



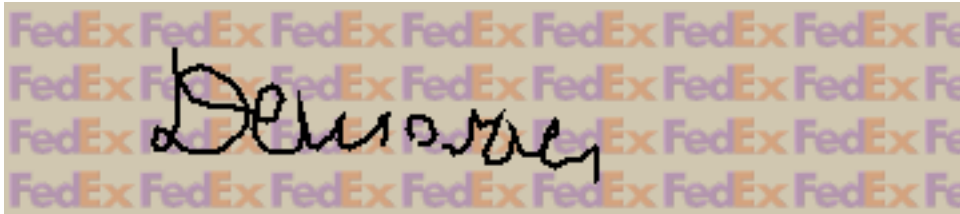
March 18, 2013

Dear Customer:

The following is the proof-of-delivery for tracking number **799286644310**.

Delivery Information:

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Shipping Information:

Tracking number:	799286644310	Ship date:	Mar 15, 2013
		Weight:	2.4 lbs/1.1 kg

Recipient:
MR. JOHN ELKANN, CHAIRMAN
FIAT SPA

Shipper:
PAUL V. SHERIDAN
DDM
22357 COLUMBIA STREET
DDM CONSULTANTS
DEARBORN, MI 48124 US
Fiat-Bill Elkann-1

Reference

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To: Mr. John Elkann *
Chairman, Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

Date: 15 March 2013

VIA FEDEX INTERNATIONAL AIRBILL [7992-8664-4310](https://www.fedex.com/track/7992-8664-4310)

From: Mr. Paul V. Sheridan
DDM Consultants
22357 Columbia Street
Dearborn, MI 48124-3431
313-277-5095 / pvs6@Cornell.edu

Subject: United States Government Safety Defect Investigation EA12-005 – Jeep Fire Death/Injury

References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina, et al., Jeep Fire Death/Injury Victims)

Courtesy Copy List **

Mr. Clarence Ditlow, Director
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1825 Connecticut Ave, NW
Washington, DC 20009-5708
(202) 328-7700

Secretary Ray LaHood
US Department of Transportation
1200 New Jersey Ave, SE
Washington DC 20590
202-366-4000

Mr. Sergio Marchionne, Chairman
Chrysler Group LLC
1000 Chrysler Drive
Auburn Hills MI 48321-8004
248-576-5741

Mr. Courtney E. Morgan, Jr.
Morgan & Meyers, PLLC / Suite 320
3200 Greenfield Road
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Mr. David L. Strickland
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* Available with blue / underlined hyperlinks: <http://links.veronicachapman.com/Sheridan2Elkann-1.pdf>

** By email or USPS

DDM Consultants
22357 Columbia Street
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15 March 2013

FEDEx INTERNATIONAL AIRBILL [7992 – 8664 - 4310](#)

Mr. John Elkann
Chairman, Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

Subject: United States Government Safety Defect Investigation EA12-005 – Jeep Fire Death/Injury
References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina, et al., Jeep Fire Death/Injury Victims

Dear Mr. Elkann:

I apologize for introducing myself to you in the context of the subject and reference. The materials contained in this letter and attachments are deeply compelling for any caring person.

The [details of the fire-death](#) on 6 March 2012 of four-year-old Remington Cole are too horrific to document here. He was an innocent passenger in the WJ-Body version of the Jeep Grand Cherokee; a subject vehicle that presents a notoriously defective fuel tank/system design.

When the [executive vice president of Chrysler Engineering](#) was examined about the technical issue of Jeep vehicle crashworthiness, the following deposition dialogue took place:

Attorney: What does the term crashworthiness mean in terms of design of a product?
Engineer: *I don't know. Tell me.*
Attorney: You don't know the phrase?!
Engineer: *No.*
Attorney: Well, let me make sure I'm clear on this. As the chief engineer of the company, are you at all familiar with the use of the phrase crashworthiness by the engineers of the company?
Engineer: ***Crashworthiness is so vague that you have to tell me what you intend by that.***



When the Chrysler defense expert for fuel systems was examined during testimony in the Jeep Grand Cherokee fire death litigation of Mrs. Susan Kline, the following deposition dialogue took place:

Attorney: Now, in looking at that photo, can you tell me what part of the vehicle protects the part of the tank that we're looking at in that photograph?
Expert: *No. It's covered by the fascia.*
Attorney: So if a vehicle were to strike just [that yellow piece of the car](#), whether it be because it's lower or some kind of vehicle that's not even a car, let's say it was a recreational vehicle of some sort, what would protect that portion of [the tank that we see here in yellow](#).
Expert: *Just the tank surface itself.*
Attorney: So, in other words, whatever the material of the tank is at the time?
Expert: ***The tank's on its own.***

Attachment Content Summary Review

- Attachment 1: Safety defect petition cover letter from the Center for Auto Safety (CAS) to the National Highway Traffic Safety Administration (NHTSA) requesting United States investigation into the (real world) crashworthiness of Jeep Grand Cherokee fuel tank/system.
- Attachment 2: The three iterations of the NHTSA defect investigation. The current status of [Engineering Analysis 12-005](#) resulted from the following assessment by NHTSA:
“NHTSA's assessment of the data collected during Preliminary Evaluation (PE) 10-031 indicates that rear-impact-related tank failures and vehicle fires are more prevalent in the JGC than in the non-Jeep peer vehicles.”
- Attachment 3: Relating to the Chrysler expert testimony above, the [Baker memo](#) of August 24, 1978 states:
“Where fuel tank location behind the rear axle is all that is feasible, a protective impact deflection structure may have to be provided . . .”
- Attachment 4: Photographs of Mrs. Susan Kline, and the autopsy report of 9 August 2010, which states:
“Based on her COHb level, she was not given the opportunity to ‘slip into unconsciousness’ but was rather ‘cooked alive.’ ”
- Attachment 5: [National news media coverage](#) of 14Jan 2012 accident involving Mrs. Ana Pina. Wife and mother of three, Ana was driving to daughter’s dance competition when the 2000 Jeep Cherokee she was driving was impacted in the rear, where the notoriously unprotected fuel tank is located.
- Attachment 6: Pictures of Mrs. Ana Pina before the accident discussed in Attachment 5. (Note: I have been given specific permission to share these with you.)
- Attachment 7: Pictures of Mrs. Ana Pina **after** the accident discussed in Attachment 5. (Note: I have been given specific permission to share these with you; courtesy recipients not in receipt.)
- Attachment 8: A. CD/electronic copy of the THIRTEEN letters that I have sent to NHTSA, eight of which were sent directly to Chrysler Group LLC Chairman Sergio Marchionne at his Auburn Hills, Michigan USA office address.
B. DVD copy of [ABC News reports](#) (3) on Jeep fuel-fed fire severe injury and death, including review of CAS defect petition (Segment 2).
C. Sampling of ‘Signature Proof of Delivery’ (SPOD) for A.
- Attachment 9: January 1991 Chrysler Times news coverage of Paul V. Sheridan work as Engine Programs Manager on the [Dodge-Cummins pickup truck](#).
- Attachment 10: [Final Employee Performance Appraisals](#) for Paul V. Sheridan. Submitted to Chrysler Personnel Office mere weeks prior to the Christmas holiday *ex parte* [office raid](#), *ex parte* employment dismissal, and *ex parte* “muzzling” lawsuit filed by Chrysler defense lawyers. The latter, nearly five years later added an \$82,000,000.00 “damages” claim, but just prior to his court testimony in a product liability death case involving an eight-year-old boy.
- Attachment 11: News media coverage of the Chrysler versus Sheridan lawsuit of [\\$82,000,000.00](#) (Note that this attachment makes reference to instant Attachment 10.)
- Attachment 12: [24 March 2000 letter](#) from plaintiff Attorney Mr. Mikal Watts to Chrysler defense lawyer Thomas Kienbaum (Please see Attachment 10) regarding:
“ . . . an email planning a concerted smear campaign against a material witness.”
Please note that this Chrysler National Defense Counsel email states:
“In the past those (fellow Chrysler employees to Paul V. Sheridan) never seemed to become incensed or outraged by Sheridan’s statements. Perhaps this affidavit will help them in that regard. This guy is not going away any time soon.”

Conclusions and Request



As a result of the legal proceedings of 2009, Fiat SpA has acquired Chrysler Group LLC. Both assets and liabilities were included in that U.S. taxpayer funded acquisition.

As discussed in my letter to NHTSA of [12 February 2013](#), you and Mr. Marchionne are contemplating spending [\\$5.5 Billion](#) to acquire the remaining portion of Chrysler common stock.

In stark moral contrast, a nano-fraction of that amount would have avoided what is presented here under Attachments 4 and 7.

However, given the typical behavior introduced under Attachment 12, I am not confident that Mr. Marchionne has ever seen the eight letters sent to him per Attachment 8.

Specifically, it is typical for the defense bar to shield upper executive management from any contact with these subjects. In my hard-won experience, even from a short-term tactical perspective, this ploy is not only ineffective, it is unethical. However, from a long-term strategic point-of-view, from a customer relations point of view, this defense bar ploy is eventually disastrous for all involved.

It has been argued at the legalistic level that [Fiat SpA](#) (as an **alleged** “*purchaser*” of Chrysler Group LLC) need “*assume only the liabilities that promote its commercial interests.*” But at the ethical level, in the context of the subject and references, a modicum of care would have avoided horrific suffering. In stark contrast, as stated in my letter of 12 February 2013, the notion that Fiat SpA would, instead, prioritize a stock purchase borders on **gross criminal negligence**. (Please see attached article, “[Two-time Victims in Chrysler’s Bankruptcy.](#)”)

Please take a moment to review the attachments. Please confirm the readership by Mr. Marchionne of my prior communications with him. Please do not hesitate to contact me at any time.

Respectfully,

[Paul V. Sheridan](#)

ATTACHMENT 1

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

Subject: United States Government Safety Defect Investigation EA12-005 – Jeep Fire Death/Injury

References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina, Jeep Fire Death/Injury Victims

Three Pages:

Safety defect petition cover letter from the Center for Auto Safety (CAS) to the National Highway Traffic Safety Administration (NHTSA) requesting United States investigation into the (real world) crashworthiness of Jeep Grand Cherokee fuel tank/system.

CENTER FOR AUTO SAFETY

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

October 2, 2009

Ronald Medford, Acting Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
Washington DC 20590

PETITION

Dear Deputy Administrator Medford:

The Center for Auto Safety (CAS) petitions the National Highway Traffic Safety Administration (NHTSA) to initiate a defect investigation into and recall all 1993-2004 Jeep Grand Cherokee with a fuel tank located behind the rear axle. Unlike the earlier Jeep Cherokee, the fuel tank of the Grand Cherokee is plastic and extends below the rear bumper so there is nothing to protect the tank from a direct hit in a rollover or by a vehicle with a low front profile or one lowered by pre-impact braking.

The design is so bad that Chrysler frequently settles lawsuits without extensive discovery and subject to confidentiality agreements. A search of NHTSA's FARS files for fatal fire crashes where there was a fire occurrence in a 1993-2004 Jeep Grand Cherokee from calendar year 1992 through 2008 found 172 fatal fire crashes with 254 fatalities. (Attachment A.) With an additional known fatal fire crash in 2009, there have been at least 44 crashes with 64 fatalities where the Most Harmful Event is fire.¹ (Attachment B.) In comparison, NHTSA reported a total of 38 fire crashes involving only 26 fire deaths in the Ford Pinto when it issued its initial defect report in May 1978. (Attachment C.)

The fuel system in the 1993-04 Grand Cherokee is defectively designed in that it contains a plastic fuel tank subject to rupture, degrades in performance over time, a fuel filler neck that tears off in a range of crashes, a hostile environment with sharp objects such as suspension bolts that can puncture the tank, extends below the bumper and is unshielded although Chrysler offers a optional 3/16" steel shield as a "skid plate" for off road use which would protect the tank in rear impacts where there is pre-crash braking of the striking vehicle. Similar shields are offered in the aftermarket by companies like Quadratec and take advantage of OEM holes in the frame rail to mount the shields.²

With funding from General Motors, the Motor Vehicle Fire Research Institute (MVFRI) has performed detailed technical assignments of the fuel tanks and fuel systems in motor vehicles. As pointed out in the assessment of the 2003 Grand Cherokee, the rear sway bar link bolt is only

¹ This excludes FARS Case 60718 on March 16, 1996 in California involving a crash between a 1996 Grand Cherokee and a classic 1971 Ford Mustang which also had a known fuel tank hazard.

² http://www.quadratec.com/products/12500_301.htm

3 centimeters away from the plastic tank and could easily puncture the tank in a crash.³ MVFRI also found that plastic fuel tanks, particularly those like the 1993-04 Grand Cherokee located behind the rear axle, degraded in performance over time and were more subject to leakage in crashes.⁴

After it became a merged company with Mercedes, DaimlerChrysler moved the fuel tank in board of the rear axle in 2005 and shielded it. Since the relocation of the fuel tank in 2005 and later Grand Cherokees, there has only been one fatal fire crash in the redesigned vehicle. And that fire occurred after both occupants had been ejected in a rollover of a 2008 Grand Cherokee so that the deaths were not caused by fire.

Due to confidential settlements, the details of most lawsuits are not available. What is available demonstrates the existence of a safety defect in this vehicle. In Smith v Chrysler, the attorneys identified a common hazard as the location of the tank and a filler neck that easily torn off in a crash as fire hazards. In this case, a 2001 Grand Cherokee was beginning to go through a green light when it was struck in the rear by a Town Car traveling at only 20 to 25 miles per hour. (Attachment E.) In FARS case 360720 in Long Island NY on September 1, 1999, a stopped 1997 Grand Cherokee was struck from behind by a braking Toyota MR2. Two sisters in the back of the Grand Cherokee were severely burned when they could not get out of the Jeep due to jammed doors. The driver of the MR2, a gardener from Whitmore's, was fatally burned as he was enveloped by the burning fuel from the ruptured tank of the Grand Cherokee.

Susan Kline of New Jersey was in a 1996 Grand Cherokee when it was struck from behind by a 2004 Toyota Sienna. The doors on the Jeep jammed in the impact. Mrs. Kline climbed from the driver side to the passenger side trying to get out of the burning vehicle but was unsuccessful. Her skeletal body was found in the passenger seat. (Attachment F.) This crash and the Long Island crash both demonstrate the unique hazards of an unshielded tank extending below the rear bumper where it can be engaged by the lowered front of a striking vehicle and shoved up into the structure of the vehicle above the tank and ruptured. The low hanging, exposed fuel tank of the 1993-04 Grand Cherokee is also particular vulnerable in rollover crashes where it can strike fixed objects as it rolls. Later model Grand Cherokees have a 1milimeter brush guard that is cosmetic and offers no protection. The optional skid plate offered by Chrysler and aftermarket manufacturers is three times as thick and provides protection in such crashes.

Just like the 1971-76 Ford Pinto and 1973-87 General Motors in which NHTSA made initial determinations of safety defects despite both vehicles meeting FMVSS 301, the Grand Cherokee purportedly met FMVSS 301 although early 2002 models were subject to a non-compliance recall, 02V-032. However, as show above the Grand Cherokee contains safety defects not covered by the performance requirements of FMVSS 301 and should be recalled.

Ironically, New Chrysler tried to escape liability for all future Grand Cherokee crashes occurring after the bankruptcy where the vehicle was sold before the bankruptcy. Just days after the bankruptcy, Rodney Wood was killed in his 2004 Grand Cherokee on July 10, 2009 when it was

³ www.mvfri.org/Contracts/Final%20Reports/Biokinetics-Phase-II/ReportTool/vehiclefiles/index.html#2.

⁴ K Digges, et al, "Fire Safety Performance in Crashes," ESV Conference 2003. (Attachment D.)

hit by a transit bus.⁵ The autopsy showed he died by fire, not by the trauma of the impact. Under intense public pressure, New Chrysler relented and agreed to cover future product liability losses. (Attachment H.) However New Chrysler still refused to accept responsibility for victims like Susan Klein whose tragic crashes occurred prior to the bankruptcy.

The 1993-04 Grand Cherokee has a fatal crash fire occurrence rate that is about four times higher than SUVs made by other companies. Comparing the 1993-04 Grand Cherokee with the exposed rear fuel tank to the 2005 and later Grand Cherokee with the shielded fuel tank in front of rear axle in the first five years of use for both vehicles so that it's an apples to apples comparison, the defective old Grand Cherokee has a fatal fire rate six times higher than the new Grand Cherokee.

To protect the public from more fire deaths and injuries in the 1993-04 Grand Cherokee as they continue to crash and burn, the Center for Auto Safety requests an immediate recall.

Respectfully submitted,



Clarence M. Ditlow

⁵ Attachment G is a copy of the initial police report.

ATTACHMENT 2

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

Subject: United States Government Safety Defect Investigation EA12-005 – Jeep Fire Death/Injury

References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina, Jeep Fire Death/Injury Victims

Five Pages:

The three iterations of the NHTSA Jeep fuel system defect investigation.

The current status of [Engineering Analysis 12-005](#) resulted from the following assessment by NHTSA:

“NHTSA's assessment of the data collected during Preliminary Evaluation (PE) 10-031 indicates that rear-impact-related tank failures and vehicle fires are more prevalent in the JGC than in the non-Jeep peer vehicles.”


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Defects - Search Results

1 Record(s) Displayed.

Report Date : March 14, 2013 at *04:17 PM*

NHTSA Action Number : EA12005

NHTSA Action Number : **EA12005**

NHTSA Recall Campaign Number : N/A

Vehicle Make / Model:

JEEP / CHEROKEE

JEEP / GRAND CHEROKEE

JEEP / LIBERTY

Model Year(s):

1993-2001

1993-2004

2002-2007

Manufacturer(s) :

Chrysler Group LLC

Component(s) :

FUEL SYSTEM, GASOLINE:DELIVERY:HOSES, LINES/PIPING, AND FITTINGS

FUEL SYSTEM, GASOLINE:STORAGE

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY:FILLER PIPE AND CAP

Date Investigation Opened : June 12, 2012

Date Investigation Closed : **Open**

Summary:

NHTSA has conducted extensive analysis of the data regarding fuel tank integrity for the model year (MY) 1993-2004 Jeep Grand Cherokee (JGC). As a result of that work, the agency has decided to upgrade its safety defect investigation to an Engineering Analysis and to expand the scope of vehicles included in the investigation. NHTSA's assessment of the data collected during Preliminary Evaluation (PE) 10-031 indicates that rear-impact-related tank failures and vehicle fires are more prevalent in the JGC than in the non-Jeep peer vehicles. In addition, the agency's analysis of its FARS data for the peer vehicles and three Jeep models shows a higher incidence of rear-impact, fatal fire crashes for the Jeep products. PE10-031 had focused on the fuel tank system integrity of the JGC vehicles during rear-end collisions and impacts. The fuel tank is located at the rear of the vehicle, between the bumper and axle, and is manufactured from a plastic material (HDPE). Three peer vehicles (across the same MY range as the JGC) were identified for comparative assessment: the Chevrolet Blazer, Ford Explorer, and Toyota 4Runner. ODI has collected and assessed a significant volume of data for the JGC and three peer vehicles under the Defect Petition (DP) 09-005 and PE10-031, much of which was either provided by the petitioner or by the subject and peer manufacturers in response to ODI's information request letters. NHTSA has also utilized its FARS database. Fatal crash data was collected for the JGC and its three peers, along with data for two other Jeep vehicles, the Cherokee and Liberty, which were also manufactured with rear mounted fuel tanks and assessed by ODI as Jeep peer vehicles. Based on the agency's current analysis, ODI has upgraded its investigation to determine whether the subject vehicles contain a defect that presents an unreasonable risk to safety. The subject vehicles for the investigation will be MY 1993-2004 JGC, MY 1993-2001 Cherokee, and MY 2002-2007 Liberty. The estimated production volumes for these vehicles are shown above, although attrition is a factor for the older vehicles. Please note that the counts shown in the above failure report summary are for the JGC only (values shown in the total column are unique). Data for the other Jeep models and possibly other peer models will be collected during the investigation. The ODI reports cited above can be reviewed online at www-odi.nhtsa.dot.gov/complaints under the following identification (ODI) numbers: JGC: 506249, 549376, 734783, 869217, 10009553, 10335943, 10351589, 10351980, 10357528. Liberty: 10357195, 10366653 (duplicate of 10357195), 10138726, 10149256, 10181332 Cherokee: 10409104


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Defects - Search Results

1 Record(s) Displayed.

Report Date : March 14, 2013 at *04:21 PM*

NHTSA Action Number : PE10031

NHTSA Action Number : **PE10031**

NHTSA Recall Campaign Number : N/A

Vehicle Make / Model:

JEEP / GRAND CHEROKEE

Model Year(s):

1993-2004

Manufacturer(s) :

Chrysler Group LLC

Component(s) :

FUEL SYSTEM, GASOLINE:DELIVERY:HOSES, LINES/PIPING, AND FITTINGS

FUEL SYSTEM, GASOLINE:STORAGE

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY:FILLER PIPE AND CAP

Date Investigation Opened : August 23, 2010

Date Investigation Closed : June 14, 2012

Summary:

NHTSA has conducted extensive analysis of the data regarding fuel tank integrity for the model year (MY) 1993-2004 Jeep Grand Cherokee (JGC). As a result of that work, the agency has decided to upgrade its safety defect investigation to an Engineering Analysis and to expand the scope of vehicles included in the investigation. NHTSA's assessment of the data collected during this investigation indicates that rear-impact-related tank failures and vehicle fires are more prevalent in the JGC than in the non-Jeep peer vehicles. In addition, the agency's analysis of its FARS data for the peer vehicles and three Jeep models shows a higher incidence of rear-impact, fatal fire crashes for the Jeep products. PE10-031 had focused on the fuel tank system integrity of the JGC vehicles during rear-end collisions and impacts. The fuel tank is located at the rear of the vehicle, between the bumper and axle, and is manufactured from a plastic material (HDPE). Three peer vehicles (across the same MY range as the JGC) were identified for comparative assessment: the Chevrolet Blazer, Ford Explorer, and Toyota 4Runner. ODI has collected and assessed a significant volume of data for the JGC and three peer vehicles under the Defect Petition (DP) 09-005 and PE10-031, much of which was either provided by the petitioner or by the subject and peer manufacturers in response to ODI's information request letters. NHTSA has also utilized its FARS database. Fatal crash data was collected for the JGC and its three peers, along with data for two other Jeep vehicles, the Cherokee and Liberty, which were also manufactured with rear mounted fuel tanks and assessed by ODI as Jeep peer vehicles. Based on the agency's current analysis, ODI is upgrading its investigation to determine whether the subject vehicles contain a defect that presents an unreasonable risk to safety. The subject vehicles for EA12-005 will be MY 1993-2004 JGC, MY 1993-2001 Cherokee, and MY 2002-2007 Liberty; the estimated production volumes for these vehicles is approximately 5.1 million, although attrition is a factor for the older vehicles. Please note that the counts shown in the above failure report summary are for the JGC only (values shown in the total column are unique). Data for the other Jeep models and possibly other peer models will be collected during the investigation. The ODI reports cited above can be reviewed online at www-odi.nhtsa.dot.gov/complaints under the following identification (ODI) numbers: 506249, 549376, 734783, 869217, 10009553, 10335943, 10351589, 10351980, 10357528.

1200 New Jersey Avenue, SE, West Building Washington DC 20590 USA
1.888.327.4236 TTY 1.800.424.9153





U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

ODI RESUME

Investigation: PE 10-031
Date Opened: 08/23/2010
Investigator: Lawrence Hershman **Reviewer:** Scott Yon
Approver: Richard Boyd
Subject: Crash Related Fuel Tank Fires

MANUFACTURER & PRODUCT INFORMATION

Manufacturer: CHRYSLER GROUP LLC
Products: 1993-2004 Jeep Grand Cherokee
Population: 3,037,000 (Estimated)
Problem Description: FUEL TANK PRESENTS FIRE HAZARD IN CRASHES.

FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:	12	TBD	TBD
Crashes/Fires:	12	TBD	TBD
Injury Incidents:	5	TBD	TBD
Number of Injuries:	9	TBD	TBD
Fatality Incidents:	1	TBD	TBD
Number of Fatalities:	1	TBD	TBD
Other*:	10	TBD	TBD

*Description of Other: FARS fatal rear-impact crashes where fire is the MHE, resulting in 13 occupant deaths.

ACTION / SUMMARY INFORMATION

Action: Open a Preliminary Evaluation.

Summary:

In a letter dated October 2, 2009, the Center for Auto Safety (CAS) petitioned NHTSA to open a defect investigation and recall model year 1993-2004 Jeep Grand Cherokees. CAS alleged that the subject vehicles have defective fuel tank storage systems that present a fire hazard in crashes.

CAS alleged that the plastic fuel tank's placement behind the rear axle and below the rear bumper, and the lack of adequate shielding, make it more vulnerable to rupture or leakage from a rear-impact by another vehicle (including damage from other components located on the Grand Cherokee), or in the case of rollover crashes, from other external objects. CAS also alleged that the fuel filler neck tears off in crashes. In its petition, CAS cites data from NHTSA's Fatality Analysis Reporting System (FARS) showing 172 fatal fire crashes with 254 fatalities involving the subject vehicles from calendar years 1992 through 2008. CAS stated that there have been at least 44 crashes with 64 total fatalities (subject and non-subject vehicles) where fire was entered as the Most Harmful Event (MHE) in the FARS database.

In response to the CAS petition, ODI conducted a preliminary examination of available data. FARS data showed 2,988 occupants of the subject vehicles have died in crashes since 1992. Of those, 55 died in 44 crashes where fire was listed as the Most Harmful Event. Identifying crashes most likely associated with the alleged defect as described by CAS (defined as the subject vehicle being struck at the 5, 6 or 7 o'clock positions) isolated 10 crashes with 13 occupant fatalities. ODI also reviewed the Vehicle Owner Questionnaires (VOQ) database and identified 12 reports alleging A) a post-crash fuel tank leak and/or B) a post-crash fire potentially related to a fuel tank leak. Of the 12 reports, 10 involved fires (two involved fuel leaks only) with 9 alleged injuries and 1 alleged fatality. The existence of these post-crash fires does not, by itself, establish a defect trend. Further review and investigation into these

incidents is needed to determine the existence of any relationship between the alleged defect and each fire or leak. It should be noted that ODI also conducted a preliminary review of the Early Warning Reporting (EWR) data that did not find the subject vehicles to be over-represented for post-crash fires.

ODI has granted the petition to further investigate the conditions associated with post-crash fires in these vehicles.


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Defects - Search Results

1 Record(s) Displayed.

Report Date : March 14, 2013 at *04:23 PM*

NHTSA Action Number : DP09005

NHTSA Action Number : **DP09005**

NHTSA Recall Campaign Number : N/A

Vehicle Make / Model:

JEEP / GRAND CHEROKEE

Model Year(s):

1993-2004

Manufacturer(s) :

Chrysler Group LLC

Component(s) :

FUEL SYSTEM, GASOLINE:DELIVERY:HOSES, LINES/PIPING, AND FITTINGS

FUEL SYSTEM, GASOLINE:STORAGE

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY

FUEL SYSTEM, GASOLINE:STORAGE:TANK ASSEMBLY:FILLER PIPE AND CAP

Date Investigation Opened : November 6, 2009

Date Investigation Closed : August 23, 2010

Summary:

In a letter dated October 2, 2009, the Center for Auto Safety (CAS) petitioned NHTSA to open a defect investigation and recall model year 1993-2004 Jeep Grand Cherokees. CAS alleged that the subject vehicles have defective fuel tank storage systems that present a fire hazard in crashes. CAS alleged that the plastic fuel tank's placement behind the rear axle and below the rear bumper, and the lack of adequate shielding, make it more vulnerable to rupture or leakage from a rear-impact by another vehicle (including damage from other components located on the Grand Cherokee), or in the case of rollover crashes, from other external objects. CAS also alleged that the fuel filler neck tears off in crashes. In its petition, CAS cites data from NHTSA's Fatality Analysis Reporting System (FARS) showing 172 fatal fire crashes with 254 fatalities involving the subject vehicles from calendar years 1992 through 2008. CAS stated that there have been at least 44 crashes with 64 total fatalities (subject and non-subject vehicles) where fire was entered as the Most Harmful Event (MHE) in the FARS database. In response to the CAS petition, ODI made a preliminary examination of available data. FARS data showed 2,988 occupants of the subject vehicles have died in crashes since 1992. Of those, 55 died in 44 crashes where fire was listed as the Most Harmful Event. Identifying crashes most likely associated with the alleged defect as described by CAS (defined as the subject vehicle being struck at the 5, 6 or 7 o'clock positions) isolated 10 crashes with 13 occupant fatalities. ODI also reviewed the Vehicle Owner Questionnaires (VOQ) database and identified 12 reports alleging A) a post-crash fuel tank leak and/or B) a post-crash fire potentially related to a fuel tank leak. Of the 12 reports, 10 involved fires (two involved fuel leaks only) with 9 alleged injuries and 1 alleged fatality. The existence of these post-crash fires does not, by itself, establish a defect trend. Further review and investigation into these incidents is needed to determine the existence of any relationship between the alleged defect and each fire or leak. It should be noted that ODI also conducted a preliminary review of the Early Warning Reporting (EWR) data that did not find the subject vehicles to be over-represented for post-crash fires. ODI's initial review neither supports nor excludes the possibility that a defect exists in the subject vehicles. However, ODI has always taken the position that vehicle fires pose a significant safety risk. Accordingly, ODI has granted the petition to further investigate the conditions associated with post-crash fires in these vehicles.

1200 New Jersey Avenue, SE, West Building Washington DC 20590 USA
1.888.327.4236 TTY 1.800.424.9153



ATTACHMENT 3

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

**Subject: United States Government Safety Defect Investigation EA12-005 – Jeep Fire
Death/Injury**

**References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina, Jeep Fire
Death/Injury Victims**

Two Pages:

Relating to the Chrysler expert testimony, the Baker memo of August 24, 1978 states:

“Where fuel tank location behind the rear axle is all that is feasible, a protective impact deflection structure may have to be provided . . .”

Inter Company Correspondence

File Code

Date

August 24, 1978

Name & Department	Division	Plant/Office	CIMS Number
R. M. Sinclair, Director International Product Development	Product Plan. & Design Office	Chrysler Center	416-20-15
L. L. Baker, Manager Automotive Safety	Engineering Office	Chrysler Center	418-12-34

Subject: Fuel System Design - Chrysler Passenger Cars And Trucks.

Pursuant to the discussions between Messrs. Vining, Jeffe, Sperlich and yourself with Mr. Mochida on August 22, the fuel system design for domestic passenger cars and trucks is summarized for Mr. Mochida's information.

Not only are the impact performance requirements of MVSS-301 pertinent to the design approach but the significant increase in the last few years in the numbers of product liability cases involving fuel system fires and the increase in the size of the awards by sympathetic juries has to be recognized. In the Ford Pinto case the NHTSA Office of Defects Investigation selected arbitrary performance criteria of minimal or no fuel leakage when the test car is impacted in the rear by a full size car at 35 mph as a basis for questioning the safety of a recall modification of the Pinto.

Passenger Car

Fuel Tank Location

The front wheel drive configuration in Chrysler's Omni and Horizon allowed the fuel tank to be located beneath the rear seat. This location provides the protection of all of the structure behind the rear wheels--as well as the rear wheels themselves--to protect the tank from being damaged in a collision. This same location will be used in the new 1981 K-Body cars which will also have a front wheel drive.

The rear wheel drive H-Body scheduled for introduction in 1983 will have the fuel tank located over the rear axle and beneath the floor pan.

The question of whether M, R or J-Body cars should be converted to tank over axle prior to their phase-out is a matter under intensive study at this time.

Filler Neck And Cap

As the fuel tank is moved to a more forward location, the fuel fill is moved to the side of the car. The fuel cap will be recessed below the body surface and a fuel fill door provided. The fuel filler neck is designed to break away from the car body with the fuel filler cap still in place.

In this design the filler cap and fill neck or fill tube remain with the tank to avoid separation and possible fuel leakage. This side fill is scheduled for J and M-Bodies in 1980 and the Y-car in 1981.

The fuel fill is less likely to be damaged in a sideswipe when located on the right side of the car. As new models are introduced, the fuel fill will be moved to the right side of the vehicle. This may also offer greater protection to drivers who run out of gasoline on the highway, since they will fill the tank on the side away from the traffic.

Structure

In 1979 through 1983, the M, R, and J model cars which have the fuel tank under the floor pan behind the rear wheels, structural reinforcement of the longitudinals on each side of the tank, shielding of any unfriendly surfaces adjacent to the tank, and the design of straps and hangers to limit undesired tank movement will be employed.

Truck

Fuel Tank Location

The same principles regarding fuel tank location apply to truck design. It is important that these larger fuel tanks are not only shielded from damage in a collision but do not break away from the truck and thereby spread fuel onto the roadway. The approach used by Mitsubishi on the SP-27 of locating the fuel tank ahead of the rear wheels appears to provide good protection for the tank.

The front wheel drive T-115 to be introduced in 1982 will have the fuel tank ahead of the rear wheels and under the rear seat. However, in rear wheel drive trucks there is no clearance over the axle for fuel tank installation and in many cases there is insufficient space ahead of the axle for fuel tanks of the desired capacity.

Chrysler is investigating fuel tank relocation ahead of the rear wheels for vans and multi-purpose vehicles, but present plans for pickups through 1983 and for MPV's and vans through 1985 have the fuel tank located behind the rear wheels. In vehicles both with and without bumpers there is a concern with vertical height differences that create a mismatch with passenger car bumpers. Where fuel tank location behind the rear axle is all that is feasible, a protective impact deflection structure may have to be provided whether or not a bumper is provided. An investigation whether to relocate the fuel tank or to provide impact deflecting structures is presently underway.

Fill Neck And Cap

All trucks and vans have side fill. The sweptline pickup truck (DW 1-3) and multi-purpose vehicles (AD-1 & AW-1) will have a recessed fill cap and fuel filler door beginning in 1981.


L. L. Baker

ATTACHMENT 4

Mr. John Elkann
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250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

**Subject: United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury**

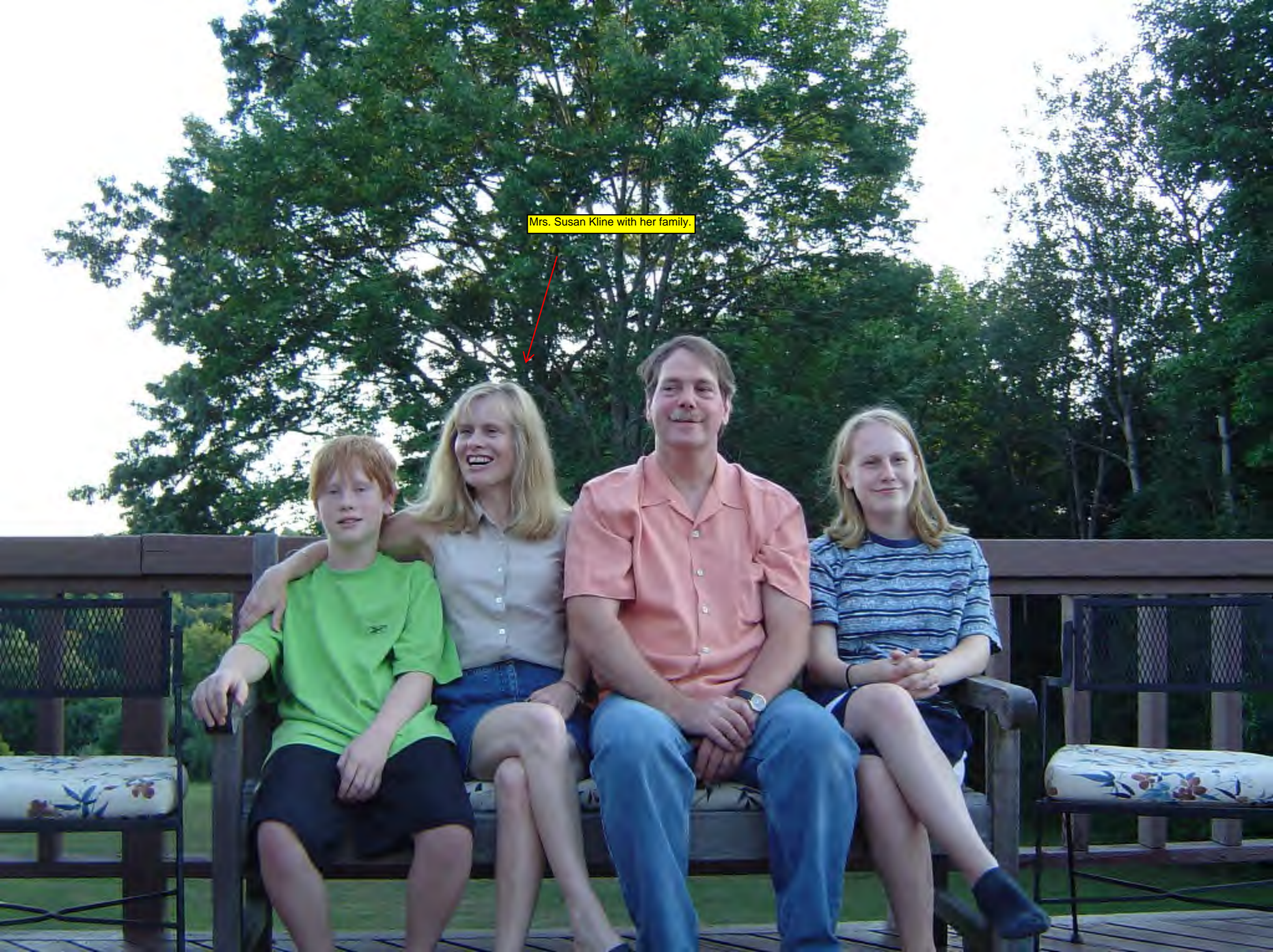
**References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims**

Six Pages:

Photographs of Mrs. Susan Kline, and the autopsy report of 9 August 2010, which states:

“Based on her COHb level, she was not given the opportunity to ‘slip into unconsciousness’ but was rather ‘cooked alive.’ ”

Mrs. Susan Kline with her family.

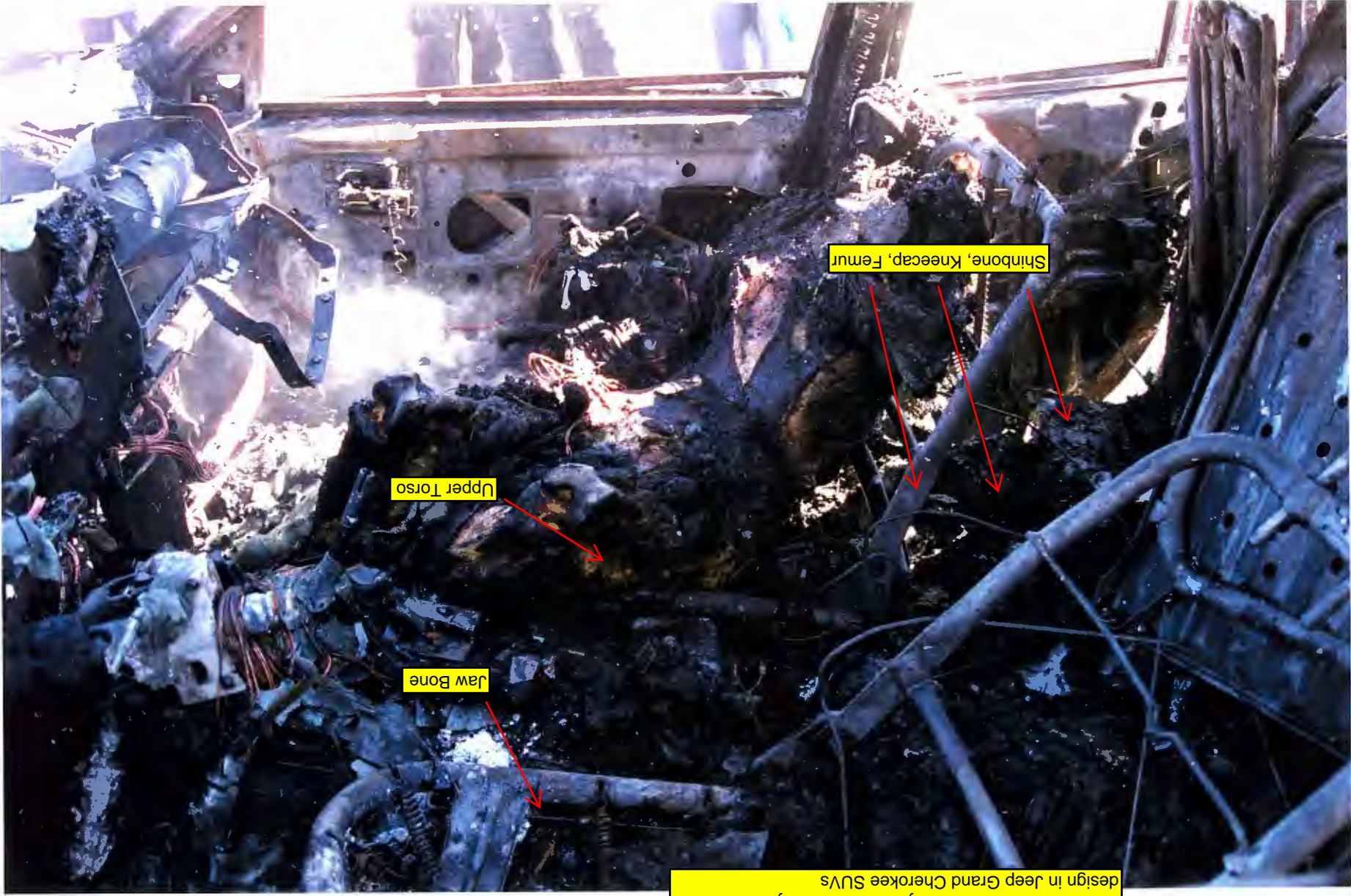




Jaw Bone

Skull

Mrs. Susan Kline (death victim).
Post fuel-fed fire caused by defective fuel system/tank
design in Jeep Grand Cherokee SUVs



Ross I.S. Zbar, MD, FACS

Diplomate of the American Board of Plastic Surgery
Member, American Society of Plastic Surgery
Fellow, Cleft Palate Craniofacial Association
Fellow, American College of Surgeons

Plastic and Reconstructive Surgery

August 09, 2010

Angel DeFilippo
Grieco, Oates & DeFilippo, LLC
414 Eagle Rock Avenue, Suite 200
West Orange, NJ 07052

Dear Ms DeFilippo,

Re: Susan Morris

This report is authored after review of the following documents which were supplied by your office: County of Morris Office of Medical Examiner Autopsy Report for Susan Morris; Forensic Dental Exam; Death Certificate; Police Report; Witness statement of Peter Moodie and; photographs.

There are particularly disturbing findings in the autopsy report indicating that Ms Morris was alive and conscious immediately following the motor vehicle accident (MVA) which resulted in the explosion of her automobile.

On page four of the State Police report filed by Trooper 6598, it is noted that Ms Morris (vehicle #2) was found "laying across the front passenger seat." Either she could have been: (1) thrown following the impact unconscious versus dead or; (2) electively tried to escape her burning automobile. Both the physics of a rear end impact and review of the photographs clearly underscore the latter as the likely scenario.

The autopsy report notes a carboxyhemoglobin level (COHb) of only 29 as measured by NMS.labs. Fire releases carbon monoxide (CO) which is bound by the hemoglobin in red blood cells in lieu of oxygen. Mental and muscular deterioration generally occur at a COHb level of 30 or greater. This means that Ms Morris was indeed actively breathing after the fire started (ie - she inhaled CO and was alive). Furthermore, when she stopped breathing (ie - died), her COHb was not so elevated that she slipped into an unconscious state and slowly suffocated, thus elevating her COHb level even higher. Rather her thermal injuries were so extensive that she most likely died from these and subsequently stopped breathing. Based on her COHb level, she was not given the opportunity to "slip into unconsciousness" but rather was "cooked alive."

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Page 2 of 3: Morris

There is no evidence in the autopsy report of any other organ injury, but for thermal damage and its sequela. The blunt trauma to the chest with "undisplaced rib fractures" [sic] is of no consequence.

Further evidence of her breathing after impact is supplied by soot deposition in her larynx and trachea as well as her lungs. The autopsy report notes "severe hyperemia" and "congestion" – evidence of the body's reaction to breathing noxious fumes into the delicate internal lining of the body's respiratory system. Responses to these unpleasant foreign bodies include severe and spasmodic coughing and eye irritation.

The heat fractures in the extremities as described in the autopsy report are a result of such high temperatures that the muscle shrinks as it is cooked and pulls at the bony insertions while the outer cortex of bone is weakened from thermal injury. The heat fractures in the skull are a result of increased intracranial pressure as the escaping steam from the cooked brain blows out the calvarial bones. Heat amputations of digits which are described in the report are a result of such high temperature that the skin, muscle, tendons and bone are simply carbonized and turned into dust. Fortunately, these terribly tragic events were completed after Ms Morris' death, however; these certainly started before she died. When combined with the COHb level indicating definite but not terminal CO exposure, the proximate cause of death even more so is likely thermal injury.

Thermal injury is well known as perhaps the most painful injury from which to recover. The pain is caused by raw exposure of nerves to environmental stimuli (due to absence of skin/soft tissue). Even light touch can be horribly painful. Any person who has experienced a first or second degree burn can attest to the severe pain which results. The medical literature is replete with manuscripts describing medical management of these suffering patients. As the burn becomes deeper (third and fourth degree), ironically the pain decreases since the nerves which propagate the signal to the brain are themselves eliminated by the thermal injury. Simply stated, the pain is well known as excruciating.

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Page 3 of 3: Morris

The burns that Ms Morris suffered went through an evolution. There was both direct flame as well as heat injury. Her entire body was exposed to all stages of burn – progressing from first through fourth degree burns. These finally became so severe that heat fractures occurred. There is no way to know exactly when she died, but she certainly was exposed to severe pain.

Since she was conscious following this MVA, the fear and knowledge of imminent death is another critical factor in perception of pain. Once again, the medical literature is replete with studies documenting how anxiety increases the level of pain experienced.

In summary, the autopsy report provides evidence that Ms Morris was conscious after impact; moved to the passenger seat in order to attempt escape; and died as a result of acute thermal injury. She did not suffer any other injuries that would indicate she was unconscious or thrown out of the driver's seat at the time of impact. Moreover, the physics of a rear impact would not produce a scenario where she could be thrown into the passenger's seat. Rather it is most likely that Ms Morris was conscious after her car was hit. With flames lapping throughout the vehicle, she climbed into the passenger seat trying to escape immolation. She suffered direct pain from flames and heat as her skin melted away. The first and second degree burns throughout her entire body would be excruciatingly painful. She would be racked by coughing due to the soot and her eyes would be tearing excessively as well. Since she was presumably conscious, her anxiety would actually increase the severity of her pain and the horrific nature of her situation. A reasonable estimate would be that she was alive for perhaps three to five minutes. Death was a merciful escape.

References:

Laterjet J and Choinere M. Pain in Burn Patients. Burns 1995 (21); 344.

Perry S, Heidrich G and Ramos E. Assessment of Pain by Burn Patients. J of Burn Care and Rehabilitation, 1981 (2); 322.

Ploghaus A et al. Exacerbation of Pain by Anxiety is Associated with Activity in a Hippocampal Network. J Neuroscience. 2001 (21); 9896.

Shkrum M and Ramsay D. Forensic Pathology of Trauma. 2007 Humana Press, Totowa, NJ 07512.

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ATTACHMENT 5

Mr. John Elkann
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011-39-006-1111

15 March 2013

**Subject: United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury**

**References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims**

One Page:

National news media coverage of 14Jan 2012 accident involving Mrs. Ana Pina. Wife and mother of three, Ana was driving to daughter's dance competition when the 2000 Jeep Cherokee she was driving was impacted in the rear, where the notoriously unprotected fuel tank is located.



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Police, Patriot Guard help crash victims in Ind.

Published January 14, 2012 | Associated Press

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VALPARAISO, IND. — Police and motorcyclists escorting the body of a fallen soldier home from Afghanistan have stopped to pull four people — including 6-year-old twins — from a burning Jeep after a crash in northwest Indiana.

Porter County police say 35-year-old Ana Pina was driving a Jeep carrying her children and mother Saturday when the vehicle was rear-ended by a pickup truck. The Jeep caught fire and crossed the median in front of the procession for Spc. Robert J. Tauteris Jr.

Police say a sheriff's deputy, state police trooper and Patriot Guard riders pulled the victims from the wreckage. Four people were hospitalized.

Tauteris was one of four soldiers with an Indiana-based National Guard unit who were killed Jan. 6 by a roadside bomb in Afghanistan.

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ATTACHMENT 6

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

Subject: **United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury**

References: **Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims**

Five Pages:

Pictures of Mrs. Ana Pina before the accident discussed in Attachment 5.

(Note: I have been given specific permission to share these with Mr. Elkann.)













ATTACHMENT 7

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

**Subject: United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury**

**References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims**

Four Pages:

Pictures of Mrs. Ana Pina **after** the accident discussed in Attachment 5.

(Note: I have been given specific permission to share these with Mr. Elkann; courtesy recipients not in receipt.)

Memo to Attachment 7 (Courtesy Copy Recipients Only)

Sharing of “after” photographs of Ms. Pina not authorized.

ATTACHMENT 8

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

**Subject: United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury**

**References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims**

- A. CD/electronic copy of the THIRTEEN letters that I have sent to NHTSA, eight of which were sent directly to Chrysler Group LLC Chairman Sergio Marchionne at his Auburn Hills, Michigan USA office address.
- B. DVD copy of ABC News reports (3) on Jeep fuel-fed fire severe injury and death, including review of CAS defect petition (Segment 2).
- C. Sampling of 'Signature Proof of Delivery' (SPOD) for A.

Memo to Attachment 8 (Courtesy Copy Recipients only)

- A. (CD/electronic copy of the) THIRTEEN letters that I have sent to NHTSA, eight of which were sent directly to Chrysler Group LLC Chairman Sergio Marchionne at his Auburn Hills, Michigan USA office address, available here:

<http://links.veronicachapman.com/Sheridan2Strickland-11.pdf>

<http://links.veronicachapman.com/Sheridan2Strickland-10.pdf>

<http://links.veronicachapman.com/Sheridan2Strickland-9.pdf>

<http://links.veronicachapman.com/Sheridan2Strickland-8.pdf>

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<http://links.veronicachapman.com/Sheridan2Kelleher-1.pdf>

<http://links.veronicachapman.com/Ditlow-Baker-1.pdf>

<http://links.veronicachapman.com/Sheridan2Kelleher-1-11Apr2012.pdf>

- B. (DVD copy of) ABC News reports (3) on Jeep fuel-fed fire severe injury and death, including review of CAS defect petition (Segment 2), available here:

http://www.youtube.com/watch?v=TH_0izSyPk0&list=UUBurCYLuIg9Li7-SeIdsuDg&index=25

<http://www.youtube.com/watch?v=1kzuXLABipY&list=UUBurCYLuIg9Li7-SeIdsuDg>

<http://www.youtube.com/watch?v=Hu9av30sPxc&list=UUBurCYLuIg9Li7-SeIdsuDg>

- C. Sampling of 'Signature Proof of Delivery' (SPOD) for A, please see overleaf.



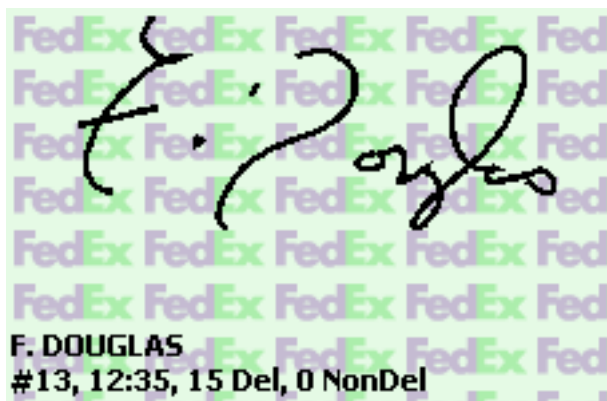
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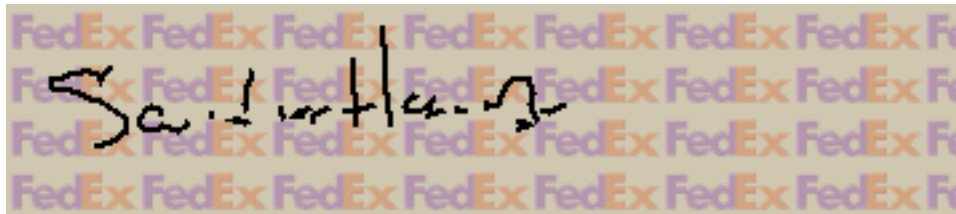
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February 15, 2011

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April 12, 2012

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Tracking number:	869449983946	Ship date:	Apr 11, 2012
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Recipient:

MR DAVID KELLEHER
C/O DAVID DODGE CHRYSLER JEEP
1801 ROUTE 202
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ATTACHMENT 9

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

Subject: United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury

References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims

Three Pages:

January 1991 Chrysler Times news coverage of Paul V. Sheridan work as Engine Programs Manager on the Dodge-Cummins pickup truck.

Critics rave about Cummins-powered Ram pickups

If a Dodge Ram outfitted with the Cummins 5.9-liter turbo diesel engine were to race a Ford or Chevy truck up a Colorado mountain road, there would be no question who would win. The Dodge Ram would sail up the mountain, while its Chevy and Ford counterparts chugged along in its dust.

In fact, in just about any endurance competition imaginable, the Dodge Ram truck would obliterate its competition.

This is not frivolous hype or propaganda generated by zealous marketing types. The example is based on testimonials by industry trade journals.

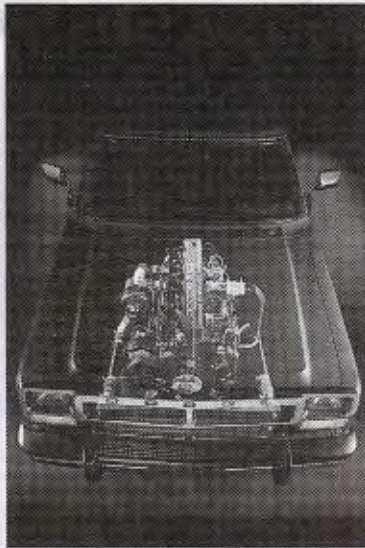
For instance, *Road Test Magazine* writes, "The Dodge-Cummins pickup outdistances its Ford and Chevy counterparts in every meaningful category."

"Dodgzilla" is a term coined by *Four Wheeler* magazine to describe the Dodge Rampickup.

Why the acclaim? The engine powering the Dodge Ram—the Cummins diesel 5.9-liter six-cylinder turbo engine—has no equal, according to Paul Sheridan, Jeep®/Truck Engineering Engine Program Manager. It's the only factory-installed turbo diesel available in a pickup.

Referred to by Sheridan as the "Ferrari of the diesel engines," the Cummins is largely responsible for the recent success of Dodge Ram trucks in the marketplace.

The Cummins engine is in nearly half of all Dodge full-size pickup trucks sold. Dodge sold 30,000 turbo diesel pickups in the 1990 model year and projects sales of 44,000 units in 1991.



The Cummins engine is in nearly half of all Dodge full-size pickup trucks sold. Dodge sold 30,000 turbo diesel pickups in the 1990 model year and projects sales of 44,000 units in 1991.

"We are approaching 50 percent of Ford's volume after only three years in the diesel business," Sheridan added. "Our problem is not demand, but supply of available engines from Cummins. We can't fill customer orders fast enough."

The 1989 model year production was sold by December 1988, and 1990 production sold out by February 1990.

"We can't determine how great the demand is, because we haven't hit the ceiling yet," Sheridan said.

A diesel engine survey found that if given the option, one out of four Ford and General Motors diesel pickup buyers would pay an extra \$1,000 for a truck powered by a Cummins engine.

The engine was first used in the Dodge Ram full-size pickup



Among the Cummins diesel team members who worked to ensure a smooth launch were, from left, Eugene Shensky, Product Change Analyst; Ken Scobel, Cummins On-Time Assembly; Walter Ralph, Vehicle Development Specialist; Troy Simonsen, Product Planning Manager; Greg Henderson, Design Aids Supervisor; and Paul Sheridan, Engine Programs Manager.

trucks in 1989, but preparations to modify a Cummins diesel for the truck date back to 1985.

Eight Chrysler employees, part of the core Truck Operations group, approached the Cummins people namely because at the time the company was "the only game in town," Sheridan said. Ford was getting its diesel engines through Navistar, and General Motors manufactured its own and purchased some from Detroit Diesel.

Chrysler provided Cummins with a Dodge Ram truck and the assignment of making a Cummins diesel engine that could fit into the chassis.

December 1990 Design Engineering/Manufacturing Cost Reduction Results

Cummins completed its assignment and the engine is now available in the Ram D-250 and D-350, both two- and four-wheel drive.

"We achieved this success over the years using a skeleton crew, minimal budget and a complicated but necessary release program," Sheridan said.

In addition to offering an engine intercooler to meet strict emissions standards, the 1991-1/2 model offers a four-speed automatic overdrive transmission that will boost the truck's current top speed of 80 mph and further improve its fuel economy and performance.

Digest

In the News

STANDARD & POOR'S placed the Big Three automakers on its Credit Watch list Jan. 9 because of a worsening economic picture.

Chrysler said, "We are, of course, disappointed... but given the difficult environment the industry is in, we can understand their concern. We know our minivans and sport utilities face increasing competition, but are confident that they remain the class of the field and able to withstand the assault."

Chrysler will have an opportunity to present its case to Standard & Poor's.

Innovation

AL BARRETT, Mark Huber, Mike Larson, Don McCutcheon and Jim Pitt represented Chrysler in accepting an award from the Society of Automotive Plastics for the company's use of plastic in body interiors. In conjunction with Entech, Rockwell and General Electric, the group developed a plastic bolster that saves \$18 per vehicle and 8.3 pounds in body weight. The bolster is used in the Eagle Premier and Dodge Monaco.

People

IN THE DODGE/WJR RADIO Quest for Excellence music competition, Beth Barley took first place and won a \$5,000 scholarship. She is the daughter of Lou Barley, a tool engineer from Chrysler's Mound Road Engine Plant in Detroit.

Communication

ALL M-K



IN RECOGNITION OF
EXCELLENCE IN ACHIEVING



“Your Personal Best”

1985

Advance Product Planning Office
to be the Best Goals

PAUL V. SHERIDAN

L. A. Iacocca

L. A. Iacocca

E. A. Reickert

E. A. Reickert

Peter C. Badore

P. C. Badore

J. M. Hossack

J. M. Hossack

H. E. Cook

H. E. Cook

K. S. Mack

K. S. Mack

ATTACHMENT 10

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

**Subject: United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury**

**References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims**

Six Pages:

Final Employee Performance Appraisals for Paul V. Sheridan.

Submitted to Chrysler Personnel Office mere weeks prior to the Christmas holiday *ex parte* office raid, *ex parte* employment dismissal, and *ex parte* “muzzling” lawsuit filed by Chrysler defense lawyers. The latter, nearly five years later added **an \$82,000,000.00 “damages” claim**, but just prior to his court testimony in a product liability death case involving an eight-year-old boy.

**Summary of Performance Appraisal Comments
Filed by Chrysler Executives
Covering a Two Year Evaluation Period**

**Subject: Paul V. Sheridan
Reference: Minivan Safety Leadership Team**

"Paul (Sheridan) does a thorough, detailed, organized, and tireless job. He became an active promoter of advancing safety in the (minivan) program only slowing when the reality of the interest from management became apparent to him..."

Ronald S. Zarowitz
Manager, Safety Office, (810) 576 - 7305
October 10, 1994

"(Paul Sheridan) has directed various team efforts well, with a strong goal orientation, especially the (minivan) Safety Leadership Team..."

Mark W. Clemons
Manager, Chrysler-Plymouth Marketing, (313) 956 - 3763
October 14, 1994

"Overall I think Paul (Sheridan) has done an excellent job...He has been eager to get involved...Always very open and candid...good planning skills...Good team leader..."

Bernard E. Swanson
Executive Engineer-Minivan Platform
October 16, 1994, (810) 576 - 2908

"Paul (Sheridan) did a good job as Chairman of the Minivan Safety Leadership Team...He brings a valuable engineering perspective to his product planning role...He is willing to speak up when he disagrees, which is good..."

Scott A. Sullivan
Manager, Market Research
October 12, 1994

"I find (Paul Sheridan) to be very innovative and certainly not afraid to push the envelope. His professional yet open demeanor easily wins the respect of his colleagues. He is extremely knowledgeable, and may well be one of the best all around technical persons on staff...Paul is a valuable asset to the (minivan) platform and I rely on him to accomplish our mutual goals"

Paul T. Doolan
Engineering Programs Manager-Minivan
October 10, 1994, (810) 576 - 4837

MULTIPLE INPUT FORM - CONFIDENTIAL

The use of this form is optional. If it is used, however, the guidelines on the back of this form must be followed. Multiple input can provide supervisors with valuable, additional information to consider when completing employee appraisals and development plans. Your input regarding the employee's past year's results and behaviors is appreciated.

Employee Name Paul Sheridan Date 10-10-94
Provider Name (Optional) Ron Zarowitz How Long Have You Worked with the Employee? 2 years
Relationship to Employee:
 Customer Supplier Team Member Subordinate Peer Other _____

RESULTS:

Please provide a brief summary of the employee's success or difficulty in fulfilling his or her job duties related to you. Include specific examples and results.

Paul does a thorough, detailed, organized, and tireless job. He became an active promoter of advancing safety in the NS program, only slowing when the reality of the interest from management became apparent to him. He created & led NS SLT to point of making data-based recommendations to NS management.

BEHAVIORS:

Please list areas where you feel the employee excels or has opportunity for development. Keep in mind the following behaviors:

Innovation/Risk Taking Continuously attempts to push forward/try something new/ be inventive.

Teamwork Very interested in team dynamics, consensus-building - good leader.

Encouraging/Valuing Diversity Different backgrounds/points-of-view sought out, encouraged.

Communication/Openness/Candor Direct, honest, to the point of being blunt

Continuous Process Improvement (no basis to evaluate)

Planning/Priority Setting Organized NS SLT & ran group effectively/efficiently. Developed plan to prioritize group objectives.

Problem Solving Creative, up to point of "hitting the wall" - then process steps.

Leadership - good. encourages group input - leads group to make progress - has vision of ultimate goal.

Customer Responsiveness [no basis to evaluate]

Technical Expertise

People Management/Development (for supervisors only)

OTHER COMMENTS OR CONCERNS: Very strong candidate who could work on achieving "grace under fire" - temper sometimes comes through too quickly when frustrated.

Please return to Dennis Malecki by _____
Name Date

Thanks!

MULTIPLE INPUT FORM - CONFIDENTIAL

The use of this form is optional. If it is used, however, the guidelines on the back of this form must be followed. Multiple input can provide supervisors with valuable, additional information to consider when completing employee appraisals and development plans. Your input regarding the employee's past year's results and behaviors is appreciated.

Employee Name **Paul Sheridan**

Date **October 14, 1994**

Provider Name **Mark Clemons**

How long have you worked with the Employee? **2 Years**

Relationship to Employee:

Customer

Supplier

Team Member

Subordinate

Peer

Other

RESULTS:

Please provide a brief summary of the employee's success or difficulty in fulfilling his or her job duties related to you. Include specific examples and results.

Paul has been successful in his duties, especially with the NS teams that he chairs. He is also an enthusiastic team member.

BEHAVIORS:

Please list areas where you feel the employee excels or has opportunity for development. Keep in mind the following behaviors:

Innovation/Risk Taking

Teamwork

Good team player. Assumes team goals well and works aggressively to accomplish team objectives.

Encouraging/Valuing Diversity

Paul is aggressive, opinionated and persistent, traits which can be assets when moderated. However, he occasionally allows his personal views to compromise his effectiveness.

Communication/Openness/Candor

Clear and concise. Expresses views well, both orally and written.

Continuous Process Improvement

Planning/Priority Setting

Has directed various team efforts well, with a strong goal orientation (especially the NS Safety Leadership Team leading up to the NS safety research).

Problem Solving

Good analytical skills. Researches issues well. Brings facts to bear for decision making purposes.

Role Model Behavior/Leadership

Effective in chairing NS Safety Leadership, NS Complexity and NS Exterior Ornamentation teams. Leads discussions well and assists teams in developing necessary outputs.

Customer Responsiveness

Keeps commitments to teams and team members.

Technical Expertise

Displays good understanding relating to chassis items and exterior ornamentation.

People Management/Development (for supervisors only)

OTHER COMMENTS OR CONCERNS:

Please return to **Dennis Malecki**

by **October 19, 1994**

Name

Date

THANKS!

MULTIPLE INPUT FORM - CONFIDENTIAL

The use of this form is optional. If it is used, however, the guidelines on the back of this form must be followed. Multiple input can provide supervisors with valuable, additional information to consider when completing employee appraisals and development plans. Your input regarding the employee's past year's results and behaviors is appreciated.

Employee Name Paul Sheridan Date 10-16-94
 Provider Name (Optional) B.E. SWANSON How Long Have You Worked with the Employee? 2+ YRS
 Relationship to Employee:
 Customer Supplier Team Member Subordinate Peer Other

RESULTS:

Please provide a brief summary of the employee's success or difficulty in fulfilling his or her job duties related to you. Include specific examples and results.

Overall I think Paul has done an excellent job in championing production in complexity. From a chassis perspective, he has been eager to get involved in issues presented to him. Sometimes it appears he takes issues as more of a "personal crusade" rather than an "expose the business issues" focus which I think frustrates him when his view is not accepted or actioned on. This does not appear to affect his affectiveness, however, is a source of frustration to him.

BEHAVIORS: Please list areas where you feel the employee excels or has opportunity for development. Keep in mind the following behaviors:

- Innovation/Risk Taking *Does not appear to affect his affectiveness, however, is a source of frustration to him.*
- Teamwork
- Encouraging/Valuing Diversity
- Communication/Openness/Candor *- Always very open and candid with me.*
- Continuous Process Improvement
- Planning/Priority Setting *Demonstrates good planning skills.*
- Problem Solving
- Leadership *Take initiative to address issues. Leads the change.*
- Customer Responsiveness *has been very responsive to chassis issues.*
- Technical Expertise *- Adequate to more than adequate for chassis.*
- People Management/Development (for supervisors only)

OTHER COMMENTS OR CONCERNS:

Paul has a tendency to blather about things which I think is mostly a "personality" thing.

Please return to Dennis Malecki by _____
Name Date

Thanks! Dennis, sorry about the quality of my written response. I would be glad to discuss Paul's performance at the time.

Good Team Player Has Done Well. His Job Represents 17%

MULTIPLE INPUT FORM - CONFIDENTIAL

The use of this form is optional. If it is used, however, the guidelines on the back of this form must be followed. Multiple input can provide supervisors with valuable, additional information to consider when completing employee appraisals and development plans. Your input regarding the employee's past year's results and behaviors is appreciated.

Employee Name Paul Sheridan Date 10/12/94
Provider Name (Optional) SCOTT SULLIVAN How Long Have You Worked with the Employee? 15 MONTHS
Relationship to Employee:
 Customer Supplier Team Member Subordinate Peer Other _____

RESULTS:

Please provide a brief summary of the employee's success or difficulty in fulfilling his or her job duties related to you. Include specific examples and results.

PAUL DID A GOOD JOB AS CHAIRMAN OF THE MINIVAN SAFETY LEADERSHIP TEAM DURING THE TIME I WORKED WITH THAT GROUP. HE ACTIVELY PARTICIPATES IN THE PSIT DISCUSSIONS, AND HE BRINGS A VALUABLE ENGINEERING PERSPECTIVE TO HIS PRODUCT PLANNING ROLE.

BEHAVIORS:

Please list areas where you feel the employee excels or has opportunity for development. Keep in mind the following behaviors:

Innovation/Risk Taking - HE IS WILLING TO SPEAK UP WHEN HE DISAGREES, WHICH IS GOOD.

Teamwork

Encouraging/Valuing Diversity

Communication/Openness/Candor - HIS ARGUMENTS ARE, AT TIMES, A BIT TOO EMOTIONAL. THIS CAN WORK AGAINST HIM IN TRYING TO CONVINCE OTHERS.

Continuous Process Improvement

Planning/Priority Setting - IN A FEW INSTANCES WITH THE SAFETY LEADERSHIP TEAM PAUL GOT BOGGED DOWN IN DETAILS WHEN THE GROUP WAS READY TO MOVE FORWARD.

Problem Solving

Leadership

Customer Responsiveness

Technical Expertise

People Management/Development (for supervisors only)

OTHER COMMENTS OR CONCERNS:

Please return to Dennis Malecki by _____
Name Date

Thanks!

MULTIPLE INPUT FORM – CONFIDENTIAL

The use of this form is optional. If it is used, however, the guidelines on the back of this form must be followed. Multiple input can provide supervisors with valuable, additional information to consider when completing employee appraisals and development plans. Your input regarding the employee's past year's results and behaviors is appreciated.

Employee Name Paul Sheridan Date 10/10/94
Provider Name (Optional) PAUL DOOLAN How Long Have You Worked with the Employee? _____
Relationship to Employee:
 Customer Supplier Team Member Subordinate Peer Other _____

RESULTS:

Please provide a brief summary of the employee's success or difficulty in fulfilling his or her job duties related to you. Include specific examples and results.

Some specific examples of Paul's contributions include: tie & wheel plan, suspension complexity reduction matrix, powertrain plan, tie & wheel volumes, and recently eptecis ornamentation items.

BEHAVIORS:

Please list areas where you feel the employee excels or has opportunity for development. Keep in mind the following behaviors:

Innovation/Risk Taking	<i>As a fellow member on several teams with Paul, I find him to be very innovative and certainly not afraid to push the envelope. His professional yet open demeanor easily wins the respect of his colleagues. He is extremely knowledgeable, and may well be one of the best all around technical persons on staff. He is detail oriented, and works hard at his craft. His work on complexity reduction demonstrates good planning and problem solving skills. He is also a very capable communicator, both written and verbal, and appears well organized.</i>
Teamwork	
Encouraging/Valuing Diversity	
Communication/Openness/Candor	
Continuous Process Improvement	
Planning/Priority Setting	
Problem Solving	
Leadership	
Customer Responsiveness	
Technical Expertise	
People Management/Development (for supervisors only)	

OTHER COMMENTS OR CONCERNS:

Paul is a valuable asset to the platform, and I rely on him to accomplish our mutual goals

Please return to Dennis Malecki by _____
Name Date

Thanks!

ATTACHMENT 11

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

**Subject: United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury**

**References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims**

Four Pages:

News media coverage of the Chrysler versus Sheridan lawsuit of \$82,000,000.00.

(Note that this attachment makes reference to instant Attachment 10.)

detnews
com
▶ HOME PAGE

Thursday, March 19, 1998

The Detroit News

◀ INDEX ▶

Autos

Chrysler sues former employee for \$82 million in minivan affair

By Kenneth Cole / Detroit News
Washington Bureau

WASHINGTON -- Chrysler Corp. is seeking \$82 million from a former safety staffer-turned-whistleblower who's testifying in high-stakes lawsuits involving latch designs on the automaker's older minivans.

The demand, long kept secret, was disclosed in a just-settled rear liftgate latch lawsuit in Los Angeles.

The \$82-million figure represents Chrysler's estimate of its losses following an October 1995 interview of Dearborn resident and former Chrysler employee Paul Sheridan on ABC-TV's 20/20 news program.

Legal experts say it may be the largest sum ever sought from a whistleblower by a corporation.

It is only one highlight of Ornelas vs. Chrysler, which was settled for an undisclosed amount this week in Los Angeles Superior Court. The case involved four passengers allegedly ejected from a Chrysler minivan in a low-speed crash in 1995.

"I don't track it, but I'd be surprised if an individual has ever been sued for more by a corporation," said Clarence Ditlow, executive director of the Center for Auto Safety in Washington, D.C. "It is reflective of how much a whistleblower can cost a company -- especially when it's tried to cover up a defect."

Tom Kienbaum, the Birmingham attorney representing Chrysler in its lawsuit against Sheridan, was not available for comment.

David Tyrrell, the company's lead counsel in the minivan-latch lawsuits, described Sheridan as "a disgruntled former employee."

Chrysler fired Sheridan in December 1994 for allegedly disseminating secret crash-test data on the 1996 minivan. It sued him in Oakland County Circuit Court later that month for "in excess of \$10,000."

The company amended the lawsuit in the fall of '95 after Sheridan appeared on 20/20 and said the company knew its minivan latches weren't strong enough to secure the rear liftgate in even low-speed



Sheridan

Advertising
Classifieds
Personals
Job listings
Model Homes
Place an ad

Essentials
Editorials
Horoscope
Lottery
Weather
Death Notices
CyberSurvey
Search Engine
Back Issues
Site highlights

News
Sections
Accent
Autos
Business
Casino Guide
Comics
Comic Books
Cyberia
Food
Homestyle
Letters
Metro
Money
Movie Finder
Nation/World
Next!
Obituaries
Outlook
On Detroit
Pets
Rearview
Mirror
Screens
Showtime
TV Listings
Voices

Sports
Sections
Sports
Lions
Pistons
Tigers
Wings
College
U-M
MSU
State Colleges
High Schools
Motor Sports
Golf Guide

[Scoreboards](#)
[Sports Talk](#)
[Wing Nuts](#)

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 By e-mail
 Post letters
 to The News
 Person-
 to-person
 Staff
 addresses
 By phone
 Departments
 and editors
 Circulation
 Home delivery



accidents.

According to federal regulators, malfunctions with Chrysler minivan latches have resulted in at least 37 deaths and 100 serious injuries.

Sheridan, 45, declined to comment. His attorney, Courtney Morgan of Detroit, said Chrysler contends in the lawsuit that Sheridan's interview hurt sales of its 1996-model minivans. They had just gone on the market when the TV show aired.

"Never mind the fact that Paul never said a word about the 1996 minivans on the show," Morgan said.

The \$82 million Chrysler is seeking from Sheridan is based on lost sales and how much it figures it would have had to spend on television ads rebutting Sheridan's interview.

"But even if that logic holds, how the hell can you get the money if you never spent it?" argued Morgan, who is representing Sheridan in a countersuit against the automaker.

Elletta Callahan, a professor of law and public policy in Syracuse University's School of Management, concurred Chrysler will have a difficult time collecting, saying: "It's always difficult to prove lost profits."

Chrysler attorneys apparently believe it will be equally difficult to convince juries that there never was a problem with its pre-1995-model minivan latches. The Ornelas case is the third the company has settled this year since a South Carolina jury rendered a record \$262.5-million verdict in a similar case.

"They recognize that if a juror sees all the evidence they'll lose over and over again, so they're paying very large and very secret amounts of money to keep that from happening," said Mikal Watts, a Corpus Christi, Texas, attorney representing many plaintiffs in latch lawsuits against the company.

Ken Gluckman, assistant general counsel for product liability litigation at Chrysler, said the settlements simply reflect a flawed judicial system.

"The sad truth is that in today's judicial system, jurors can do anything," he said. "They're guided by emotion and aren't controlled by factual circumstances."

Four passengers -- including 1-year-old Lorena Casteneda and 4-year-old Diana Perez -- were allegedly ejected from the back of a Chrysler minivan in a low-speed crash in Los Angeles on Jan. 21, 1995, in the Ornelas case.

Gluckman noted 13 people were riding in the minivan designed for seven. Many were unbelted, he said, and there's evidence the minivan driver may have run a light.

"The plaintiffs in this case broke three laws," Gluckman said. "Yet we're supposed to be the evil ones."

Larry Grassini, the plaintiff's attorney in Ornelas, said his client "made a mistake by allowing so many people to ride" in the minivan.

"But that was a short-term mistake," he said. "Chrysler knew about their's for a long time."

Grassini said six of the 12 Ornelas jurors and one of the four alternates accepted questions from attorneys after the case was settled. He said they told a Chrysler jury consultant they would have wanted to hear from Sheridan, had the case gone trial.

"The jurors saw him as a key witness in what many of them said seemed to be some sort of corporate cover-up involving these latches," Grassini said.

→ Chrysler's Tyrrell said there was no cover-up and if the case had been tried, jurors would have learned Sheridan was not an engineer. "Rather, he held a marketing position," Tyrrell said. "He never designed a liftgate latch and he never tested a latch."

Chrysler demoted Sheridan for poor job performance before firing him, Tyrrell said, and that further impugns his testimony.

That, however, contradicts Chrysler's performance evaluations of Sheridan obtained by The Detroit News. As recently as October 1994 -- two months before the automaker canned him -- various company brass wrote:

* "Paul does a thorough, detailed, organized and tireless job. He became an active promoter of advancing safety in the minivan program, only slowing when the reality of the interest from management became apparent to him."

* "Paul (Sheridan) did a good job as Chairman of the Minivan Safety Leadership team."

* "He is extremely knowledgeable and may very well be one of the best all around technical persons on staff."

* "Overall, I think Paul has done an excellent job."

What Sheridan said

Former Chrysler employee Paul Sheridan was fired in December 1994 for allegedly disseminating secret crash-test data on the 1996 minivan. He later appeared on 20/20 and said the automaker knew its minivan latches weren't strong enough to secure the rear liftgate in even low-speed accidents.

The law

Three years ago tomorrow, Sheridan sued Chrysler and three of its employees alleging they violated his rights under whistleblowers' protection laws. Those laws offer protection from companies that lash out against staffers who uncover wrongdoings. Chrysler, however, has argued Sheridan was fired for defensible reasons.

Who is Paul V. Sheridan?

The former employee at the center of high-stakes litigation involving Chrysler's minivan rear liftgate latches worked for two of the Big Three automakers since the early '80s.

Employment: Worked from 1981-84 for Ford Motor Co., including product and powertrain planning. From 1984-94, his duties at Chrysler Corp included engineering planning, helping arrange a

deal to equip Chrysler trucks with Cummins diesel engines and working on the minivan platform team.

Status: Seeking full-time employment. Chrysler fired him after finding phone records traced to a reporter for the trade weekly Automotive News. The automaker later sued him for disclosing company secrets involving minivan crash tests and comments about minivan latches on TV.

What's next

This week Chrysler settled a minivan latch case in Los Angeles before Sheridan was set to testify. It faces at least six more latch cases in next four months. Lawsuits between Sheridan and Chrysler are scheduled to go to trial in June.

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[Comments?](#)

The Detroit News

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ATTACHMENT 12

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

**Subject: United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury**

**References: Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims**

Ten Pages:

24 March 2000 letter from plaintiff Attorney Mr. Mikal Watts to Chrysler defense lawyer Thomas Kienbaum (Please see Attachment 10) regarding:

“ . . . an email planning a concerted smear campaign against a material witness.”

Please note that this Chrysler National Defense Counsel email states:

“In the past those (fellow Chrysler employees to Paul V. Sheridan) never seemed to become incensed or outraged by Sheridan’s statements. Perhaps this affidavit will help them in that regard. This guy is not going away any time soon.”



Attorneys at Law

Mikal C. Watts
Attorney at Law

Telephone: (361) 887-0500
Facsimile: (361) 887-0055

March 24, 2000

Mr. Thomas Kienbaum
KIENBAUM, OPPERWALL, HARDY & PELTON, P.L.C.
325 South Old Woodward Avenue
Birmingham, Michigan 48009
Phone: (248) 645-0000

Via Fax: (248) 645-1385

Re: *LeCompte v. DCC*

Dear Mr. Kienbaum:

I am in receipt of your letter of yesterday¹ wherein you seek to "confirm" my conversation with Florida counsel. First, judging by your recitation of the same, you confirm incorrectly. Second, the fact is that the David Tyrell E-mail² has already been widely disseminated by me and others to other persons in the plaintiffs' automotive defect bar. Discovery efforts already are specifically being planned and coordinated among the several hundred truth-seeking members of AIEG to depose each of the members of the Door Hardware Workteam and the NS Safety Leadership Team in order to document DCC's concerted and now-documented efforts to cause its employees "to become incensed or outraged" at Paul Sheridan's willingness to tell the truth. Third, I can assure you that an E-mail planning a concerted smear campaign at a material witness in Texas litigation is not protected by the attorney-client privilege under either Texas or Florida law. If you disagree, I encourage your client to seek the opinion of a Nueces County, Texas judge with jurisdiction over my mouth and my mailbox, or one with jurisdiction over the Attorneys' Information Exchange Group in Birmingham, Alabama. Finally, I am shocked at the temerity of your firm and your client to once again seek a court-imposed "muzzle" on one of the truly honorable whistleblowers this country has ever seen, who according to your client's own national counsel, Mr. Tyrrell, "was at Chrysler for an extended period of time, had a good work history according to his late reviews and awards," and who is "organized, obsessive, detailed," and who "will present a ... superior appearance as a witness."

Imagine the safety that could have been incorporated into Chrysler vehicles over the past five years had your firm not been successful in keeping Chrysler's conduct completely sealed from public view through a now-lapsed "gag order." The Honorable court handling your case against Sheridan, who no doubt initially decided the issue

¹ Attached hereto as Exhibit "A" for your reference.

² Attached hereto as Exhibit "B" for your reference.

Corpus Christi • Brownsville

Mr. Thomas Kienbaum
March 24, 2000
Page Two

based upon your firm's and your client's representations, was entirely correct in his recent decision to let the injunction lapse.

Although I am not certain whether Damler's Germany recognizes a first amendment right to free speech,³ I am certain your client's American subsidiary, Chrysler, is well aware of the fact that this country does recognize free speech rights.

Certainly providing truthful testimony in a brain-damaged baby case involving a vehicle defectively designed between seven and ten years ago should be applauded, instead of responded to by your former employer seeking to extend a five-year muzzle on entirely specious grounds.

I trust you advised the Honorable court that Sheridan was designated as a material fact witness early-on in that litigation by the Plaintiffs.⁴ I trust that in your "motion to re-muzzle", you advised the Honorable court that Sheridan's affidavit references only documents produced to me in litigation, which according to the terms

³ Attached hereto as Exhibit "C" for your reference.

⁴ As Justice Ginsberg recently noted in *Baker v. General Motors*: "Most essentially, Michigan lacks authority to control courts elsewhere by precluding them, in actions brought by strangers to the Michigan litigation, from determining for themselves what witnesses are competent to testify and what evidence is relevant and admissible in their search for the truth. See Restatement (Second) of Conflict of Laws, 137-139 (1969 and rev.1988) (forum's own law governs witness competence and grounds for excluding evidence); cf. *Societe Nationale Industrielle Aerospatiale v. United States Dist. Court for Southern Dist. of Iowa*, 482 U.S. 522, 544, n. 29, 107 S.Ct. 2542, 2556, n. 29, 96 L.Ed.2d 461 (1987), (foreign "blocking statute" barring disclosure of certain information "do[es] not deprive an American court of the power to order a party subject to its jurisdiction to produce [the information]"); *United States v. First Nat'l City Bank*, 396 F.2d 897 (C.A.2 1968) (New York bank may not refuse to produce records of its German branch, even though doing so might subject the bank to civil liability under German law)... In sum, Michigan has no authority to shield a witness from another jurisdiction's subpoena power in a case involving persons and causes outside Michigan's governance. Recognition, under full faith and credit, is owed to dispositions Michigan has authority to order. But a Michigan decree cannot command obedience elsewhere on a matter the Michigan court lacks authority to resolve. See *Thomas v. Washington Gas Light Co.*, 448 U.S. 261, 282-283, 100 S.Ct. 2647, 2661, 65 L.Ed.2d 757 (1980) (plurality opinion) ("Full faith and credit must be given to [a] determination that [a State's tribunal] had the authority to make; but by a parity of reasoning, full faith and credit need not be given to determinations that it had no power to make.").

In *LeCompte*, Judge J. Ray Gayle accepted Mr. Sheridan's affidavit as evidence, and made no pronouncement from the bench that Mr. Sheridan was not welcome to testify in his courtroom.

Mr. Thomas Kienbaum
March 24, 2000
Page Three

of those cases' protective orders, are no longer confidential.⁵ I trust that in your motion to re-muzzle, you have advised the Honorable court that Sheridan's testimony involves a vehicle line which has been on the road for years, subject to vehicle tear-downs and competitive engineering, and a vehicle line which already is entirely being replaced by Chrysler with its "RS" line of minivans whose designs have been completed by the date of this writing.⁶ I trust you advised the Court that of the previously-produced documents referenced in Sheridan's affidavit, the vast majority of them were produced in a deposition that Chrysler's employment law firm, Dickinson, Wright, defended⁷, and that therefore, any attempt by Chrysler to insinuate that Sheridan disclosed "new" information would be a gross fraud on the Court. I trust that in your motion to re-muzzle, you advised the Honorable court that Sheridan's affidavit testimony was confirmed in almost every respect by the deposition testimony of Chrysler's own corporate representative in *LeCompte*.⁸

In Texas, one of our great Supreme Court justices, Hon. Franklin Spears, wrote that "the ultimate purpose of discovery is to seek the truth, so that disputes may be decided by what the facts reveal, not by what facts are concealed."⁹ In an effort to have disputes decided across the nation by "what facts are concealed," your client has, in my humble opinion wrongfully terminated an honorable man, disgracefully trumped-up charges against him that subsequently have been proven meritless, and shamefully shackled him with a gag order lasting five years, even though your own client's fellow employees showered him with glowing praise in performance reviews just weeks before Chrysler wrongfully terminated him. I would suggest that if Chrysler believes Paul Sheridan is such a threat, it immediately should permit me to depose all persons whom it believes will prove him a liar. We can then compare their sworn testimony with the representations made by your firm in Court in the *Chrysler v. Sheridan* litigation, and see whether it is Paul Sheridan or his former employer that is spreading falsehoods.

⁵ See Rule 76a Order of 1996 of Anderson County, Texas District Court Judge Calhoun in *Matthews v. Chrysler*.

⁶ See testimony of Dennis Malecki in *LeCompte v. Chrysler*.

⁷ See Deposition of Paul Sheridan, in *Gonzalez/Matthews v. Chrysler*, dated May 2, 1996.

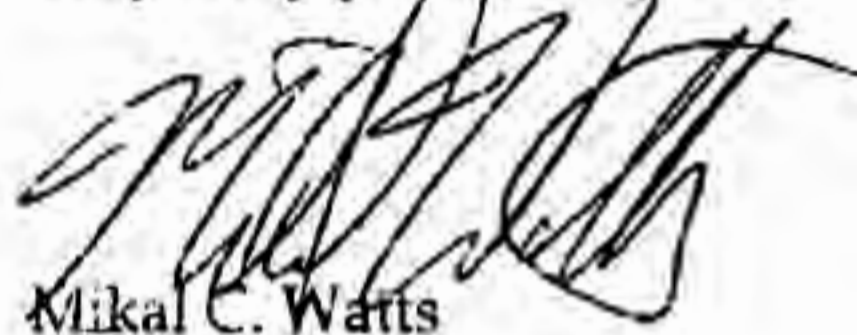
⁸ See Deposition of David Monette in *LeCompte v. Chrysler*, dated February 29, 2000.

⁹ *Jampole v. Touchy*, 673 S.W.2d 569 Tex. 1984).

Mr. Thomas Kienbaum
March 24, 2000
Page Four

I hope this letter will assist you in clarifying our respective positions on this matter.

Very truly yours,



Mikal C. Watts

P.S.:

I have just received a copy of your Brief in support of Chrysler's Motion to re-Muzzle. Among the myriad misrepresentations made therein, the one containing particularly-strong stench to me is your blatant lie to the Court with respect to how the *Matthews* documents became public. To insinuate that those documents were made public by me filing them behind Chrysler's back is shameful; in fact, Judge Calhoun conducted a five-hour hearing before ruling that the documents should be released according to Rule 76a. You may want to pull up the *Dallas Morning News* coverage of the hearing to refresh your recollection, so that you can file a retraction of this falsehood with the Court immediately.

cc:

Richard Greenberg - *60 Minutes*
Bill Vlassic - *Detroit News*
Milo Geyelin - *Wall Street Journal*
Jeffrey Ball - *Wall Street Journal* - Detroit Bureau
AIEG Executive Committee

Via Fax: (212) 975-0322
Via Fax: (313) 222-1461
Via Fax: (212) 416-2653
Via Fax: (313) 963-6527

MAR. 23. 2000 3:13PM

KIENBAUM OPPERWALL

NO. 2291 P. 1

**KIENBAUM OPPERWALL
HARDY & PELTON, P.L.C.
ATTORNEYS AND COUNSELORS**

FILE COPY

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Birmingham, Michigan 48009
Phone (248) 645-0000
Fax: (248) 645-1385

FACSIMILE TRANSMISSION SHEET

Date: March 23, 2000
To: Mikal C. Watts
Fax #: (361) 887-0055
Phone:
Total Pages: 3, including this cover sheet
From: Thomas G. Kienbaum
Regarding: LeCompte v. DCC

If you have not received the total number of pages, please call 248-645-0000. Thank you.

MESSAGE:

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EXHIBIT "A"

03/24/2000 14:12 FAX 361 887 0055

HARRIS AND WATTS

007

MAR. 23. 2000 3:13PM

KIENBAUM OPPERWALL

NO. 2291 P. 2

**KIENBAUM OPPERWALL
HARDY & PELTON, P.L.C.**

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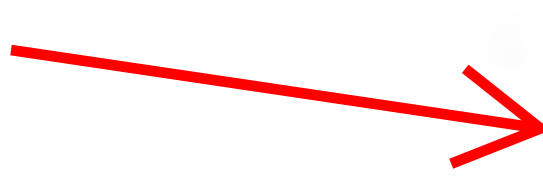
March 23, 2000

Via Facsimile (361) 887-0055

Mikal C. Watts, Esquire
Harris & Watts, P.C.
555 N. Carancahua
Tower II. Building, Suite 1630
Corpus Christi, TX 78478

Re: LeCompte v. DCC

Dear Mr. Watts:

This letter will confirm the conversation you had with Bob Fulton today concerning David Tyrrell's e-mail to DaimlerChrysler Corporation's counsel, Rita Burns. Mr. Tyrrell's e-mail related to Paul Sheridan's affidavit in LeCompte v. DaimlerChrysler Corporation. As Bob explained to you, this e-mail was inadvertently attached to an exhibit to a motion filed on behalf of DaimlerChrysler Corporation in the action pending against Mr. Sheridan.  Mr. Tyrrell's e-mail is clearly a privileged attorney-client communication, and it is obvious that its disclosure was inadvertent. I am filing a motion today to remove the attorney-client communication from the pleading filed recently in the Oakland County Circuit Court, and to obtain return of any distributed copies. I understand you will not hereafter distribute the inadvertent attorney-client communication that you received from Mr. Sheridan's counsel, Courtney Morgan, until you hear further on the matter.

3/24/2000 14:12 FAX 361 887 0055

HARRIS AND WATTS

MAR. 23. 2000 3:13PM KIENBAUM OPPERWALL

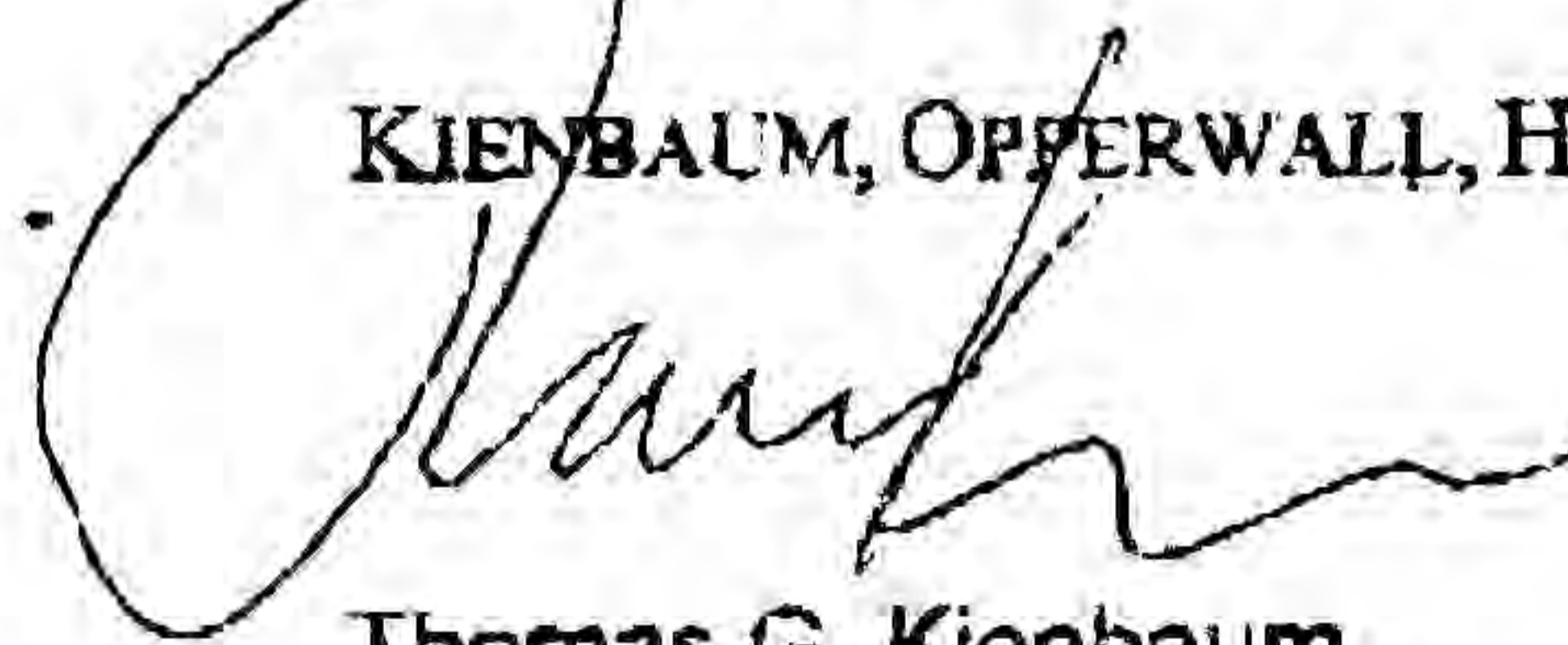
NO. 2291 P. 3 008

Mikal C. Watts, Esquire
March 23, 2000
Page 2

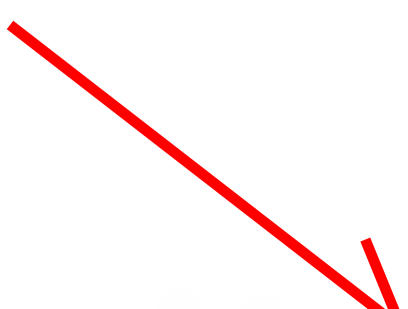
If you have any questions in this regard, please give me a call. We appreciate your cooperation.

Very truly yours,

KIENBAUM, OPPERWALL, HARDY & PELTON



Thomas G. Kienbaum


cc: David R. Tyrrell
Rita Burns
Gregory J. Ridella



David Tyrrell <dtyrrell@hwhlaw.com> on 02/29/2000 11:16:37 AM

To: "Burns Rita - Chrysler (E-mail)" <rab26@daimlerchrysler.com>
 cc: "Gluckman Ken - Chrysler (E-mail)" <kig@daimlerchrysler.com>, "Louann Van Der Wiele (E-mail)" <lv14@daimlerchrysler.com>, "Kidney Michael - Hogan & Hartson (E-mail)" <mkidney@hhlaw.com>, "Micki S. Singer (E-mail)" <mss1@sdma.com>, "Ridella Gregory (E-mail)" <gjr10@daimlerchrysler.com>, Bob Fulton <bfulton@hwhlaw.com>
 Subject: Sheridan's Affidavit - LeCompte v. DCC

Re: Sheridan's Affidavit - LeCompte v. DCC - CASE ID: 1030000

Rita,

I reviewed Watts' response to the Motion for Summary Judgment in LeCompte which includes a detailed affidavit from Paul Sheridan. Interestingly, the affidavit is executed in Texas and, therefore, apparently Sheridan has been spending time with Watts.

Sheridan's affidavit goes far beyond any subject matter we have seen in the past. I predict you are going to see a lot more of this guy in many different types of cases. He is going to become the new, improved, Tom Flanagan. He was at Chrysler for an extended period of time, had a good work history according to his late reviews and awards, and is willing to testify about Chrysler's "knowledge" on any number of different issues. I also expect he will be a librarian of information and documents. This is the role Tom Flanagan has filled in the past - Sheridan will be much better organized, obsessive, detailed, and will present a far superior appearance as a witness.

From John Stilson's report in LeCompte I anticipated that Sheridan would be used to describe Chrysler's knowledge of ejection-related issues from his NS SLT work period. I anticipated Watts would use Sheridan with Flanagan and the documents and past testimonies he developed during the liftgate latch litigation to enhance his allegation that "[Chrysler] was aware of the relationship between occupant ejection from the vehicle and the increased likelihood of death and serious bodily injury. The evidence was also clear that effective door latches were critical to prevent this, since the seat belt usage rate was very low." He wants to make latches generic and dovetail all the liftgate latch and side door latch failure issues with the side sliding door latch. Watts certainly uses Sheridan for this purpose. However, Sheridan is also used to go far beyond the "generic" latch and ejection risk issues.

Sheridan's affidavit makes extensive reference to the Door Hardware Work Team and meeting minutes from that team. The minutes were taken from Bob Vend's deposition who, of course, testified that Sheridan never attended any of those meetings and whose name does not appear as an attendee at these meetings. Therefore, Sheridan will apparently base a significant amount of his more specific testimony on meeting minutes from meetings he did not attend.

Sheridan also spends considerable time talking about the reduction of the NS budget; the "major upper management concern was product cost versus approved program target levels." He makes frequent references to cost reductions

necessitated by budget decreases. Indeed, he makes references to "upper management" decisions by Messrs. Zaton, Lutz, Gale and Castang. For example, Sheridan states "upper management at Chrysler was already aware that its new NS body minivan would not have a laccb in the front of the sliding door, while most other offerings did have such a second latch. However, cost and pricing pressures were stated as the reason that the body hardware budget must be reduced, as opposed to allowing it to increase to accommodate 'real world' safety requirements." Thus, Sheridan expands his area of involvement and expertise to include budgeting and cost considerations.

Next, he makes specific references to the side sliding door latch and Chrysler's alleged knowledge that this latch was inadequate; "the safety importance of multiple latching mechanisms on doors such as the sliding door and the rear liftgate was discussed and communicated to upper management. However, because of the pricing and cost pressures already on the minivan, upper management insisted that no other latching features be added; rather, management insisted that the body hardware investment and piece costs be lowered still further."

His expanded knowledge also goes to testing. He is apparently ready to testify that the NS SLT "strongly recommended" that the NS be testing with offset impacts to evaluate structure. These recommendations were, according to Sheridan, rejected by the Production Direction Team.

Finally, Sheridan is now a statistician, apparently from his survey work, and a glass expert. He notes that he and other members of the door hardware work team "extensively" discussed the type of glass to be used in the side sliding door. The NS SLT believed the use of "shatter proof" glass should be further discussed and this recommendation was rejected by the Product Direction Team due to "cost." He also noted that Mr. Lutz made the decision that the glass would be fixed rather than a window that could be opened.

Sheridan further places knowledge within Chrysler in stating that he recalls "specific conversations and discussions with management at Chrysler during meetings when the fact was discussed that ejected occupants are statistically more likely to be killed or seriously injured in a collision if they were ejected from a vehicle, than if they remained in the vehicle."

I intend to spend considerable time with Sheridan going through his 20-page affidavit and its 58 exhibits to pin him down precisely to documents, persons, etc. This affidavit should be shown to other members of the Door Hardware Work Team and the NS SLT. In the past those employees never seemed to become incensed or outraged by Sheridan's statements. Perhaps this affidavit will help them in that regard.

This guy is not going away any time soon.

David

cc: Kenneth Gluckman
Louann Van Der Wiele
Michael Kidney
Micki Singer
Greg Ridella
Bob Fulton

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

END OF DOCUMENT

Mr. John Elkann
Chairman
Fiat SpA
250 Via Nizza
Turin, Italy 10126
011-39-006-1111

15 March 2013

Subject: **United States Government Safety Defect Investigation EA12-005 –
Jeep Fire Death/Injury**

References: **Mr. Remington Cole, Mrs. Susan Kline, Mrs. Ana Pina,
Jeep Fire Death/Injury Victims**
