

1 CAUSE NO. 200600134
2 JENNIFER JARMON AND) IN THE DISTRICT COURT OF
CASSIUS JARMON,)
3 INDIVIDUALLY AND AS)
CO-ADMINISTRATORS OF THE)
4 ESTATE OF CASSIDY JARMON,) DECEASED, AND AS NEXT)
5 FRIENDS OF CALLIE JARMON,) A MINOR CHILD)
6)
7 VS.) JOHNSON COUNTY, TEXAS
8 DELBERT J. DAVIDSON, OLD)
AMERICAN COUNTY MUTUAL,)
9 PRINE TOWING AND)
RECOVERY, INC., COPART,)
10 INC. AND DAIMLER CHRYSLER)
CORPORATION) 413TH JUDICIAL DISTRICT

11 *****
12 ORAL AND VIDEOTAPED DEPOSITION OF
ROBERT D. BANTA
13 JULY 31, 2007
14 *****

15 ORAL AND VIDEOTAPED DEPOSITION OF ROBERT D. BANTA,
16 produced as a witness at the instance of the Plaintiffs,
17 and duly sworn, was taken in the above-styled and
18 numbered cause on the 31st of July, 2007, from 10:02
19 a.m. to 3:14 p.m., before Lisa Minister, CSR in and for
20 the State of Texas, reported by machine shorthand, at
21 the offices of Clark, Thomas & Winters, 300 West 6th
22 Street, 15th Floor, Austin, Texas, pursuant to the Texas
23 Rules of Civil Procedure and the provisions stated on
24 the record or attached hereto.

25

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2

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20 Mr. Trey Perez, Videographer
21
22
23
24
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1 THE VIDEOGRAPHER: This is the videotaped
2 deposition of Robert D. Banta, taken in the matter of
3 Jennifer Jarmon, et al., versus Delbert J. Davidson, et
4 al., Cause No. 200600134 in the District Court of

5 Johnson County, Texas. We're on the record July 31st,
6 2007, 10:02 a.m.

7 ROBERT D. BANTA,
8 having been first duly sworn, testified as follows:

9 EXAMINATION

10 BY MR. GRISHAM:

11 Q. Good morning, Mr. Banta. Would you state your
12 full name for the record, please.

13 A. My name is Robert D., like David, Banta,
14 B-a-n-t-a.

15 Q. What is your professional address, Mr. Banta?

16 A. 12730 Plumbrook Road in Sterling Heights,
17 Michigan.

18 Q. What is your occupation?

19 A. I am a consultant -- engineering consultant to
20 the auto industry.

21 Q. Does your consulting business have a name that
22 you use other than Robert D. Banta?

23 A. It's Banta Technical Services, L.L.C.

24 Q. Does Banta Technical Services, L.L.C. have any
25 employees besides you?

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1 A. No.

2 Q. How long has Banta Technical Services been in
3 existence?

4 A. I retired from Chrysler on November 1 of '06,
5 about nine months ago, and formed that entity just
6 before I retired, like just several weeks before.

7 Q. Over the last nine months since your
8 retirement, have you provided consulting services to
9 DaimlerChrysler Corporation?

10 A. I have, yes.

11 Q. Have you provided services to any other
12 entities or companies?

13 A. Yes.

14 Q. Have you provided services to other car
15 companies?

16 A. Yes.

17 Q. What other car companies have you worked for?

18 A. I'm currently working for BMW. And I've done
19 some consulting for Mercedes-Benz and for a travel coach
20 manufacturer, whose name escapes me right now.

21 Q. That's fine.

22 A. And for the Public Service Company of Indiana,
23 who operates power equipment vehicles.

24 Q. You've brought a couple of documents with you
25 here today which I would like to mark and then attach to

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1 your deposition and ask you a few questions about that.

2 It actually may make the historical part of the
3 deposition go a little quicker.

4 A. Okay.

5 MS. JEFFREY: It it's okay, I would like
6 to provide him a copy of the two documents as well.

7 MR. GRISHAM: Perfect.

8 Q. (By Mr. Grisham) While we're marking -- well,

9 I guess we can't do it while we're marking.

10 MR. GRISHAM: Off the record.

11 (Discussion off the record)

12 (Exhibit Nos. 1 and 2 marked)

13 MR. GRISHAM: Before we resume our
14 questioning, Ms. Jeffrey and I had something we wanted
15 to put on the record.

16 MS. JEFFREY: I'm Sheila Jeffrey
17 representing DaimlerChrysler Corporation. Mr. Banta is
18 being offered today as a company witness for
19 DaimlerChrysler Corp -- Company, I should say, LLC. He
20 has inspected the accident vehicle in this case, and
21 DaimlerChrysler Company may offer him as an expert
22 witness at some time in the future. If that occurs, he
23 will be offered again for deposition.

24 MR. GRISHAM: That's understood.

25 Q. (By Mr. Grisham) Mr. Banta, do you have before
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1 you what we've marked as Exhibit 1, your personal

2 history record?

3 A. Yes.

7 Q. And from your CV, it looks as though you
8 actually started with Chrysler in September of 1967?

9 A. I did, yes.

10 Q. What is your educational background leading up
11 to your work with Chrysler and subsequent to your
12 beginning the job at Chrysler?

13 A. I have an associates degree in mechanical
14 technology from Macomb College in Warren, Michigan, and
15 then I have supplemental to that a rather extensive list
16 of training outside the company. I listed only outside
17 training on this history record. And I think the list
18 goes back to about 1992.

19 Q. Okay.

20 A. I started this thing in around '92, I think.

21 And that is my outside academic experience.

22 Q. And for the purposes of when I'm reading this
23 record lately -- or later, it -- would it begin on Page
24 2? Is that the experience you're referring to?

25 A. Yes. And end on Page 4.

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1 Q. Okay. Did any of that later training involve
2 engineering?

3 A. Yeah. Oh, yeah. Sure it did.

4 Q. Okay.

5 A. Some did not, but most did. For example,
6 you'll see that I took a photography class on accident
7 investigation photography and photogrammetry. And I
8 think at the time that was considered an art form.
9 Today that's an undergrad class. Some of these classes
10 I also taught. But I think in general they are advanced
11 technical classes.

12 Q. And, for instance, you -- it looks like you've
13 taken several classes or seminars in vehicle accident

14 reconstruction?
15 A. Yes.
16 Q. Okay. Did you obtain a bachelor's degree?
17 A. I did not, no.
18 Q. Did you attend Chrysler Tech or --
19 A. I --
20 Q. -- an internal training school?
21 A. The internal training program, the Chrysler
22 Institute of Technology, is a sponsorship of an outside
23 graduate level program, and I did not do that. However,
24 I taught at the Chrysler Institute.
25 Q. What did you teach there?

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1 A. I taught fire investigation and principles of
2 fire mitigation in vehicles.
3 Q. And it looks like globally from looking at your
4 career in a retrospective nature that you've really
5 focused on what causes fires and things that can be done
6 to prevent them?
7 A. Uh-huh. And I still do.
8 Q. Okay. Primarily in the automotive area?
9 A. Yes.

19 Q. (By Mr. Grisham) Mr. Banta, are you familiar
20 with Exhibit Number 6?

21 A. I have seen this before, yes.
22 Q. In what context have you seen that memoranda?
23 A. I saw this for the first time in some lawsuit
24 maybe 10, 15, 20 years ago.
25 Q. Who was R.M. Sinclair?

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1 A. Robert Sinclair was at that time the director
2 of product development for vehicles made overseas. He
3 was later vice president of engineering at Chrysler.
4 Q. And the memo appears to be from Leonard Baker?
5 A. Yes.
6 Q. And at the time we wrote the memo, he was
7 manager of automotive safety?
8 A. Yes.
9 Q. Do you know Mr. Baker?
10 A. I do, yes.
11 Q. He's still living, correct?
12 A. I don't know. I haven't seen him in years. He
13 retired 10 or 15 years ago.
14 Q. Last I had any information, he was living in
15 Brighton, Michigan. Do you know?
16 A. Probably true.
17 Q. Okay. Did you ever work with Mr. Baker?
18 A. Actually, I -- he worked for me. When he
19 retired he came back as a contract worker gathering up
20 documents like this.
21 Q. Okay.
22 A. And I used him quite a lot.
23 Q. He mentions in the opening paragraph of Exhibit

24 5 having discussions with Messrs. Vining, Jeffe or Jeffe
25 (pronunciation), Sperlich --
00116

1 A. Jeffe.

2 Q. -- and Mochida.

3 A. Yes.

4 Q. Who are those individuals?

5 A. Vining was the vice president of manufacturing
6 and assembly. He had all the plants that built things.
7 Jeffe was a vice president in design. Sperlich was --
8 in '78, Sperlich was probably president of the company.
9 And Mochida, I believe, is a -- is with Mitsubishi. I
10 think he is not a Chrysler person.

11 Q. Mr. Sperlich was the president of Chrysler at
12 the time?

13 A. Pardon me?

14 Q. Mr. Sperlich was the president of Chrysler?

15 A. I believe so, yeah.

16 Q. And there's some mention later in this memo
17 about Mitsubishi products. What -- did Chrysler have
18 some sort of arrangement with Mitsubishi for a design or
19 sharing of information during that time period?

20 A. Yes. Mitsubishi in this time period made
21 several cars that we marketed. For example, they made
22 the Dodge Challenger and the Plymouth Sapporo that sat
23 on our showroom floors and had a Dodge or a Plymouth
24 nameplate, but they were actually made in Japan. The
25 Mitsubishi Raider, a small sport utility, was also the
00117

1 Dodge D50 sold by Chrysler dealers. So Mitsubishi under
2 a contract with Chrysler made cars that we sold in our
3 dealerships.

4 Q. On Page 2 there's mention of a Mitsubishi
5 SP-27.

6 A. Yes.

7 Q. What was that?

8 A. SP-27 is a sports car premium convertible. So
9 that would have been maybe a Mitsubishi Spider or --
10 SP-27 -- oh, Eagle Talon.

11 Q. Okay. On the second page of Exhibit 6 under
12 truck and fuel tank location there's a phrase that
13 Mr. Baker wrote and said, "Chrysler is investigating
14 fuel tank relocation ahead of the rear wheels for vans
15 and multipurpose vehicles, but present plans for pickups
16 through 1983 and for MPVs and vans through 1985 have the
17 fuel tank located behind the rear wheels." Do you see
18 that phrase?

19 A. I do, yeah.

20 Q. What was -- at the time that Mr. Baker wrote
21 this memo, what was a multipurpose vehicle?

22 A. A multipurpose vehicle is a truck that is not
23 used primarily for passengers. For example, a minivan
24 is a multipurpose vehicle. A pickup truck is a truck.
25 It's primarily for cargo carrying and -- but also can
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1 carry passengers, whereas an MPV is the opposite. It's

2 more frequently used for passenger carrying but can be
3 used for cargo. So a sport utility would be an MPV and
4 a minivan would be an MPV, but a pickup truck is a
5 truck.

6 Q. Let's see. The Jeep XJ that would later be
7 produced by American Motors and then Chrysler, was it an
8 example of a multipurpose vehicle?

9 A. Yes.

10 Q. In the second sentence Mr. Baker says that "in
11 vehicles both with and without bumpers there is a
12 concern with vertical height differences that create a
13 mismatch with passenger car bumpers." Do you see that
14 language?

15 A. Yes.

16 Q. Do you know what he was -- I'm not asking you
17 to guess obviously -- but what is being referred to by
18 that statement?

19 A. I don't know. I will tell you this,
20 Mr. Baker's capacity as manager of automotive safety was
21 at -- in 1978 was at a time when there were a variety of
22 departments that had the word "safety" in them, and all
23 or some of them had very limited roles. His role was to
24 advise the engineering community on federal standards
25 that applied to motor vehicles and what was necessary --
00119

1 what was required of engineering and when it would be
2 required. He merely advised engineering departments
3 that some standard is coming in 1978 or 25 percent of
4 the '79 models had to be equipped with it. That was his
5 role. So he was not in a position of deciding these
6 concepts. He may have been aware of them
7 conversationally, and obviously he wrote a letter about
8 them. This is not a role that he did.

9 Q. The third he makes in that paragraph, he says,
10 "Where fuel tank location behind the rear axle is all
11 that is feasible, a protective impact deflection
12 structure may have to be provided whether or not a
13 bumper is provided." What is a protective impact
14 deflection structure?

15 A. That's the surround around the fuel tank that
16 we were talking about.

17 Q. Okay. Were there others at Chrysler in 1978
18 who were aware of vehicle vertical height differences
19 that created mismatches with passenger car bumpers?

20 A. Boy, I don't know. That was a long time ago.
21 That was 30 years ago. Well, we've always known about
22 bumper mismatch between trucks and cars and then, of
23 course, there's a range of trucks and a range of cars.
24 That's intuitive. We've always known about that.

25 Q. Have you ever talked to Mr. Baker about this
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1 memo?

2 A. No. By the time I became aware of this memo, I
3 think he had -- he only worked for a year or two as a
4 consulting guy coming in a few days a week. And then I
5 think I had not seen him again after that.

6 Q. Have you ever talked to Mr. Vining, Jeffe, or
7 Sperlich about the memo?

8 A. No. I suspect that they -- I think Sperlich
9 still lives, but I don't think the rest of them do.

10 Q. Okay.

11 A. Sperlich incidentally was the undisputed
12 inventor of the minivan.

13 Q. Oh, was he?

14 A. It cost him his job at Ford.

15 Q. How long did Sperlich serve as president of
16 Chrysler?

17 A. Through most of the Iacocca years. Perhaps
18 eight years or so.