms. Kline's vehicle relative to the configurations  
9 that were ran during the 301 compliance testing, I  
10 can't say for certain that that exact configuration  
11 was tested.

12 What I can tell you is each configuration  
13 is considered based on what I've learned from the  
14 testing community as we develop our test program. So  
15 what our test engineers do is identify what's  
16 considered to be the worst case scenario. They test  
17 that vehicle, and the configurations that are not  
18 exactly equivalent to that vehicle that was tested are  
19 deemed to be compliant.

20 BY MS. DeFILIPPO:

21 Q. So are you saying that you can tell me that a base  
22 model 1996 Jeep Grand Cherokee without any added  
23 configurations, the very base model with no trailer  
24 hitch on it, no skid plate on it, no brackets on it  
25 and a compact spare was tested and passed 301 testing

00228

1 at Chrysler?

2 MR. STOCKWELL: Objection to the form.

3 A. As I've stated, I'm not familiar with the specific  
4 configuration of Ms. Kline's vehicle. I would have to  
5 have that information and compare it to what was  
6 tested. Even if that exact configuration was not  
7 tested during the development and compliance testing  
8 for that vehicle, I can assure you based on the  
9 conversations that I've had with our testing community  
10 that that configuration was considered in developing  
11 that test plan.

12 BY MS. DeFILIPPO:

13 Q. And the conversations with your testing community  
14 would be Mr. Teets?

15 A. Well, Mr. Teets is not a test engineer. At the time  
16 he was a fuel systems engineer. Our conversation --

17 Q. Mr. Zylik?

18 A. -- primarily --

19 Q. Mr. Zylik?

20 A. Yes, ma'am.

21 Q. So he would be the one and people associated with his  
22 department then, correct?

23 A. He would be our primary contact for that information  
24 regarding the Jeep Grand Cherokee.

25 Q. And that's where you would get the information that

00229

1 makes you confident to state that you believe that  
2 Miss Susan Kline's vehicle in her configuration was  
3 tested and passed?  
4 MR. STOCKWELL: Object to the form.  
5 MS. JEFFREY: Object to form.  
6 A. Again, I did not state that that configuration  
7 specifically was tested. What I stated --  
8 MR. STOCKWELL: That's good.  
9 MS. DeFILIPPO: That's okay.  
10 MS. JEFFREY: Angel, that fax came in, the  
11 letter to Mr. Dillon from NHTSA regarding the  
12 confidentiality.  
13 MS. DeFILIPPO: Yes. So you know what  
14 we're referring to then?  
15 MS. JEFFREY: He has not looked at it yet.  
16 So I'll give it to him now if you want to question  
17 him. Do you want this marked, Angel?  
18 MS. DeFILIPPO: Yeah, why don't we mark it  
19 Dillon, is it 6 now?  
20 MS. JEFFREY: 6, yeah.  
21 MS. DeFILIPPO: On 12-21-11.  
22 MARKED FOR IDENTIFICATION:  
23 DEPOSITION EXHIBIT 6  
24 5:48 p.m.  
25 (Off the record at 5:48 p.m.)

00230

1 (Back on the record at 5:48 p.m.)  
2 MS. JEFFREY: Angel, are we close to being  
3 done? The witness is getting pretty fatigued and  
4 we've been going for eight hours.  
5 MS. DeFILIPPO: I'm sorry, say that again.  
6 I didn't hear you.  
7 MS. JEFFREY: Are we going to wrap this up  
8 soon? The witness is fatigued and we've been going  
9 eight hours. It's after 6:00.  
10 MS. DeFILIPPO: Yeah, I don't think we have  
11 much more. I think we're almost done.  
12 While he's looking at that, Mr. Stockwell,  
13 are you there?  
14 MR. STOCKWELL: I am here.  
15 MS. DeFILIPPO: Can you tell me if -- can  
16 you tell me that we've gone through the documents that  
17 you've supplied in your packet? I think we've gone  
18 through them all.  
19 MR. STOCKWELL: You've gone through the  
20 majority of them I'm sure. I'm not sure if each  
21 individual -- there are some stand-alone documents.  
22 MS. DeFILIPPO: I'll just make sure I've  
23 gone through all of them with him.  
24 MS. JEFFREY: He's reviewed the document.  
25 BY MS. DeFILIPPO:

00231

1 Q. Okay. You've had an opportunity to look at Dillon 6  
2 which we've marked today. Have you responded to that  
3 document?

4 A. Yes, we have.

5 Q. And that was the response I requested earlier,  
6 correct? Now having looked at the document just so  
7 that we're clear on the record, it's the response to  
8 Dillon 6 that we requested?

9 MS. JEFFREY: Okay. I'll submit that yes,  
10 that is the response that you requested, and we'll get  
11 back to you on that.

12 MS. DeFILIPPO: I just wanted to confirm  
13 the record.

14 BY MS. DeFILIPPO:

15 Q. And in going back to the documents that were the hard  
16 copy that you have before you, we've gone through  
17 Dillon 2 and 3 which are the letters to NHTSA signed  
18 by you, and we've gone through Chrysler documents 1  
19 through, I believe, 81 which were some of the  
20 attachments, correct?

21 MS. JEFFREY: It's that document.

22 A. We reviewed -- we reviewed our submission that's  
23 numbered 1 through 81. We didn't review it in its  
24 entirety.

25 BY MS. DeFILIPPO:

00232

1 Q. That went with the November 12th letter?

2 A. This did not. This was a subsequent discussion that  
3 we had with the agency on approximately the end of  
4 March or early April as I recall.

5 Q. Okay. So it was a subsequent presentation, is that  
6 what it was, in March or April?

7 A. I think there may be a date on the title that is  
8 provided to you. 4-16-2011, Chrysler Group  
9 presentation.

10 Q. I don't have that piece.

11 A. I remember you showing that to me.

12 MS. JEFFREY: Angel, that was the one that  
13 I told you my office prepared just so that you would  
14 know what that document is. You held it up a while  
15 ago.

16 MS. DeFILIPPO: Okay. Yeah, I remember  
17 that document. I just knew that -- okay. I knew that  
18 it wasn't his document and I put it aside.

19 Okay. I want to refer you to Chrysler 81,  
20 just look at Chrysler 81 because I think we did not,  
21 and the page before Chrysler 81 is Chrysler 76 in my  
22 packet. So am I missing five pages?

23 MS. JEFFREY: Angel, you're missing more  
24 than five pages because this is the nonconfidential  
25 portion of the submission. You'll see it ends at 35

00233

1 and then picks up again at 70 or something. That is  
2 among the documents that we will provide to you.

3 MS. DeFILIPPO: Okay, fine. Because I was  
4 going to have a question about 81. I can't in any way  
5 decipher what that means without the portions that  
6 precede it. This is obviously some type of a police  
7 report.

8 BY MS. DeFILIPPO:

9 Q. Can you identify Chrysler 81, Mr. Dillon, for me?

10 A. I believe it was a portion of a police report  
11 regarding one of the FARS cases.

12 Q. And it was a Michigan Police report, correct?

13 A. Yes, ma'am.

14 Q. So can you tell me the significance of a Michigan  
15 Police report in this presentation when I believe that  
16 the states were Illinois, Florida, and North Carolina?

17 A. As I recall, this was information regarding a  
18 particular FARS case that, as I understand it, was  
19 misappropriately coded. So this was the support, the  
20 back-up information to provide NHTSA so that they  
21 understood why, in fact, a particular FARS case that  
22 may have been coded as a rear impact with fire as the  
23 most harmful event was, in fact, not in our  
24 submission.

25 Q. And just so that we're clear on this, FARS data is

00234

1 data that's compiled for NHTSA, but it is based on  
2 coding that is done in each individual state by  
3 persons from looking at police reports, correct?

4 A. My understanding is that the coding tends to be done  
5 by the police department, themselves, and they have a  
6 means of feeding that data or that information into  
7 the, into the FARS database.

8 Q. But it is not the actual police report, itself. It is  
9 another middle person looking at the police reports  
10 and then coding the information from the police  
11 report, correct?

12 A. I don't recall. This may very well be directly from a  
13 police report, but I don't recall specifically.

14 Q. So who would know that, Mr. Taylor?

15 A. Mr. Taylor would know that, yes.

16 Q. Okay. Thank you. Just give me one minute and I think  
17 I can wrap this up.

18 Oh, I do have a question. I don't know if  
19 -- I know you said that you read the letter of  
20 Mr. Ditlow to Mr. Marchionne of December 1st, 2011,  
21 correct, and you responded to that letter, correct.

22 A. That's correct.

23 Q. In that letter, I believe Mr. Ditlow makes reference  
24 to from the period 19 -- and I think that's on Page 2,  
25 1990 --

00235

1 MS. JEFFREY: You have faxed this letter to  
2 us. May we mark it?  
3 MS. DeFILIPPO: Oh, you don't have a copy  
4 of it there? I thought you did.  
5 MS. JEFFREY: You faxed it to us, yes.  
6 It's right here.  
7 MS. DeFILIPPO: Okay.  
8 MS. JEFFREY: So that will be --  
9 MS. DeFILIPPO: So let's mark it Dillon 7.  
10 MS. JEFFREY: And let him look at it?  
11 MS. DeFILIPPO: Yes.  
12 MARKED FOR IDENTIFICATION:  
13 DEPOSITION EXHIBIT 7  
14 5:57 p.m.  
15 THE WITNESS: Oh, I can review it now?  
16 MR. WESTENBERG: Yeah, go ahead.  
17 THE WITNESS: Why don't we --  
18 MS. JEFFREY: He's had a chance to take a  
19 look at it, Angel.  
20 BY MS. DeFILIPPO:  
21 Q. Okay. On Page 2, Mr. Ditlow makes reference to in the  
22 first paragraph from the period of '93 to 2009, there  
23 have been 184 fatal fire crashes in Jeep Grand  
24 Cherokees that have resulted in 269 deaths and  
25 numerous burn injuries.

00236

1 And then he says: At least 78 of the  
2 deaths are due to fire according to the available  
3 medical and government records with the real number of  
4 fire deaths higher.  
5 Do you dispute his numbers?  
6 A. With respect to the defect that Mr. Ditlow is  
7 alleging, yes, I disagree with those numbers.  
8 Q. And the defect that your understanding that he is  
9 alleging is the location and protection of the fuel  
10 tank --  
11 A. No.  
12 Q. -- along with the fuel filler hoses routed through the  
13 side rails of the Jeep Grand Cherokee?  
14 MS. JEFFREY: Object to form.  
15 BY MS. DeFILIPPO:  
16 Q. Is that your understanding of what defect he's  
17 alleging?  
18 A. My understanding of the alleged defect is fuel-fed  
19 fires in the event of a rear impact where fire is  
20 identified as the most harmful event.  
21 Q. But what is the defect of the vehicle? There has to  
22 be a defect in the vehicle, itself, that causes the  
23 fuel-fed fires. So what is your understanding of what  
24 defect Mr. Ditlow is alleging in the preliminary  
25 evaluation?



00237

1 MS. JEFFREY: Okay. Ditlow is not alleging  
2 anything in the preliminary evaluation. He has filed  
3 a defect petition where he alleges a defect, and he  
4 can respond to the extent he knows. He's not alleging  
5 anything in the PE.  
6 MS. DeFILIPPO: Fine. Thank you for that  
7 clarification.  
8 BY MS. DeFILIPPO:  
9 Q. Now can you tell me what defect we're dealing with?  
10 A. There is no defect.  
11 MS. JEFFREY: Object to form.  
12 BY MS. DeFILIPPO:  
13 Q. There's no defect. And what is the alleged defect  
14 that Mr. Ditlow is complaining of?  
15 A. I can't speak on behalf of Mr. Ditlow. I know what  
16 the alleged defect is in the investigation that I was  
17 tasked with responding to.  
18 Q. Okay. What was the alleged defect in the  
19 investigation that you were asked to respond to?  
20 A. Rear impact events that resulted in a fire where fire  
21 was identified as the most harmful event. Rear  
22 impacts --  
23 Q. So are you saying -- I'm sorry.  
24 A. Rear impacts are defined as impacts in the 5, 6, or  
25 7:00 position.

00238

1 Q. So you're calling rear impact fires a defect?  
2 A. No.  
3 MS. JEFFREY: Object to form. He's saying  
4 there is no defect.  
5 A. I have not said that there is a defect. The alleged  
6 --  
7 BY MS. DeFILIPPO:  
8 Q. I'm not asking --  
9 A. You can refer to the opening --  
10 Q. I'm not asking you to say -- wait a minute. Let me  
11 clarify. I'm not asking you to say whether or not  
12 that there is a defect. I am saying that you are  
13 responding to a defect petition --  
14 A. I'm not responding to a defect petition.  
15 MS. JEFFREY: All right. Just object to  
16 form. Just to put it on the record, Chrysler does not  
17 respond to the defect petition filed by the Center for  
18 Auto Safety.  
19 MS. DeFILIPPO: You're right.  
20 MS. JEFFREY: Chrysler responds to the  
21 preliminary evaluation information requests submitted  
22 by NHTSA.  
23 MS. DeFILIPPO: Fine.  
24 BY MS. DeFILIPPO:  
25 Q. The defect petition alleges a defect in the vehicle,

00239

1 or there would not even be a preliminary evaluation.  
2 MS. JEFFREY: Object to form.  
3 MR. STOCKWELL: Objection. There's no  
4 question.  
5 MS. JEFFREY: What's the question?  
6 BY MS. DeFILIPPO:  
7 Q. Well, isn't the preliminary evaluation based on the  
8 defect petition of Mr. Ditlow and the Center for Auto  
9 Safety?  
10 A. I believe --  
11 Q. Isn't that how it comes about?  
12 MS. JEFFREY: Well, let him answer.  
13 A. I believe that the investigation was influenced by the  
14 defect, by the petition, excuse me.  
15 BY MS. DeFILIPPO:  
16 Q. By the defect petition of Mr. Ditlow, correct?  
17 A. I don't know if I would characterize it as a defect  
18 petition or not. I'm not familiar with the technical  
19 term. The petition.  
20 Q. Well, what defect is being alleged in the petition?  
21 A. I have not made a matter -- have not made it my  
22 business to try to identify what specifically  
23 Mr. Ditlow is claiming to be the defect. My job is to  
24 respond to the agency, and the agency has defined the  
25 alleged defect as I previously explained.

00240

1 Q. So are you saying that NHTSA defined the alleged  
2 defect of the vehicle as a post-collision fuel-fed  
3 fire; that's the defect alleged?  
4 A. Yes, ma'am, that's correct.  
5 Q. Okay. In 2005 on Page 2, Mr. Ditlow indicates that in  
6 2005, the fuel tank in the Grand Cherokee was moved  
7 forward of the rear axle under pressure from  
8 Daimler-Benz. Do you dispute that?  
9 A. I wasn't -- I wasn't involved in that, the development  
10 of that vehicle, so I couldn't answer that question.  
11 I don't know.  
12 Q. Did your team tell you or did you obtain any  
13 information as to whether or not the fuel tank was  
14 moved forward of the rear axle in 2005 under pressure  
15 from Daimler-Benz?  
16 MS. JEFFREY: Object to form.  
17 A. No, I did not.  
18 MS. JEFFREY: We're going to need to take a  
19 break if this continues much longer. I'd like to wrap  
20 it up.  
21 MS. DeFILIPPO: All right. Let's take a  
22 quick break, and then we'll wrap it up.  
23 (Recess taken at 6:05 p.m.)  
24 (Back on the record at 6:10 p.m.)  
25 MS. JEFFREY: Angel, before we go -- Angel,

00241

1 just let me put something on the record.  
2 MS. DeFILIPPO: Yes.  
3 MS. JEFFREY: We were here at 10:00 ready  
4 to start the deposition. We've been going all day  
5 with some short breaks, including a half hour for  
6 lunch. He's getting really tired. We need to wrap  
7 this up.  
8 MS. DeFILIPPO: Well, we may have to -- I  
9 mean, I'd love to wrap it up. Part of the reason why  
10 we're here so long is because I think we had some  
11 issue about, you know, the way the questions were -- I  
12 don't want to go into that.  
13 MS. JEFFREY: Let's not go there.  
14 MS. DeFILIPPO: There was an issue with how  
15 questions were asked but, however, I don't want to  
16 come back again. I just want to be able --  
17 MR. STOCKWELL: Well then, finish.  
18 MS. JEFFREY: Let's just get this done  
19 within the next 10 or 15 minutes.  
20 MS. DeFILIPPO: Well, I'll do the best I  
21 can.  
22 MR. WESTENBERG: No. We're done at 6:30.  
23 MS. JEFFREY: We're going to pull the plug  
24 at 6:30.  
25 MR. FUSCO: She's not getting this.

00242

1 MS. DeFILIPPO: Well, you can pull the plug  
2 and we'll be back again.  
3 MS. JEFFREY: Well, let's just move on.  
4 Let's see if we can get this done.  
5 BY MS. DeFILIPPO:  
6 Q. I'm looking at the October 15th, 2010 letter of David  
7 Dillon to Mr. Scott Yon, Chief, reference NVS-21211h;  
8 PE10-031. Do you have that in front of you? It has  
9 attachment Page 1 of 9 which starts with the  
10 preliminary statement.  
11 MS. JEFFREY: Where is Exhibit 1 or 2?  
12 MR. STOCKWELL: 2 is right here. Sorry.  
13 MS. JEFFREY: He's got that.  
14 BY MS. DeFILIPPO:  
15 Q. Okay. If you look at Page 8 of 9, Page 8 of 9 reads  
16 in Section G --  
17 A. 8 of 9?  
18 MR. WESTENBERG: Yes.  
19 MS. JEFFREY: No. That's the November one.  
20 MR. WESTENBERG: The October one.  
21 BY MS. DeFILIPPO:  
22 Q. Page 8 of 9, Section G. This was your response to  
23 Question 9 from NHTSA?  
24 A. If you can just hold on one second, I apologize. I'm  
25 getting there. Okay. Page 8 of 9?

00243

1 Q. Yeah.

2 MS. JEFFREY: Okay. We're there.

3 MS. DeFILIPPO: Okay. And for some reason  
4 I don't think this was marked. So I think we should  
5 make it Dillon 8.

6 MS. JEFFREY: This was marked as Dillon 3.

7 MS. DeFILIPPO: No. Dillon 3 was only the  
8 -- hold on -- let me just make sure I'm correct.

9 MS. JEFFREY: No. You questioned him at  
10 length about this. He went through and identified all  
11 the enclosures --

12 MS. DeFILIPPO: No. Okay. It was marked  
13 as Dillon 3. I'm sorry.

14 BY MS. DeFILIPPO:

15 Q. But I'd like you to look at Page 8 of 9 and Section G.  
16 It says in the Paragraph G in the last couple  
17 sentences: Although the primary purpose of a skid  
18 plate is not to protect the fuel tank in rear-end  
19 collisions, as an interim measure the skid plate was  
20 made standard for production vehicles during the time  
21 period December 14th, 2001 to September 4th, 2002 when  
22 a reinforced ORVR control valve was being developed.

23 First of all, what's the ORVR control  
24 valve, what does that stand for?

25 A. It's an onboard refueling vapor recovery valve.

00244

1 Q. Okay. So getting back to the sentence where you say,  
2 The primary purpose of a skid plate is not to protect  
3 the fuel tank in a rear-end collision but it was used  
4 as an interim measure to protect the fuel tank in  
5 rear-end collisions on vehicles that did not have the  
6 reinforced ORVR control valve, is that accurate?

7 MS. JEFFREY: Object to form. That's not  
8 what it states.

9 MS. DeFILIPPO: Well, you can object. I'm  
10 asking the witness if that's an accurate statement.

11 A. All right. Can you guide me to the sentence once  
12 again? I apologize.

13 BY MS. DeFILIPPO:

14 Q. Although the primary purpose of a skid plate is not to  
15 protect the fuel tank in rear-end collisions, as an  
16 interim measure the skid plate was used to protect the  
17 fuel tank in rear-end collisions during the period  
18 when the reinforcing ORVR control valve was being  
19 developed.

20 Is that a fair statement?

21 MS. JEFFREY: I'm objecting to form on  
22 this. It relates to a specific recall that is not  
23 applicable to the ZJ but he can answer --

24 MS. DeFILIPPO: I think it's very  
25 applicable. We can argue about that in court. I'm

00245

1 asking the question --

2 MS. JEFFREY: But I want the record to  
3 reflect that this relates to recall A-10 which relates  
4 to 71,000 2002 WJs.

5 MS. DeFILIPPO: I get that.

6 MS. JEFFREY: Okay.

7 MS. DeFILIPPO: My question is as to the  
8 skid plate.

9 MS. JEFFREY: What's your question?

10 THE WITNESS: Well, can I -- I'd just like  
11 to point out that what you're reading is not exactly  
12 what I'm reading in front of me.

13 BY MS. DeFILIPPO:

14 Q. I understand that. I'm asking you, after having read  
15 exactly what was there, I'm asking the question that  
16 although the primary purpose of the skid plate was not  
17 to protect the fuel tank in rear-end collisions, as an  
18 interim measure the skid plate was used to protect the  
19 fuel tank in the situation where --

20 MR. FUSCO: It doesn't say that word for  
21 word. Read what it says.

22 BY MS. DeFILIPPO:

23 Q. The reinforced ORVR control valve was being developed,  
24 for example. Is that a fair interpretation of what  
25 you say there?

00246

1 A. I'll read what is written here because I'm not sure --  
2 Q. I read what was written. I'm not asking you to read  
3 it. I read it already.

4 I'm saying to you: In that sentence you're  
5 indicating that the skid plate is not normally used to  
6 protect the fuel tank from rear-end collision, but it  
7 was used in the context of the ORVR control valve  
8 situation, and wasn't it being used to protect the  
9 fuel tank while this was being developed?

10 MR. STOCKWELL: Object to the form.

11 MS. JEFFREY: Object to form.

12 A. Well, I'm not sure I would characterize it that way.  
13 Let's take a step back.

14 The ORVR valve design was new for the 2002  
15 model year WJ. During development testing for the  
16 2003 model year WJ, it was discovered that there was a  
17 noncompliant scenario, a situation with the 2002 model  
18 year fuel system. What we did was immediately stop  
19 the sale of those vehicles and worked to identify an  
20 interim solution that would enable that particular  
21 model year of that particular body style to comply  
22 with the 301 standard.

23 As it states, the purpose of the skid plate  
24 is not to protect -- it's not put there, right, to  
25 protect the fuel tank in the event of a rear impact.

00247

1           However, it was determined that in this case on this  
2           body style and this model year it, in fact, did change  
3           the impact dynamics such that this particular body  
4           style and model year could, in fact, comply with the  
5           301 standard.

6       BY MS. DeFILIPPO:

7       Q.    And wouldn't you also agree that the interim solution  
8           to comply with 301 was the use of the skid plate in  
9           the context that you've just described?

10                   MS. JEFFREY:  Object to form.

11       A.   That's correct.

12       BY MS. DeFILIPPO:

13       Q.    Okay.  When the fuel tank location was -- was the fuel  
14           tank location changed in the WJ?

15       A.   Not that I'm aware of.

16       Q.    I'd like to direct you to 005533.

17                   MS. JEFFREY:  What is that document,  
18           please?

19                   MS. DeFILIPPO:  I don't know.  I have to  
20           find it myself because I have it in my notes.

21                   MR. FUSCO:  Sheila, we want our five  
22           minutes.

23                   MS. JEFFREY:  Angel, Defendants' counsel  
24           would like five minutes with this witness, so we're  
25           heading up on towards 6:30, and you need to wrap this

00248

1           up.

2                   MS. DeFILIPPO:  Well, that's nice but we  
3           have people here that haven't asked questions also.  
4           So I don't think that's going to happen.

5                   MS. JEFFREY:  All right.  Well, we're  
6           ending at 6:30.

7                   MR. WESTENBERG:  At 6:30 we're done.

8                   MS. DeFILIPPO:  Okay.  Well, that's fine.

9                   MR. FUSCO:  Who else is going to ask  
10          questions?

11                   MR. STOCKWELL:  Who else is asking  
12          questions?

13                           (Off the record at 6:19 p.m.)

14                           (Back on the record at 6:19 p.m.)

15                   MR. STOCKWELL:  Angel, who's asking  
16          questions aside from you?

17                   MS. DeFILIPPO:  Mr. Gill.

18                   MR. GILL:  I don't have any.

19                   MR. FUSCO:  That was easy.

20                   MR. STOCKWELL:  Who else?

21                   MS. DeFILIPPO:  That's all I know.

22                   MR. FUSCO:  Okay.  Well, at 6:20 we're  
23          going to start asking questions.  This is ridiculous.

24                   MR. WESTENBERG:  She's forcing us to walk  
25          out, okay?  So let's just do it.

00249

1 MS. DeFILIPPO: Do you have that document?  
2 MS. JEFFREY: No. I don't know what that  
3 is. I can't find it.  
4 MR. FUSCO: Why don't you look for that  
5 document while we start asking questions.  
6 (Off the record at 6:20 p.m.)  
7 (Back on the record at 6:21 p.m.)  
8 MS. JEFFREY: Angel, I've got a copy of  
9 that. It looks like it's a one-and-a-half page  
10 narrative concerning the differences in design between  
11 the ZJ and WJ?  
12 MS. DeFILIPPO: Right, I have it, also.  
13 MS. JEFFREY: Okay.  
14 MS. DeFILIPPO: And it doesn't look like  
15 there's anything before it or after it. Am I missing  
16 some documents before it or after it also?  
17 MS. JEFFREY: No, this is Enclosure 7-A to  
18 the document, and it's a two-page document.  
19 MS. DeFILIPPO: Okay. Well, if you look at  
20 Page 5533, we'll mark it Dillon 8 or 7. What are we  
21 up to?  
22 MR. STOCKWELL: 8.  
23 MS. DeFILIPPO: Okay. And that's 1-21-11  
24 and you say in that document --  
25 MS. JEFFREY: Wait. She's got to mark it.

00250

1 Can you hold on?  
2 MARKED FOR IDENTIFICATION:  
3 DEPOSITION EXHIBIT 8  
4 6:21 p.m.  
5 A. Okay.  
6 BY MS. DeFILIPPO:  
7 Q. Mr. Dillon, have you had an opportunity to look at  
8 5533 and 5534, a two-page document?  
9 A. Yes, ma'am, briefly.  
10 Q. And is that a document submitted by you to NHTSA?  
11 A. Yes, ma'am.  
12 Q. Does that go with the November 12th packet of 2010?  
13 A. I don't recall --  
14 MS. JEFFREY: Yes.  
15 A. It was in one of the two submissions. I don't recall  
16 specifically which one.  
17 BY MS. DeFILIPPO:  
18 Q. Okay. Do you see the last paragraph there where it  
19 says: Specific differences in the rear components of  
20 fuel systems of the ZJ and the WJ include the size,  
21 shape, and capacity of the fuel tank --  
22 A. Yes, ma'am.  
23 Q. -- the design and location of the fuel tank in the WJ  
24 was changed to allow relocation of the spare tire from  
25 the interior of the ZJ to below the rear floor pan in

00251

1 the WJ.

2 Does that refresh your recollection as to  
3 whether or not the location of the fuel tank in the WJ  
4 was changed?

5 A. The WJ is the 1999 through 2004 model year Jeep Grand  
6 Cherokee. If you're referring to the general location  
7 of the tank relative to the axle, the answer is no.

8 Q. Well, I'm referring to what you referred to because I  
9 don't know what you're referring to. So that's why I  
10 wanted to direct your attention to that statement  
11 where it says: The design and location of the fuel  
12 tank in the WJ was changed to allow relocation of the  
13 spare tire from the interior of the ZJ to below the  
14 rear floor pan in the WJ.

15 I assume you mean the spare tire went below  
16 the rear floor pan, correct?

17 A. As I recall, yes, ma'am.

18 Q. Okay. So the changed location of the spare tire tub  
19 required lowering of the fuel tank, and I'm asking you  
20 what about the fuel tank in the WJ -- what about the  
21 location and the design was changed from the ZJ?

22 A. Well, I don't recall the specific criteria that would  
23 outline the difference in location. Generally it was  
24 still located behind the rear axle. However, you  
25 know, if you used the center of mass of the fuel tank

00252

1 relative to the center line of the axle, the position  
2 of the fuel tank did, in fact, change.

3 Q. Well, who would know how the design and location of  
4 the fuel tank in the WJ was changed; would that be  
5 Mr. Teets or Zylik?

6 A. I believe Mr. Teets would be the best person to speak  
7 to about the specifics of what exactly changed.

8 Q. And where you say the changed location of the spare  
9 tire tub required lowering of the fuel tank, do you  
10 mean lowering from the bottom of the car down toward  
11 the road?

12 A. That would be lower, yes, ma'am.

13 Q. Is that what the lowering in that context means in  
14 that sentence?

15 A. Yes, ma'am.

16 Q. And so can you tell me how the shape of the fuel tank  
17 was changed; was it basically the same shape with  
18 minor changes, or are you talking about an entirely  
19 different shape change?

20 MR. STOCKWELL: Object to the form.

21 A. Well, number one, I wasn't the design engineer for the  
22 fuel tank, all right? But the vehicle was completely  
23 different which is what we're pointing out here. The  
24 ZJ and the WJ are completely different vehicles by  
25 design, although they're both referred to as Jeep



00253

1 Grand Cherokees.

2 BY MS. DeFILIPPO:

3 Q. Did the WJ lose any fuel tank capacity from the ZJ?

4 A. I don't recall. That wasn't part of my investigation.

5 MS. JEFFREY: Okay, just --

6 BY MS. DeFILIPPO:

7 Q. I mean, you wrote this document that we've marked  
8 Dillon 8, and you made all these assertions. Where  
9 did the information come to back up these assertions?

10 MS. JEFFREY: And I object to form. He may  
11 not have written this document.

12 A. The information came as a result of the team  
13 collecting the information with respect to the ZJ and  
14 the WJ. What we were attempting to identify were  
15 major differences in the overall design. We didn't  
16 get into the specifics of the details of changes in  
17 capacity or changes in geometry. But, in fact, we  
18 know that the fuel system did, in fact, change as a  
19 result of the body style change from ZJ to WJ.

20 MS. JEFFREY: Okay. Just for the record,  
21 it's now 6:28. The dealer has indicated that they  
22 would like to spend five minutes questioning the  
23 witness, and as I said, we want to get out of here by  
24 6:30. We've been in here for over eight hours. So  
25 I'd like to let the dealer have their chance to

00254

1 question the witness and we can talk about --

2 MS. DeFILIPPO: You can't do that. This is  
3 a discovery dep, and you can't dictate who goes and  
4 when. It's my deposition as discovery dep, and he can  
5 go when I'm done, and as I said --

6 MR. WESTENBERG: You're done.

7 MS. JEFFREY: You're done, Angel, you're  
8 done now. We're not going to continue further.

9 MS. DeFILIPPO: Well then, you can stop but  
10 he's not questioning until I'm done. So I'm sorry but  
11 we can stop now and come back another day.

12 MS. JEFFREY: Okay.

13 MR. FUSCO: That's fine.

14 MS. DeFILIPPO: Okay. Thank you very much.

15 MR. WESTENBERG: Off the record.

16 (Deposition concluded at 6:28 p.m.)

17 Signature of the witness was requested.)

18

19

20

21

22

23

24

25

00255

1 THOMAS KLINE, et al,  
2 Plaintiffs,  
3 vs. Docket No. MRS-L-3575-08  
4  
5 VICTORIA MORGAN-ALCALA, et al,  
6 Defendants.  
7

8  
9 VERIFICATION OF DEPONENT  
10

11 I, having read the foregoing deposition  
12 consisting of my testimony at the aforementioned time  
13 and place, do hereby attest to the correctness and  
14 truthfulness of the transcript.  
15

16  
17  
18 \_\_\_\_\_  
19 DAVID DILLON  
20 Dated:  
21  
22  
23  
24  
25

00256

1 CERTIFICATE OF NOTARY  
2 STATE OF MICHIGAN )  
3 ) SS  
4 COUNTY OF MACOMB )  
5

6 I, LEZLIE A. SETCHELL, certify that this  
7 deposition was taken before me on the date  
8 hereinbefore set forth; that the foregoing questions  
9 and answers were recorded by me stenographically and  
10 reduced to computer transcription; that this is a  
11 true, full and correct transcript of my stenographic  
12 notes so taken; and that I am not related to, nor of  
13 counsel to, either party nor interested in the event  
14 of this cause.  
15

16  
17  
18 LEZLIE A. SETCHELL, CSR-2404  
19 Notary Public,  
20 Macomb County, Michigan.  
21  
22 My Commission expires: April 17, 2012  
23  
24  
25

# New study shows more deaths in GM pickups

By Bryan Gruley  
NEWS WASHINGTON BUREAU

WASHINGTON — A new General Motors Corp. analysis shows that GM's 1973-87 fullsize pickup trucks have a higher death rate in crashes than Ford and Chrysler models.

The new analysis, produced at the request of federal regulators, appears to contradict one of GM's key de-

fenses of its pickups, which critics say have killed at least 115 people in crash-related fires.

Clarence Ditlow of the Center for Auto Safety, a Washington consumer group, accused GM of "rigging the data" to make its trucks look safer until regulators called a halt.

GM spokesman Ed Lechtzin said the company was merely cooperating with the government's preliminary investigation of the trucks. The National Highway Traffic

Safety Administration (NHTSA) is considering whether to recall the vehicles, an estimated 5 million of which remain on the road. At issue is whether their side-saddle fuel tanks are vulnerable to puncture in a crash.

GM repeatedly has said the trucks have a lower overall death rate in crashes than comparable Ford and Chrysler models.

But a revised study by a GM consultant shows the GM fullsize models with a fatality rate higher

than that of both competitors. Despite the new findings, GM spokesman Lechtzin said the fatality rates are "still comparable."

But, he said, "We can't make the specific statement we made earlier."

In a Nov. 24 letter, GM General Counsel Harry J. Pearce apologized to NHTSA Administrator Marion Blakey for providing data which "obfuscated" the automaker's belief that the trucks are safe.

"We are redoubling our vigilance

to prevent such an occurrence in the future," Pearce wrote, adding, "there was absolutely no intention to mislead anyone."

NHTSA must decide by Dec. 14 whether to launch a full-scale investigation of the trucks. The Center for Auto Safety has asked the agency to order a recall.

"It's obvious that GM is now rigging the data to justify having

Please see Pickups, 2K

## Pickups: New numbers differ

From page 1E

killed so many Americans in fire crashes," center director Ditlow said.

GM's previous claim that its trucks had a lower fatality rate than Ford and Chrysler models was based on a comparison of GM's fullsize pickups to fullsize and smaller trucks made by its rivals.

At NHTSA's prompting, GM asked its consultant, Failure Analysis Associates Inc. of Menlo Park, Calif., to redo the study minus the smaller Ford and Chrysler models.

The result: GM trucks had 1.51 deaths per 10,000 crashes of all types, Ford 1.45 and Chrysler 1.16.

NHTSA investigators are struggling to determine whether the differences between those numbers matter.

GM trucks fared better in other

comparisons. For example, in side-impact crashes, Ford had a higher fatality rate than GM.

The rate of fatal fires in GM trucks was higher than either Ford or Chrysler.

Lechtzin said Pearce wrote NHTSA "so that the small discrepancy between those (new) numbers and our original numbers doesn't overshadow our good, sound case that the vehicles are safe."

A NHTSA official who spoke on the condition of anonymity said GM's revision appeared to be an honest effort to help the agency.

Agency officials Tuesday briefed Sen. Richard Bryan, D-Nev., on the truck matter. Bryan, who chairs a subcommittee with jurisdiction over the agency, is said to favor a full-scale investigation of the trucks.

GENERAL MOTORS CORPORATION

POST OFFICE BOX 33122  
DETROIT, MICHIGAN 48232

HARRY J. PEARCE  
EXECUTIVE VICE PRESIDENT  
AND GENERAL COUNSEL

NEW CENTER ONE BUILDING  
300 WEST GRAND BOULEVARD  
TELEPHONE 313/974-1400  
FACSIMILE 313/974-4009

November 24, 1992

The Honorable Marion C. Blakey  
Administrator  
National Highway Traffic Safety  
Administration  
400 Seventh Street, S.W.  
Washington, DC 20590

Dear Administrator Blakey:

General Motors is committed to working with the agency in a forthright and constructive fashion to resolve the questions that have arisen about our 1973-1987 C/K pickup trucks. As you know, it is our strongly-held belief that we have sound legal and factual arguments against the suggestion that these vehicles contain a safety-related defect. Given that, I was quite dismayed to learn yesterday that some aspects of the statistical analysis prepared by Failure Analysis Associates at our request and presented to the agency last month -- an analysis obviously submitted to the agency in an attempt to clarify our position -- may unfortunately have obfuscated it.

We are redoubling our vigilance to prevent such an occurrence in the future. You have my assurance that there was absolutely no intention to mislead anyone, and we trust that the additional information we are submitting to the agency will put this matter behind us.

Very truly yours,



DP92-016-27



Failure Analysis Associates, Inc.  
 Engineering and Scientific Services  
 149 Commonwealth Drive, P.O. Box 3015  
 Menlo Park, California 94025  
 (415) 688-7100 Telex 704216 Fax (415) 328-2996

Dr. Roger L. McCarthy, P.E.  
 Chairman and President

VIA FAX

24 November 1992

Mr. William Boehly, Associate Administrator for Enforcement  
 U.S. Department of Transportation  
 The National Highway Traffic Safety Administration  
 400 Seventh Street, SW, Room 5321  
 Washington, DC 20590

Re: Failure Analysis Associates, Inc. report concerning GM C/K series pickups.

Dear Bill:

This letter is a written summary of the information provided by Mr. Robert Lange of Failure Analysis Associates, Inc. (FaAA) concerning the various categories of accident data analyzed in connection with our report concerning GM C/K series trucks. I also wish to reiterate the offer made by Mr. Lange that we would be most interested and willing to replicate the various analyses that the agency has performed on available accident data, using the agency selected definitions and categories, to insure that there is agreement on what the available accident data indicates. I am certain that all involved would prefer to move beyond any questions related to data, and instead discuss relevance and interpretation.

It is my understanding that there may have existed some confusion as to whether the analysis we performed concerning other manufacturers included only "full size" pickups or "all" pickups. We regret any confusion that may have existed. As set forth in our two page discussion of "Comparison Vehicle Selection," our report compares GM C/K pickup post collision fire rate "performance to the performance of all [emphasis added] other light-duty vehicles on-the-road and subject to the same collision environment as are the GM C/K pickup trucks." [pg. 20] Further, on the same page, we explicitly define the comparison sets to accomplish this goal by stating:

"In summary, post collision fire rates of GM C/K pickups were compared to the following vehicle sets:

- o Chrysler Pickups;
- o Ford Pickups;
- o Nissan Pickups;

DP92-016-28

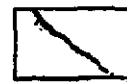
- o Toyota Pickups;
- o Average Passenger Car;
- o 95 percentile Passenger Car." [pg. 20]

I am informed by Mr. Lange that you inquired in the recent meeting if we had refined the analysis done in the report down to a comparison of "full size" GM pickups to "full size" Ford Pickups. We have developed data on selected "full size" pickup models subsequent to our initial report, and all this information will be provided this week. This analysis was not performed for the original report for reasons stated in Section 3.3 of our report:

"Fundamentally, occupants of pickup trucks are entitled to the same level of overall safety (that is, the same level of relative rarity of collision-fire events) as are occupants of other light-duty motor vehicles: passenger cars, vans, utility vehicles, and special purpose vehicles. That is, a determination of an acceptable collision-fire rate must apply uniformly across all classes of vehicles likely to be used as passenger conveyances. NHTSA implicitly adopted this philosophy in defining the appropriate motor vehicle fuel system integrity requirement for various classes of vehicles when it promulgated FMVSS 301 to apply equally to passenger cars, light trucks, and utility vehicles." [pg. 19]

Apart from the fundamental considerations set forth above, as you are aware, there simply is not a uniformly agreed upon definition of a "full size" pickup, just as there is no uniform definition of a "full size" car. The National Highway Traffic Safety Administration has obtained directly from Ford and Chrysler definitions and/or a list of "full size" models. FaAA does not have this information. Therefore, any set of "full size" vehicles FaAA selects runs the risk of being inconsistent with the manufacturer's definitions, and potentially opens FaAA to criticism if we were to inadvertently omit a group of "full size" trucks from analysis of another manufacturer's production that significantly affected the results one way or the other. Subsequent to our report we have performed the previously mentioned analysis of selected "full size" competitor models, which we hope will be helpful.

While a comparison of fire rates amongst "full size trucks" of various manufacturers might be an interesting academic exercise it is not clear how that would relate to the question of whether the subject GM vehicles presented an "unreasonable" fire risk to their occupants, and thus contained a defect. Whatever the relative ranking of fire risk amongst the various full size trucks is, their rates all fall within the range of those for other vehicles. If we chose another accident mode, such as rollover, the rankings would certainly change. The FMVSS quite correctly do not set one standard for "full size" pickups, and another for different vehicle classes.



- 28

I understand there was some discussion of the standard for "comparability" concerning accident rates at last Friday's meeting. FaAA is comfortable with the well reasoned standards of comparability that the NHTSA has established in past investigations, such as the petition relating to the CJ 5/7, and has used the term in that manner.

I am looking forward to our further interaction.

Sincerely,



Roger L. McCarthy, P.E.  
Chief Executive Officer

cc: Robert C. Lange, Regional Vice President  
Edward Conner, Manager of Product Investigations



# Failure Analysis Associates®

Engineering and Scientific Services  
149 Commonwealth Drive, P.O. Box 1015  
Menlo Park, California 94025  
(415) 326-8400 Telex 704216 Fax (415) 326-8072

VIA FAX

November 24, 1992

Mr. Terry M. Klein  
DOT/NHTSA  
400 7th St. NW  
Washington D.C. 20590

RE: C/K Pickup Analysis - Differences between NHTSA and FaAA Analyses

Dear Mr. Klein:

I have reviewed the NHTSA programs which were given to me at the November 20, 1992 meeting. By comparing this code with the analysis performed by FaAA, I was able to identify the following differences between the NHTSA and FaAA analyses. I have not yet had opportunity to replicate the NHTSA type analysis using FaAA's databases. There may be additional differences which I was unable to discern from the programs which were provided to me.

## 1. Restriction to Fatal Vehicles

FaAA used only fatal vehicles, that is vehicles in which an occupant of the vehicle was killed in the accident. NHTSA used all vehicles involved in a fatal accident.

### Restriction to Collision Vehicles

Only collision vehicles were included in the FaAA analysis. NHTSA apparently made no such restriction. The definition of a collision vehicle was included in the October 12, 1992 report. For your convenience, the definition of collision vehicle is as follows:

- FARS variable: Manner of Collision 1-6; or
- FARS variable: Rollover 1 or 2; or
- FARS variable: Initial Impact Point 1-15 (1975-81), 1-16 (1982- 1990);  
or
- FARS variable: Main Impact Point 1-15 (1975-81), 1-16 (1982- 1990).

## 2. Method of Selection of Vehicles

DP92-016-30



NHTSA used the FARS make code and the FARS model year and the FARS VINA model to make vehicle selections. FaAA's selection is based upon the VINA/VINDICATOR decoded VIN Information.

- VINA/VINDICATOR to select Vehicle Type = L (Light Truck); and
- VINA/VINDICATOR to select Body Style = (CP, CU, PC, PK, PM, PS, SP, CB, CH, CL, CS, FB, IC, ST, YY) - Pickup Truck;
- VINA/VINDICATOR identified Make
- VINA/VINDICATOR identified Model Year
- VINA/VINDICATOR identified VSER to identify GMC and Chevy C&K. VSER = (C10, C15, C20, CC2, C25, C30, C35, R10, R15, R20, R25, R30, R35, CR3, K10, K15, K20, K25, K30, K35, GM4, V10, V15, V20, V25, V30, V35, CV3, S1E); the 1988 and later model year with inside the frame rail tanks were eliminated by excluding GMC or CHEVY trucks with fifth position of the VIN either C or K.

### 3. Vehicles Used

NHTSA used only the F series Ford Pickups and the D&W series Dodge Pickups. FaAA used all Ford and All Chrysler pickups as identified by make and body type. Note that the VINA/VINDICATOR program did not identify Dodge 4 wheel drive vehicles prior to model year 1977. The corresponding POLK registration was eliminated from the analysis.

### 4. Model Year

NHTSA restricted analysis to model years 1973-1987. FaAA included model years 1973-1989 in the FARS analyses. Model years 1973-1991 were used in the state analysis. The C&K pickups with inside the frame rail gas tanks in model years 1988 and later were excluded. The GM R/V series which were produced 1988 and later were included.

### 5. Direction of Impact

NHTSA apparently used only the FARS IMPACT1 to define Impact. FaAA included information on rollover as well as direction of impact, and supplemented the Principal Impact code with the Initial Impact code when the Principal Impact code was missing. The Impact categories used by FaAA are:

#### Collision Subcategories:

\*Principal Impact precedes Initial Impact

- 1). Rollover: Single Veh Acc and First Harmful Event = 01;  
or  
Rollover = 1, 2 (78+); or Most Harmful Event = 01.
- 2). Left : 08-10 clock points
- 3). Right : 02-04 clock points
- 4). Rear : 05-07 clock points

Terry M. Klein  
Page 3  
November 24, 1992

**Side Includes Right and Left.**

**6. Definition of post collision fire.**

NHTSA apparently used all fire\_explosions. FaAA eliminated First Harmful Event fires.

Please feel free to call me to discuss. I will be out of the office on Wednesday, November 25, 1992. You may reach me at (510) 524-1820.

Sincerely,

Rose M. Ray, Ph.D.  
Managing Scientist •

cc: Edward Conner, GM Manager of Product Investigation  
cc: Robert Lange, FaAA Regional Vice President

RECEIVED



General Motors Corporation

92 NOV 27 AM 12:30

449106

OFFICE  
DEFECTS INVESTIGATION

November 25, 1992

GM-425A

Mr. Charles L. Gauthier, Director  
Office of Defects Investigation Enforcement  
National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

NEF-121jry  
DP92-016

Dear Mr. Gauthier:

This completes our response to your letters of November 10, 1992 and November 23, 1992 requesting clarification of our October 9, 1992 response concerning the fuel storage system of certain General Motors C/K pickup trucks. General Motors requested Failure Analysis Associates to assist in responding to Questions 1 through 4 of your November 23, 1992 request. The responses to your numbered requests are detailed below.

1. *The following relate to the trucks used as "comparison" vehicles by FaAA for establishing the relative "crashworthiness" of the subject C/K pickups:*

a. *Was the Ford Ranger (a mid-size pickup) included in "Ford pickup"? If so, please fully explain why.*

Response: Ford Ranger pickup trucks were included in the designation "Ford pickup" as indicated in the FaAA report.

Non-GM, small and medium-duty pickup trucks were included in FaAA's analysis along with all other light-duty vehicles. Such vehicles were included in FaAA's study based upon the rationale in Section 3.3 "Comparison Vehicle Selection" of FaAA's report (p. 19). FaAA stated:

"Fundamentally, occupants of pickup trucks are entitled to the same level of overall safety (that is, the same level of relative rarity of collision-fire events) as are occupants of other light-duty motor vehicles: passenger cars, vans, utility vehicles, and special purpose vehicles. That is, a determination of an acceptable collision-fire rate must apply uniformly across all classes of vehicles likely to be used as passenger conveyances. NHTSA implicitly adopted this philosophy in defining the appropriate motor vehicle fuel system integrity requirement for various classes of vehicles when it promulgated FMVSS 301 to apply equally to passenger cars, light trucks, and utility vehicles.

In this study, the postcollision fire rates of the GM C/K type pickup trucks were compared to the postcollision fire rates of comparison vehicles. The comparison included pickup trucks produced by all major manufacturers (Chrysler, Ford, Nissan, and Toyota) and passenger cars..."

- b. *Was the Chevy S10 and/or GMC S15 pickup (a mid-size pickup) included in "C and K pickup"? If not, please fully explain why not.*

Response: No. Chevrolet S10 and GMC S15 pickup trucks were not included in the accident data tabulated for GM C and K pickup trucks, or calculations relating to GM C and K pickup trucks because the Center for Auto Safety's Petition and the National Highway Traffic Safety Administration's (NHTSA) investigation relate solely to the C/K pickup trucks with outside the frame rail fuel tanks. This tank location was not used on the Chevrolet S10 or GMC S15.

- c. *Was the Dodge D50 (a mini-pickup produced by Mitsubishi) included in "Chrysler pickup"? If so, please fully explain why.*

Response: Yes. Dodge D50 pickup trucks were included in the designation "Chrysler pickup" as reported in FaAA's report.

Non-GM, small and medium-duty pickup trucks were included in FaAA's analysis along with all other light-duty vehicles. Such vehicles were included in FaAA's study based upon the rationale in Section 3.3 "Comparison Vehicle Selection" of FaAA's report (p. 19); the relevant portion of which is quoted in the response to question 1.a above and is incorporated by reference herein.

- d. *Was the Chevy LUV pickup (a mini-pickup produced by Isuzu) included in "C/K pickup"? If not, please fully explain why not.*

Response: No. Chevrolet LUV pickup trucks were not included in the accident data tabulated for GM C and K pickup trucks since the LUV truck never utilized outside the frame rail fuel tanks.

2. *Was an analysis of the relative crashworthiness of the GM C/K series versus Ford F-100, F-150, F-250 and F-350 series conducted while preparing the FaAA report, "Analysis of Light-Duty Motor Vehicle Collision Fire Rates"? If not, why not and if so, please provide a copy as we discussed.*

Response: A complete set of corresponding data on Ford F-series pickup trucks was not developed while preparing the FaAA report for the reasons set forth in Section 3.3 "Comparison Vehicle Selection". However, after the report was filed, selected data from FARS has been separately broken out for Ford F-series pickup trucks. That data is tabulated in Table 1 attached hereto.

Subsequent to our meeting on Friday, November 20, 1992, GM has asked FaAA to complete a comparison of GM C and K series trucks, Ford F-series trucks, and Dodge D and W series trucks. This analysis was completed and the results of FaAA's analysis are attached in tabular form hereto as Table 2 - FARS All Collisions, Table 3 - FARS Side Collisions, Table 4 - All Collisions Six States Combined, and Side Collisions Only Six States Combined.

Small numerical differences might occur between rate data reported for C/K pickup trucks in Tables 2 through 4 attached hereto and the corresponding data included in Tables 4.2.1 through 4.4.2 from FaAA's report, because the model year restriction varies somewhat among the tables.

3. *State, by model and model year, those Nissan and Toyota trucks not used as "comparison vehicles" in the FaAA analysis provided with your response. For each vehicle identified, please fully explain why it was not included.*

Response: All Toyota and Nissan pickup trucks were included in the grouping of comparison vehicles in FaAA's report. Table 5 attached hereto lists all of the Nissan trucks utilized in FaAA's comparison, and Table 6 attached hereto is a listing of all of the Toyota trucks utilized in FaAA's comparison.

4. *Provide a listing (similar to the one enclosed with this letter), by make, model, and model year, of all trucks included in FaAA's analysis.*

Response: Tables 5 and 6 list the Nissan and Toyota trucks used in FaAA's report. Tables of the other manufacturer's make, model and model year trucks used in FaAA's report were to have been FAXed to the NHTSA from GM's Washington, D.C. office on Friday, November 20, 1992; a duplicate of this communication will be forwarded to Mr. Terry Kline by the end of the day Wednesday, November 25, 1992. Table 7 lists the requested information for Dodge pickup trucks used in FaAA's just completed restricted analysis (ref. Tables 2 through 4 attached hereto), and Table 8 lists corresponding information for the Ford trucks used in FaAA's restricted analysis.

Letter to Mr. C. L. Gauthier  
November 25, 1992  
Page 4

Please contact me if you require further information about this response  
or any of the attached material.

Very truly yours,

A handwritten signature in cursive script, appearing to read "E. E. Conner".

E. E. Conner  
Manager  
Product Investigations

Attach.

RECEIVED



Current Product  
Engineering

General Motors Corporation

92 DEC -7 PM 2:34

OFFICE  
DEFECTS INVESTIGATION

December 1, 1992

GM-425A

Mr. Charles Gauthier, Director  
Office of Defects Investigations  
National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

444357

Dear Mr. Gauthier:

NEF-121jry  
DP92-016

This is in reference to our telephone conversation on November 30, 1992, regarding the letter to Administrator Blakey from Harry Pearce dated November 24, 1992.

This will verify that the "additional information" referred to in Mr. Pearce's letter consists of the material provided with my letters of November 24 and November 25, 1992, together with the material provided directly to the agency from Failure Analysis Associates, Inc., during the week of November 23, 1992.

If there are additional questions regarding the material provided, please contact me.

Very truly yours,

E. E. Conner  
Manager  
Product Investigations

DP92-016-34a

2009 Fatality Analysis Reporting System  
CRASH LEVEL

U.S. Department of Transportation  
National Highway Traffic Safety  
Administration

<b>STATE</b> (GSA Code) <input type="text" value="48"/>		<b>CONSECUTIVE NUMBER</b> <input type="text" value="1432"/>		<b>Number of Forms Submitted for Persons Not in Motor Vehicles</b> <input type="text" value="0"/>		<b>Number of Vehicle Forms Submitted</b> <input type="text" value="5"/>		<b>Number of Person Forms Submitted</b> <input type="text" value="7"/>	
<b>COUNTY</b> <input type="text" value="439"/>		<b>CITY</b> <input type="text" value="2450"/>		<b>DATE</b> <input type="text" value="07102009"/> Month, Day, Year			<b>TIME</b> <input type="text" value="1735"/> Military Time 9999-Unknown		
<b>NATIONAL HIGHWAY SYSTEM</b> <input type="text" value="1"/>				<b>SPEED LIMIT</b> <input type="text" value="65"/>					
LOOKUP NATIONAL HIGHWAY SYSTEM CODES				Actual Miles Per Hour Except: 00-No Statutory Limit 99-Unknown					
<b>ROADWAY FUNCTION CLASS</b> <input type="text" value="11"/>				<b>ROADWAY ALIGNMENT</b> <input type="text" value="1"/>					
<b>RURAL</b> <b>URBAN</b> 01-Principal Arterial - Interstate      11-Principal Arterial - Interstate 02-Principal Arterial - Other            12-Principal Arterial - Other (Freeways or Expressways) 03-Minor Arterial                          13-Other Principal Arterial 04-Major Collector                        14-Minor Arterial 05-Minor Collector                        15-Collector 06-Local Road or Street                16-Local Road or Street 08-Unknown Rural                         18-Unknown Urban 09-Unknown Rural				99-Unknown 1-Straight 2-Curve 9-Unknown					
<b>ROUTE SIGNING</b> <input type="text" value="8"/>				<b>ROADWAY PROFILE</b> <input type="text" value="3"/>					
1-Interstate                      LOCAL STREET                      8-Other 2-U.S. Highway                5-Township                         9-Unknown 3-State Highway                6-Municipality 4-County Road                  7-Frontage Road				1-Level                                  3-Hillcrest                              9-Unknown 2-Grade                                4-Sag					
<b>TRAFFIC IDENTIFIER</b>				<b>ROADWAY SURFACE TYPE</b> <input type="text" value="2"/>					
Actual Posted Number, Assigned Number, or Common Name (If No Posted or Assigned Number) Except: Nine-Fill if Unknown				1-Concrete                              4-Slag, Gravel or Stone                9-Unknown 2-Blacktop, Bituminous, Asphalt      5-Dirt 3-Brick or Block                        8-Other					
<input type="text" value="SL626"/>				<b>ROADWAY SURFACE CONDITIONS</b> <input type="text" value="1"/>					
<b>MILEPOINT</b> <input type="text" value="00174"/>				<b>WORK ZONE</b> <input type="text" value="0"/>					
Actual to Nearest .1 Mile (Assumed Decimal) Except: 00000-None 99999-Unknown				0-Dry                                      4-Ice/Frost                                7-Oil 2-Wet                                      5-Sand, Dirt, Mud, Gravel              8-Other 3-Snow or Slush                        6-Water (standing or moving)        9-Unknown					
<b>GLOBAL POSITION</b>				<b>TRAFFIC CONTROL DEVICE</b> <input type="text" value="0"/>					
<b>Degrees</b> <b>Minutes</b> <b>Seconds</b> <b>LATITUDE:</b> <input type="text" value="32"/> <input type="text" value="50"/> <input type="text" value="22.09"/> <b>LONGITUDE:</b> <input type="text" value="097"/> <input type="text" value="19"/> <input type="text" value="14.61"/>				LOOKUP TRAFFIC CONTROL DEVICE CODES 0-No controls                              3-Device Functioning Properly 1-Device Not Functioning                9-Unknown 2-Device Functioning - Functioning Improperly					
<b>SPECIAL JURISDICTION</b> <input type="text" value="0"/>				<b>TRAFFIC CONTROL DEVICE FUNCTIONING</b> <input type="text" value="0"/>					
LOOKUP SPECIAL JURISDICTION CODES				0-No controls                              3-Device Functioning Properly 1-Device Not Functioning                9-Unknown 2-Device Functioning - Functioning Improperly					
<b>FIRST HARMFUL EVENT</b> <input type="text" value="12"/>				<b>LIGHT CONDITION</b> <input type="text" value="1"/>					
LOOKUP FIRST HARMFUL EVENT CODES				1-Day light                                3-Dark but Lighted                        5-Dusk 2-Dark-Not Lighted                        4-Dawn                                        6-Dark-Unknown Lighting 7-Other 9-Unknown					
<b>MANNER OF COLLISION</b> <input type="text" value="01"/>				<b>ATMOSPHERIC CONDITIONS</b> <input type="text" value="10"/>					
00-Not Collision with Motor Vehicle      07-Sideswipe-Same Direction 01-Front-to-Rear (Includes Rear-End)    08-Sideswipe-Opposite Direction 02-Front-to-Front (Includes Head-On)    09-Rear-to-Side 03-Front-to-Side, Same Direction        10-Rear-to-Rear 04-Front-to-Side, Opposite Direction    11-Other(End Swipes and Others) 05-Front-to-Side, Right Angle (Includes Broadside) 06-Front-to-Side(Angle-Direction Not Specified)				LOOKUP MANNER OF COLLISION CODES 0-No Additional Atmospheric Conditions      4-Snow or Blowing Snow      8-Other 1-Clear/Cloudy (No Adverse Conditions)    5-Fog, Smog, Smoke          9-Unknown 2-Rain                                              6-Severe Crosswinds 3-Sleet(Hail)                                      7-Blowing Sand, Soil, Dirt					
<b>SCHOOL BUS RELATED</b> <input type="text" value="0"/>				<b>RAIL GRADE CROSSING IDENTIFIER</b> <input type="text" value="0000000"/>					
0-No 1-Yes				<b>NOTIFICATION TIME EMS</b> <input type="text" value="1738"/>					
Military Time Except:				Military Time Except:					



RELATION TO JUNCTION

01

8888-Not Applicable (Not Notified) 9998-Unknown if Notified 9999-Unknown

NON-INTERCHANGE

INTERCHANGE AREA

- 01-Non Junction
- 02-Intersection
- 03-Intersection Related
- 04-Driveway, Alley Access, etc.
- 05-Entrance/Exit Ramp Related
- 06-Rail Grade Crossing
- 07-Crossover-Related
- 08-Driveway Access Related
- 09-Unknown - Non-Interchange

- 10-Intersection
- 11-Intersection Related
- 12-Driveway Access
- 13-Entrance/Exit Ramp Related
- 14-Crossover-Related
- 15-Other Location in Interchange
- 18-Unknown, Interchange Area
- 99-Unknown

ARRIVAL TIME EMS

1743

Military Time Except:  
 8888-Not Applicable (Not Notified) 9998-Unknown if Arrived  
 9997-Officially Canceled 9999-Unknown

EMS TIME AT HOSPITAL

1829

Military Time Except:  
 8888-Not Applicable (Not Transported) 9998-Unknown if Transported  
 9997-Officially Canceled 9999-Unknown EMS Hospital  
 Arrival Time

RELATION TO TRAFFICWAY

01

- 01-On Roadway
- 02-Shoulder
- 03-Median
- 04-Roadside
- 08-Gore
- 05-Outside Trafficway/Outside Right-of-Way

- 06-Off Roadway - Location Unknown
- 07-In Parking Lane/Zone
- 10-Separator
- 11-Two-way Continuous Left-Turn Lane
- 99-Unknown

RELATED FACTORS

0000

LOOKUP ACCIDENT RELATED FACTORS CODES

ADDITIONAL STATE INFORMATION

1593

MB

TRAFFICWAY FLOW

3

- 1-Not Physically Divided (Two-Way Trafficway)
- 2-Not Physically Divided (With Two-Way Continuous Left-Turn Lane)
- 3-Divided Highway, Median Strip (With Traffic Barrier)
- 4-One-Way Trafficway
- 6-Entrance/Exit Ramp
- 9-Unknown

NUMBER OF TRAVEL LANES

4

Actual Value Except:  
 7-Seven or More Lanes 9-Unknown

2009 Fatality Analysis Reporting System  
VEHICLE LEVEL

U.S. Department of Transportation  
National Highway Traffic Safety  
Administration

<b>STATE NUMBER (GSA CODES)</b> <input type="text" value="48"/>		<b>CONSECUTIVE NUMBER</b> <input type="text" value="1432"/>		<b>VEHICLE NUMBER</b> <input type="text" value="2"/>		<b>NUMBER OF OCCUPANTS</b> <input type="text" value="1"/> <small>Actual Value if Total Known Except: 98-Ninety-Six or More 99-Unknown</small>	
<b>DRIVER INFORMATION</b>				<b>IMPACT POINT - INITIAL</b> <input type="text" value="06"/>		<b>IMPACT POINT - PRINCIPAL</b> <input type="text" value="06"/>	
<b>UNIT TYPE</b> <input type="text" value="1"/> <small>1-Motor Vehicle In-Transport (Inside or Outside the Trafficway) 2-Motor Vehicle Not In-Transport Within Trafficway 3-Motor Vehicle Not In-Transport Outside Trafficway 4-Working Motor Vehicle (Highway Construction, Maintenance, Utility Only)</small>				00-Non-Collision 01-12-Clock Points 13-Top 14-Undercarriage		18-"Set-in-Motion" Condition 99-Unknown	
<b>REGISTRATION STATE</b> <input type="text" value="48"/> <small>GSA CODES Except: 00-Not Applicable 92-No Registration 93-Multiple State Registration 94-U.S. Government Tags (includes military) 95-Canada 96-Mexico 97-Other Foreign Country 98-Other Registration (incl. Native American Indian Nations) 99-Unknown</small>				0-Non-Collision 1-Striking 2-Struck 3-Both 9-Unknown			
<b>REGISTERED VEHICLE OWNER</b> <input type="text" value="1"/> <small>0-Not Applicable, Vehicle Not Registered 1-Driver (this crash) Registered Owner 2-Driver (this crash) Not Registered Owner (Other Private Owner Listed) 3-Vehicle Registered as Business/Company/Government Vehicle 4-Vehicle Registered as Rental Vehicle 5-Vehicle Stolen (Reported by Police) 6-Drivers/Motor Vehicle Parked/Stopped Off Roadway 8-Unknown</small>				<b>UNDERRIDE/OVERRIDE</b> <input type="text" value="0"/> <small>0-No Underride or Override UNDERRIDING A MOTOR VEHICLE IN-TRANSPORT 1-Underride (Compartment Intrusion) 2-Underride (No Compartment Intrusion) 3-Underride Compartment Intrusion (Unknown) 7-Overriding a Motor Vehicle In-Transport 8-Overriding a Motor Vehicle Not In-Transport 9-Unknown if Underride or Override</small>		UNDERRIDING A MOTOR VEHICLE NOT IN-TRANSPORT 4-Underride (Compartment Intrusion) 5-Underride (No Compartment Intrusion) 6-Underride Compartment Intrusion (Unknown)	
<b>VEHICLE MAKE</b> <input type="text" value="02"/> <small>LOOKUP VEHICLE MAKE CODES</small>				<b>EXTENT OF DAMAGE</b> <input type="text" value="6"/> <small>0-No Damage 2-Minor Damage 4-Functional Damage 8-Disabling Damage 9-Unknown</small>			
<b>VEHICLE MODEL</b> <input type="text" value="404"/> <small>LOOKUP VEHICLE MODEL CODES</small>				<b>VEHICLE REMOVAL</b> <input type="text" value="2"/> <small>1-Driven Away 2-Towed Due to Disabling Damage 3-Towed Not Due to Disabling Damage 4-Abandoned / Left at Scene 9-Unknown if Towed</small>			
<b>BODY TYPE</b> <input type="text" value="14"/> <small>LOOKUP BODY TYPE CODES</small>				<b>MOTOR CARRIER IDENTIFICATION NUMBER</b> <input type="text" value="0000000000"/>			
<b>MODEL YEAR</b> <input type="text" value="2004"/> <small>Actual Value Except: 9999-Unknown</small>				<b>VEHICLE CONFIGURATION</b> <input type="text" value="00"/> <small>00-Not Applicable, Not a Med/Heavy Truck, Bus or Vehicle Displaying Hazardous Material Placard 01-Single Unit Truck (Two Axles, 6 Tires) 02-Single Unit Truck (Three or More Axles) 03-Single Unit Truck (Unkn. No. of Axles, Tires) 04-Truck/Trailer(s) 05-Truck Tractor (Bobtail) 06-Tractor/Semi-Trailer (One Trailer) 07-Tractor/Doubles (Two Trailers) 08-Tractor/Triples (Three Trailers) 19-Med/Heavy Truck, cannot classify 20-Bus (seats 9-15 people, including driver) 21-Bus (seats more than 16 people, including driver) 70-Light Truck (van, mini van, panel pickup, sport utility displaying a hazardous materials placard) 80-Passenger Car (only when displaying a hazardous materials placard) 99-Unknown If Light or Med/Heavy Truck/Bus</small>			
<b>VEHICLE IDENTIFICATION NUMBER</b> <input type="text" value="1J4GX48S94C2"/>				<b>VEHICLE TRAILING</b> <input type="text" value="0"/> <small>0-No Trailing Units 1-Yes, One Trailing Unit 2-Yes, Two Trailing Units 3-Yes, Three or More Trailing Units 4-Yes, Number of Trailers Unknown 5-Vehicle Towing Another Motor Vehicle - Fixed Linkage 6-Vehicle Towing Another Motor Vehicle - Non-</small>			
<b>BUS USE</b> <input type="text" value="0"/> <small>0-Not Used as a Bus 1-Used as a Public School Bus 2-Used as a Private School Bus 3-Used as a School Bus, Public or Private Unknown 4-Used as a Scheduled Service Bus 5-Used as a Tour Bus 6-Used as a Commuter Bus 7-Used as a Shuttle Bus 8-Modified for Personal/Private Use 9-Unknown Bus Use</small>							
<b>SPECIAL USE</b> <input type="text" value="0"/> <small>0-No Special Use 1-Taxi 2-Vehicle Used as School Bus 3-Vehicle Used as Other Bus 4-Military 5-Police 6-Ambulance 7-Fire Truck 8-Emergency Services Vehicle 9-Unknown</small>							

**EMERGENCY USE**

0-No 1-Yes  
9-Unknown

**TRAVEL SPEED**

Actual Miles Per Hour Except:  
 000-Stopped Motor Vehicle In-Transport 998- Not Reported  
 001-151 Reported Speed up to 151 MPH 999-Unknown  
 997-Greater than 151 MPH

**VEHICLE MANEUVER**

01-Going Straight	12-Turning Right: RTOR Not Applicable or Not Known if Permitted	
02-Slowing or Stopping in Traffic Lane	13-Turning Left	
03-Starting in Traffic Lane	14-Making a U-Turn	
04-Stopped in Traffic Lane	15-Backing Up (Not Parking)	
05-Passing or Overtaking Another Vehicle	16-Changing Lanes or Merging	
06-Leaving a Parked Position	17-Negotiating a Curve	
07-Parked	98-Other	
08-Entering a Parked Position	99-Unknown	
09-Controlled Maneuvering to Avoid*	*See Instruction Manual for Detail **RTO R = "Right Turn on Red"	
10-Turning Right: RTOR** Permitted		
11-Turning Right: RTOR Not Permitted		

**CRASH AVOIDANCE MANEUVER**

0-No Avoidance Maneuver Reported	5-Steering and Braking (evidence or stated)
1-Braking (skid marks evident)	6-Other Avoidance Maneuver
2-Braking (no skid marks; driver stated)	8-Not Reported / Inconclusive (by police)
3-Braking (other reported evidence)	
4-Steering (evidence or stated)	

**ROLLOVER**

1 - Rollover, Tripped by Object/Vehicle      2 - Rollover, Untripped      9 - Rollover, Unknown Type

**LOCATION OF ROLLOVER**

0 - No 1 - On 2 - On 3 - On 4 - In 5 - On 6 - 9 -  
 Rollover Roadway Shoulder Median/Separator Gore Roadside Outside of Unknown Traffic way

**JACKKNIFE**

0-Not an Articulated Vehicle 2-Yes, First Event  
 1-No 3-Yes, Subsequent Event

Units Fixed Linkage 9-Unknown

**GROSS VEHICLE WEIGHT RATING**

**GROSS COMBINATION WEIGHT RATING**

0- Not Applicable 2- 10,001 - 26,000 lbs. 9-Unknown  
 1-10,000 lbs. or less 3- 26,001 lbs. or more

**CARGO BODY TYPE**

00-Not Applicable	10-Log
01-Van/Enclosed Box	11-Intermodal Container Chassis
02-Cargo Tank	12-Vehicle Towing Another Motor Vehicle
03-Flatbed	21-Bus (seats 16 or more people, including driver)
04-Dump	22-Bus
05-Concrete Mixer	96-No Cargo Body Type
06-Auto Transporter	97-Other
07-Garbage / Refuse	98-Unknown Cargo Body Type
08-Grain, Chips, Gravel	99-Unknown
09-Pole - Trailer	

**HAZARDOUS MATERIAL INVOLVEMENT/PLACARD**

<input type="text" value="1"/>	<input type="text" value="0"/>	<input type="text" value="0000"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
HM1(Involvement)	HM2(Placard)	HM3(Identification Number)	HM4(Class Number)	HM5(Released)
Blank	Blank	Blanks	Blank	Blank
1-No	0-Not Applicable	0000-Not Applicable	00-Not Applicable	0-Not Applicable
2-Yes	1-Yes	Actual 4-digit	Actual 1-digit	1-No
	2-Yes	Number	Number(with leading zero)	2-Yes
	8-Not Reported	8888-Not Reported	88-Not Reported	8-Not Reported

**SEQUENCE OF EVENTS**

LOOKUP SEQUENCE OF EVENTS CODES

**MOST HARMFUL EVENT**

LOOKUP MOST HARMFUL EVENT CODES

**RELATED FACTORS**

LOOKUP RELATED FACTORS - VEHICLE LEVEL CODES

**FIRE OCCURRENCE**

0-No Fire 1-Fire Occurred in Vehicle During Accident

**HIT AND RUN**

0-No 1-Yes 9-Unknown