



Jeb Butler

From: Jeffrey, M. Sheila <Jeffrey@MillerCanfield.com>
Sent: Monday, December 08, 2014 3:18 PM
To: Jeb Butler; Beth Glen; Jim Butler; Mullins, Sandy; 'dkendrick@floydkendrick.com'; 'gfloyd@floydkendrick.com'; 'kbicknese@sktblaw.com'; 'rbetts@sktblaw.com'; Anna Howard; Tedra Hobson; David Rohwedder
Cc: Kate Dondero; Kim McCallister; Cathy Huff; Beth Telgenhoff; Sarah Andrews; Susie Wynn; Timm, Alicia A.; Brantley, Terry; Manton, Cari; Owens, Diane; Rajan, Anandhi
Subject: RE: Walden v Chrysler Group LLC, et al. - C. A. File No. 12CV472, Superior Court of Decatur County

Counsel,

This e-mail is intended to respond to yours of November 21.

On November 21, I responded to Jim Butler's e-mail of November 11, answering the first six questions of your e-mail below. With respect to your Questions 7 and 8 below, in May 2002 the decision was made to package the WK fuel tank in a mid-ship location. In the November 21 response to Mr. Butler's e-mail, inquiries would be made to try to ascertain who at DaimlerChrysler Corporation made the decision to package the WK fuel tank in a mid-ship location. Thereafter, reasonable and diligent inquiries were made in an attempt to respond to that request. Chrysler Group ascertained that Director of Jeep Chassis Engineering, Dennis Moothart (dec.), consulted with others, including Fuel System Center of Competency personnel and DaimlerChrysler AG personnel, in arriving at the packaging decision. The decision was driven by several factors, including packaging of the spare tire and communization of practices of DaimlerChrysler Corporation and DaimlerChrysler AG.

Question 9 has been asked and answered repeatedly.

With respect to Question 10, in the late 1990s, rear impact tests were run on various vehicles at speeds in excess of 30 mph in anticipation of changes to FMVSS 301. Question 10 is the subject of the pending set of Requests for Admissions. As will be stated in the responses to the Requests for Admission, Chrysler Group denies that VC 7937 relates to a Jeep Grand Cherokee (WJ). The test was run on a vehicle with a build description described as "2004.5 Model Year 'WK' Body Structural Mule Based on Current WJ Body with Structural Modifications to Bring Body to WK Concept." No rear impact tests were conducted on the WJ in excess of speeds of 31 mph.

With respect to Question 11, the "document" that you describe as "Fuel Systems evaluation by EMD lab (Fuel System Tech Club and EMD)" identified in 3/8/00 [incorrectly described by you as 04/12/2000] Rear Impact Tech Club Meeting Minutes, is simply one of a list of potential agenda items listed at the end of the minutes for discussion at the meeting on 4/12/00. The reference to the fuel systems evaluation is not a reference to a document, but rather is simply an agenda item for follow-up discussion.

With respect to Question 12, the 4/11/01 [incorrectly described by you as 4/11/2000] meeting minutes refer to a document titled "Best Practice for Structural Development" that engineer Pranav Patwa was to put into the Rear Impact Tech Club database within a week or two of the 4/11/01 meeting. The item states that Mr. Patwa made a presentation on the topic to the Rear Impact Tech Club months earlier and handed out a copy of the document to attendees at the time. It appears that the presentation occurred at the 10/11/00 Rear Impact Tech Club meeting (produced in unredacted format on Disk #18) and was memorialized as Item #1 in the meeting minutes. Mr. Patwa described a new tool to develop preliminary structural development targets for rear impact in conjunction with a seat back structural development tool to be entered into the Rear Impact Tech Club database as a best practice. The subject matter of the presentation is seat back loading in rear impacts, not protection of fuel tanks in rear impacts. Therefore, it is not a

document related to issues in this case. In any event, the Rear Impact Tech Club database no longer exists and, after reasonable and diligent search and inquiry, Chrysler Group has not located the document.

With respect to Question 13, without reviewing the voluminous production in *Belli*, which Plaintiffs have and is equally available to them, Chrysler Group cannot state definitively whether a document entitled "Review of RITC 2001 Accomplishments" was produced. The Rear Impact Tech Club database no longer exists and, after reasonable and diligent search and inquiry, Chrysler Group has not located the document.

With respect to Question 14, the "High Speed Rear Impact Tech Club" was the same as the Rear Impact Tech Club. In connection with *Belli*, DaimlerChrysler Corporation produced Rear Impact Tech Club meeting minutes, at the bates-number ranges identified on the *Belli* log attached to the responses to the First Set of Requests for Production in this case under the document description "Meeting Minutes re: Fuel Tank Design." Further, unredacted versions of these minutes were produced in this case on Disk #18 and 19. Chrysler Group has not identified meeting minutes of the Rear Impact Tech Club beyond those that have already been produced.

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From: Jeb Butler [mailto:jeb@butlertobin.com]
Sent: Friday, November 21, 2014 10:43 AM
To: Beth Glen; Jim Butler; Jeffrey, M. Sheila; Mullins, Sandy; 'dkendrick@floydkendrick.com'; 'gfloyd@floydkendrick.com'; 'kbicknese@sktblaw.com'; 'rbetts@sktblaw.com'; Anna Howard; Tedra Hobson; David Rohwedder
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Chrysler counsel,

Please consider this a follow-up to Jim Butler's email of 11/11/14 (below), which Chrysler has thus far failed to answer despite Ms. Glen's reminder. In addition, review of the documents that Chrysler produced this month (i.e., November 2014) reveals that additional questions need to be asked regarding the completeness of Chrysler's production.

To put that more plainly, it appears that Chrysler is still withholding evidence. It is way too late for that.

This email will address three categories of evidence: (1) WK platform, (2) crash tests, and (3) internal documents. All of the questions in Jim Butler's 11/11/14 email below should be answered, but this email will emphasize a few of the most important questions from that email and ask some others. In no way are these questions limited to the meeting minutes from 2000-2002 that Chrysler recently produced.

Please consider this an attempt to resolve a discovery dispute without involving the Court pursuant to USCR 6.4.

WK Platform