

In The Matter Of:  
***Walden vs. Chrysler***

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***Philip Cousino***

January 23, 2015

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SUPERIOR COURT OF DECATUR COUNTY

STATE OF GEORGIA

JAMES BRYAN WALDEN and LINDSAY  
WALDEN, Individually and on Behalf of  
the Estate of Their Deceased Son,  
REMINGTON COLE WALDEN,

Plaintiffs,

vs.

Case No. 12-CV-472

CHRYSLER GROUP, L.L.C., and  
BRYAN L. HARRELL,

Defendants.

The Videotaped Deposition of PHILIP J. COUSINO,  
Taken at 2501 Worldgateway Place,  
Romulus, Michigan,  
Commencing at 9:01 a.m.,  
Friday, January 23, 2015,  
Before Leisa M. Pastor, CSR-3500, RPR, CRR.

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3	JAMES BUTLER, JR.	3	WITNESS PAGE
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21	Beth N. Glen	21	
22	Bill Dunbar - Video Technician	22	
23		23	
24		24	
25		25	

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1 Romulus, Michigan  
 2 Friday, January 23, 2015  
 3 9:01 a.m.  
 4  
 5 MR. BUTLER: On the steno, this is the  
 6 videotaped deposition of Mr. Philip J. Cousino taken  
 7 pursuant to the Georgia Civil Practice Act for all  
 8 allowable purposes under cross-examination and for use  
 9 at trial.  
 10 Ready to go, Sheila?  
 11 MS. JEFFREY: I am ready, yes.  
 12 MR. BUTLER, JR.: I am.  
 13 VIDEO TECHNICIAN: I'll do the read on and  
 14 start the recorders and everything. Okay. Stand by.  
 15 (Off the record at 9:01 a.m.)  
 16 (Back on the record at 9:02 a.m.)  
 17 VIDEO TECHNICIAN: We are now on the  
 18 record, and the time is approximately 9:02 a.m. This  
 19 is the beginning of disk 1 for the video deposition of  
 20 Phil J. Cousino. Would counsel present please  
 21 identify themselves and whom they represent for the  
 22 record and the court reporter will swear in the  
 23 witness thereafter?  
 24 MR. BUTLER, JR.: For the plaintiffs, Jim  
 25 Butler, Jeb Butler, Dave Rohwedder along with

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1 paralegals Beth Glenn and Kate Dondero.  
 2 MS. JEFFREY: For Mr. Cousino, Sheila  
 3 Jeffrey from Miller Canfield.  
 4 MR. DeGRAW: Also present, Alan DeGraw with  
 5 FCAUS, L.L.C., formerly known as Chrysler Group,  
 6 L.L.C.  
 7 MS. OWENS: And Diane Owens on behalf of  
 8 Chrysler Group, now known as FCA.  
 9 MR. BUTLER, JR.: For the benefit of the  
 10 jury, Ms. Owens is attending by telephone.  
 11 EXAMINATION  
 12 BY MR. BUTLER, JR.:  
 13 Q. State your name for -- first swear the witness.  
 14 VIDEO TECHNICIAN: And at this time, please  
 15 swear the witness.  
 16 PHILIP J. COUSINO,  
 17 was thereupon called as a witness herein, and after  
 18 having first been duly sworn to testify to the truth,  
 19 the whole truth and nothing but the truth, was  
 20 examined and testified as follows:  
 21 BY MR. BUTLER, JR.:  
 22 Q. State your name for the record, please, sir.  
 23 A. **Philip Joseph Cousino.**  
 24 Q. Is it Cousino?  
 25 A. **It's Cousino.**

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1 Q. All right. Where do you work?  
 2 A. **I'm retired. I retired from Chrysler Corporation in**  
 3 **November of 2008.**  
 4 Q. Do you have a job now?  
 5 A. **No, I don't not -- I do not.**  
 6 Q. Are you affiliated with a consulting outfit, PJC  
 7 Consulting?  
 8 A. **I -- I did that for -- I created a DBA about a year --**  
 9 **I think I worked for about a total of 50-some weeks**  
 10 **over a two- or three-year period, and I worked for a**  
 11 **friend of mine. His name was Jeff Zyburt that retired**  
 12 **from Chrysler, so I was kind of a contract employee**  
 13 **for him.**  
 14 Q. Doing what?  
 15 A. **Doing -- we worked on quality -- quality issues at**  
 16 **Chrysler, actually, for -- for those weeks.**  
 17 Q. Where do you live?  
 18 A. **I live in Monroe, Michigan.**  
 19 Q. What is your age?  
 20 A. **I'm 60.**  
 21 Q. So in November 2008 you were --  
 22 A. **54.**  
 23 Q. -- 54?  
 24 MS. JEFFREY: Just be careful to let him  
 25 finish the question before you answer just because she

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1 can't take down both.  
 2 **THE WITNESS: Okay, sorry.**  
 3 MS. JEFFREY: That's all right.  
 4 BY MR. BUTLER, JR.:  
 5 Q. You were the chief engineer for the 2005 model year  
 6 Grand Cherokee for which the gas tank was moved away  
 7 from the rear, correct?  
 8 A. **The 2005 Jeep Grand Cherokee had a midship fuel tank,**  
 9 **that's correct, but it wasn't -- we didn't move it**  
 10 **from the rear, we designed it as a midship fuel tank.**  
 11 Q. Were you the chief engineer?  
 12 A. **I was the chief engineer.**  
 13 Q. When did you become chief engineer for that platform?  
 14 A. **It's either March or April of 2003.**  
 15 Q. The 2005 model year Grand Cherokee did not have its  
 16 gas tank at the rear, correct?  
 17 A. **It had its gas tank at midship position.**  
 18 Q. The previous model Grand Cherokee had had its gas tank  
 19 at the rear, correct?  
 20 A. **Yes.**  
 21 Q. That would have been the 1999 through 2004 Grand  
 22 Cherokee, correct?  
 23 A. **Yes.**  
 24 Q. Prior to that, the previous Grand Cherokee model had  
 25 also had its gas tank at the rear, correct?

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1 **A. Prior to the '99 model, but I would assume, yes.**  
 2 Q. Do you know?  
 3 **A. I -- I assume yes. I don't emphatically know, I would**  
 4 **assume yes.**  
 5 Q. Okay. Was 1990 -- that was the 1993 through 1998  
 6 Grand Cherokee, correct?  
 7 **A. I don't know that -- I can't remember exactly the**  
 8 **years for that model, but I -- I assumed that's**  
 9 **correct.**  
 10 Q. Well, the first time the gas tank on the Grand  
 11 Cherokee was put anywhere but the rear was the 2005  
 12 model year, correct?  
 13 **A. I think so.**  
 14 Q. And --  
 15 **A. It was from the WJ, I know that.**  
 16 Q. And the 2005 model year Grand Cherokee with the gas  
 17 tank midship -- in the midships location was first  
 18 sold in 2004, correct?  
 19 **A. It would have been sold in 2004, yes.**  
 20 Q. Let me ask you this just to find out which way it's  
 21 going to be here today. Are you going to defend the  
 22 rear gas tank location or not?  
 23 MS. JEFFREY: Object to form.  
 24 **A. I'm going --**  
 25 MS. JEFFREY: Go ahead.

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1 **A. I'm going to answer your questions.**  
 2 BY MR. BUTLER, JR.:  
 3 Q. Well, do you think the rear gas tank location on the  
 4 1999 Grand Cherokee is defensible or not?  
 5 MS. JEFFREY: Object to form.  
 6 You may answer.  
 7 **A. I would answer this. I would say that the 1999 WJ or**  
 8 **Jeep Grand Cherokee met all internal and external**  
 9 **requirements for that program. They either met it or**  
 10 **exceeded it, so I assume -- I assume, and I know that**  
 11 **they exceeded it for NHTSA requirements for impact.**  
 12 BY MR. BUTLER, JR.:  
 13 Q. My question, though, sir, is this. Well, let me  
 14 strike that.  
 15 You're an engineer, right?  
 16 **A. I'm an engineer.**  
 17 Q. You were chief engineer for the Grand Cherokee with  
 18 midships fuel tank, correct?  
 19 **A. I was the chief engineer of the program in March of**  
 20 **2003. I was not involved in the architecture of the**  
 21 **vehicle, which would have happened in 2001 and**  
 22 **probably a little bit in 2002.**  
 23 Q. Where --  
 24 **A. The architecture was -- the architecture of -- when a**  
 25 **vehicle goes -- goes into production, it starts as an**

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1 **idea, it goes into prepackaging, it goes into a design**  
 2 **office mode. Architecture is developed, the**  
 3 **architecture is where do you place everything. Those**  
 4 **things were already done -- done when I became chief**  
 5 **engineer. In fact, we were already into a pilot build**  
 6 **phase for the first vehicles.**  
 7 Q. So the first time you were a chief engineer for any  
 8 Grand Cherokee was March or April of 2003, correct?  
 9 **A. Correct.**  
 10 Q. And at that time the decision had already been made to  
 11 move the gas tank away from the rear and put it in the  
 12 midships location, correct?  
 13 **A. The decision was made to put it in midship.**  
 14 Q. Is that right, is the answer yes?  
 15 **A. At that moment we were -- we were part of**  
 16 **Mercedes-Benz, our CEO and COO were involved in the**  
 17 **design and architecture of that vehicle, and Mercedes**  
 18 **had their fuel tanks at midship so they were**  
 19 **instrumental and I assume -- I assume because they**  
 20 **were involved -- that's who's involved in a design**  
 21 **office architecture of the vehicle is fairly high**  
 22 **levels of people at the company that because of their**  
 23 **involvement and ownership of our company, they were**  
 24 **instrumental in making it midshipment (sic), just as**  
 25 **it was from Mercedes.**

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1 Q. My question is -- strike that.  
 2 What was my question? Looking at the  
 3 record here of the computer to see what my question  
 4 was.  
 5 Oh, when you became chief engineer for the  
 6 2005 model year Grand Cherokee in March or April of  
 7 2003 the decision had already been made to move the  
 8 gas tank away from the rear and put it in the midships  
 9 location, correct?  
 10 **A. If you're saying move as if it's the same vehicle, it**  
 11 **was a brand-new vehicle, so from the design of the**  
 12 **brand-new vehicle, it was designed in as a midship**  
 13 **tank. It wasn't moved, it was designed that way.**  
 14 **It's a brand-new architecture, brand-new vehicle,**  
 15 **brand-new systems.**  
 16 Q. What was the name given -- well, strike that.  
 17 Wasn't the 1999 Grand Cherokee called,  
 18 quote, the Grand Cherokee, closed quote?  
 19 **A. The 1999 WJ was called a Jeep Grand Cherokee.**  
 20 Q. Wasn't the -- what was the little badge you all gave  
 21 to the 2005 model year Grand Cherokee, WK; is that  
 22 right?  
 23 **A. It went from WJ to WK.**  
 24 Q. All right. Was the 2005 model year vehicle that you  
 25 all called internally the WK also sold as a, quote,

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1 Grand Cherokee, closed quote?  
 2 **A. Yes.**  
 3 Q. Isn't it true that the 1999 Grand Cherokee had a gas  
 4 tank at the rear?  
 5 **A. Yes.**  
 6 Q. Isn't it true that the 2005 model year Grand Cherokee  
 7 had the gas tank midships?  
 8 **A. Yes.**  
 9 Q. All right. Now, you said in one of your answers  
 10 previously that the architecture of the vehicle starts  
 11 as an idea. Whose idea was it to put the gas tank in  
 12 the midships location rather than at the rear?  
 13 **A. I -- I don't know. I think in talking to -- because I**  
 14 **wasn't part of the program, I think in talking to the**  
 15 **chassis engineering director, whose name is Denny**  
 16 **Moothart, who is -- who is deceased, that he mentioned**  
 17 **that Dieter Zetsche and Wolfgang Bernhard, who were**  
 18 **the CEO and COO of the company, both from Mercedes,**  
 19 **were involved in that decision.**  
 20 Q. Do you know who made the decision?  
 21 **A. No, I do not.**  
 22 Q. But you did say in a prior answer that Mercedes-Benz  
 23 was instrumental in moving the gas tank away from the  
 24 rear; do you remember saying that?  
 25 **A. Uh-huh.**

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1 MS. JEFFREY: You should answer yes or no.  
 2 **A. Oh, yes.**  
 3 MS. JEFFREY: Just for the record.  
 4 **A. Sorry.**  
 5 BY MR. BUTLER, JR.:  
 6 Q. Have you seen any documents about who made the  
 7 decision to move the gas tank or why?  
 8 **A. No.**  
 9 Q. Have you met with Chrysler Group's lawyers before your  
 10 deposition here today?  
 11 **A. I met last Friday with Sheila and Brian, who were from**  
 12 **her law firm, and that's --**  
 13 Q. Did they show you any documents with respect to who  
 14 made the decision to move the gas tank or why it was  
 15 moved?  
 16 **A. No.**  
 17 Q. Did you ask for any?  
 18 **A. No.**  
 19 Q. In preparation for -- you -- strike that.  
 20 You understand this deposition is about the  
 21 location of the gas tank on the Grand Cherokee, don't  
 22 you?  
 23 **A. I do now, after talking to them last Friday.**  
 24 Q. Okay. Did you ask to look at any documents about why  
 25 the gas tank location was changed?

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1 **A. After I retired from Chrysler or during retirement?**  
 2 Q. No, strike that. I'll redo the question again, I'll  
 3 strike all that.  
 4 When you met with the Chrysler Group  
 5 lawyers last Friday, did you ask to look at any  
 6 documents about why the gas tank location was changed?  
 7 **A. The lawyers I met with last Friday were not Chrysler**  
 8 **lawyers, they were from an outside firm that's**  
 9 **representing Chrysler, and I did not ask that**  
 10 **question.**  
 11 Q. Okay. Have you met Mr. Alan DeGraw, who is inside  
 12 lawyer with Chrysler, before this morning?  
 13 **A. I met him this morning. When I retired from Chrysler**  
 14 **in November 2008 he was not employed there.**  
 15 Q. Okay. Did you ask Mr. DeGraw for any --  
 16 **A. No.**  
 17 Q. -- to let you look at any documents about who made the  
 18 decision to change the location of the gas tank or  
 19 why?  
 20 **A. I met -- I met him about three minutes before I walked**  
 21 **into the conference room.**  
 22 Q. So the answer is no --  
 23 **A. The answer is no.**  
 24 Q. -- you didn't ask -- okay.  
 25 Why did you retire at age 54?

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1 **A. Interesting question. In November of 2008 Chrysler**  
 2 **was financially in a lot of trouble and that they were**  
 3 **trying to reduce the -- and I don't know the exact**  
 4 **percentage, but were trying to reduce the workforce at**  
 5 **Auburn Hills by a substantial amount, and I'm going to**  
 6 **estimate it was about 20 percent, I may be off. I**  
 7 **decided to take that retirement, they gave us an early**  
 8 **retirement package and I decided to leave so that -- I**  
 9 **was 54, I had a fairly healthy career, I decided to**  
 10 **leave so that younger people that had -- were married**  
 11 **and had kids didn't have to leave.**  
 12 Q. Ms. Jeffrey has told her -- us before this deposition  
 13 that she represents you as your lawyer; is that  
 14 correct?  
 15 **A. Yes.**  
 16 Q. Let me get back to my question about whether or not  
 17 the rear gas tank location is defensible. Have you  
 18 ever given a deposition before?  
 19 **A. Not a deposition. I've been in civil -- in circuit**  
 20 **court for a human resource issue at Chrysler.**  
 21 Q. Do you know if any of the Chrysler entities have ever  
 22 actually gone to trial before a jury defending the  
 23 rear gas tank location in these Jeep vehicles?  
 24 **A. No.**  
 25 Q. Do you know one way or the other?

Page 18

1 **A. Do not.**

2 Q. Do you know one way or the other?

3 **A. I don't understand that question.**

4 Q. Well, do you know of -- let me rephrase my question,

5 strike the prior question.

6 Do you know of any case where any of the

7 Chrysler entities have actually gone to trial before a

8 jury and defended the Jeeps with rear gas tanks?

9 **A. I do not know.**

10 Q. Now, you understand that Ms. Jeffrey also represents

11 Chrysler Group in this case?

12 **A. Is that a question?**

13 Q. Yeah, you --

14 **A. Yes.**

15 Q. -- understand that, don't you?

16 **A. Yes.**

17 Q. Okay. Have you ever hired any lawyers from her firm,

18 the firm of Miller Canfield, before you hired her for

19 this deposition?

20 **A. No.**

21 Q. Did you know Ms. Jeffrey before you first spoke with

22 her about being your lawyer at this deposition?

23 **A. No.**

24 Q. Are you paying her?

25 **A. No.**

Page 19

1 Q. Who is?

2 **A. Don't know.**

3 Q. When did you --

4 **A. I know I'm not.**

5 Q. When did you hire Ms. Jeffrey?

6 **A. In May of 2014 I received a letter from Chrysler**

7 **stating -- a very macro statement about this case, and**

8 **that if I chose as a -- as a retired employee of**

9 **Chrysler, if I chose, I could contact Sheila from her**

10 **law firm so that they would represent me.**

11 Q. Let me see that letter, please, sir.

12 **A. I don't have it.**

13 MR. BUTLER, JR.: Ms. Jeffrey, do you have

14 that letter?

15 MS. JEFFREY: I don't, no.

16 **A. That letter's at home, I didn't see a need to bring**

17 **it.**

18 MR. BUTLER, JR.: All right. I'm going to

19 mark this blank sheet of paper with -- that's all

20 right, as Plaintiffs' Exhibit A, and that's going to

21 be a letter to Mr. Cousino from Chrysler Group, and

22 I'll ask Ms. Jeffrey to provide it to us and the court

23 reporter after this deposition.

24 MARKED FOR IDENTIFICATION:

25 DEPOSITION EXHIBIT A

Page 20

1 9:18 a.m.

2 BY MR. BUTLER, JR.:

3 Q. Now, so it was Chrysler Group's idea for you to

4 contact Ms. Jeffrey, not your own, correct?

5 **A. I didn't know Jeff -- I didn't know Sheila so I**

6 **wouldn't have contacted her. It was a Chrysler**

7 **directive, if I chose to seek legal counsel.**

8 Q. It was Chrysler Group's idea for you to hire Ms.

9 Jeffrey, not your own, correct?

10 MS. JEFFREY: Object to form.

11 You can answer.

12 **A. Yes.**

13 BY MR. BUTLER, JR.:

14 Q. All right. Did Chrysler Group tell you why -- well,

15 strike that.

16 When you met with the lawyers for Chrysler

17 Group last Friday, how long was the meeting?

18 **A. Approximately two hours.**

19 Q. Where did you meet?

20 **A. In Troy, Michigan in -- at their office.**

21 Q. The office of the Miller Canfield law firm?

22 **A. Correct.**

23 Q. Where do you live?

24 **A. I live in Monroe, Michigan.**

25 Q. How far is that from Troy?

Page 21

1 **A. Well, it used to be for me to drive to Auburn Hills**

2 **was about 70 miles, so that would be a little bit**

3 **less, so I'm going to assume it was in the low 60s.**

4 Q. So you drove to their office to meet with them last

5 Friday?

6 **A. Yes.**

7 Q. Did you review any documents?

8 **A. I did not review any documents with them.**

9 Q. Did they show you any documents?

10 **A. I didn't see any documents.**

11 Q. Did you review any depositions of other people?

12 **A. No, we did not.**

13 Q. Have you read the deposition of Mr. Estes?

14 **A. I did not, and I don't know Mr. Estes.**

15 Q. Have you read the deposition of Mr. Marchionne?

16 **A. No.**

17 Q. Has anybody told you what Mr. Estes said in his sworn

18 testimony?

19 **A. Was he --- okay. Was he sworn -- I don't remember --**

20 **was he recently sworn?**

21 Q. December 10, 2014.

22 **A. No.**

23 Q. Has anybody told you what Mr. Marchionne said in his

24 sworn testimony on January 9, 2015?

25 **A. No.**

Page 22

1 Q. You were also chief engineer for another Jeep vehicle  
 2 called the Jeep Commander, correct?  
 3 **A. Yes.**  
 4 Q. Isn't it true that the gas tank on the Jeep Commander  
 5 was also in the midships location?  
 6 **A. The -- can I answer it? The 2005 Jeep Grand Cherokee**  
 7 **and the 2006 Jeep Commander were the same**  
 8 **architecture, body type, so they would automatically**  
 9 **have the same placement of where the fuel tank was.**  
 10 MR. BUTLER, JR.: Move --  
 11 **A. The only difference was that the Jeep Commander was I**  
 12 **think 18 inches longer and had a third row seat, but**  
 13 **they're the same architecture. Outside they didn't**  
 14 **look the same, but the same architecture.**  
 15 MR. BUTLER, JR.: Move to strike as  
 16 nonresponsive.  
 17 BY MR. BUTLER, JR.:  
 18 Q. Isn't it true that the Jeep Commander also had a  
 19 midships gas tank?  
 20 **A. Yes, because of the same architecture of the Grand**  
 21 **Cherokee of 2005.**  
 22 Q. Do you have any knowledge of wrecks where Jeeps with  
 23 rear gas tanks were hit in the rear and fire resulted?  
 24 **A. When you say the word wreck, I don't know what the**  
 25 **word wreck -- what does wrecks mean?**

Page 23

1 Q. Wrecks, like car wrecks?  
 2 **A. Oh, w-r-e-c-k-s?**  
 3 Q. Sorry, I speak with a different accent, I suppose.  
 4 Let me do it again.  
 5 **A. I'm not implying that, I just didn't understand the**  
 6 **word, no offense.**  
 7 Q. That's all right, I was born with it and haven't been  
 8 able -- haven't tried to escape it, frankly.  
 9 Do you have any knowledge of wrecks where  
 10 Jeeps with rear gas tanks were hit in the rear and  
 11 fire resulted?  
 12 **A. No.**  
 13 Q. Have you read about --  
 14 **A. Excuse me, no until this case. I did hear about it**  
 15 **only in dealing with Sheila.**  
 16 Q. Last Friday?  
 17 **A. Well, we -- we met last Friday. We may have mentioned**  
 18 **it on a phone call I had with her.**  
 19 Q. Last Friday --  
 20 **A. I had to call her to initiate the -- her to represent**  
 21 **me, so that's...**  
 22 Q. Last Friday was January 16, 2015. You hired Ms.  
 23 Jeffrey in May of 2014. Had you met her before last  
 24 Friday?  
 25 **A. No.**

Page 24

1 Q. Back to my question. Have you read about or seen on  
 2 TV anything about wrecks involving Jeeps with rear gas  
 3 tanks that got hit in the rear and fire resulted?  
 4 **A. No.**  
 5 Q. Do you watch the Michigan -- or strike that.  
 6 Do you watch the Detroit, Michigan  
 7 television stations?  
 8 **A. Typically I'm watching Toledo area stations because**  
 9 **that's what we get in our cable.**  
 10 Q. Did you see or read anything about the wreck that  
 11 happened on November 11, 2014 in Detroit where a  
 12 23-year-old pregnant lady named Kayla White was  
 13 driving a Jeep, it was hit in the rear and there was  
 14 an explosion and she burned to death?  
 15 **A. No.**  
 16 Q. So you've never read or heard anything about a wreck  
 17 where a Jeep with a rear gas tank got hit in the rear  
 18 and a fire resulted, correct?  
 19 **A. Correct.**  
 20 Q. Who at Chrysler was charged with the responsibility  
 21 for monitoring the field performance of Jeeps with  
 22 rear gas tanks, that is how they actually performed in  
 23 the real world in wrecks?  
 24 **A. Who at Chrysler would have been responsible when I was**  
 25 **there? I assumed it was -- we had a safety office**

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1 **that they would have been tracking that, if that**  
 2 **happened.**  
 3 Q. Did anybody at Chrysler ever tell you about how Jeeps  
 4 with rear gas tanks were performing in real-world  
 5 wrecks?  
 6 **A. Not when I was there.**  
 7 Q. Isn't it just common sense, sir, that 11 inches from  
 8 the back of a car is not a good place to put a tank  
 9 full of gasoline?  
 10 MS. JEFFREY: Object to form.  
 11 You may answer.  
 12 **A. Let me answer it this way. My -- my career at**  
 13 **Chrysler is varied and so I've been involved with**  
 14 **total car activity quite a bit, and so I'm very tuned**  
 15 **in with both internal and external testing, test**  
 16 **development and testing and durability testing, and**  
 17 **all I will say -- all I can say is that external**  
 18 **requirements for the car -- we have internal also, but**  
 19 **external requirements of the car, especially for NHTSA**  
 20 **and for impact testing, I assume -- I assume**  
 21 **requirements at that moment were safe for the general**  
 22 **public because that's a government institution, I**  
 23 **assume they know what they're doing, so I can't answer**  
 24 **your question.**  
 25 MR. BUTLER, JR.: Move to strike as



Page 26

1 nonresponsive.

2 BY MR. BUTLER, JR.:

3 Q. Let me ask my question again, sir, and if you -- if

4 your answer is I cannot answer, that's fine, just tell

5 us that. My question is this: Isn't it just common

6 sense that 11 inches from the back of a car is not a

7 good place to put a tank full of gasoline?

8 MS. JEFFREY: Object to form.

9 **A. I have to answer again, I assume at the -- at the**

10 **moment that for that vehicle Chrysler met all**

11 **requirements of external testing, and they met or**

12 **exceeded them, so I assume that the NHTSA requirements**

13 **are both minimum and meet all the safety requirements**

14 **at that time. I -- I have to assume that -- I have to**

15 **disagree with you because NHTSA requirements, we met**

16 **the -- we exceeded them.**

17 BY MR. BUTLER, JR.:

18 Q. Why do you assume that Chrysler met all the external

19 requirements?

20 **A. Because they -- because they did.**

21 Q. How do you know that?

22 **A. Well, as a chief engineer I'm tracking where we're at**

23 **as a -- as a vehicle, full vehicle, so I understand**

24 **where we're at for engine testing and transmission**

25 **testing results. We were after development durability**

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1 **for components and if we meet -- you know, are we**

2 **meeting impact testing? We would never have gone to**

3 **launch if we didn't, and I think we probably scored**

4 **extremely high for five-star ratings on our testing.**

5 **I did get -- I did get that feedback because I was**

6 **chief engineer.**

7 MR. BUTLER, JR.: Move to strike as

8 nonresponsive.

9 BY MR. BUTLER, JR.:

10 Q. My question, sir, is do you personally know that the

11 1999 Grand Cherokee met the 301 standard?

12 **A. Do I personally know it did, no.**

13 Q. Okay. The fact is that what -- what automakers do

14 with respect to federal standards like 301, which is

15 the fuel safety standard, is they self-certify that

16 they met the test; isn't that right?

17 **A. I do not know that.**

18 Q. Do you have any knowledge of anybody but -- well,

19 strike that.

20 Do you agree that there is a lot of

21 collaboration between automakers like Chrysler Group

22 and NHTSA?

23 MS. JEFFREY: Object to form.

24 **A. I don't know that, but I assume private companies with**

25 **government NHTSA direction, they probably do**

Page 28

1 **collaborate.**

2 BY MR. BUTLER, JR.:

3 Q. Do you agree that a lot of top -- strike that, let me

4 start over.

5 Do you agree that a lot of top NHTSA

6 officials have left that agency and gone to work for

7 automakers?

8 MS. JEFFREY: Object to form.

9 **A. I -- there's no way I would know that.**

10 BY MR. BUTLER, JR.:

11 Q. Have you ever heard anything about that?

12 **A. No.**

13 Q. Were you aware that in this case, Mr. and Mrs.

14 Walden's case, one of Chrysler Group's lawyers is

15 named -- is a lady named Erica Jones who used to be

16 chief counsel at NHTSA?

17 **A. I would never have known that until you just said it.**

18 Q. Isn't it just common sense, sir, that ahead of the

19 axle in the midships location is a safer place to put

20 a tank full of gasoline?

21 MS. JEFFREY: Object to form.

22 **A. I will say that it -- that NHTSA requirements for --**

23 **for impact testing are what they are and we meet --**

24 **and we meet the requirements because we would never**

25 **have launched. I cannot -- I don't have the expertise**

Page 29

1 **to say if a tank's here or here which one's safer.**

2 MR. BUTLER, JR.: Move to strike as

3 nonresponsive.

4 BY MR. BUTLER, JR.:

5 Q. Let me repeat my question. Isn't it just common

6 sense, sir, that ahead of the axle in the midships

7 location is a safer place to put a tank full of

8 gasoline?

9 MS. JEFFREY: Object to form and he did

10 answer it.

11 **A. The term common sense, I would have to -- for you --**

12 **for me to answer your question, I'd have to do a study**

13 **and -- and do some -- a huge amount of work to answer**

14 **your question, and I can't answer it from the term**

15 **common sense.**

16 BY MR. BUTLER, JR.:

17 Q. All right.

18 **A. Common sense doesn't always make sense.**

19 Q. Would you agree with this statement that I learned

20 from my daddy, who was an engineer, and that is,

21 engineering is simply refined common sense?

22 **A. I don't know if I'd agree with that term.**

23 Q. All right. In the discussions about where to locate

24 the gas tank on the 2005 model year Grand Cherokee,

25 did anyone ever mention the word, quote, safety,

Page 30

1 closed quote?

2 **A. I was involved in no discussions for location of the**

3 **fuel tank because I joined the program in March or**

4 **April -- and I can't remember the month, and I should,**

5 **March or April of 2003, that the architecture of that**

6 **vehicle would have been started no later than 2000,**

7 **could have been 2000-2001, in a design office**

8 **direction.**

9 Q. Do you know who was involved -- strike that.

10 Do you know who was involved in the

11 discussions about where to locate the gas tank on the

12 2005 model year Grand Cherokee?

13 **A. I do not know the names. I was just -- I was just**

14 **estimating that because the CEO and the CEO -- the COO**

15 **and the CEO, Dieter Zetsche and Wolfgang Bernhard, I**

16 **was assuming they were involved because they were --**

17 **they were from Mercedes, this was one of their first**

18 **vehicles they worked on with the Chrysler 300, and I**

19 **assume their input was pretty -- pretty strong.**

20 Q. So the 2005 Grand Cherokee along with the Chrysler 300

21 were two of the first vehicles Mercedes executives and

22 engineers worked on after DaimlerChrysler was formed,

23 correct?

24 **A. They were the ones that would have had some input into**

25 **the architecture of the two vehicles. I know that**

Page 31

1 **when they -- they came -- both of them came when we**

2 **were I think launching the Jeep Liberty, and so**

3 **they -- anything after that point they would have --**

4 **would not have touched. It would have been -- it**

5 **would have been already completed.**

6 BY MR. BUTLER, JR.: Move to strike as

7 nonresponsive.

8 BY MR. BUTLER, JR.:

9 Q. Let me repeat my question. So the 2005 Grand Cherokee

10 along with the Chrysler 300 were two of the first

11 vehicles Mercedes executives and engineers worked on

12 after DaimlerChrysler was formed, correct?

13 **A. I think executives -- when you say the word engineers,**

14 **Mercedes engineers at that moment were not designing**

15 **the 300 or Chrysler Jeep Grand Cherokee --**

16 Q. Let me withdraw my question, I'll rephrase it. So the

17 2005 Grand Cherokee along with the Chrysler 300 were

18 two of the first vehicles Mercedes executives worked

19 on after DaimlerChrysler was formed, correct?

20 **A. If worked on means had influence in the design**

21 **direction, the answer is yes.**

22 Q. All right. Do you know who could tell us who was

23 involved in the decision to locate the gas tank on the

24 2005 model year Grand Cherokee midships ahead of the

25 axle instead of at the rear?

Page 32

1 **A. If you call Dieter Zetsche or Wolfgang Bernhard, they**

2 **would know.**

3 Q. Where are they, are they in Germany?

4 **A. Well, Dieter Zetsche is CEO of Mercedes, and I don't**

5 **know where Bernhard is. At one moment he was fairly**

6 **high up at Volkswagen.**

7 Q. Do you know of anybody that works for Chrysler Group

8 who would know the answer to that question?

9 **A. Not -- do they work there now, I think if you pick**

10 **somebody --**

11 Q. Let me strike that. I'll withdraw it. Do you know

12 anybody who works for Chrysler Group now or who used

13 to work for Chrysler Group who would know the answer

14 to the question about who made the decision to locate

15 the gas tank in the 2005 model year Grand Cherokee in

16 the midships location ahead of the axle instead of at

17 the rear?

18 **A. I don't know.**

19 Q. Somebody had to be involved in that decision, didn't

20 they, from Chrysler?

21 **A. Absolutely.**

22 Q. And isn't it true that there'd have to be documents

23 that state who was involved in that decision?

24 MS. JEFFREY: Object to form.

25 **A. It's probably true with documents, but if -- if**

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1 **Chrysler -- if a private company's following typical**

2 **protocol like you would with your income taxes,**

3 **there's probably a set number of years that you would**

4 **keep your documents and then you would discard them,**

5 **and I don't know what it is for Chrysler, but it -- if**

6 **we're talking about income tax right now, we'd say**

7 **discard after seven years.**

8 BY MR. BUTLER, JR.:

9 Q. Are you assuming that Chrysler has destroyed those

10 documents?

11 **A. I don't know that.**

12 MS. JEFFREY: Object to form.

13 **A. I do not know that.**

14 BY MR. BUTLER, JR.:

15 Q. Do you -- you do understand that this is not the first

16 lawsuit ever filed against Chrysler involving a Jeep

17 with a rear gas tank that was hit in the rear and an

18 explosion occurred and people were burned or --

19 injured or killed by fire, you understand there's been

20 prior lawsuits, don't you?

21 **A. No, I do not.**

22 Q. Do you have any understanding that when a corporation

23 has been sued and the contention is made that there

24 was a defect in the car, the corporation's not

25 supposed to destroy documents?

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1 MS. JEFFREY: Object to form and  
 2 foundation.  
 3 **A. I don't -- I don't know that. I -- I don't know that**  
 4 **and I --**  
 5 BY MR. BUTLER, JR.:  
 6 Q. If --  
 7 MS. JEFFREY: Were you done?  
 8 BY MR. BUTLER, JR.:  
 9 Q. In all the years you were at Chrysler you never heard  
 10 anything about Chrysler getting sued because people  
 11 were killed or injured by a fire after Jeeps with rear  
 12 gas tanks got hit in the rear?  
 13 **A. After I left Chrysler or --**  
 14 Q. No, no.  
 15 **A. -- during Chrysler?**  
 16 Q. No. In all the years you were at Chrysler you never  
 17 heard anything about Chrysler getting sued because  
 18 people were killed or injured by fire after Jeeps with  
 19 rear gas tanks got hit in the rear?  
 20 **A. I did not, I did not hear.**  
 21 Q. Did you -- did anyone at Chrysler ever tell you or ask  
 22 you to be sure you saved documents that might be  
 23 relevant to a lawsuit?  
 24 **A. I don't remember that conversation. I will say no**  
 25 **because when I was working at Chrysler there was never**

Page 35

1 **an ongoing lawsuit that I was involved in, so I -- I'd**  
 2 **answer no.**  
 3 Q. Do you deny that a midships gas tank location is safer  
 4 than putting the gas tank 11 inches from the back of  
 5 the car and hanging 6 inches below the car?  
 6 MS. JEFFREY: Object to form.  
 7 **A. I can't answer that because I'd have to do some**  
 8 **analysis myself --**  
 9 BY MR. BUTLER, JR.:  
 10 Q. Well, let me --  
 11 **A. -- to answer that my -- to answer it.**  
 12 MR. BUTLER, JR.: What's our next number?  
 13 PRE-MARKED FOR IDENTIFICATION:  
 14 DEPOSITION EXHIBIT 146  
 15 9:38 a.m.  
 16 BY MR. BUTLER, JR.:  
 17 Q. Let me show you a document that I've marked as  
 18 Plaintiffs' Exhibit 146, and I've only got one copy of  
 19 it because my son just drew it. Look at that  
 20 document, if you would, please, sir. On the left you  
 21 see a -- a drawing of a -- of a vehicle with a gas  
 22 tank at the rear; do you see that?  
 23 **A. Yes.**  
 24 MS. JEFFREY: Just object to form, there's  
 25 no drawing of a vehicle here.

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1 BY MR. BUTLER, JR.:  
 2 Q. On the right you see a -- I don't know what to call  
 3 this, a schematic or a -- of a drawing -- of a vehicle  
 4 with the gas tank in the midships location; do you see  
 5 that?  
 6 **A. Well, it -- there's a rectangle with four circles**  
 7 **that's supposed to be documenting a car, I guess, and**  
 8 **there is a fuel tank colored in red in the middle.**  
 9 Q. And that's right next to the vehicle --  
 10 **A. One.**  
 11 Q. -- with -- or a drawing with a vehicle with the fuel  
 12 tank colored in red at the back, right?  
 13 MS. JEFFREY: Object to form.  
 14 **A. It's right next to another rectangle with circles with**  
 15 **the red box in the rear.**  
 16 BY MR. BUTLER, JR.:  
 17 Q. Which one of those is safer in rear impacts, sir?  
 18 MS. JEFFREY: Object to form.  
 19 **A. I cannot answer that.**  
 20 MR. BUTLER, JR.: Let me show this to the  
 21 jury so the jury will know what we're talking about.  
 22 Got it? All right.  
 23 BY MR. BUTLER, JR.:  
 24 Q. Did you ever see any actual crash test reports on  
 25 Grand Cherokees with the gas tanks at the rear?

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1 **A. I would not have seen the reports. I would have heard**  
 2 **results -- oh, no, not for the rear. Anything that I**  
 3 **heard was for my program, which was the WK, and so the**  
 4 **answer is no. I would not have been involved, I**  
 5 **wouldn't have been in any meetings with reports, but**  
 6 **if the answer -- if the question was WK, the answer is**  
 7 **I've heard results from those test results.**  
 8 MR. BUTLER, JR.: Move to strike as  
 9 nonresponsive.  
 10 BY MR. BUTLER, JR.:  
 11 Q. Did you ever see any crash -- let me ask the question  
 12 again.  
 13 Did you ever see any crash test reports on  
 14 Grand Cherokees with the gas tanks in the rear?  
 15 **A. No.**  
 16 PRE-MARKED FOR IDENTIFICATION:  
 17 DEPOSITION EXHIBIT 15-A  
 18 9:40 a.m.  
 19 BY MR. BUTLER, JR.:  
 20 Q. Let me show you a document that's been previously  
 21 marked as Plaintiffs' Exhibit Number 15-A. Have you  
 22 ever seen that document before right now?  
 23 **A. No.**  
 24 Q. Let -- this is -- the jury's already heard about this  
 25 and so I'll identify it. This is the November 18,

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1 1999 50 mile per hour rear impact offset crash test  
 2 into a 1999 Grand Cherokee. I want you to just look  
 3 at page 2. This has got a photograph, correct?  
 4 MS. OWENS: Objection to form.  
**5 A. There is a photograph, yes.**  
 6 BY MR. BUTLER, JR.:  
 7 Q. Now tell the jury why you think that in this crash --  
 8 rear impact crash test at 50 miles an hour, Chrysler  
 9 would have put a steel cage, that you see there in  
 10 green, around the gas tank and a steel bumper, quote,  
 11 beam, closed quote, that you see there in red behind  
 12 the gas tank to protect it?  
 13 MS. JEFFREY: Object to form.  
**14 A. I can't answer the question, I'd be -- I can't answer**  
**15 it.**  
 16 BY MR. BUTLER, JR.:  
 17 Q. Well, isn't it true, sir, that the answer is and has  
 18 to be because they knew the gas tank needed more  
 19 protection?  
 20 MS. JEFFREY: Object to form.  
**21 A. I can't -- I can't assume your answer is correct**  
**22 either.**  
 23 BY MR. BUTLER, JR.:  
 24 Q. Isn't it true, sir, that the only reason to put a  
 25 steel cage around a gas tank and a bumper beam behind

Page 39

1 the gas tank to protect it in a rear impact crash test  
 2 is because Chrysler knew the gas tank needed more  
 3 protection?  
 4 MS. JEFFREY: Object to form.  
**5 A. I wasn't part -- I wasn't part of the group that did**  
**6 this, so I wouldn't have known this background for it,**  
**7 so I cannot answer that.**  
 8 BY MR. BUTLER, JR.:  
 9 Q. Isn't it true that the 1999 Grand Cherokee in which  
 10 Remy Walden burned to death had none of that kind of  
 11 protection?  
 12 MS. JEFFREY: Object to form.  
**13 A. Are you saying in none of the -- none of the stuff**  
**14 that is in this photo?**  
 15 BY MR. BUTLER, JR.:  
 16 Q. Yes, sir.  
**17 A. The -- this photo -- this would not have been on a '99**  
**18 Grand -- or WJ.**  
 19 Q. Thank you, sir.  
 20 PRE-MARKED FOR IDENTIFICATION:  
 21 DEPOSITION EXHIBIT 3  
 22 9:43 a.m.  
 23 BY MR. BUTLER, JR.:  
 24 Q. And I want you to -- I want to show you Plaintiffs'  
 25 Exhibit Number 3, which is a photograph of the rear of

Page 40

1 a 1999 Grand Cherokee with the plastic fascia removed.  
 2 Do you recognize that?  
**3 A. Not really.**  
 4 Q. Have you ever seen the back of a 1999 through 2004 WJ  
 5 Grand Cherokee?  
**6 A. Yes.**  
 7 Q. Okay.  
**8 A. But without -- but you asked without the fascia, and I**  
**9 would -- I wouldn't have seen this view -- I wouldn't**  
**10 have seen this photo.**  
 11 Q. So you've never seen the back of one of those Grand  
 12 Cherokees with rear gas tanks with that fascia  
 13 removed; is that --  
**14 A. I -- I would have seen them, but I'm looking at this**  
**15 picture and I would -- this -- I'm looking at this**  
**16 picture for the first time.**  
 17 Q. All right. Well, doesn't this show what kind of  
 18 protection the back of the gas tank on a 1999 Grand  
 19 Cherokee had if you took off that plastic trim?  
 20 MS. JEFFREY: Object to form.  
**21 A. Again, I assume -- I assume this is a Grand Cherokee.**  
**22 I assume this is a Jeep Grand Cherokee, I don't know**  
**23 what vintage year it is. I -- it looks like the**  
**24 fascia has been removed and that's -- and you're**  
**25 seeing what you see.**

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1 BY MR. BUTLER, JR.:  
 2 Q. There's no protection there, is there?  
 3 MS. JEFFREY: Object to form.  
**4 A. I can't -- I would -- if this is the way the vehicle**  
**5 was built, if this was the way the vehicle was built,**  
**6 then all I can tell you is that it met all**  
**7 requirements for impact testing.**  
 8 BY MR. BUTLER, JR.:  
 9 Q. Let me ask it this way. Do you see any protection  
 10 there for rear impact for the gas -- strike that.  
 11 Do you see anything there that would  
 12 protect the gas tank from rear impact?  
**13 A. Sure, Styrofoam inserts, it looks like there's steel,**  
**14 just looking at this picture of this -- if this is a**  
**15 Jeep Grand Cherokee, it looks like there is some**  
**16 protection.**  
 17 Q. You think Styrofoam -- Styrofoam that -- strike that.  
 18 Do you think that Styrofoam insert would  
 19 protect the gas tank?  
**20 A. I assume that whatever was -- whatever the production**  
**21 build of the vehicle was met requirements.**  
 22 Q. Sir --  
**23 A. And when you talk about Styrofoam, just so there's no**  
**24 confusion, Styrofoam, most people think of Styrofoam**  
**25 as soft, Styrofoam can be extremely hard.**

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1 MR. BUTLER, JR.: Move to strike --

2 **A. So --**

3 BY MR. BUTLER, JR.:

4 Q. I'm sorry, are you through?

5 **A. So a Styrofoam insert could be very good at**

6 **protecting, it probably is very good at protecting**

7 **because it is designed that way.**

8 MR. BUTLER, JR.: Move to strike everything

9 after the word when -- or including the word when.

10 BY MR. BUTLER, JR.:

11 Q. Sir, are you familiar -- strike that.

12 Has anybody told you what Chrysler's fuel

13 systems expert witness in this case, John Olson, has

14 said what's at the back of the 1999 Grand Cherokee?

15 **A. No, no.**

16 Q. Isn't it true that the only metal is the metal that

17 you see going from one side to the other that's

18 connecting the two sides of the -- of the body panels?

19 MS. JEFFREY: Object to form and

20 foundation.

21 **A. I'd have to look at this -- you're ask -- I'd have to**

22 **look at this picture more to really answer your**

23 **question because a couple things. I don't know -- I**

24 **don't know what's been removed from the vehicle. I**

25 **don't know, so this picture is new to me, I can't**

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1 **answer.**

2 BY MR. BUTLER, JR.:

3 Q. Are you familiar with the -- with the word underride?

4 **A. In a very general way, yes.**

5 Q. Well, you understand that an underride wreck is where

6 the striking vehicle goes under the bottom of the back

7 of the vehicle that's hit?

8 **A. I didn't -- I didn't know it in that term but I -- I**

9 **listened to what you just said.**

10 Q. Well, tell -- tell the jury what protection there was

11 for this rear gas tank on the Grand Cherokee when a

12 vehicle -- strike that.

13 Tell the jury what protection there was for

14 the rear gas tank on the Jeep vehicles when they were

15 hit in the rear in an underride wreck?

16 MS. JEFFREY: Object to form and

17 foundation.

18 **A. I have -- I can't answer that. I'd have to have**

19 **two -- I'd have to have several groups with me. I'd**

20 **have to have the body and engineering group I'd have**

21 **to have the fuel systems group, I'd have to have the**

22 **underbody chassis group, and I'd have to review it**

23 **with them and then I can answer your question. I**

24 **wasn't involved in this -- I wasn't involved in this**

25 **design so it would be just conjecture on my part to**

Page 44

1 **answer your question.**

2 BY MR. BUTLER, JR.:

3 Q. Well, I don't want you to conjecture. Just look at

4 Plaintiffs' Exhibit Number 3. The fascia has been

5 removed, that plastic strip, so you see what you see.

6 Do you see there any protection that the Jeeps with

7 rear gas tanks had in underride rear impacts?

8 MS. JEFFREY: Object to form.

9 **A. I can't tell from this picture because I'd have to --**

10 **I'd have to look at it at different angles, I can't**

11 **answer the question.**

12 BY MR. BUTLER, JR.:

13 Q. Do you see anything that would keep the striking

14 vehicle from hitting the gas tank directly?

15 MS. JEFFREY: Object to form.

16 **A. Sir, I can't answer your question, I'd have to look at**

17 **multiple views. This is just a -- it's an odd view of**

18 **a vehicle.**

19 BY MR. BUTLER, JR.:

20 Q. Do you agree that rear impact wrecks happen all the

21 time?

22 **A. Do I agree that rear impact accidents happen in the**

23 **world with any car, is that the --**

24 Q. No, no, let me do it again. Do you agree that rear

25 impact wrecks happen frequently?

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1 **A. For all autos --**

2 Q. Just --

3 **A. -- and trucks?**

4 Q. Just in the world?

5 **A. In the world? Do they happen often? I don't know**

6 **what the word often means, but they happen, they**

7 **happen.**

8 Q. How long have you been driving a vehicle?

9 **A. I'm 60 years old.**

10 Q. So do the math, 44 years?

11 **A. No, probably more like 18, it would be 42.**

12 Q. Okay. Have you ever had -- been in a rear impact

13 wreck?

14 **A. No.**

15 Q. Have you ever seen one?

16 **A. I've seen one on the expressway, yes.**

17 Q. Would you agree that automakers know that the vehicles

18 they manufacture and sell are going to get hit in the

19 rear, that's going to happen?

20 **A. That's -- I assume that's -- I'm going to say they --**

21 **they know they have to protect their impact test --**

22 **impact test.**

23 Q. All right. Do you --

24 **A. I assume they get permission from NHTSA to do that.**

25 Q. Do you see -- move to strike the last part that starts

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1 with I assume.  
 2 Do you see anything in Plaintiffs' Exhibit  
 3 3 that would protect the gas tank on the back of these  
 4 Jeeps with rear gas tanks from being hit directly by  
 5 the striking vehicle in an underride rear impact --  
 6 MS. JEFFREY: Object --  
 7 BY MR. BUTLER, JR.:  
 8 Q. -- do you see anything there?  
 9 MS. JEFFREY: Object to form and he's  
 10 answered it.  
 11 **A. I can answer again. I -- I -- I wasn't involved in**  
 12 **this, I can't tell from this view. If you wanted --**  
 13 **the view is -- you're looking at a view face-on, you'd**  
 14 **have to be looking at it from multiple -- you'd have**  
 15 **to be looking at it from side view, different views to**  
 16 **even get a sense of what it is.**  
 17 BY MR. BUTLER, JR.:  
 18 Q. Isn't it true that -- strike that.  
 19 Isn't it true that in a rear impact  
 20 underride there is nothing to keep the gas tank from  
 21 getting hit directly by the striking vehicle?  
 22 MS. JEFFREY: Object to form and  
 23 foundation.  
 24 **A. From this picture I cannot tell.**  
 25 BY MR. BUTLER, JR.:

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1 Q. Well, from this picture or just your common sense and  
 2 engineering knowledge, isn't it true that in a rear  
 3 impact underride there is nothing to keep the gas tank  
 4 on these Jeeps with rear gas tanks from getting hit  
 5 directly by the striking vehicle?  
 6 **A. I can't answer that because I'd have to -- I wasn't**  
 7 **involved with the program and I'm not intimately**  
 8 **knowledgeable of the body and the undercarriage and**  
 9 **the suspension and the -- I'm not knowledgeable enough**  
 10 **to answer.**  
 11 Q. As an engineer what would you expect to happen in a  
 12 rear impact wreck into a car with a gas tank 11 inches  
 13 from the back that hangs down 6 inches below the  
 14 bottom of the car?  
 15 MS. JEFFREY: Object to form.  
 16 **A. That would be pure conjecture on my part, I can't**  
 17 **answer it.**  
 18 BY MR. BUTLER, JR.:  
 19 Q. Isn't it foreseeable that in that kind of wreck the  
 20 gas tank could be punctured?  
 21 MS. JEFFREY: Object to form.  
 22 **A. I can't answer that either.**  
 23 BY MR. BUTLER, JR.:  
 24 Q. Isn't it true -- is it -- strike that.  
 25 Isn't it foreseeable that in that kind of

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1 wreck the gas tank could be crushed?  
 2 MS. JEFFREY: Object to form.  
 3 **A. Sir, I can't answer that.**  
 4 BY MR. BUTLER, JR.:  
 5 Q. Isn't it true that in that kind of wreck it is  
 6 foreseeable that a gasoline explosion might occur?  
 7 MS. JEFFREY: Object to form.  
 8 **A. Can't answer that.**  
 9 BY MR. BUTLER, JR.:  
 10 Q. Isn't it true that that has actually happened in many  
 11 times in wrecks involving these Jeeps with rear gas  
 12 tanks?  
 13 MS. JEFFREY: Object to form.  
 14 **A. I know of this case after hearing it from Sheila that**  
 15 **there was -- something happened, some accident**  
 16 **happened from a rear impact into a Jeep Grand**  
 17 **Cherokee.**  
 18 BY MR. BUTLER, JR.:  
 19 Q. Isn't it true that a gasoline explosion is what killed  
 20 Remington Walden?  
 21 MS. JEFFREY: Object to form.  
 22 **A. I'm aware of the case as -- I'm aware of the case.**  
 23 **What caused -- what caused the actual death I'm not**  
 24 **aware of.**  
 25 BY MR. BUTLER, JR.:

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1 Q. Look again at Plaintiffs' Exhibit Number 3. And  
 2 that's the rear of the Jeep Grand Cherokee 1999 rear  
 3 vent -- strike that.  
 4 That's the rear of the 1999 Grand Cherokee  
 5 with the fascia or plastic trim removed. Would you  
 6 agree with me, sir, that that gas tank location does  
 7 not look safe at all?  
 8 MS. JEFFREY: Object to form.  
 9 **A. I would not agree with you.**  
 10 BY MR. BUTLER, JR.:  
 11 Q. Isn't it true, sir -- well, let me strike that.  
 12 If someone were to say to you that that gas  
 13 tank location design was, quote, absolutely safe,  
 14 closed quote, would you agree with that?  
 15 **A. I would agree that -- that fuel tank location on that**  
 16 **car met all NHTSA requirements for the production of**  
 17 **that vehicle --**  
 18 Q. Now --  
 19 **A. -- either met them or exceeded them.**  
 20 Q. That wasn't my question, sir. If someone were to say  
 21 to you that that gas tank location design shown in  
 22 Plaintiffs' Exhibit Number 3 was, quote, absolutely  
 23 safe, closed quote, would you agree with that or not?  
 24 MS. JEFFREY: Object to form.  
 25 **A. I would agree -- I would say yes.**

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1 BY MR. BUTLER, JR.:

2 Q. Okay. Isn't it true, sir, that in these Jeeps with

3 rear gas tanks the spare tire was better protected

4 than the gas tank?

5 MS. JEFFREY: Object to form.

6 **A. Sir, I can't answer that. I'd have to do a study with**

7 **the parties I talked about before. I need about four**

8 **different engineering systems involved.**

9 BY MR. BUTLER, JR.:

10 Q. Isn't it true, sir, that Chrysler could have put the

11 gas tank on the 1999 Grand Cherokee in the midships

12 location ahead of the rear axle?

13 **A. I don't know -- I wasn't involved in the architecture**

14 **so I don't know -- I don't know how to answer that.**

15 Q. Were you aware that Chrysler Group has admitted that

16 the gas tank on the 1999 Grand Cherokee could have

17 been located in the midships location?

18 **A. Am I aware of that -- of a statement? The answer is**

19 **no.**

20 MARKED FOR IDENTIFICATION:

21 DEPOSITION EXHIBIT 50

22 9:56 a.m.

23 BY MR. BUTLER, JR.:

24 Q. All right. I'm showing you what's been marked as

25 Plaintiffs' Exhibit Number 50. Do you see at the top

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1 of the page there it says James Brian Walden and

2 Lindsey Walden vs. Chrysler Group and Bryan Harrell;

3 do you see that?

4 **A. Yes.**

5 Q. And it says -- the title of this document is, quote,

6 Chrysler Group, L.L.C.'s response to plaintiffs' sixth

7 continuing requests for admission; do you see that?

8 **A. Yes.**

9 Q. Turn over to page 5, if you would. The first full

10 paragraph reads as follows, quote, request for

11 admission number 6, Chrysler could have located the

12 fuel tank in the 1993-2004 Grand Cherokees in a

13 midship location, paren, that is forward of the rear

14 axle, closed quote; did I read that correctly?

15 **A. This is for request for admission number 6 --**

16 Q. Yeah.

17 **A. -- Chrysler could have located?**

18 **You read that correctly.**

19 Q. And in the response isn't it true that Chrysler Group

20 wrote that it admits that it was possible to locate a

21 fuel tank in those vehicles forward of the rear axle,

22 the first sentence of the response?

23 **A. Yes.**

24 MS. JEFFREY: When we get to a good

25 transition point, Mr. Butler, can we take a

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1 five-minute break?

2 MR. BUTLER, JR.: Yes, ma'am.

3 MS. JEFFREY: Thank you.

4 BY MR. BUTLER, JR.:

5 Q. Isn't it true, sir, that there was plenty of room

6 ahead of the rear axle on the 1999 Grand Cherokee to

7 put the gas tank there?

8 MS. JEFFREY: Object to form.

9 **A. I don't know that.**

10 MARKED FOR IDENTIFICATION:

11 DEPOSITION EXHIBIT 51

12 9:59 a.m.

13 BY MR. BUTLER, JR.:

14 Q. I show you Plaintiffs' Exhibit Number 51, sir. This

15 is a photograph of a 1999 Grand Cherokee that has not

16 been in a wreck that shows -- you see the rear gas

17 tank back there, don't you?

18 **A. This is a '99 --**

19 Q. Yes, sir.

20 **A. -- Jeep Grand Cherokee?**

21 **I see the gas tank, yes.**

22 Q. And don't you see that there's plenty of room ahead of

23 the rear axle to put a gas tank?

24 MS. JEFFREY: Object to form.

25 **A. Well, sir, you know that a lot of components must have**

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1 **been removed from this photo. You're looking at an**

2 **underbody of a Jeep Grand Cherokee. That isn't what**

3 **you -- if you put a Jeep Grand Cherokee on a hoist,**

4 **that is not what you would see.**

5 BY MR. BUTLER, JR.:

6 Q. Are you saying that components have been removed on

7 Plaintiffs' Exhibit 51, that components have been

8 removed from this vehicle, as the jury looks at this

9 photograph, to the right of the drive shaft are you

10 saying something's been removed?

11 **A. I -- this -- this looks like it's been -- parts have**

12 **been removed from it.**

13 Q. What parts would that be, sir?

14 **A. I don't know, it looks like it's just -- like where**

15 **would the -- there typically would be lines going back**

16 **and -- and covers and -- this looks like it's -- parts**

17 **have been removed.**

18 Q. I'm going to show you my copy of the photograph, I put

19 an X right there on the right side of the photograph

20 of the drive shaft; do you see that?

21 **A. I see it.**

22 Q. Now, that is where the gas tank was put for the 2005

23 model year Grand Cherokee, correct?

24 MS. JEFFREY: Object to form.

25 **A. It's in that area but this underbody is different --**

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1 **would have been different than this picture. The 2005**  
 2 **underbody would not have been -- it was redesigned.**  
 3 MR. BUTLER, JR.: I'll show the jury  
 4 Plaintiffs' Exhibit Number 51 with the X I've just  
 5 drawn on it.  
 6 BY MR. BUTLER, JR.:  
 7 Q. Sir, are you saying that before this photograph was  
 8 taken that components were removed from the area where  
 9 that X appears?  
 10 **A. So this is your picture, I can't answer that question.**  
 11 Q. Okay, thank you, sir.  
 12 I'm going to mark the photograph I just  
 13 showed to the jury with an X that I drew on it as  
 14 Plaintiffs' Exhibit Number 51-A for the record.  
 15 MARKED FOR IDENTIFICATION:  
 16 DEPOSITION EXHIBIT 51-A  
 17 10:02 a.m.  
 18 BY MR. BUTLER, JR.:  
 19 Q. I'll show you next, sir, Plaintiffs' Exhibit Number  
 20 52.  
 21 PRE-MARKED FOR IDENTIFICATION:  
 22 DEPOSITION EXHIBIT 52  
 23 10:02 a.m.  
 24 BY MR. BUTLER, JR.:  
 25 Q. That, in fact, is a 2005 model year Grand Cherokee

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1 that shows where the gas tank was located, correct?  
 2 **A. It shows the location of the fuel tank.**  
 3 Q. Yes, sir. Now, as this picture demonstrates for the  
 4 2005 model year Grand Cherokee with the midships gas  
 5 tank, the gas tank was protected better than the spare  
 6 tire, correct?  
 7 MS. JEFFREY: Object to form.  
 8 **A. The fuel tank is located mid position in the vehicle,**  
 9 **that's all I can tell you.**  
 10 BY MR. BUTLER, JR.:  
 11 Q. It's in a safer position than the spare tire, isn't  
 12 it?  
 13 MS. JEFFREY: Object to form.  
 14 **A. It's positioned midship.**  
 15 BY MR. BUTLER, JR.:  
 16 Q. Is that a yes or a no or I can't answer that question?  
 17 **A. I can't answer.**  
 18 Q. Okay. Has anybody asked you to look at photographs of  
 19 the underside of the Waldens' Grand Cherokee to see if  
 20 the gas tank on that car had been in the midships  
 21 location instead of the rear of the vehicle whether it  
 22 would have been damaged at all?  
 23 **A. No.**  
 24 MS. JEFFREY: Object to form and  
 25 foundation.

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1 **A. No one asked that.**  
 2 BY MR. BUTLER, JR.:  
 3 Q. Have you seen any photographs of the Waldens' Grand  
 4 Cherokee after it was impacted in the rear and then  
 5 burned up?  
 6 **A. I saw one photo last Friday of the vehicle from a top**  
 7 **view.**  
 8 Q. Was it on fire?  
 9 **A. Uh-huh, yes.**  
 10 MR. BUTLER, JR.: Okay. This is a good  
 11 time for a break.  
 12 MS. JEFFREY: Okay, thank you.  
 13 VIDEO TECHNICIAN: And we are now going off  
 14 record. The time is 10:03 a.m.  
 15 (Recess taken at 10:03 a.m.)  
 16 (Back on the record at 10:12 a.m.)  
 17 VIDEO TECHNICIAN: We are now back on  
 18 record. The time is 10:12 a.m.  
 19 PRE-MARKED FOR IDENTIFICATION:  
 20 DEPOSITION EXHIBIT 4  
 21 10:12 a.m.  
 22 BY MR. BUTLER, JR.:  
 23 Q. Sir, I'll show you Plaintiffs' Exhibit Number 4. Is  
 24 that the photograph you saw last Friday when you met  
 25 with Chrysler Group's lawyers?

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1 **A. I think so.**  
 2 Q. Was it a photograph of a Jeep on fire?  
 3 **A. It's tough, I can tell something's there and it's on**  
 4 **fire, I can't tell what it is.**  
 5 Q. Do you know how many times before March 6th, 2012,  
 6 when Remy Walden died, there had been fires following  
 7 rear impacts into Jeeps with rear gas tanks?  
 8 **A. No.**  
 9 Q. Have you asked anybody?  
 10 **A. I don't -- I don't think I did ask anyone, but I -- I**  
 11 **wouldn't have asked -- it would have been a question I**  
 12 **wouldn't have asked.**  
 13 Q. Do you know how many times since March 6th, 2012, when  
 14 Remington Walden died, there have been fires following  
 15 rear impacts into Jeeps with rear gas tanks?  
 16 **A. I wouldn't know that number.**  
 17 Q. Did you ask?  
 18 **A. I -- I'm retired, it wouldn't have -- I've been away**  
 19 **from Chrysler for over six years.**  
 20 Q. Did you ask?  
 21 **A. No.**  
 22 Q. Isn't it true that Chrysler was putting gas tanks on  
 23 other SUVs in the midships location at the same time  
 24 it was putting gas tanks at the rear on these Jeeps?  
 25 **A. I don't know if I -- I don't know that. I -- I'd have**



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**1 to go back and -- and check.**  
 2 MR. BUTLER, JR.: 96 and 128.  
 3 BY MR. BUTLER, JR.:  
 4 Q. How many years did you work at Chrysler.  
 5 **A. 26 years.**  
 6 Q. Were you an engineer the entire time?  
 7 **A. Yes.**  
 8 Q. And was the first time you became the chief engineer  
 9 for a particular model in 2003?  
 10 **A. Yes.**  
 11 MARKED FOR IDENTIFICATION:  
 12 DEPOSITION EXHIBIT 96  
 13 10:15 a.m.  
 14 BY MR. BUTLER, JR.:  
 15 Q. I'll show you what's been marked as Plaintiffs'  
 16 Exhibit Number 96. You're familiar with the --  
 17 Chrysler's Dodge Durango; are you not?  
 18 **A. Yes.**  
 19 Q. Isn't it true that the Dodge Durango, 1998 model, had  
 20 a midships gas tank?  
 21 **A. I did -- I don't know that. I -- I'm looking at it,**  
 22 **and if you ask me that without looking at this, I**  
 23 **would have said I did not know.**  
 24 Q. Well, look at Plaintiffs' Exhibit Number 96. That is  
 25 a brochure for the 1998 Dodge Durango, right?

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**1 A. Yes.**  
 2 Q. Now look at the last page. You see over there it's  
 3 got a -- I don't know what you call this thing. Ms.  
 4 Jeffrey didn't like what I called Jeb's drawing but  
 5 this is a -- what you call a schematic, or what do you  
 6 call this that shows with the body removed, it shows  
 7 what's underneath the body?  
 8 MS. JEFFREY: Are you talking about on the  
 9 upper right --  
 10 MR. BUTLER, JR.: Yes.  
 11 MS. JEFFREY: -- of page 9?  
 12 MR. BUTLER, JR.: Yes.  
 13 BY MR. BUTLER, JR.:  
 14 Q. What do you call that, a photograph, a schematic,  
 15 what?  
 16 **A. Are you asking me?**  
 17 Q. Yes, I'm asking you, what do you call that?  
 18 **A. This would be -- this looks like a computer-generated**  
 19 **drawing of an underbody of a vehicle.**  
 20 Q. It shows the gas tank in the midships location, does  
 21 it not?  
 22 **A. If the gas tank is the black piece that I can't tell**  
 23 **the form, I -- I can't tell what is what.**  
 24 Q. Well, let me help you out.  
 25 **A. I see that it's --**

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1 Q. Look to the left. The second paragraph to the left  
 2 says, quote, the corrosion, puncture, heat resistant  
 3 and biggest in class plastic 25-gallon fuel tank is  
 4 mounted securely between the frame rails ahead of the  
 5 rear axle; do you see that?  
 6 **A. I see the writing, yep, yes.**  
 7 Q. That means it had a midship fuel tank, correct?  
 8 **A. Yes.**  
 9 Q. Okay. Now, Chrysler knew what was meant by those  
 10 words that it put in this brochure, quoted, mounted  
 11 securely between the frame rails ahead of the rear  
 12 axle, closed quote; isn't that correct?  
 13 MS. JEFFREY: Object to form.  
 14 **A. The question --**  
 15 MS. OWENS: Objection to form.  
 16 **A. Excuse me, could you repeat?**  
 17 BY MR. BUTLER, JR.:  
 18 Q. Well, those words mean something, don't they, quote,  
 19 is mounted securely between the frame rails ahead of  
 20 the rear axle, closed quote?  
 21 **A. It says the fuel tank is -- is midship.**  
 22 Q. No, what's the word securely mean?  
 23 **A. The word securely means securely.**  
 24 Q. Doesn't that imply that it's safer, sir?  
 25 MS. JEFFREY: Object to form.

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**1 A. I don't know that, I didn't work on this program. I**  
 2 **didn't work on the Dodge Durango program.**  
 3 BY MR. BUTLER, JR.:  
 4 Q. Would you agree with me, sir, that if an automaker can  
 5 design a vehicle so the gas tank is not vulnerable to  
 6 rear impact, then the automaker has a duty to do so?  
 7 MS. JEFFREY: Object to form and  
 8 foundation.  
 9 **A. The automaker has a duty to meet NHTSA testing**  
 10 **requirements, meet or surpass them, and when they do**  
 11 **that, they've met the requirements.**  
 12 MR. BUTLER, JR.: Move to strike as  
 13 nonresponsive.  
 14 BY MR. BUTLER, JR.:  
 15 Q. Would you agree with me, sir, that if an automaker can  
 16 design a vehicle so the gas tank is not vulnerable to  
 17 rear impact, then the automaker has a duty to do so?  
 18 MS. JEFFREY: Object to form.  
 19 **A. The -- an automaker is designing to meet external**  
 20 **requirements from NHTSA, and I assume they do --**  
 21 **forget the word assume. They do meet or exceed the**  
 22 **requirements for NHTSA and they do whatever they need**  
 23 **to do to get to that point.**  
 24 BY MR. BUTLER, JR.:  
 25 Q. Are you aware, sir, that the federal requirements are

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1 merely, quote, minimum, closed quote, requirements?  
 2 **A. It says minimum and -- I think it says minimum in this**  
 3 **standard, but again, those standards are coming from**  
 4 **the United States Government, and so NHTSA is a**  
 5 **portion of the United States Government. I assume**  
 6 **you'd also agree that in that document it would have**  
 7 **said they're safe for the passengers in the cabin of a**  
 8 **vehicle, so I hear minimum -- it also -- it would**  
 9 **imply safe.**  
 10 Q. Does the word minimum mean minimum?  
 11 **A. I don't know what minimum means when they say minimum.**  
 12 Q. All right. Show -- show us the document you're  
 13 talking about that implies safe?  
 14 **A. I don't have it.**  
 15 Q. What document are you talking about?  
 16 **A. I'm saying that --**  
 17 Q. No, no, no, my question is what document are you  
 18 talking about that implies, quote, safe, closed quote?  
 19 **A. What document am I talking about?**  
 20 Q. You just said there was something in a document, what  
 21 document are you talking about?  
 22 **A. I think -- I think NHTSA -- let me backtrack. I**  
 23 **should not have used the word document. I think if**  
 24 **you read -- if you read minimum in a document that**  
 25 **it's coming from the U.S. Government, it's an impact**

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1 **test, it can't -- it must -- they would not put**  
 2 **something out for U.S. population that isn't safe,**  
 3 **so -- so why the word minimum is in the document I**  
 4 **wouldn't know.**  
 5 MR. BUTLER, JR.: Move to strike as  
 6 nonresponsive.  
 7 BY MR. BUTLER, JR.:  
 8 Q. Are you saying, sir, that all Chrysler did was design  
 9 vehicles to meet the minimum requirement?  
 10 MS. JEFFREY: Object to form.  
 11 **A. I'm saying that Chrysler designs vehicles -- develops**  
 12 **and designs vehicles to meet internal and external**  
 13 **requirements, to meet or exceed them, and that we do**  
 14 **that, and when I was there we did that, and it isn't**  
 15 **just meet, it's meet/exceed.**  
 16 BY MR. BUTLER, JR.:  
 17 Q. Back to my question then. Isn't it true that if an  
 18 automaker can design a vehicle so the gas tank is not  
 19 vulnerable to rear impact, then the automaker has a  
 20 duty to do so?  
 21 MS. JEFFREY: I'm objecting, you've  
 22 asked -- asked it twice, he's answered it twice. He  
 23 may answer again.  
 24 BY MR. BUTLER, JR.:  
 25 Q. Will you answer that question?

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1 **A. I'll answer it but it's going to be the same answer I**  
 2 **gave before.**  
 3 Q. In other words, you will not answer it?  
 4 MS. JEFFREY: Object to form.  
 5 BY MR. BUTLER, JR.:  
 6 Q. Let me rephrase the question then. Isn't it true,  
 7 sir, that an automaker has a duty to do more than just  
 8 meet the minimum requirement if the automaker knows  
 9 the gas tank is vulnerable to rear impact?  
 10 MS. JEFFREY: Object to form.  
 11 **A. The automaker designs and develops a vehicle to meet**  
 12 **specifications, whether they be internal, external,**  
 13 **you -- you meet/exceed, and that's -- that's the way**  
 14 **we work.**  
 15 BY MR. BUTLER, JR.:  
 16 Q. Do you agree, sir, that -- strike that.  
 17 Will you agree that when the rear gas tank  
 18 on a car is vulnerable to rear impact, that is  
 19 anything but absolutely safe?  
 20 MS. JEFFREY: Object to form.  
 21 **A. The design of a vehicle is met -- is done to meet**  
 22 **requirements, and so NHTSA, I assume NHTSA is an**  
 23 **expert at impact testing, and so if direction's coming**  
 24 **from a governmental body and you -- and you're**  
 25 **required to meet that and if we meet/exceed it, I**

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1 **think we've met the requirements.**  
 2 MR. BUTLER, JR.: Move to strike as  
 3 nonresponsive.  
 4 BY MR. BUTLER, JR.:  
 5 Q. Will you agree, sir, that when the rear gas tank on a  
 6 car is vulnerable to rear impact, that is anything but  
 7 absolutely safe?  
 8 MS. JEFFREY: Object to form.  
 9 **A. I will answer we -- engineers, as you -- anyone that's**  
 10 **in engineering is -- is responsible for meeting**  
 11 **specifications. You -- your goal is to meet or exceed**  
 12 **them. We do that as engineers.**  
 13 BY MR. BUTLER, JR.:  
 14 Q. Will you agree, sir, that when the gas tank on the  
 15 rear of a car is in a known crush zone, that is  
 16 anything but absolutely safe?  
 17 MS. JEFFREY: Object to form.  
 18 **A. I don't know the term known crush zone.**  
 19 BY MR. BUTLER, JR.:  
 20 Q. Did anyone tell you that Chrysler engineer Judson  
 21 Estes has testified under oath that the rear gas tanks  
 22 on the Jeeps are in a crush zone?  
 23 **A. No one told me that.**  
 24 Q. Were you aware that Chrysler had a rule that in doing  
 25 crash tests, even for the minimum requirement of -- at

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1 30 miles an hour, no instruments were to be put in the  
 2 back 24 inches of the car?  
 3 **A. I wasn't aware of that.**  
 4 Q. Well, if Chrysler has a rule that no instruments ought  
 5 to be put in the back 24 inches of the car in just a  
 6 30 mile an hour minimum requirement test, doesn't that  
 7 mean that Chrysler knew the back 24 inches of the car  
 8 were a crush zone?  
 9 MS. JEFFREY: Object to form.  
 10 **A. I didn't know that.**  
 11 BY MR. BUTLER, JR.:  
 12 Q. Will you agree with me that when the gas tank is 11  
 13 inches from the back of the car, that means the gas  
 14 tank is within the back 24 inches of the car?  
 15 **A. I hear you say that, I'd have to -- I'd have to review**  
 16 **it to either say yes or no.**  
 17 MR. BUTLER, JR.: Well, go off the video  
 18 just a minute.  
 19 VIDEO TECHNICIAN: We're now going off  
 20 record. The time is 10:25 a.m.  
 21 (Off the record at 10:25 a.m.)  
 22 (Back on the record at 10:26 a.m.)  
 23 VIDEO TECHNICIAN: We are now back on  
 24 record. The time is 10:26 a.m.  
 25 MARKED FOR IDENTIFICATION:

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1 DEPOSITION EXHIBIT 147  
 2 10:26 a.m.  
 3 BY MR. BUTLER, JR.:  
 4 Q. Plaintiffs' Exhibit Number 147, I've drawn it out for  
 5 you, sir. Isn't it true that the 11 inches between  
 6 the back of the car and the back of the gas tank is  
 7 within the back 24 inches of the vehicle?  
 8 **A. I don't know. Your drawing shows a tire, shows an arc**  
 9 **with 11 inches and 24 inches, I don't -- I can't**  
 10 **answer that.**  
 11 Q. All right.  
 12 **A. I can't answer it.**  
 13 Q. Will you agree that when Chrysler knew that the gas  
 14 tank on the 1999 Grand Cherokee would be crushed in  
 15 rear impacts, that is anything but safe?  
 16 MS. JEFFREY: Object to form.  
 17 **A. I cannot answer that.**  
 18 BY MR. BUTLER, JR.:  
 19 Q. Will you agree that when the rear gas tank on a car,  
 20 quote, is vulnerable to rear impact, closed quote, and  
 21 is in a crush zone and the automaker knows the gas  
 22 tank will be crushed in rear impacts, that means the  
 23 car has a safety-related defect?  
 24 MS. JEFFREY: Object to form and  
 25 foundation.

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1 **A. I would say that it -- the vehicle would not have a --**  
 2 **the vehicle met impact requirements, so to say that it**  
 3 **had a defect is not correct.**  
 4 BY MR. BUTLER, JR.:  
 5 Q. Is it your testimony, sir, that even though a car is  
 6 vulnerable to rear impact and has a gas tank in a  
 7 crush zone and the automaker knows the gas tank will  
 8 be crushed in rear impacts, it is still not defective?  
 9 MS. JEFFREY: Object to form.  
 10 **A. Those statements are -- you're saying them as if**  
 11 **they're factual. I -- I don't know that, so I -- I'm**  
 12 **saying that Chrysler met NHTSA requirements for this**  
 13 **vehicle, met or exceeded them, and that the rest of it**  
 14 **I'm not aware of that you're mentioning.**  
 15 BY MR. BUTLER, JR.:  
 16 Q. Would you agree, sir, that for the Grand Cherokees  
 17 with rear gas tanks, it was not obvious that the gas  
 18 tank was vulnerable to rear impact?  
 19 MS. JEFFREY: Object to form.  
 20 **A. What model year are we talking about?**  
 21 BY MR. BUTLER, JR.:  
 22 Q. '99 through 2004.  
 23 **A. Could you repeat the question, I apologize?**  
 24 Q. Yes. Would you agree, sir, that for the 1999 through  
 25 2004 Grand Cherokees with rear gas tanks, it was not

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1 obvious that the gas tank was vulnerable to rear  
 2 impact?  
 3 MS. JEFFREY: Object to form.  
 4 **A. I cannot answer it, I did not work on that program.**  
 5 BY MR. BUTLER, JR.:  
 6 Q. Isn't it true, sir, that the fascia, that plastic  
 7 trim, hid the danger?  
 8 MS. JEFFREY: Object to form.  
 9 **A. I can't say that either. I wasn't involved with the**  
 10 **program so I don't know the design development**  
 11 **activity on that vehicle.**  
 12 BY MR. BUTLER, JR.:  
 13 Q. Look at Plaintiffs' Exhibit Number 3 again, that's the  
 14 one with the plastic fascia removed. You can see the  
 15 gas tank very clearly with that plastic trim removed;  
 16 can you not?  
 17 **A. Yes.**  
 18 PRE-MARKED FOR IDENTIFICATION:  
 19 DEPOSITION EXHIBIT 130  
 20 10:30 a.m.  
 21 BY MR. BUTLER, JR.:  
 22 Q. Look at Plaintiffs' Exhibit Number 130. This is a  
 23 1999 Grand Cherokee without the plastic fascia  
 24 removed. Isn't it true that that plastic trim called  
 25 the fascia hides the gas tank?

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1 MS. JEFFREY: Object to form.

2 **A. By design it hides other things under the vehicle,**

3 **too.**

4 BY MR. BUTLER, JR.:

5 Q. But it also hides the gas tank; does it not?

6 MS. JEFFREY: Object to form.

7 **A. It hides the fuel tank, the rear suspension and other**

8 **items --**

9 PRE-MARKED FOR IDENTIFICATION:

10 DEPOSITION EXHIBIT 131

11 10:31 a.m.

12 BY MR. BUTLER, JR.:

13 Q. Plaintiffs' Exhibit -- look at Number -- Plaintiffs'

14 Exhibit Number 131?

15 MS. JEFFREY: Are you done.

16 **A. No, I wasn't. It hides bra brake components on the**

17 **rear wheels, it hides suspension parts, it hides the**

18 **fuel tank, so...**

19 BY MR. BUTLER, JR.:

20 Q. Look at Plaintiffs' Exhibit Number 131. That's a side

21 shot of a 1999 Grand Cherokee with the plastic fascia

22 still there, and you can't even see the gas tank, can

23 you?

24 **A. No.**

25 Q. Is the answer correct, you cannot see the gas tank?

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1 **A. I cannot see the gas tank on this vehicle from this**

2 **view.**

3 MARKED FOR IDENTIFICATION:

4 DEPOSITION EXHIBIT 132

5 10:31 a.m.

6 BY MR. BUTLER, JR.:

7 Q. Look at Plaintiffs' Exhibit Number 132. If you take

8 the fascia off you can see the gas tank very clearly;

9 can you not?

10 **A. Yes, with other components, yes.**

11 Q. Isn't it true that using the fascia or plastic trim to

12 hide the gas tank was deliberate?

13 MS. JEFFREY: Object to form.

14 **A. I wasn't involved in the program. The -- the rear**

15 **fascia would have been designed with the body of the**

16 **vehicle during the early phases of our -- in the**

17 **design office, and it is not -- it's an aesthetic of**

18 **what to look at for the entire vehicle, so it's not**

19 **designed to hide something, it's designed to give the**

20 **overall impression of the vehicle.**

21 BY MR. BUTLER, JR.:

22 Q. Isn't it true that the purpose of that piece of

23 plastic trim was to hide the danger?

24 MS. JEFFREY: Object to form.

25 **A. The fascia is designed with the rest of the vehicle,**

Page 72

1 **it's not to hide anything.**

2 PRE-MARKED FOR IDENTIFICATION:

3 DEPOSITION EXHIBIT 133

4 10:33 a.m.

5 BY MR. BUTLER, JR.:

6 Q. I'll show you Plaintiffs' Exhibit Number 133. Don't

7 you think, sir, that if Americans actually could see

8 how close the gas tank was to the back of this Jeep,

9 at least some of 'em would think that's dangerous, I

10 don't want to get in that car?

11 MS. JEFFREY: Object to form.

12 **A. I -- I don't -- I do not believe customers would say**

13 **that.**

14 BY MR. BUTLER, JR.:

15 Q. Do you think that -- strike that.

16 Do you think that looks safe?

17 MS. JEFFREY: Object to form.

18 BY MR. BUTLER, JR.:

19 Q. Referring to Plaintiffs' Exhibit Number 133?

20 MS. JEFFREY: 3.

21 **A. It would be pure conjecture. I know that vehicle met**

22 **impact testing requirements, so the answer is does it**

23 **look safe, it is safe.**

24 BY MR. BUTLER, JR.:

25 Q. Will you agree with me that Chrysler Group knows that

Page 73

1 the gas -- rear gas tank on these Jeeps is vulnerable

2 to rear impact?

3 MS. JEFFREY: Object to form.

4 **A. No.**

5 BY MR. BUTLER, JR.:

6 Q. Will you agree with Justin Estes, who works for

7 Chrysler, now for Fiat in Italy, that in 1998 Chrysler

8 knew that the gas tank on the 1999 Grand Cherokee

9 would be crushed in rear impacts?

10 MS. JEFFREY: Object to form.

11 **A. I did not know Mr. Estes, I was not on this program at**

12 **that time so I can't comment.**

13 BY MR. BUTLER, JR.:

14 Q. Will you agree with Mr. Estes' sworn testimony that in

15 1998 Chrysler knew that the gas tank on the 1999 Grand

16 Cherokee would be crushed in rear impacts?

17 MS. JEFFREY: Object to form.

18 **A. I can't agree with that.**

19 BY MR. BUTLER, JR.:

20 Q. As -- as the chief engineer you know that it is not a

21 good thing when a gas tank gets crushed, correct?

22 MS. JEFFREY: Object to form.

23 **A. As a chief engineer my requirement was to make sure**

24 **all systems on a vehicle passed and met all the**

25 **requirements that were established.**

Page 74

1 MR. BUTLER, JR.: Move to strike as non --  
 2 MS. JEFFREY: Let --  
 3 BY MR. BUTLER, JR.:  
 4 Q. Sorry, go ahead.  
 5 **A. And so because of that I'm a total vehicle person that**  
 6 **I -- I would -- and I was not on this program, but as**  
 7 **the chief engineer I'm responsible for meeting all**  
 8 **requirements of the vehicle, development and**  
 9 **durability and impact, et cetera, so as a chief**  
 10 **engineer I would know that we did meet or exceed**  
 11 **requirements.**  
 12 MR. BUTLER, JR.: Move to strike as  
 13 nonresponsive.  
 14 BY MR. BUTLER, JR.:  
 15 Q. As the chief engineer you know that it is not a good  
 16 thing when a gas tank gets crushed, correct?  
 17 MS. JEFFREY: Object to form.  
 18 **A. As a chief engineer -- again, we're designing**  
 19 **systems -- we're designing systems for the car, for**  
 20 **the safety of the car and for the quality of the car,**  
 21 **et cetera, and so that's all -- that's how I'll answer**  
 22 **it.**  
 23 BY MR. BUTLER, JR.:  
 24 Q. Will you agree with me, sir, that it is not a good  
 25 thing when gas tanks get crushed?

Page 75

1 MS. JEFFREY: Object to form.  
 2 **A. I can't answer that.**  
 3 BY MR. BUTLER, JR.:  
 4 Q. Do you care if the gas tank on a vehicle gets crushed?  
 5 MS. JEFFREY: Object to form.  
 6 **A. I don't have -- I don't have any -- you're using the**  
 7 **word care, do I care if it gets crushed? I can't**  
 8 **answer that.**  
 9 BY MR. BUTLER, JR.:  
 10 Q. Does it make any difference to you as an engineer if  
 11 the gas tank gets crushed?  
 12 **A. I -- I am worried with meeting requirements.**  
 13 Q. What happens -- well, strike that.  
 14 What can happen if a gas tank gets crushed  
 15 in a rear impact?  
 16 MS. JEFFREY: Object to form and  
 17 foundation.  
 18 **A. I -- I don't know.**  
 19 BY MR. BUTLER, JR.:  
 20 Q. Do you know that if a gas tank gets crushed in rear  
 21 impacts what can happen is an explosion?  
 22 MS. JEFFREY: Object to form.  
 23 **A. I don't know that.**  
 24 BY MR. BUTLER, JR.:  
 25 Q. Do you know that a gasoline fuel-fed fire following a

Page 76

1 rear impact where a gas tank gets crushed is very  
 2 dangerous to the people inside the car?  
 3 **A. I assume that there's a fire in a vehicle, that it's**  
 4 **dangerous to the occupants of the car.**  
 5 Q. Well, when we're talking about a crushed gas tank and  
 6 a gasoline fuel-fed fire, we're not talking about any  
 7 ordinary fire, we're talking about an inferno; are we  
 8 not?  
 9 MS. JEFFREY: Object to form.  
 10 **A. I don't know. I -- I don't know -- I don't know. I**  
 11 **don't know fire versus inferno.**  
 12 BY MR. BUTLER, JR.:  
 13 Q. If a gas tank gets crushed and there's a gasoline  
 14 fuel-fed fire, does it matter to the people inside  
 15 that the car met minimum requirements?  
 16 MS. JEFFREY: Object to form.  
 17 **A. The -- again, I -- I -- the question that -- to answer**  
 18 **that question, the issue would be did the car meet and**  
 19 **exceed requirements, the answer is yes. What**  
 20 **caused -- what caused an accident, I don't -- I don't**  
 21 **know, so whatever caused an inferno, I'm not aware of.**  
 22 BY MR. BUTLER, JR.:  
 23 Q. Are you aware that Chrysler Group is not making and  
 24 selling any passenger cars now in this country that  
 25 have rear gas tanks?

Page 77

1 **A. Based on our working with Mercedes-Benz starting when**  
 2 **I was there, that was the direction that they were**  
 3 **heading so I assume -- and I don't know emphatically**  
 4 **for every vehicle coming out of Chrysler, but I assume**  
 5 **that that trend continued for everything, but I do not**  
 6 **know that for a fact.**  
 7 Q. Are you aware that Fiat is not making and selling any  
 8 passenger cars in this country that have rear gas  
 9 tanks?  
 10 **A. I don't know what vehicles Fiat sells in this country.**  
 11 Q. In your long experience at Chrysler did you ever hear  
 12 anyone question the wisdom of putting the gas tanks at  
 13 the rear of these Jeeps?  
 14 **A. No.**  
 15 Q. Did you hear -- ever hear anyone suggest that maybe  
 16 putting the gas tank on the rear of a car was a bad  
 17 idea?  
 18 MS. JEFFREY: Object to form.  
 19 **A. No.**  
 20 BY MR. BUTLER, JR.:  
 21 Q. Did you ever hear anyone suggest that maybe it would  
 22 be safer if we moved the gas tanks from the rear to  
 23 the midships location?  
 24 MS. JEFFREY: Object to form.  
 25 **A. No.**

Page 78

1 BY MR. BUTLER, JR.:

2 Q. Did you ever read the Baker memorandum?

3 **A. No.**

4 Q. Do you know what I'm talking about?

5 **A. No.**

6 Q. Have you ever heard of a Chrysler engineer named L.L.

7 Baker?

8 **A. No.**

9 Q. Nobody ever mentioned to you the memorandum that L.L.

10 Baker wrote in 1978, 37 years ago?

11 **A. No.**

12 Q. Isn't it true, sir, that Chrysler has known for at

13 least 37 years that putting a gas tank in the midships

14 location provides the protection of all the structure

15 behind the rear wheels as well as the rear wheels

16 themselves to protect the tank from being damaged in a

17 collision?

18 **A. Would I know -- would I know that?**

19 Q. Yeah.

20 **A. No, because I did not -- no.**

21 Q. You left Chrysler in 2008, correct?

22 **A. Yes.**

23 Q. I gather from that that you don't know anything about

24 the NHTSA investigation of Chrysler's Jeeps with rear

25 gas tanks; is that correct?

Page 79

1 **A. I know about NHTSA's inquiries with Jeep tank just**

2 **from Sheila from last weekend.**

3 Q. You mean last Friday?

4 **A. Last Friday I mean.**

5 Q. So all you know about the NHTSA inquiry was what Ms.

6 Jeffrey told you last Friday?

7 **A. Yes.**

8 Q. What did she tell you?

9 MS. JEFFREY: No. I object, he's not going

10 to talk about privileged communications.

11 MR. BUTLER, JR.: Are you instructing

12 him --

13 MS. JEFFREY: Yes --

14 MR. BUTLER, JR.: -- not to answer?

15 MS. JEFFREY: -- I'm instructing him not

16 to answer.

17 BY MR. BUTLER, JR.:

18 Q. Are you going to follow Ms. Jeffrey's instructions?

19 **A. Yes.**

20 Q. So you're not going to tell us what Ms. Jeffrey told

21 you last Friday, which is all you know about the NHTSA

22 investigation, correct?

23 **A. I'm not going to.**

24 Q. Did you know François Castaing?

25 **A. Did I know him personally, no, but he joined Chrysler**

Page 80

1 **in 1987 when Chrysler and AMC merged.**

2 Q. Did you know that he was an engineer?

3 **A. Did I absolutely know he's an engineer? I assumed he**

4 **was. I didn't know that for -- for his background.**

5 Q. Did you know he was an engineer on Jeeps?

6 **A. The only time I -- I knew he was in charge of**

7 **engineering, so I don't know if he was an engineer**

8 **over Jeeps.**

9 Q. At Chrysler, to be head of engineering don't you have

10 to be an engineer?

11 **A. You would think so.**

12 Q. Yeah, I would think so, too. Did you ever talk to Mr.

13 Castaing?

14 **A. I met with him twice with my -- at that time I was an**

15 **engineer, I met with him twice with my director.**

16 Q. Do you agree with Mr. Castaing's sworn testimony that,

17 quote, the tow package does not protect the tank,

18 closed quote?

19 MS. JEFFREY: Object to form.

20 **A. I can't answer that.**

21 BY MR. BUTLER, JR.:

22 Q. Would you agree with me that if a gas tank needs

23 protection from rear impact, it needs protection from

24 rear impact no matter what the speed is, low or high?

25 MS. JEFFREY: Object to form.

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1 **A. I don't know what -- when you say -- I don't know what**

2 **your parameters are of low and high.**

3 BY MR. BUTLER, JR.:

4 Q. Well, would you agree with me that if a gas tank

5 located at the rear of a vehicle needs more protection

6 at low speeds it would also need more protection at

7 high speeds?

8 MS. JEFFREY: Object to form.

9 BY MR. BUTLER, JR.:

10 Q. Or higher -- let me rephrase, withdraw that.

11 Would you agree with me that if a gas tank

12 needs -- strike that.

13 Would you agree with me that if a gas tank

14 located at the rear of a car needs more protection at

15 low speeds it would also need more protection at

16 higher -- at higher speeds?

17 MS. JEFFREY: Object to form.

18 **A. I would have to study that to understand it, and I'd**

19 **have to understand what the word high means.**

20 BY MR. BUTLER, JR.:

21 Q. Will you agree with me that the kind of fire that you

22 saw in that picture Ms. Jeffrey showed you last

23 Friday, that's Remington Waldens' Jeep on fire, is

24 going to have continued to occur into the future so

25 long as these Jeeps with rear gas tanks are still on

Page 82

1 the road?

2 MS. JEFFREY: Object to form and

3 foundation.

4 **A. I can't answer that, I don't know what caused the**

5 **accident.**

6 BY MR. BUTLER, JR.:

7 Q. Do you know of any reason to suggest to this jury that

8 the kind of fire that consumed Remington Walden is not

9 going to continue to happen into the future in these

10 Jeeps with rear gas tanks?

11 MS. JEFFREY: Object to form.

12 **A. I can't answer that.**

13 BY MR. BUTLER, JR.:

14 Q. Do you have any basis for saying that these explosions

15 after rear impacts of Jeeps with rear gas tanks is

16 going to suddenly stop --

17 MS. JEFFREY: Object to form.

18 BY MR. BUTLER, JR.:

19 Q. -- and not happen in the future?

20 MS. JEFFREY: Object to form.

21 **A. I can't answer that.**

22 MR. BUTLER, JR.: Let's take a break.

23 VIDEO TECHNICIAN: We are now going off the

24 record. The time is 10:46 a.m.

25 (Recess taken at 10:46 a.m.)

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1 (Back on the record at 10:53 a.m.)

2 VIDEO TECHNICIAN: We are now back on the

3 record. The time is 10:53 a.m. This is DVD 2.

4 MR. BUTLER, JR.: Thank you, sir. Those

5 are all my questions.

6 MS. JEFFREY: I have nothing.

7 MR. BUTLER, JR.: This deposition is

8 concluded.

9 MS. JEFFREY: I would like to -- oh, I'm

10 sorry, I would like him to have the opportunity to

11 read and sign. Thank you.

12 VIDEO TECHNICIAN: And we are going off

13 record to conclude the deposition. The time is 10:54

14 a.m.

15 (Deposition concluded at 10:54 a.m.

16 Signature of the witness was requested.)

17

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1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN )

3 ) SS

4 COUNTY OF MONROE )

5

6 I, LEISA PASTOR, certify that this

7 deposition was taken before me on the date

8 hereinbefore set forth; that the foregoing questions

9 and answers were recorded by me stenographically and

10 reduced to computer transcription; that this is a

11 true, full and correct transcript of my stenographic

12 notes so taken; and that I am not related to, nor of


13 counsel to, either party nor interested in the event

14 of this cause.

15

16

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18 

19

20

21

22 LEISA PASTOR, CSR-3500, CRR,

23 Notary Public,

24 Monroe County, Michigan

25 My Commission expires: 9/7/20

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1 TO: Sheila Jeffrey

2 Re: Signature of Deponent Philip Cousino

3 Date Errata due back at our offices: 2/26/2015

4

5 Greetings:

6 The deponent has reserved the right to read and sign.

7 Please have the deponent review the attached PDF

8 transcript, noting any changes or corrections on the

9 attached PDF Errata. The deponent may fill out the

10 Errata electronically or print and fill out manually.

11

12 Once the Errata is signed by the deponent and notarized,

13 please mail it to the offices of Tiffany Alley (below).

14

15 When the signed Errata is returned to us, we will seal

16 and forward to the taking attorney to file with the

17 original transcript. We will also send copies of the

18 Errata to all ordering parties.

19

20 If the signed Errata is not returned within the time

21 above, the original transcript may be filed with the

22 court without the signature of the deponent.

23

24

25 Please send completed Errata to:

Tiffany Alley Global Reporting & Video

730 Peachtree St. NE, Ste 470

Atlanta, GA 30308

(770) 343-9696

1 ERRATA

2 I, the undersigned, do hereby certify that I have read the transcript of my testimony, and that

3

4 \_\_\_ There are no changes noted.

5 \_\_\_ The following changes are noted:

6

Pursuant to Rule 30(7)(e) of the Federal Rules of Civil Procedure and/or OCGA 9-11-30(e), any changes in form or substance which you desire to make to your testimony shall be entered upon the deposition with a statement of the reasons given for making them. To assist you in making any such corrections, please use the form below. If additional pages are necessary, please furnish same and attach.

10

11 Page \_\_\_ Line \_\_\_ Change \_\_\_\_\_

12 \_\_\_\_\_

13 Reason for change \_\_\_\_\_

14 Page \_\_\_ Line \_\_\_ Change \_\_\_\_\_

15 \_\_\_\_\_

16 Reason for change \_\_\_\_\_

17 Page \_\_\_ Line \_\_\_ Change \_\_\_\_\_

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19 Reason for change \_\_\_\_\_

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18 Reason for change \_\_\_\_\_

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20 \_\_\_\_\_

DEPONENT'S SIGNATURE

21

Sworn to and subscribed before me this \_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

23

\_\_\_\_\_

24 NOTARY PUBLIC

25 My Commission Expires: \_\_\_\_\_



<hr/> <b>1</b> <hr/>	<b>1987</b> 80:1	<b>2006</b> 22:7	<b>50</b> 38:1,8 50:21, 25
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