DI-06-EXPLORER: BOOK 1 OF 33 200303 SEQUENCE 10 131

EWR D&I ANNOTATION



Artemis #: 000002L033007DP131

Record Created Date:

Printed Date: 02/05/2008

DI06-Explorer: A 1994 Ford Explorer (VIN 1FMDV32X1RU rolled on a North Carolina interstate after the right rear tire experienced a tread separation. In the event two of the three occupants were ejected. Two were seriously injured and one was killed. A copy of the rolled on a North Carolina

accident report and a newspaper article were submitted to us by Ford.

Close Print

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Version 3.0.8

3rd Quarter 2003

SeqID 13/



Automotive Safety Office Environmental and Safety Engineering

March 17, 2006

Ms. Christina Morgan, Chief Early Warning Division Office of Defects Investigation, Enforcement National Highway Traffic Safety Administration 400 Seventh Street, S.W. Washington, D.C. 20590

Dear Ms. Morgan:

Subject: DI06-Explorer: NVS-217ph

The Ford Motor Company (Ford) response to the agency's March 7, 2006 letter requesting certain information concerning the Ford Third Quarter of 2003 through Fourth Quarter 2005 Early Warning Reports (EWR) for Light Vehicles is attached. Ford is providing all responsive documents available; however, Ford possesses limited information regarding some of the incidents that are pending matters or that have only been recently identified by Ford. Therefore, in those cases we are unable to provide responsive information beyond that contained in the documents provided.

As described in a March 13, 2006 letter to the agency, Ford is providing the available requested documents that relate to incidents in the United States at this time. Ford will provide the requested information available for incidents outside of the United States on or before April 7, 2006. Ford notes that it was unable to locate files for a few incidents which were reported in the United States. Ford will continue to search for information related to those events and provide any information located with our April 7, 2006 submission for events which occurred outside of the United States.

Ford notes that some of the records being produced pursuant to these responses contain medical and/or other matters of a personal nature regarding the claimants. In the interests of full disclosure, Ford is producing these items to the agency in unredacted form. While Ford does not believe that these items meet the criteria for protection of confidential

business information for which it would be entitled to request confidential treatment, Ford requests that the agency exercise appropriate care to prevent the dissemination of these materials beyond persons having an official need to review them.

If you have any questions, please call my office.

Sincerely,

R. A. Nevi

Assistant Director

T.A. Their

Global Automotive Safety Compliance

Attachment

FORD MOTOR COMPANY (FORD) RESPONSE TO DI06-EXPLORER

Ford has prepared this response to the agency's request for additional information concerning Sequence IDs identified in the table below from the Ford Third Quarter of 2003 through Fourth Quarter 2005 Early Warning Report (EWR) for Light Vehicles, pursuant to a diligent search for the information and documents requested.

As described in a March 13, 2006 letter to the agency, Ford is providing the available requested documents that relate to incidents in the United States at this time. Ford will provide the requested information available for incidents outside of the United States on or before April 7, 2006.

YearQ	Sequence IDs
2005Q4	49, 51, 56, 57, 58, 62, 63, 64, 68, 69, 71, 77, 79, 80, 81, 82, 100
2005Q3	67, 69, 71, 73, 75, 76, 79, 80, 84, 85, 86, 90, 92, 93, 98, 101, 121, 131, 135
2005Q2	96, 99, 106, 107, 109, 112, 115, 123, 130, 131, 178, 179, 443
2005Q1	139, 141, 142, 144, 149, 151, 153, 154, 158, 159, 184, 211
2004Q4	100, 102, 107, 109, 118, 119, 120, 121, 122, 124, 134, 135, 137, 142, 144, 151, 152, 153, 177, 178, 182, 208
2004Q3	119, 123, 124, 126, 130, 131, 132, 134, 135, 142, 144, 145, 146, 147, 148, 152, 153, 155, 156, 162, 163, 164, 166, 174, 178, 182, 184, 194, 198, 200, 224, 225, 242, 255, 262, 266
2004Q2	134, 135, 137, 139, 141, 148, 149, 150, 159, 160, 162, 163, 164, 165, 169, 171, 172, 194, 232, 539, 540
2004Q1	89, 101, 102, 109, 111, 120, 123, 126, 127, 128, 129, 130, 138, 139, 140, 141, 143, 144, 159, 163, 181, 183, 214
2003Q4	92, 93, 94, 95, 102, 105, 106, 115, 116, 117, 121, 124, 127, 128, 130, 132, 133, 134, 141, 148, 149, 156, 192, 193, 198, 444
2003Q3	131, 133, 143, 145, 146, 152, 155, 156, 158, 161, 162, 164, 165, 166, 167, 171, 174, 175, 176, 177, 184, 187, 190, 191, 192, 193, 194, 195, 196, 197, 207, 210, 215, 226, 227, 230, 238, 239, 265, 267, 276, 279, 290, 294, 670, 680

Ford reviewed the relevant lawsuits, claims and early notice files requested by the agency. Additionally, Ford contacted its employees who were most likely to be knowledgeable about systems potentially containing responsive information or documents. Ford asked these employees to identify files and record sources used in Ford's usual course of business that were most likely to contain information responsive to the agency's request.

For the purpose of responding to this inquiry, Ford is construing the term "manufacturer" as defined in the EWR rules and, therefore, did not include suppliers or other outside entities (such as law firms) in its search. Items in the possession of such entities are not in Ford's direct possession or control.

Ford notes that some of the records being produced pursuant to these responses contain medical and/or other matters of a personal nature regarding the claimants. In the interests of full disclosure, Ford is producing these items to the agency in unredacted form. While Ford does not believe that these items meet the criteria for protection of confidential business

information for which it would be entitled to request confidential treatment, Ford requests that the agency exercise appropriate care to prevent the dissemination of these materials beyond persons having an official need to review them.

Answers to your specific questions are set forth below. After each numeric designation, Ford has set forth verbatim the request for information, followed by its response. Unless otherwise stated, Ford has undertaken to provide responsive documents dated up to and including January 11, 2006. In the event that Ford located duplicate documents in its search, Ford is producing only one copy of each such document. Materials and information responsive to requests 1 through 3 below are provided in Appendix A, organized into sections by Sequence ID.

Request 1

Provide a complete and full copy of the claim or notice document(s) that notified Ford Motor Corporation of the incident, including any amendments and supplements thereto, excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices or estimates; and (c) documents related to damages.

<u>Answer</u>

The information responsive to this request is most likely contained in Ford's files of formal complaints, informal claims, and informal notices of potential lawsuits and informal claims received by Ford's legal staff and/or is contained in its Master Owner Relations System (MORS) and Common Quality Indicator System (CQIS). Responsive materials retrieved from these files and information systems are provided in Appendix A behind the applicable Sequence ID tab.

Request 2

Provide a copy of all documents, photographs, videos, received from the claimant(s) or claimant's representative that identify and/or support or purport to support any allegation of a defect in the vehicle, regardless of whether Ford Motor Corporation disputes the assertions therein and excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices and estimates; and (c) documents related to quantification of damages.

<u>Answer</u>

Responsive materials retrieved from searches of the above noted files and information systems are provided in Appendix A behind the applicable Sequence ID tab.

Request 3

Provide a copy of all investigative documents prepared by any local, state, or Federal governmental agency or personnel related to the incident, including but not limited to photographs, Police Accident Reports, or cause and origin reports.

<u>Answer</u>

Responsive materials retrieved from these searches of the above noted files and information systems are provided in Appendix A behind the applicable Sequence ID tab.

Request 4

At your option, provide Ford Motor Corporation's assessment of the circumstances that led to the incident including Ford Motor Corporation's analysis of the claim and/or notice regarding allegations of a defect.

Answer

Ford is not providing an assessment of the circumstances that led to the incident, nor is it providing an analysis of the claim and/or notice regarding allegations of a defect at this time.

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R.B. MAYNARD

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Office of the General Counsel

Ford Motor Company Parklane Towers West Sulte 300 Three Parklane Boulevard Dearborn, Michigan 48126-2568

AUTOMOTIVE SAFETY AND PRODUCT LITIGATION FACSIMILE TRANSMITTAL SHEET

Date:

August 27, 2003

Time: 9:15 AM

To:

John Madden

Facsimile Number: (919) 821-6800

Telephone Number: (919) 821-6661

From:

Marcy Hahn

Facsimile Number: (313) 248-7727

Telephone Number: (313) 323-8287

Number of Sheets Transmitted, Including this one: 6

If you do not receive all the pages, please contact the above.

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Re:

Two Alleged Tread Separation Fatalities

John - Attached please find two accident reports that I received this morning regarding two alleged tread separation fatalities which recently occurred in North Carolina. Please have your investigator gather more information about these. Thank you.

Marcy

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R.B. MAYNARD

Officer Number 1277 Department NCSHP/C6

Date of Report

NCNHPAGOR



Johnston Wreck Kills One

By JON SOLES Of The Record Staff

The State Highway Patrol is investigating a wreck that left a Raleigh man dead on I-40 in Johnston County last night.

Sgt. C.S. Taylor said a Ford Explorer driven by Jose Argenal-Garcia lost control and overturned several times on I-40 about 2 miles south of Benson. A passenger, 23-year-old Angel Antonio Argenal-Garcia of Raleigh, was killed in the wreck. He was pronounced dead at the scene, according to Sgt. Taylor.

Jose Argenal-Garcia and another passenger, Gilberto Antonio Reyes, both suffered serious injuries and were transported to Wake Medical Center, according to Sgt. Taylor. "They were in serious condition, but I don't' think it's going to be life threatening," he said.

Sgt. Taylor said the wreck happened about 9 p.m. He said the Explorer was traveling in the westbound lane when it overturned several times. The vehicle crossed the median guardrail and came to rest in the eastbound lanes, Sgt. Taylor said.

Details about the accident were unavailable at presstime, but Sgt. Taylor said charges against the driver are pending. Trooper J. Maynard investigated the accident.

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