

To: Mr. Clarence Ditlow, Director
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Date: 20 August 2014

VIA FEDEX AIRBILL 8007 – 9341 - 6064

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Subject: Proposal for Criminal Investigation of Chrysler, and Senatorial review of NHTSA EA12-005 *

Reference 1: Senator Claire McCaskill, Senate Subcommittee on Consumer Protection and Product Safety

Reference 2: Criminal Manslaughter Indictments Involving Fire-Death in EA12-005 Jeep (Filed 9 July 2014)



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* This document, with active hyperlinks (please see red font Endnotes) is available at :

<http://pvsheridan.com/Sheridan2Ditlow-3-20Aug2014.pdf>

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Dear Mr. Ditlow:

According to the officials pictured (former Secretary of Transportation Raymond LaHood, former National Highway Traffic Safety Administration (NHTSA) Administrator David Strickland, and Fiat Chrysler Automobiles (FCA) Chairman Sergio Marchionne), the ZJ-Body Jeep Grand Cherokee pictured at left below contains no safety defects ⁱ :



These officials also assert that occupants of the vehicle in the middle are not at risk when in accident proximity to the four Jeep engineered platforms (XJ, ZJ, WJ, and KJ-Body) of the NHTSA EA12-005 defect investigation. ⁱⁱ This posturing is not merely a matter of misstatements and/or incompetence; these are matters that indicate a more urgent legal issue.

NHTSA and Chrysler Placed On-Notice: FMVSS Process Rejected as Basis of Safety Leadership

Relating to the conflagration above, LaHood, Strickland, Marchionne and others have parroted the following diversion:

"The Jeep (fuel system) meets or exceeds all federal safety standards and has an outstanding safety record."

In December 1992 I was selected by Chrysler management to chair their Safety Leadership Team (SLT).ⁱⁱⁱ The central role of the SLT is specified by its central descriptor, "leadership." Immediately and implicitly the SLT recognized the following ongoing automotive safety facts and related operatives:

1. The regulatory process and resulting FMVSS did not protect the public with respect to the "real world."
2. Executive management and executive engineering management at Chrysler were aware of #1.
3. The FMVSS process was not only incompetent but most likely corrupt/corrupted.
4. In the context of #3 and others, despite FMVSS compliance Chrysler and most competitors (which also had a compliance only posture) produced products that contained blatant safety defects.
5. Despite FMVSS compliance, Chrysler and most competitors could not and did not prevail against allegations of safety defects by the plaintiff's bar.
6. Rather than FMVSS being viewed as a minimum or merely a starting point, FMVSS was touted as "stringent" in Chrysler PR rhetoric. Likewise, Chrysler defense lawyers routinely have used FMVSS compliance as a legal "strawman." With respect to many FMVSS, this posturing was considered by the SLT as not only dangerous to our customers, but demonstrably fraudulent.
7. The central mandate of the SLT could not be fulfilled by being complicit with the FMVSS process.
8. Given #6 and #7, the SLT would view FMVSS as merely a starting point for its mandate, a point common to the entire automotive industry. Instead the SLT would protect its customers by complying with the real world which would elevate Chrysler into true leadership, and therefore genuine superiority versus its competitors.

On March 16, 1993 I played for the SLT the February 1992 CBS News *60 Minutes* report on the injuries and deaths caused by automotive seat back failures.^{iv} As is well-known to Chrysler, this was the second time that I had played this report for executive review. My purpose included demonstration of the following safety facts and related operatives:

- A. The existing regulatory process and resulting FMVSS-207 seat back standard did not protect the public in the "real world."
- B. Despite compliance with FMVSS-207, Chrysler and most competitors produced defective seat backs, and were therefore responsible for the proximate cause of injury and death.
- C. Despite compliance with FMVSS-207, Chrysler and most competitors did not prevail against legal allegations of defective seats by the plaintiffs. These lawsuits, which were extensively detailed by *60 Minutes*, involved Chrysler and its major competitors.
- D. Chrysler and its competitors did not offer an on-camera interview with *60 Minutes*.

As noted by the SLT, Items 1 thru 8 and Items A thru D were not only an embarrassment but these were in stark contrast to the interview and operative offered by a true leader in automotive safety.

NHTSA and Chrysler Placed On-Notice: FMVSS Process Rejected as Basis of Safety Leadership - cont.

In stark contrast to Items 1 thru 8 and A thru D above, Mercedes-Benz safety engineer Dr. Tom Bologna offered the following operative to, not only *60 Minutes*, but to NHTSA, the industry, the SLT and therefore Chrysler:



Dr. Bologna: *Mercedes-Benz tests with the weight of a person in the seat.*

60 Minutes: *Why?*

Dr. Bologna: *To simulate what is going on in the **real world**.* ^v

(MEMO: TO THIS DAY, NHTSA, UNDER FMVSS-207, *STILL* DOES NOT CONSIDER THE REAL WORLD POSSIBILITY OF A PERSON BEING IN THE SEAT AS A BASIS FOR SPECIFYING ITS SEAT SAFETY STANDARD.) ^{vi}

In many depositions and trials I have testified regarding the meeting minutes which documented the March 16, 1993 viewing by the Safety Leadership Team (SLT) of this *60 Minutes* report. In essence, these SLT meeting minutes distributed Items 1 thru 8 and A thru D throughout Chrysler. I was reprimanded and issued a 'retrieve & destroy' ^{vii} directive by Chrysler executive management, including but not limited to the "Father of the Jeep," Mr. Francois Castaing.

The SLT also noted content in the *60 Minutes* report that is directly relevant to the current subject. NHTSA investigation EA12-005 is reviewing issues related to locating the fuel tank behind the rear axle, below the bumper and without adequate shielding. Note that the fuel system defect of the Ford Pinto, and the NHTSA crash tests that prove that status, are prominently presented. The lack of fuel system crashworthiness of the General Motors W-Body is also presented by this February 1992 *60 Minutes* report.

NHTSA and Chrysler Placed On-Notice: FMVSS Process Rejected as Basis of Safety Leadership - SUMMARY

Both NHTSA and Chrysler were placed on-notice regarding the general inadequacy of the FMVSS process. The on-notice status is confirmed by, but not limited to the following events:

- In March 1993 I put Chrysler executive management on-notice, by the SLT meeting minutes, that merely complying with FMVSS standards did not and could not protect our customers. From that point forward all rhetoric, from public relations to defense bar posturing to industry responses in NHTSA defect investigations, are essentially illegitimate. The court records spanning the last twenty-one years prove this essence.
- In February 1992, the content of the CBS News *60 Minutes* report placed NHTSA and potentially the entire automotive industry on-notice regarding Items 1 thru 8, and A thru D above.
- On 11 April 1995 I personally placed NHTSA on-notice, during an interview with its officials regarding Items 1 thru 8 and A thru D above. ^{viii}

I reviewed FMVSS-207 history because it is representative of the flawed FMVSS process. ^{ix} Relating to the current subject, the standard that could not and did not protect the public is FMVSS-301. Its lack of *real world* value is not esoteric, it is quite simple. It is not subtle, it is blatant. It is not a new issue; the failure of FMVSS-301 is decades old. That mere compliance with FMVSS-301 is indefensible is well-known, but public awareness of this deficiency has been purposely obscured by a routine practice of litigation wherein Chrysler settlements demand "confidentiality agreements."

NHTSA and Chrysler Placed On-Notice: Specific Safety Issues Review Relating to EA12-005

SLT rejection of the FMVSS process as a basis of safety leadership remains valid. This is partially confirmed by existence of the (blatant) fuel system defects contained in the EA12-005 Jeeps. This history spans decades:

- a. In August 1978, in preparation for meetings at high levels of Chrysler and Mitsubishi Motor Corporation, a memo was prepared to summarize the fuel system crashworthiness of their cars, trucks and SUVs. The “Baker memo,” like the *60 Minutes* report, highlighted the Ford Pinto fuel system defects.^x Mr. Baker specifically warned of the dangers of locating a fuel tank similar to the Ford Pinto: In the rearmost location, while not offering direct impact protection and no shielding from road projectiles. Incredibly, as I have said publically, the four Jeep types that were under the EA12-005 investigation (XJ, ZJ, WJ, and KJ-Body) are actually worse than the Ford Pinto.
- b. During 1987-1991 I was an Engineering Programs Manager for Jeep and Dodge Truck Engineering (JTE).^{xi} The Vice President of JTE was the ‘Father of the Jeep,’ Mr. Francois Castaing.^{xii} I was assigned to the N-Body, which was marketed as the Dodge Dakota pick-up truck. The N-Body fuel system had a structural architecture very similar to the current WK-Body; marketed in 2005 as an all-new Jeep Grand Cherokee. The WK-Body was primarily engineered by Daimler-Benz, parent company of Mercedes-Benz (ala Dr. Tom Bologna of *60 Minutes*). The German components and design of the WK-Body was touted in the Jeep advertising.^{xiii}
- c. In June 2011, in the fire-death litigation of Mrs. Susan Kline, Mr. Castaing admitted that I had recommended an alternative design for the original Jeep Grand Cherokee. I had recommended that the 1993 Jeep Grand Cherokee not be based on the ZJ-Body, but should be based on the N-Body platform. Castaing admitted that he and others had rejected my recommendation. The Baker memo was a crucial part of my N-Body recommendation. As later adopted in the 2005 WK-Body, the N-Body did not deploy the unshielded rearmost fuel tank location.^{xiv}

Castaing’s rejection of the N-Body for the 1993 Jeep Grand Cherokee resulted a design derived from the old XJ-Body. Originally coded XJC-Body, this design was developed in the late 1970s during the Ford Pinto and the Baker memo.

When deposed in 1995 about his designs, and **real world** phrase crashworthiness, the “Father of the Jeep” stated:^{xv}



Attorney: **What does the term crashworthiness mean in terms of design of a product?**

Castaing: *I don’t know. Tell me.*

Attorney: **You don’t know the phrase?!**

Castaing: *No.*

Attorney: **Well, let me make sure I’m clear on this. As the chief engineer of the company, are you at all familiar with the use of the phrase crashworthiness by the engineers of the company?**

Castaing: *Crashworthiness is so vague that you have to tell me what you intend by that.*

In October 2009, prompted in-part by the fire-death of Mrs. Susan Kline, the Center for Auto Safety (CAS) petitioned NHTSA regarding the lack of fuel system crashworthiness of the ZJ-Body Jeep Grand Cherokee (DP09-005):

- i. In May 2010, at the Russell Senate Office Building, I spoke to NHTSA Administrator David Strickland. I reviewed some of the above, highlighted by my possession of the Baker memo. Mr. Strickland demanded to receive the latter, which occurred in June 2010.
- ii. In August 2010, NHTSA opened an investigation of the ZJ-Body fuel system crashworthiness (PE10-031).
- iii. In January 2011 CAS Founder Ralph Nader spoke to Fiat representatives in Milan, Italy regarding PE10-031, and issued a press release aimed at Chrysler Chairman Sergio Marchionne. While emphasizing the horrific fire-death of Mrs. Susan Kline, and rejecting the notion that “*crashworthiness is so vague*,” Nader characterized the Jeeps as, “a modern day Pinto for soccer moms.”^{xvi}
- iv. In June 2012 PE10-031 was upgraded to EA12-005, which added the XJ, WJ, and KJ-Body Jeeps.^{xvii}

SECTION CONCLUSION: NHTSA and Chrysler have been on-notice for decades regarding the inadequacies of the FMVSS process, including specific FMVSS-301 and EA12-005 Jeep fuel system crashworthiness issues. In fact, the portent of the Baker memo was reemphasized in 1985 by the Chrysler ‘**Fuel Supply Systems - Design Guidelines.**’^{xviii}

Safety Defect Admissions by Chrysler are Legally Indistinguishable from General Motors'

Of the 19 letters that I sent to you, ten have been copied to FCA Chairman Sergio Marchionne. ^{xix} These include the 24Sep2012 letter addressed to Mr. Strickland, which was filed to the NHTSA website under EA12-005.

I included photographs of the Jeep Grand Cherokee fuel tank, which failed when tested by CAS in May 2011. ^{xx} I also highlighted the 7Sep2012 deposition of fire causation expert Mr. Robert Banta. As a former Chrysler employee, having direct knowledge of these issues, his testimony was offered by Chrysler in the fire-death case of Mrs. Susan Kline. When confronted with these photographs, Mr. Banta testified as follows (ATTACHMENT 1):

Question: Now, in looking at that photo, can you tell me what part of the vehicle protects the part of the tank that we're looking at in that photograph?

Witness: *No. It's covered by the fascia.*

Question: So if a vehicle were to strike just that yellow piece of the car, whether it be because it's lower or some kind of vehicle that's not even a car, let's say it was a recreational vehicle of some sort, what would protect that portion of the tank that we see here in yellow.

Witness: *Just the tank surface itself.*

Question: So in other words, whatever the material of the tank is at the time?

Witness: *The tank's on its own.*

Any honest person would assess this testimony as an open admission of a defect. Chrysler executives and their defense lawyers are fully aware of this admission by their expert and former employee. This admission is not recent, it spans decades of internal and interconnected knowledge at Chrysler. For example, in his July 2007 deposition in the Jeep Grand Cherokee **trailer-hitch fire-death** litigation of 4-year-old Cassidy Jarmon (pictured), Mr. Banta testified as follows:



Question: Mr. Banta, are you familiar with Exhibit 6 (Baker memo)?

Witness: *I have seen this before, yes.*

Question: In what context have you seen this memoranda?

Witness: *I saw this for the first time in some lawsuit, 10, 15, maybe 20 years ago.*

...

Question: And the memo appears to be from Leonard Baker?

Witness: *Yes.*

Question: And at the time he wrote the (Baker) memo, he was manager of automotive safety?

Witness: *Yes.*

Question: Do you know Mr. Baker?

Witness: *I do, yes.*

...

Question: Okay, did you ever work with Mr. Baker?

Witness: *Actually, he worked for me. When he retired he came back as a contract worker gathering up documents like this (Baker memo).*

Safety Defect Status Admissions by Chrysler are Legally Indistinguishable from General Motors' - SUMMARY

- 1) The 1978 Baker memo is distributed to the highest levels of Chrysler management, documenting the inherent defect demonstrated in the real world by the Ford Pinto fuel system design: Rearmost location but unshielded.
- 2) My 1987 recommendation to update the Jeep fuel system design to the N-Body/WK-Body architecture is rejected by the 'Father of the Jeep,' Executive Vice President Francois Castaing.
- 3) Decades of Jeep fire-death cases, including those Jeeps equipped with a trailer hitch, are settled but only if the plaintiff submits to a confidentiality agreement, as in the fire-death of 4-year-old Cassidy Jarmon.

Safety Defect Admissions by Chrysler are Legally Indistinguishable from General Motors' - SUMMARY cont.

- 4) The lead Chrysler defense expert, Mr. Robert Banta admits that the author of the Baker memo is not only known to him, but that Mr. Baker had worked for him! ^{xxi}
- 5) Later Mr. Banta admits that the unprotected Jeep fuel tank designs are essentially no different than that of the defective Ford Pinto by declaring, *"The tank's on its own."*
- 6) To testify that *"The tank's on its own"* is equivalent to admitting that the public is on its own, and therefore rhetoric regarding Jeep compliance to FMVSS-301 borders on the criminal misrepresentation.

The admissions by Chrysler of their long-standing knowledge of an inherent safety defect in the EA12-005 Jeeps are indistinguishable, at the moralistic and legal levels, from those admissions recently made by GM:

- a) These admissions by GM resulted in a senatorial review of its ignition switch product liability settlements.
- b) Item a) resulted in reassessment of those settlements. Plaintiffs have petitioned to reopen prior litigations which were settled with confidentiality agreements, but under duress of non-disclosure/misrepresentation.
- c) The GM motions to dismiss Item b) were denied on 9 August 2014.
- d) With a corporate culture overly influenced by the defense bar, many documents were not forthcoming from GM to NHTSA or to the recent Senate Subcommittee hearings. Similarly, the Baker memo was not disclosed by Chrysler to NHTSA under EA12-005 . . . I was compelled to provide it.

In summary, the entire litigation record involving the horrific injury and death caused by the defective Jeep fuel systems requires Senate review and legal/court reassessment. This review should not be limited to the secret settlements against Chrysler, but also those cases that were mindfully diverted to Chrysler dealerships via the so-called "bankruptcy."

Chrysler, General Motors and NHTSA: A Documented Criminal Record

At the hearings of the Subcommittee on Consumer Protection and Product Safety, Senator Richard Blumenthal stated:

"The more I hear and see in these documents and the more I learn about what happened, the more convinced I am that GM has a real exposure to criminal liability. I think it's legal and appropriate that GM will face prosecution."



Chairwoman Senator Claire McCaskill exclaimed:

"It may be we need to look at the recall procedures in other manufacturers, and if there are these kinds of flaws in this process (at GM), then it might be helpful to at least make an inquiry into the other major manufacturers about their processes."

Senator Blumenthal and Senator McCaskill are both correct.

Exposing the criminal activity of Chrysler management, in November 2004 I testified in the infant death case of Flax v Chrysler, focusing on the "real world" approach to safety by the SLT. Rather than preparing a substantive defense, Chrysler and its experts offered the following familiar, but fraudulent diversion:

"The (Chrysler) seats meet or exceed all federal safety standards and have an outstanding safety record."

Chrysler also expended enormous resources filing, what was described as, "three feet" of exclusion motions. With an explicit purpose of censorship, these motions also besmirched my person, my expertise and my factual knowledge of the issues germane to the death of an 8-month-old infant in a defective Chrysler product. The judge in Flax denied all of the Chrysler exclusion motions, and I was allowed to testify to the Flax jury regarding the criminal activity of Chrysler executives, NHTSA and the Department of Justice (DOJ) :

Chrysler, General Motors and NHTSA: A Documented Criminal Record cont.1. **Crash Test Video and the Public Record:**

- NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

We would agree with NHTSA that their engineering analysis will remain open while we conduct the service campaign to provide them additional bases to argue that release of the materials would interfere with their investigation.

- The Department of Justice says there is less than a 50/50 chance of keeping the video off the record for the full duration of the investigation, i.e. the campaign, if there is a court ruling. Given the possibility that a lawsuit could be filed at any time, they anticipate that the legal process would take at least four months, regardless of the outcome.

The screenshot above is part of a two-page document (ATTACHMENT 2) that confirmed the merits of my testimony: That Chrysler, NHTSA and DOJ were guilty in-general of criminal conspiracy against the taxpayer, but were directly guilty of conspiracy, gross criminal negligence, and manslaughter against subsequent victims of the Chrysler vehicle defects.

The jury in Flax was utterly furious upon hearing my testimony, and awarded the Flax family a verdict of \$105 million. In a news documentary that featured my testimony, Flax plaintiff attorney Leigh Martin-May characterized the Chrysler non-rebuttal to my allegation of criminal activity:



“And I think the whole amazing thing about it is that-that testimony was un rebutted at trial. Chrysler did not bring a single witness to say anything different than what Paul Sheridan had said.

And on cross examination, basically, they had nothing to discredit what Paul Sheridan had said about the merits of his testimony.” xxii

The following bolsters the view that NHTSA has participated in criminal conspiracy:

Just prior to the Flax defense case, NHTSA posted (i.e. buried) in the Federal Register a notification that the fifteen year old petition filed by plaintiff’s expert Dr. Kenneth Saczalski (right, also featured in the February 1992 *60 Minutes*) was “suspended.” The Saczalski petition, which languished for fifteen years sought to fix the flawed FMVSS-207 seat standard. There is evidence that NHTSA officials not only timed this suspension to coincide with the Flax defense case, but that the only party notified of the buried posting was the Chrysler defense lawyers at trial. xxiii



Chrysler, General Motors and NHTSA: A Documented Criminal Record cont.

With respect to the quotes of Senator Blumenthal and Senator McCaskill, relevance regarding the two evidence stickers of ATTACHMENT 2 follows:

- The lower right deposition sticker identifies Chrysler Chairman Robert Eaton. Prior to this position he was an high executive at General Motors.
- The upper right deposition sticker identifies Chrysler President Robert Lutz; he is a two-time former executive of GM. Lutz was at GM prior to becoming Chrysler President, and then returned to GM in August 2001 as Chief Operating Officer during the period when the defective ignition switch was being designed. Below he is seen driving the original 1993 ZJ-Body Jeep Grand Cherokee through a plate glass window at its introduction at the International Automobile Show in Cobo Hall (Detroit, MI) on January 7, 1992:



In depositions these former GM executives openly touted participation in criminal conspiracy. During the conspiracy additional severe injury and death was inflicted upon defrauded Chrysler customers. ^{xxiv}

In January 1995 Chrysler memos to Chrysler Chairman Bob Eaton confirm participation by GM in matters related to the Chrysler/NHTSA/DOJ conspiracy. GM and Chrysler internal lawyers were not only co-conspirators, these lawyers were co-authors of a letter written for signature by Michigan Congressman John Dingell. Ironically for the instant subject, this Dingell letter sought to discredit the fire-death investigation of defective and unprotected C/K pickup truck fuel tanks!

Relating to the Senator McCaskill quote, throughout the criminal conspiracy discussed above Michael Millikin, current Executive Vice President & General Counsel, who recently testified at the Senate Subcommittee, was an 'internal lawyer' who headed all litigation practices for GM. This history is touted at his GM personnel webpage.

Chrysler Failure to Act Under the Gross Criminal Negligence Law

In the Supreme Court case of *Citizens United v. Federal Election Commission*, five of the nine of the justices confirmed their corrupted status by declaring that corporations are essentially people when it comes to corporate campaign cash.

This ruling was welcomed by Michigan Congressman John Dingell. ^{xxv}

But this Court decision magnifies an historical reality: If an ordinary citizen behaved in a manner consonant with that of Chrysler, that citizen would be criminally charged. An accepted definition of 'Gross Criminal Negligence' states:

“Gross negligence is culpable or criminal when accompanied by acts of commission or omission of a wanton or wilful nature, showing a reckless or indifferent disregard of the rights of others, under circumstances reasonably calculated to produce injury, or which make it not improbable that injury will be occasioned, and the offender knows, or is charged with the knowledge of, the probable result of his acts.”

A vast majority of the juries that have served in product liability cases involving Chrysler would opt for criminal charges if they were charged with that deliberation. Paraphrasing Senator Blumenthal, the long history of Chrysler and NHTSA provides more than enough evidence for **“real exposure to criminal liability . . . and appropriate . . . prosecution.”**

EA12-005 : The Closed-Door Trailer Hitch Fraud – Manslaughter as History and Context

For two years 1993-1994 the Safety Leadership Team (SLT) recommended that a defect in Chrysler minivans be remedied by a formal safety recall. On November 17, 1994, NHTSA held a closed-door meeting with Chrysler wherein the agency reported its “Conclusion” to EA94-005; a conclusion that confirmed the SLT opinion:

“The (minivan) latch failure is a safety defect that involves children”

This meeting, the identity of the attendees, and this conclusion were never shared with minivan owners. Instead Chrysler and NHTSA solicited and received the conspiratorial assistance of the DOJ. This conspiracy spanned from approximately November 1994 until October 1995. In December 1994 the internal Chrysler Legal department, with participation by outside defense firms, authorized Security to raid my office and confiscate my office and SLT files. ^{xxvi}



In September 1995, during the Chrysler/NHTSA/DOJ conspiracy authorized by former GM executives Robert Eaton and Robert Lutz, **nine-year-old Brandon Auer was killed as a direct result of the “Conclusion” above.**

NHTSA never told Brandon’s parents of the conclusion above prior to their son’s manslaughter. Chrysler did not inform them of the conspiracy prior to their demand for a confidentiality agreement to settle Auer v Chrysler.

NHTSA was fully aware of the above, since both Brandon and I were featured on the October 27, 1995 airing of *ABC News 20/20*. As a consequence of my 88-second interview, under direction of these former GM executives, Chrysler lawyer Thomas Kienbaum sued me for \$82,000,000. No individual in history has been sued for a greater amount. ^{xxvii}

EA12-005 – The Closed-Door Trailer Hitch Fraud – The Trailer Hitch Death of Cassidy Jarmon

It is well-known in the auto industry, that onboard fuel storage systems must be protected from both onboard surfaces and outboard surfaces (colliding vehicle). Regarding onboard surfaces, which may collide with the tank or vice-versa during the collision, the engineering design for crashworthiness includes the vernacular “friendly.”

At no time in auto history has a trailer hitch been included in the engineering designs for crashworthiness of any kind, let alone that of fuel tanks. At no time in history has a trailer hitch been included in the vernacular “friendly.”

During PE10-031, Chrysler submitted a report on the horrific fire-death of four-year-old Cassidy Jarmon.

But this “Jarmon report” was censored from public view under a Chrysler request for “confidentiality” (ATTACHMENT 3). This specific request is not surprising:

- The 1993 ZJ-Body Jeep Grand Cherokee that killed Cassidy had a trailer hitch (See Page 5 above).
- Chrysler censored the deposition in Jarmon of their expert Robert Banta. This testimony predates the recent closed-door fraud, which fantasizes that a trailer hitch adds crashworthiness or “friendliness.” Chrysler and NHTSA have enforced our ignorance about Cassidy.



EA12-005 : The Closed-Door Trailer Hitch Fraud – Secret “Safety” Deals as Morally Vacuous

In August 2012 NHTSA and Chrysler had closed-door meeting for EA12-005, which once again included participation by outside defense firms. Not much came out of this meeting, because not much went in.

In June 2013 NHTSA and Chrysler had another closed-door meeting for EA12-005; this time in a secret location in Chicago. As detailed below, what came out of this meeting constitutes fraud:

- I. Of the vehicles that comprise what is alleged to be a “settlement of differences” (between NHTSA and Chrysler), the 1993 thru 1998 Jeep Grand Cherokee (ZJ-Body) and the 2002 thru 2007 Jeep Liberty (KJ-Body); these are alleged to acquire crashworthiness by virtue of installation of a trailer hitch.
- II. Item II above is to be offered only on those Jeeps that Chrysler dealerships assess have adequate “structure” to accept installation of a trailer hitch. **xxviii**
- III. Those ZJ and KJ Jeeps that are not deemed adequate per Item II are **not** addressed in this so-called safety recall.

NHTSA recall 13V-252 is a fraud. It is technically baseless. And morally vacuous.

EA12-005 : Closed-Door Trailer Hitch Fraud – NHTSA in Servitude to “the Governed”

A ‘*Special Order Directed to Chrysler Group LLC*,’ was issued by NHTSA Counsel O. Kevin Vincent. Written over a year after the closed-door meeting of June 2013, **this July 2014 Order confirms that no prior crash testing to validate the trailer hitch remedy was conducted or demanded prior to NHTSA acquiescence to 13V-252.**

The Order states:

“In response to ODIs concerns, Chrysler provided drawings of the hitches and a limited set of test data. In ODIs view the test data provided by Chrysler was insufficient. However, when asked, Chrysler indicated that it would not conduct any testing or supply more data.”

Chrysler bamboozled the under-funded NHTSA into believing the fraud that a trailer hitch would protect the lives of customers that relied on Chrysler PR rhetoric, and therefore continued to drive the ZJ-Body Jeep Grand Cherokee and the KJ-Body Jeep Liberty. It is no surprise, given the fundamental character of this defect, that deaths subsequently occurred in both models! The horrific death of 17-year-old Skyler Anderson-Coughlin in a Jeep Grand Cherokee is detailed below.

The Order then specifically confirms that no prior crash testing was conducted by either NHTSA or Chrysler:

“Due to concerns about the effectiveness of the proposed remedy, particularly in light of the safety risks posed by rear-impact fuel leaks and fires, NHTSA decided to take the unusual step of conducting its own test program to assess the performance of the hitch in mitigating the risk of rear leaks and fires in rear crashes.”

The Order then asserts that NHTSA no longer has “*any reservations about implementation of Chrysler’s proposed remedy.*” This amounts to the world being turned upside down:

NHTSA is now complying with Chrysler standards.

But as you will note in #9 below, this NHTSA behavior goes far beyond servility, all the way to criminal fraud.

EA12-005 : The Closed-Door Trailer Hitch Fraud – NHTSA in Servitude to “the Governed” cont.

That NHTSA recall 13V-252 is a fraud, technically baseless, and morally vacuous, provokes these initial criticisms:

- 1) Clearly indicating servitude to the governed, NHTSA never consulted with the Petitioner (CAS) prior to cutting their closed-door deal with Chrysler in June 2013.
- 2) NHTSA announced it was “satisfied” with the Chrysler decision to do a “customer service action,” capitulating to the Chrysler rhetoric that 13V-252 was not a safety recall, insinuating that EA12-005 was not a safety concern *per se*, and thereby directly contributed to assimilation by Jeep owners, that were later killed or horribly maimed, that they were not in danger.
- 3) NHTSA never disclosed that this capitulation occurred with no prior crash testing to validate the alleged remedy.
- 4) Chrysler never disclosed to Jeep owners that their alleged remedy was imposed, but with no prior crash testing to validate the vehicle inspection/trailer hitch installation ruse, and further that they refused to conduct any such crash testing per the requirements of the Transportation Safety Act.
- 5) NHTSA crash testing conducted from August 2013 to January 2014 should never have happened. The taxpayer has funded testing, not to confirm that a closed-door deal was technically valid for **real world** fire-injury and fire-death accidents, but merely to bolster NHTSA PR which bold facedly asserts that validity claim.
- 6) It is not a NHTSA responsibility to confirm the technical validity of a defect remedy; that responsibility lies with the manufacturer. Under the results of 13V-252 Chrysler defense lawyers are now in a position to fraudulently argue about the trailer hitch remedy as “government approved.”
- 7) It is not the taxpayers’ job to fund validation of defect remedies in behalf of multi-billion-dollar corporations, **especially those that hid from liability by staging bankruptcy, and had already benefited to the tune of billions is taxpayer funded bailouts.** ^{xxix} Under the Transportation Safety Act it is the responsibility of the industry to propose, test and confirm competent remedies **PRIOR to making public announcements.**
- 8) Of the four vehicle types that place Jeep occupants (and those in accident proximity) at risk, the 1985 thru 2001 Jeep Cherokee (XJ-Body) was dropped from the investigation with no public explanation whatsoever. ^{xxx}
- 9) Crash testing conducted by NHTSA, in behalf of Chrysler, amounts to fraud. NHTSA is fully aware that the “Reconstruction Testing,” claimed to duplicate prior accidents, was NOT representative of severe injury or the Fatal Accident Reporting System (FARS) data. In truth, it is clear that NHTSA obediently and predictably avoided accident reconstructions that would confirm that their trailer hitch “remedy” was indeed a fraud. ^{xxxi}
- 10) Relating to #8 and #9, the 2000 Jeep XJ-Body trailer hitch severe-injury accident of Ana Pina` and her daughter is well-known to NHTSA and their suitors at Chrysler; both organizations have ruthlessly abandoned them:



The “Reconstruction Testing” which closed EA12-005 was intentionally formulated with a philosophy consistent with that of the original Pinto-based FMVSS-301 formulation: **MAKE SURE IT PASSES!** The NHTSA testing under 13V-252 proved very little about Jeep crashworthiness, but much about ongoing NHTSA servility. ^{xxxii}

EA12-005 : The Closed-Door Trailer Hitch Fraud – NHTSA and Chrysler On-Notice Regarding Encapsulation

Of the 19 letters I have sent to you, all were copied to Mr. Strickland, and eleven were copied to FCA Chairman Sergio Marchionne. In 8 letters I discussed the **BASIC** underlying technical philosophy that a viable remedy for EA12-005 must fulfill (encapsulation), and the currently available hardware that approximates that philosophy (skid plate). The table below highlights the frequency I discuss these two remedy items, as well as the frequency for the trailer hitch:

Letters to NHTSA/CAS	Encapsulation	Skid Plate	Trailer Hitch
1 June 2010	0	7	0
9 February 2011	0	15	0
5 December 2011	1	2	0
27 August 2012	17	45	0
3 September 2012	0	1	0
24 September 2012	1	6	0
1 January 2013	1	3	0
12 February 2013	23	41	0

Of the 19 letters that I sent to you, **none** proposed that a trailer hitch can fulfill the requirements of EA12-005. ^{xxxiii}

In my interview with ABC News in September 2009, I reviewed the technical philosophy (encapsulation), and showcased currently available hardware (skid plate). But nowhere in the advertising for the DaimlerBenz designed WK-Body Jeep Grand Cherokee, which has zero fire deaths/injuries, does Chrysler propose that a trailer hitch provides “protection” for **any** underbody component such as a fuel tank. Indeed they emphasize that a skid plate is offered for that purpose.

But later, when the EA12-005 Jeep vehicles were in focus, Chrysler made the following duplicitous submission to the WUSA-TV9 report which aired in June 2012:

“Chrysler Group conducted rear impact testing without skid plates . . . The overwhelming majority of rear impact fires over the life of the ‘93 to ‘04 Jeep Grand Cherokees were the result of high speed, high energy crashes in which a skid plate would have made no difference in the outcome of these tragic events.”

So . . . Chrysler admits in the public domain that it has **not** tested the viability of an encapsulating skid plate, but somehow Chrysler PR and lawyers **know** that “a skid plate would have made no difference” ? Specifically:

- Chrysler and NHTSA never “reconstructed” the accident, that killed four-year-old Cassidy Jarmon, to determine the outcome if, rather than a trailer hitch, that model Jeep Grand Cherokee had a competent skid plate.
- Chrysler and NHTSA never “reconstructed” the accident, that horribly injured Ana Pina` and her daughter, to determine the outcome if, rather than a trailer hitch, that model Jeep Cherokee had a competent skid plate.

Ignoring their ruse about “high speed, high energy crashes,” since Chrysler refused to test their trailer hitch for real world scenarios, one can assert that their non-basis of the June 2013 closed-door proposal constitutes commercial fraud.

EA12-005 : Closed-Door Trailer Hitch Fraud – Safety Recall No. A10 (Chrysler Documents Their Fraud)

Even if none of the above is deemed conclusive, we must return to my letter of 1 June 2010. I begin that letter, not with the Baker memo, but with a detailed discussion of ‘Safety Recall No. A10 – Fuel Tank Blocker Bracket.’

Chrysler claimed that the recall involved only a “**minor**” FMVSS-301 compliance issue on WJ-Body Jeep Grand Cherokees. They also admitted in ‘Safety Recall A-10’ that WJ-Body **Jeeps which already had a skid plate installed needed no further “repair.”**

However, on pages 3, 4 and 5 of the dealership instruction sheets, **Chrysler openly documents the fact that the presence or installation of a trailer hitch could not and did not remedy even the minor crashworthiness issue of non-compliance with the non-stringent Pinto-based FMVSS-301.** Hidden from the public, ‘Safety Recall No. A-10’ has been in NHTSA possession since 2001. At that time NHTSA accepted the Chrysler position that a trailer hitch could not protect a roll-over valve. But now that same agency has capitulated to the fairy tale that a trailer hitch will solve the real world crashworthiness defects of all EA12-005 Jeeps. ^{xxxiv}

The Case of Criminal Manslaughter: Indictments Involving Fire-Death in EA12-005 Jeep (Filed 9 July 2014)

Many will criticize the discussion above, especially the allegations of criminal activity, as strident. Apparently selected judicial and legislative organizations of the United States strongly disagree.



Shown at their arraignment of 9 July 2014, are criminal defendants Rafael Perez Jr. and Joel Nieves-Cruz. **xxxv**

They had nothing to do with the design of any EA12-005 Jeeps. **Like the ‘Father of the Jeep’ Francois Castaing, they know nothing about the term “crashworthiness” (Page 4 above).** At no time have they earned 8-figure incomes while driving Jeeps through plate glass windows (Page 8 above). They are not guilty of conspiracy against the safety and well-being of Chrysler customers. Neither has so much as an outstanding parking ticket.

On the evening of 10 November 2013, these moving men had absolutely no intention of harming anyone.

Unbeknownst to these laypeople, they too were at risk by being in accident proximity to EA12-005 Jeeps, in this instance a 1996 Jeep Grand Cherokee; **the model that became a coffin for Mrs. Susan Kline (ATTACHMENT 4).** As a result of a mistake, and later an error in judgment, both men have been

charged with criminal manslaughter, in connection with the horrific fire-death of 17-year-old Skyler Coughlin-Anderson.

In his indictment to Massachusetts grand jury, Assistant District Attorney James Forsyth declares:

“The defendant(s) herein, of Springfield in the County of Hampton, on or about November 10, 2013, at HAMPTON COUNTY, did assault and beat Skyler Anderson-Coughlin, and by such assault and beating did kill said Skyler Anderson-Coughlin.

Specifically, (defendants), on or about November 10, 2013, having a legal duty of care, did engage in wanton and reckless conduct, and by such conduct did cause the death of Skyler Anderson-Coughlin in violation of General Laws chapter 265 section 13. (ATTACHMENT 5)



The mistake by Nieves-Cruz and Perez involved not securing couch cushions for transport in an open pickup truck, and not anticipating that turbulence while driving up Massachusetts Route 91 would cause the cushions to fly out onto that busy highway. The ‘error in judgment’ was leaving the scene of an accident that their actions are alleged to have caused.



CONCLUSION: The judicial and legislative organizations of Massachusetts have proclaimed that a pair of high school educated men **“did assault and beat Skyler Anderson-Coughlin . . . did engage in wanton and reckless conduct, and by such conduct did cause the death of Skyler Anderson-Coughlin.”** These organizations have ostensibly proclaimed that Nieves-Cruz and Perez murdered young Skyler, pictured at-left.

At no time have those same organizations proclaimed that individuals, who are **directly** responsible for the **true** proximate cause of Skyler’s death, need to be held to the same or more stringent legal and moral standards. In stark contrast to an “error in judgment,” the guilt of college-degreed individuals at Chrysler and NHTSA do not span an instant of mindlessness that accompanied a frantic moment on a nighttime Massachusetts highway. Rather, the guilt of Chrysler and NHTSA has spanned decades. But no prosecutor has ever held these individuals accountable, despite their notorious “wanton and reckless conduct.”

The Chrysler Admission of a Jeep Safety Defect is At Least Equivalent to that of GM's

The three officials on Page 1 have publically claimed that if the Sanchez brothers had been notified, and then had a trailer hitch installed on their 1994 Jeep Grand Cherokee, then they would not have been horribly burned in the 5 April 2014 conflagration pictured on Page 1. ^{xxxvi} These officials made this claim to construction workers, high school students, and elderly husbands & wives burned in these Jeeps. ^{xxxvii}

Would these officials repeat their trailer hitch claim to President Obama and his Family regarding his declaration, “*The first new car that I ever bought was a Grand Cherokee!*” ? ^{xxxviii}

At left, post taxpayer bailout, the President and FCA Chairman Sergio Marchionne are **discussing the German re-designed WK-Body Jeep Grand Cherokee which has zero fire-injuries and zero fire-deaths.**

Chrysler Admission of the Jeep Safety Defect - SUMMARY

1. The entire automotive industry was placed on-notice by the February 1992 *CBS News 60 Minutes* interview with Mercedes-Benz safety engineer Dr. Tom Bologna (Please see page 3 above). NHTSA was therefore placed on-notice that its FMVSS process was “flawed.” It is a matter of history that automobiles that merely complied with the “standards” contained safety defects that were indefensible; intrinsically, morally and in liability lawsuits.
2. NHTSA and Chrysler were placed on-notice that the Safety Leadership Team (SLT) would look to FMVSS as merely a required point, but would pursue safety designs that protected our customers and the public in the “real world.”
3. Chrysler was placed on-notice in 1978, via events leading up to the Baker memo, that continuing to sell vehicles with unprotected fuel tanks was unacceptable, especially tanks that were mounted behind the rear axle. This unacceptable status was later extended to the real world reality that compliance with FMVSS-301 was irrelevant.
4. NHTSA and Chrysler were repeatedly placed on-notice regarding the defective Jeep fuel system, through FARS and Jeep litigation settlements respectively. **This notice was elevated to an admission** when Chrysler fire expert Mr. Robert Banta offered the admission that, despite alleged compliance with FMVSS-301, in the ‘real world’ the EA12-005 Jeeps were defective : “*The tank is on its own!*” (Please see pages 5 and 6 above).

The Closed-Door NHTSA/Chrysler Trailer Hitch “remedy” is a Fraud - SUMMARY

- A. In full knowledge of the June 2011 sworn testimony of the ‘Father of the Jeep’ Francois Castaing, that the “*Tow package (i.e. trailer hitch) does not protect the tank,*” NHTSA proclaimed that they had “*no reservations.*” ^{xxxix}
- B. In full knowledge of a 13-year-old admission under Safety Recall Notice A-10, that a trailer hitch did not and could not remedy minor requirements of the Pinto-based FMVSS-310, NHTSA announced that they were “satisfied” with the Chrysler edict that a trailer hitch was the crashworthiness remedy for EA12-005 Jeeps (See page 12 above). ^{xl}
- C. In full view of my letters, and *ABC News* interview, which detailed the encapsulation concept and the approximation by a competent skid plate, NHTSA accommodated Chrysler’s tactical and legalistic “**anything but**” philosophy, and hurriedly closed EA12-005 on the basis of a skewed, non-representative crash test program that they conducted **after** committing themselves, and Jeep owners, to their closed-door trailer hitch fraud. ^{xli}

Relating to the President Obama statement that the safety of the WK-Body is “world class,” Chrysler never asserts that the trailer hitch is a device that is designed to protect underbody components, such a fuel tank. Instead they loudly advertise WK-Body use of skid plates. On the WK-Body Jeep the mid-mounted fuel tank skid plate is standard, not optional. ^{xlii}

Recommendation 1

Chrysler and NHTSA have made a mockery of your petition of 2 October 2009.^{xliii} This provokes repeating the lucid comment by ‘Subcommittee on Consumer Protection and Product Safety’ Chairwoman Senator Claire McCaskill:

“It may be we need to look at the recall procedures in other manufacturers, and if there are these kinds of flaws in this process (at GM), then it might be helpful to at least make an inquiry into the other major manufacturers about their processes.”

Given that the safety defect admissions by Chrysler are legally indistinguishable from General Motors, I recommend that your petition, EA12-005 and NHTSA Recall 13V-252 be scheduled for general review by the Senate.

Recommendation 2



The incompetence, inaccuracy and outright criminality that frequently accompanies the NHTSA/Auto Industry FMVSS “strawman” can be directly connected to the injury and death of the innocent. This provokes repeating the summary comment by ‘Subcommittee on Consumer Protection and Product Safety’ member Senator Richard Blumenthal:

“The more I hear and see in these documents and the more I learn about what happened, the more convinced I am that GM has a real exposure to criminal liability. I think it's legal and appropriate that GM will face prosecution.”

Given the manslaughter indictment of two moving men in Massachusetts, who had the misfortune of being in proximity to an EA12-005 Jeep, it is possible that prosecutorial and legislative organizations are finally serious about auto safety. The five year “investigation” and fraudulent closure of EA12-005 requires senatorial scrutiny. I recommend that EA12-005 and Recall 13V-252 be scheduled for review by the Senate Subcommittee on Consumer Protection and Product Safety, with a focus on Chrysler accountability for the crimes of gross criminal negligence, criminal fraud, and manslaughter.^{xliv}

Recommendation 3

President Obama ignored my 11 June 2009 request to review the *“Two-time victims in Chrysler's bankruptcy.”*^{xlv} It is well-known that **the Chrysler bankruptcy had a hidden and specific goal**: The vacating of not only the Jeep fire-death litigations, but *all* liability lawsuits. My file includes lengthy facsimile pages that contain complex legal machinations, which are time-stamped mere minutes (!) after Judge Arthur J. Gonzalez granted bankruptcy protection on 1 June 2009.

I state the following with great reserve: When one analyzes the lethality and horrific injury/death outcomes that result from provoking the fuel system defect in the EA12-005 Jeeps, comparing such to the GM ignition switch defect, it is clear that the former is deserving of **at least** the same level of public scrutiny.



Given Page 14 above, *“The Chrysler Admission of a Jeep Safety Defect is At Least Equivalent to that of GMs,”* I recommend that EA12-005 and Recall 13V-252 be scheduled for review by the ‘Senate Subcommittee on Consumer Protection and Product Safety,’ with a specific focus on the legal and moral need to re-open the vacated Jeep fire-death litigations. The latter was a conscious, albeit insidious goal of “bankruptcy.” This recommendation includes creation of a Fiat Chrysler Automobiles fund similar to that formed for GM victims; the latter is being overseen by compensation expert (and former Massachusetts resident) Mr. Kenneth R. Feinberg.^{xlvi}

Recommendation 4

Immediately subsequent to the “Chrysler bankruptcy” in June 2009, the Obama Administration initiated the “*Cash for Clunkers*” program. The formal name was the ‘Car Allowance Rebate System’ or CARS, which was in effect during July and August 2009. The economic theme of CARS originated with the Council of Economic Advisors, whom formulated a rebate to customers who traded-in a vehicle of 18 or fewer mpg and purchased at least 22 mpg. The CARS subsidy was \$3,500 if their fuel economy improved by four to nine mpg, or \$4,500 if it improved by 10 or more mpg. There was also an intent within CARS to further protect the environment. Both are laudable goals.

On Page 10 above I discussed:

“. . . installation of a trailer hitch . . . is to be offered only on those Jeeps that Chrysler dealerships assess have adequate “structure” to accept installation of a trailer hitch.”

As you recently noted, Jeep owners are now being told, by Chrysler dealerships, that their Jeeps, which allegedly do not have adequate “structure,” **cannot be offered the trailer hitch “remedy.”** These customers are being told that their Jeep have a defectively designed fuel system: A fuel tank that is rear-mounted, below the rear bumper, and unprotected. But under NHTSA Recall 13V-252, because the dealers can allege “corrosion,” their vehicles are no longer road worthy. In one instance the customer was told that because his Jeep Grand Cherokee had “Level 5 corrosion,” the trailer hitch “remedy” would not be offered. The dealer then demanded that this customer sign a waiver alleviating dealership accountability for his safety & well-being when he drove off the dealer lot. As of this writing the customer has refused to sign the demanded waiver, and his Jeep Grand Cherokee is sitting in the dealership lot . . . rusting?

This vehicle confiscation routine under NHTSA Recall 13V-252 was never disclosed to the public by the three officials pictured on Page 1. ^{xlvi} It is clear, from the Chrysler/Chrysler dealership refusal to remedy these defective vehicles, (now) on the basis of “corrosion,” that **these vehicles pose an immediate danger, and must be removed from service.**

Given that a large population of the EA12-005 Jeeps may now be publically deemed by Chrysler and NHTSA to be non-roadworthy, I recommend that the ‘Subcommittee on Consumer Protection and Product Safety’ review this aspect of NHTSA Recall 13V-252 with a focus on advising the Obama Administration on a “**Cash for Safety**” program. In this instance, similar to CARS, a “Cash for Safety” program would benefit the economy, the environment, and public safety.

Summary Comment

As I have stated publically and at trial, and in stark contrast to the recent PR speech by NHTSA Counsel Kevin Vincent:

“Safety is not an engineering issue *per se*. First and foremost, safety is a management issue.” ^{xlvi}

Please do not hesitate to contact me at any time.

Respectfully yours,

Paul V. Sheridan

Endnotes:

i <https://docs.google.com/file/d/0B1u8xcSGDroemwtRDMxeTJFTVE/edit?pli=1>

<http://losangeles.cbslocal.com/2014/07/18/exclusive-2-men-burned-in-fiery-jeep-crash-sue-chrysler/>

ii http://www-odi.nhtsa.dot.gov/cars/problems/defect/results.cfm?action_number=EA12005&SearchType=QuickSearch&summary=true

iii <http://pvsheridan.com/SLT-FormationLtr.pdf>

iv <http://pvsheridan.com/SLT-3-16-1993-Agenda.pdf>

v Dr. Tom Bologna is interviewed in the second link, Part II.

<https://www.youtube.com/watch?v=YeTHbDKPyc8&list=UUBurCYLuIg9Li7-SeIdsuDg>

<https://www.youtube.com/watch?v=FXIVHwX-rvQ&list=UUBurCYLuIg9Li7-SeIdsuDg&index=53>

vi http://pvsheridan.com/MB-Seat_Ad.pdf

vii



The in-trial testimony of Paul V. Sheridan in \$105 million Flax v Chrysler case is shown @4:45 of the second link, Part 2 below:

<https://www.youtube.com/watch?v=34ajMfqwtgd&list=UUBurCYLuIg9Li7-SeIdsuDg>

<https://www.youtube.com/watch?v=u7OAKEaTuPM&index=41&list=UUBurCYLuIg9Li7-SeIdsuDg>

viii http://pvsheridan.com/NHTSA-Sachs-April1995_TripReport.pdf

ix I reviewed FMVSS-207 history because it is representative of the flawed FMVSS process:

<https://www.youtube.com/watch?v=VDwLoGsCdRA&list=UUBurCYLuI9Li7-SeIdsuDg&index=66>

<https://www.youtube.com/watch?v=8uaPvqT1qOO&index=43&list=UUBurCYLuI9Li7-SeIdsuDg>

<https://www.youtube.com/watch?v=b9WAaAKT8W8&index=58&list=UUBurCYLuI9Li7-SeIdsuDg>

<https://www.youtube.com/watch?v=fFI1SuWu-2A&index=57&list=UUBurCYLuI9Li7-SeIdsuDg>

x http://pvsheridan.com/Baker-Sinclair_FuelMemo1978.pdf

xi http://pvsheridan.com/Viergutz-Kline-EX_002.pdf

xii http://pvsheridan.com/FJC-ORG-Chart_EX_001.pdf

xiii <http://car-data.com/jeep-grand-cherokee-a-true-jeep-with-a-bit-of-benz-p1220-110.htm>

xiv The relevant discussion begins on page 64: <http://pvsheridan.com/Castaing-14Jun11-Complete----.pdf>

xv <https://www.youtube.com/watch?v=25roI1nhOwI&list=UUBurCYLuI9Li7-SeIdsuDg&index=60>

The relevant portion of the Castaing deposition is here:

<http://pvsheridan.com/CastaingTenagliaDep-Jeep-Partial.pdf>

xvi <http://www.autosafety.org/statement-ralph-nader-re-jeep-grand-cherokee-fires>

xvii

http://www-odi.nhtsa.dot.gov/cars/problems/defect/results.cfm?action_number=EA12005&SearchType=QuickSearch&summary=true

xviii For example, on Page 3 of the 1985 Chrysler ‘Fuel Supply Systems Design Guidelines.’, Engineering emphasizes:

“The (fuel) tank should be located in a manner that avoids known impact areas, and provides isolation from the passenger compartment.”

The N-Body based Jeep Grand Cherokee that I recommended in 1987 adhered to the warnings of the Baker memo, and the basics stated in the Chrysler ‘Fuel Supply Systems Design Guidelines.’. In stark contrast, the ZJ-Body, like the 1970s XJC-Body that it was based on, along with the later WJ-Body and KJ-Body, had designs that actually exasperated the defective layout of the Ford Pinto, by virtue of a higher ride height (especially in four-wheel-drive versions) and blatant exposure to direct impact by rearmost location:

http://pvsheridan.com/Chrysler_Fuel_Supply_Systems_Design_Guidelines.pdf

xix The 19 letters, eleven were copied to the Fiat Chrysler Automobiles Chairman Sergio Marchionne (chronological):

<http://pvsheridan.com/Sheridan2Ditlow-1-1June2010.pdf>

<http://pvsheridan.com/Sheridan2Strickland-1-9Feb2011.pdf>

<http://pvsheridan.com/Sheridan2Strickland-2-27Sep2011.pdf>

<http://pvsheridan.com/Sheridan2Strickland-3-5Dec2011.pdf>

<http://pvsheridan.com/Sheridan2Congress-2-Links-secure.pdf>

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

<http://pvsheridan.com/Sheridan2Strickland-4-15Jun2012.pdf>

<http://pvsheridan.com/Sheridan2Strickland-5-27Jul2012.pdf>

<http://pvsheridan.com/Sheridan2Strickland-6-27Aug2012.pdf>

<http://pvsheridan.com/Sheridan2Strickland-7-3Sep2012.pdf>

<http://pvsheridan.com/Sheridan2Strickland-8-24Sep2012.pdf>

<http://pvsheridan.com/Sheridan2Strickland-9-1Jan2013.pdf>

<http://pvsheridan.com/Sheridan2Strickland-10-30Jan2013.pdf>

<http://pvsheridan.com/Sheridan2Strickland-11-12Feb2013.pdf>

<http://pvsheridan.com/Sheridan2Elkann-1-15Mar2013.pdf> (Shipped-to and signed-for in Italy)

<http://pvsheridan.com/Sheridan2Strickland-12-18Mar2013.pdf>

<http://pvsheridan.com/Sheridan2Foxy-1-3May2013.pdf>

<http://pvsheridan.com/Sheridan2Strickland-13-12June2013.pdf>

<http://pvsheridan.com/Sheridan2Ditlow-2-31May2014.pdf>

xx http://pvsheridan.com/CAS-Karco-PVS-ZJ_Tank_Failure.pdf

xxi The relevant portion of Mr. Banta's admission that he know Mr. Baker (ala the Baker memo) begins on pdf page 5 of 8:

http://pvsheridan.com/Banta-PartialDep_7-31-2007-JARMON-Knows%20Baker.pdf

xxii For a complete understanding of the NHTSA/Chrysler/DOJ conspiracy please see:

<http://pvsheridan.com/DOJ-NHTSA-ChryslerConspiracy-1.pdf> (large file)

An excerpt from the above link documents those death and severe injuries that occurred WHILE the NHTSA/Chrysler/DOJ conspiracy was in play:

<http://pvsheridan.com/DOJ-NHTSA-ChryslerConspiracy-DeathsDuringOngoing.pdf>

When examined in the context of these two links, and much more, it is clear that Chrysler dismissal of my person during the Christmas holidays of 1994 was also merely an extension of their criminal conspiracy. Further insight into Chrysler criminal behavior whenever a current or former employee is critical is safety is partially obtained by the testimony of John Sparhawk in the \$58 Million Mohr v Chrysler death case. The relevant and shocking testimony begins on transcript page 1047:

<http://pvsheridan.com/Sparhawk-Mohr-Testimony-Sue-Sheridan-Portion.txt>

For equally shocking insight into what automotive safety advocacy, and expert testimony spawns in the legal system, we review what has come to be known as the "Tyrell email." This email, authored by Chrysler lead national defense counsel David Tyrell, and was filed as part of a "re-muzzling" motion by President of the Michigan Bar Association Thomas Kienbaum:

<http://pvsheridan.com/Tyrell-Email-Watts.pdf>

xxiii From the following link, quoted below:

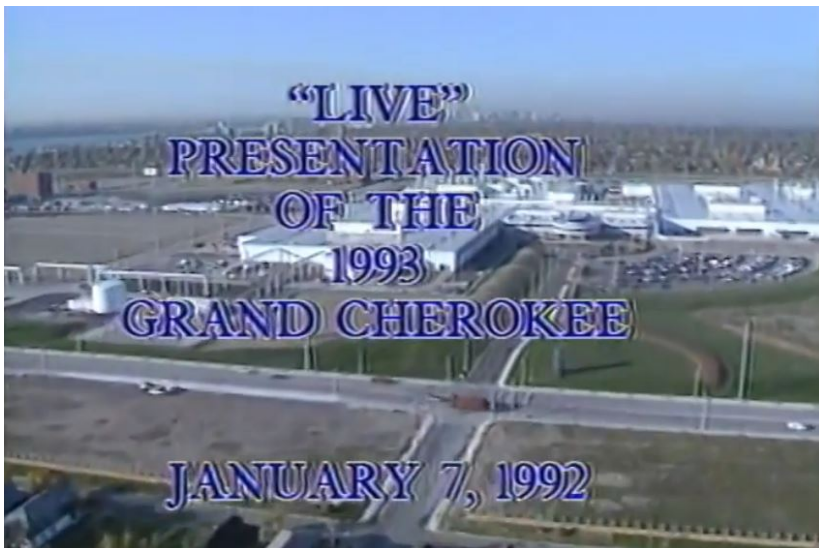
<http://www.butlerwooten.com/Top-Ten-Verdicts/Flax-Verdict.shtml>

“At 9:00 a.m. on the morning of November 16, 2004, during the presentation of Chrysler’s evidence at trial, Chrysler’s lawyer introduced a posting by NHTSA that very morning in the Federal Register, announcing that it was suspending its study. Defense counsel argued that announcement ‘gutted’ plaintiffs’ case. Plaintiff responded that it simply confirmed what the evidence had already demonstrated - that NHTSA was never going to do anything about seat safety. Plaintiff also pointed out that the sudden NHTSA announcement was not coincidental - that it was timed for use by Chrysler at this trial. **NHTSA notified no one of its decision except Chrysler.** NHTSA did not even notify the scientist who had started the issue by filing a petition 15 years before, Dr. Ken Saczalski. The decision was no coincidence: NHTSA’s current Chief Counsel is Jacqueline Glassman, who came to NHTSA from the legal staff of Chrysler, and the past Associate Administrator of NHTSA for Rulemaking, Barry Felrice, now works for Chrysler.

‘NHTSA has become a fraud, James Butler said after the trial. ‘It’s got a revolving door - those in charge come from the auto industry and leave to go to the auto industry, and they keep the technical staff from getting anything done to improve safety.’ **In fact, nearly every top official of NHTSA since 1981 has gone to work for the auto industry upon leaving the agency.**” (Bolding added)

xxiv It should be noted that the 1993 ZJ-Body Jeep Grand Cherokee that two-time former General Motors executive and Chrysler President Robert Lutz drove through a plate glass window at Cobo Hall Auditorium on January 7, 1992 was a four-wheel-drive Laredo Edition. The plate glass event begins @3:15:

<https://www.youtube.com/watch?v=rRcaoRnfDdg>



xxv <http://pvsheridan.com/Chrysler2CongressDingell.pdf>

xxvi http://pvsheridan.com/Chrysler_Raid_Sheridan-Office.pdf

xxvii http://pvsheridan.com/82_million.pdf

<http://pvsheridan.com/Sheridan-PerfApprls.pdf>

xxviii Many automotive product litigations filed against pre-bankruptcy Chrysler were dropped due to that tactical protection, and refocused on the Chrysler dealerships as part of the legal ‘chain of commerce.’ The dealership defense lawyers, regardless of the overriding laws at the state level, have deployed a “my client knows nothing” defense, with a focus on bamboozling the naïve jury members. However, this action under EA12-005 and Recall 13V-252 clearly confirm that both NHTSA and Chrysler have a full understanding of the expertise and knowledge of the automotive dealership networks. By openly stating that they will rely on their dealers to effect the “inspection” portion of 13V-252, Chrysler is also confirming that, contrary to the “my client knows nothing” defense, safety issues and expertise are also the expected purview of the dealer.

xxix http://www.whitehouse.gov/the_press_office/Obama-Administration-Auto-Restructuring-Initiative

xxx Perhaps the most egregious indicators of NHTSA behavior is borne by former Administrator David Strickland. He oversaw the deletion, without any explanation whatsoever, of the XJ-Body Jeep Cherokee from the EA12-005 investigation. The XJ-Body has utilized both steel and plastic versions of the fuel tank. Strickland deleted the XJ-Body while simultaneously proposing/capitulating to the trailer hitch fraud. But Strickland's inveracity is two-fold. On 1 July 2013, mere weeks after his secret closed-door meeting with Fiat Chrysler Automobiles Chairman Sergio Marchionne, Strickland met face-to-face with **XJ-Body trailer hitch victim Ana Pina`**. This meeting was arranged by automotive safety advocated Jenelle Embrey. The transcript and audio recording of that meeting is here:

<http://pvsheridan.com/NHTSA-Meeting-Transcript-1Jul2013.docx>

<http://pvsheridan.com/NHTSA-Meeting-Audio-1Jul2013.WMA> (large WMA file)

Within a few months of his fraudulent closure of EA12-005 and therefore his criminal mistreatment of Ms. Pina`, Mr. Strickland resigned from NHTSA to assume a lucrative position with a Washington based K-Street law firm that is notoriously pro-Chrysler:

<http://www.stnonline.com/home/latest-news/5839-former-nhtsa-administrator-strickland-joins-dc-law-firm>

In other words, Strickland unilaterally deleted the XJ-Body from EA12-005 scrutiny, and thereby eliminated any need for a trailer hitch based, albeit fraudulent "reconstruction." This in-turn obviated any genuine crash testing to "reconstruct" the accident that afflicted Ana Pina`. Frankly I am astounded by Mr. Strickland's mistreatment of Ms. Ana Pina`.

xxxi The taxpayer and the EA12-005 Jeep owners/customers are concerned about accident scenarios wherein a rear-end collision will cause a gasoline leak, of any degree, to the unprotected Jeep fuel tank system.

However, their greater concern, and what should have been the PRIMARY concern of NHTSA/Chrysler UNDER THE LAW, was reconstruction of those historical accidents wherein a leak and a catastrophic fire occurred. However, in order to obviate the chance of invalidating their trailer hitch fraud, **NHTSA avoided crash testing of the ilk that would have "reconstructed" the accidents that killed Mrs. Susan Kline:**

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

or the elderly couple Mr. Joseph Digiovanni and his wife Esther:

<https://www.youtube.com/watch?v=KV2CnFIIN2M>

or 17-year-old Mr. Skyler Anderson-Coughlin:

<https://www.youtube.com/watch?v=AWDt7JhyndA&list=UUBurCYLuIg9Li7-SeIdsuDg>

or the fire-death of 4-year-old Remington Walden-Cole:



<https://www.youtube.com/watch?v=97oqswkI14k>

In fact, in terms of the horrific fire-death of young Remington, Mr. Strickland has deleted all “Reconstruction Testing” of the 1999 thru 2004 WJ-Body Jeep Grand Cherokee, claiming that “inspection of structure” and installation of a trailer hitch will suffice. But since the WJ-Body that Remington burned to death in may have had a trailer hitch, this Strickland proposal is ludicrous.

Instead Mr. Strickland left his position as NHTSA Administrator **PRIOR** to completion of “Reconstruction Testing” he authorized, which has not and will never confirm that the trailer hitch remedy for the crashworthiness issues of his E12-005 Jeeps is viable:

<http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM458003/INRP-EA12005-59675.pdf> or

http://pvsheridan.com/EA12005-Reconstruction_Testing.pdf

xxxii A very thorough and competent review of the Ana Pina` tragedy by WNDU-16 South Bend, Indiana reporter Megan Hickey:

<http://www.wndu.com/home/headlines/Jeep-Recall-Anas-Story---Part-1-267983271.html>

<http://www.wndu.com/home/headlines/Jeep-Recall--268191502.html>

<http://www.wndu.com/home/headlines/Jeep-Recall-Recall-under-fire----Part-3-268361522.html>

If these WNDU-16 report links expire, please see:

<https://www.youtube.com/watch?v=3xCOFEwgxYE&list=UUBurCYLuIg9Li7-SeIdsuDg>

<https://www.youtube.com/watch?v=FvHOp5sa-P0&list=UUBurCYLuIg9Li7-SeIdsuDg&index=2>

<https://www.youtube.com/watch?v=Mw07BU3g4ZY&list=UUBurCYLuIg9Li7-SeIdsuDg&index=3>

xxxiii For a detailed cost review of the encapsulation and skid plate remedy proposal, please note discussion in the following link, beginning on cover letter Page 4 of 9 here, entitled “Proposed EA-012 Recall Remedy – Preliminary Document Review” :

<http://pvsheridan.com/Sheridan2Strickland-11-12Feb2013.pdf>

xxxiv <http://pvsheridan.com/JeepFuelTankBlockerRecall.pdf>

xxxv Rafael Perez Jr. and Joel Nieves-Cruz plead 'Not Guilty' to criminal manslaughter in connection with the Jeep Grand Cherokee fire-death of 17-year-old Massachusetts resident Skyler Anderson-Coughlin:



https://www.youtube.com/watch?v=hzve_cmBj8Q

http://www.masslive.com/news/index.ssf/2014/07/rafael_perez_jr_joel_nieves_cr.html

xxxvi http://pvsheridan.com/Sanchez_versus_Chrysler.pdf

xxxvii <https://www.youtube.com/watch?v=1aMrybuK6JQ&list=UUBurCYLuIg9Li7-SeIdsuDg>

<http://www.osbornefuneralhome.net/obituary.aspx?MemberId=132098&MName=Esther%20%20DiGiovanni>

xxxviii



<https://www.youtube.com/watch?v=cGrOacZvFs4&list=UUBurCYLuIg9Li7-SeIdsuDg>

xxxix



<https://www.youtube.com/watch?v=BQt3LbwcLL8>

xI



“The trailer hitch is a sham . . . Chrysler is just putting up a game of smoke-n-mirrors on this.”

Clarence Ditlow, EA12-005 Petitioner, Director at the Center for Auto Safety

<https://www.youtube.com/watch?v=00HuIp6EzNE&index=10&list=UUBurCYLuI9Li7-SeIdsuDg>

xli



<https://www.youtube.com/watch?v=pL4yFeQBN-A&list=UUBurCYLuI9Li7-SeIdsuDg>

xlii <https://www.youtube.com/watch?v=Qs6S9p73VUo&list=UUBurCYLuI9Li7-SeIdsuDg&index=43>

xliii It should be noted, as an indication of “care,” that despite repeated invitations to no less than six crash tests of EA12-005 Jeeps and competitive SUVs, Chrysler and/or its experts failed to attend.

<http://www.autosafety.org/1993-2004-jeep-grand-cherokee-recall-petition-0>

xliv Mr. Feinberg should reference the events described in Endnote XXXIII.
<http://dealbook.nytimes.com/2014/07/21/the-difficulty-in-holding-executives-accountable/>

xlv <http://pvsheridan.com/Obama-victims-1-June2009.pdf>

xlvi http://www.nytimes.com/2014/08/02/business/victims-begin-filing-claims-in-gm-case.html?_r=0

xlvii One such dealership whom has denied return of a customer’s EA12-005 Jeep Grand Cherokee is Watson Benzie LLC of Benzonia, Michigan : <http://www.watsonchryslerdodgejeep.com/index.htm>

xlviii <http://pvsheridan.com/Sheridan-SafetyLeadershipAward.pdf>

ATTACHMENT 1

20 August 2014

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Subject: Proposal for Criminal Investigation of Chrysler, and Senatorial review of NHTSA EA12-005

Reference 1: Senator Claire McCaskill, Senate Subcommittee on Consumer Protection/Product Safety

Reference 2: Criminal Manslaughter Indictments Filed Involving Fire-Death in EA12-005 Jeep

Four Pages

When confronted with the above by plaintiff attorney Angel DeFilippo, Mr. Banta testified as follows:

Question: Now, in looking at that photo, can you tell me what part of the vehicle protects the part of the tank that we're looking at in that photograph?

Witness: No. It's covered by the fascia.

Question: ***So if a vehicle were to strike just that yellow piece of the car***, whether it be because it's lower or some kind of vehicle that's not even a car, let's say it was a recreational vehicle of some sort, what would protect that portion of the tank that we see here in yellow.

Witness: Just the tank surface itself.

Question: So in other words, whatever the material of the tank is at the time?

Witness: ***The tank's on its own.***

Any honest person would assess this testimony as an open admission of a defect.

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**ZJ-Body Jeep Grand Cherokee:
Typical Customer View (of Fuel Tank)**



**ZJ-Body Jeep Grand Cherokee:
What Showroom Customer Would See if
Fuel Tank was not color-matched to rear
underbody / rear suspension components.**



Photograph by Karco Engineering



Approximate Lower Edge of "bumper," leaving over seven inches of fuel tank unprotected from direct or underride impact.

Open-ended frame rail where bumper bracket is inserted for mounting.

Unprotected Polyethylene fuel tank



Tire Size: LT235/75R15

Upper edge of "structure" at approximately 21.25 inches, which leaves over 7 inches of unprotected fuel tank; unprotected from/during up to 270 degrees of impact angles.

Approximate Lower edge of bumper

Distorted slightly by camera angle, lower portion of polyethylene fuel tank (for this vehicle) at approximately 14 inches above ground (when vehicle suspension is not burdened).

ATTACHMENT 2

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Two Pages

Chrysler, NHTSA and DOJ were guilty in-general of criminal conspiracy against the taxpayer, but directly guilty of conspiracy against prior and subsequent victims of Chrysler vehicle defects.

The jury in Flax was utterly furious upon hearing my testimony, and awarded the Flax family a verdict of \$105 million. Plaintiff attorney Leigh Martin-May characterized the Chrysler rebuttal to my allegation of criminal activity:

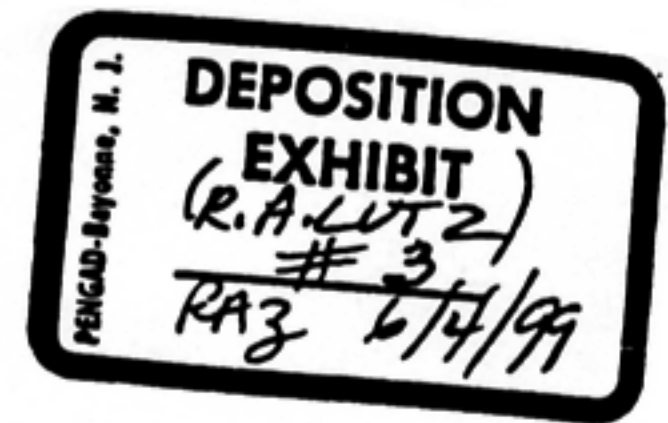
“And I think the whole amazing thing about it is that-that testimony was unrebutted at trial. Chrysler did not bring a single witness to say anything different than what Paul Sheridan had said.

And on cross examination, basically, they had nothing to discredit what Paul Sheridan had said about the merits of his testimony.”

Memo

- The lower right deposition sticker identifies then Chrysler Chairman Robert Eaton. Prior to this position he was an executive at General Motors.
- The upper right deposition sticker identifies then Chrysler President Robert Lutz; he is a two-time former executive of GM. Lutz was at GM prior to becoming Chrysler President, and then returned to GM in August 2001 as Chief Operating Officer, during the period when the defective ignition switch was being designed.

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MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. Crash Test Video and the Public Record:

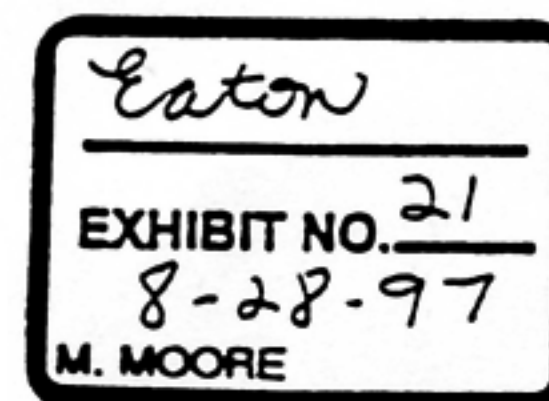
- NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

We would agree with NHTSA that their engineering analysis will remain open while we conduct the service campaign to provide them additional bases to argue that release of the materials would interfere with their investigation.

- The Department of Justice says there is less than a 50/50 chance of keeping the video off the record for the full duration of the investigation, i.e. the campaign, if there is a court ruling. Given the possibility that a lawsuit could be filed at any time, they anticipate that the legal process would take at least four months, regardless of the outcome.

2. Service Action Only - No Recall: NHTSA has agreed that a Chrysler service campaign would fully satisfy all of their concerns and they would give full public support to such an effort. The critical elements that differentiate the service campaign from a recall (mostly reflected in the two attached letters) are as follows:

- no admission of defect or safety problem;
- stated purpose of the campaign - to ensure peace of mind in light of media coverage;
- campaign does not count as a NHTSA action - not included in NHTSA recall numbers, no Part 573 or Part 577 letters;
- statements to owners, the public and NHTSA assert that no defect has been found; and
- NHTSA acknowledges that replacement latch is not a 100% solution.



3. **Chrysler Announcement:** Chrysler controls publication of its action with the following provisions:

- Chrysler goes first with its own statement and reads approved NHTSA statement supporting Chrysler's action;
- Chrysler characterizes campaign as done solely to ensure the peace of mind of its owners, i.e. "your concern is our concern";
- Letter from Martinez to Chrysler and NHTSA press statement praise Chrysler action as fully satisfying all of NHTSA's concerns and state that Chrysler is a safety leader;
- NHTSA officials acknowledge publicly that there has been no finding of defect and that there will be none; and
- NHTSA officials acknowledge that owners should not be concerned over the delayed implementation of the action and that they can best protect themselves by keeping seat belts buckled at all times.

4. **Additional Provisions:** The following points have been requested by NHTSA and appear to be reasonable:

- The letter to owners makes reference to the NHTSA hot line phone number;
- Latch replacement will be offered as part of any routine minivan servicing (once replacement latches are available);
- Chrysler will submit six quarterly reports on the progress of the campaign (helps to support defense of FOIA requests); and
- NHTSA can make reference to the service campaign in response to owner inquiries.

ATTACHMENT 3

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20 August 2014

Subject: Proposal for Criminal Investigation of Chrysler, and Senatorial review of NHTSA EA12-005

Reference 1: Senator Claire McCaskill, Senate Subcommittee on Consumer Protection/Product Safety

Reference 2: Criminal Manslaughter Indictments Filed Involving Fire-Death in EA12-005 Jeep

One Page

During PE10-031, Chrysler submitted a report on the horrific fire-death of four-year-old Cassidy Jarmon. But this “Jarmon report” was censored from public view under a Chrysler request for “confidentiality” (ATTACHMENT 3). This specific request is not surprising:



The 1993 ZJ-Body Jeep Grand Cherokee that killed Cassidy had a trailer hitch (See Page 5 above).

Chrysler censored the deposition in Jarmon of their expert Robert Banta. This testimony predates the recent closed-door fraud, which fantasizes that a trailer hitch adds crashworthiness or “friendliness.” Chrysler and NHTSA have enforced our ignorance about Cassidy.

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CONFIDENTIAL

PE10-031

Chrysler

10-15-2010

Enclosure 6E

Jarmon Report

ATTACHMENT 4

Mr. Clarence Ditlow, Director
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20 August 2014

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Four Pages

W A R N I N G : The following four photographs are very graphic. These depict what happens to victims of EA12-005 Jeeps when involved in foreseeable, low and medium speed rear impacts.

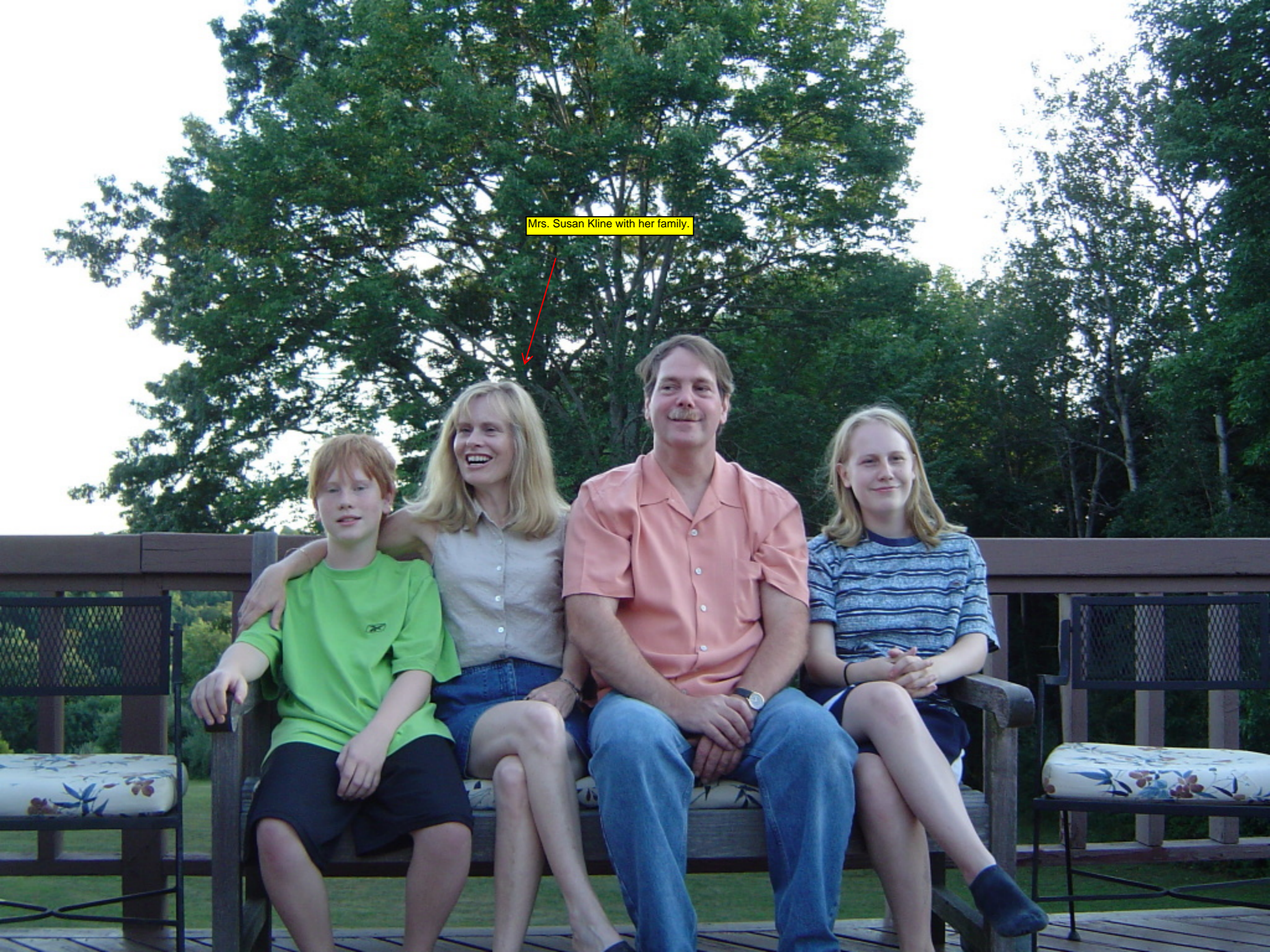
Memo: A trailer hitch would not have protected Mrs. Kline.

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BROTHERHOOD
OF
THIEVES

Mrs. Susan Kline with her family.

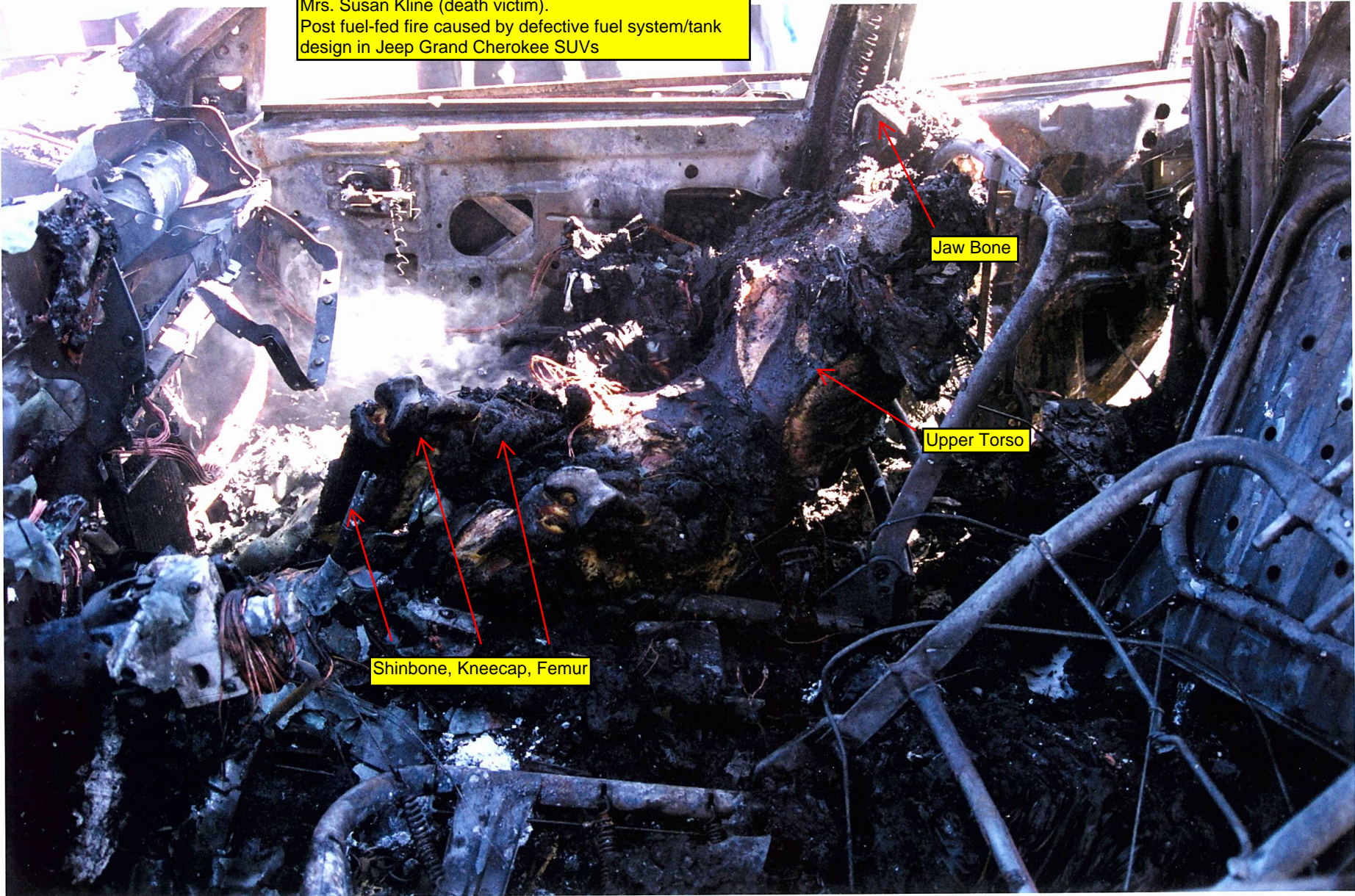




Skull

Jaw Bone

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



Jaw Bone

Upper Torso

Shinbone, Kneecap, Femur

ATTACHMENT 5

Mr. Clarence Ditlow, Director
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20 August 2014

Subject: Proposal for Criminal Investigation of Chrysler, and Senatorial review of NHTSA EA12-005

Reference 1: Senator Claire McCaskill, Senate Subcommittee on Consumer Protection/Product Safety

Reference 2: Criminal Manslaughter Indictments Filed Involving Fire-Death in EA12-005 Jeep

Three Pages

In his indictment of Rafael Perez Jr. and Joel Nieves-Cruz, to a Massachusetts grand jury, Assistant District Attorney James Forsyth declares:

“The defendant(s) herein, of Springfield in the County of Hampton, on or about November 10, 2013, at HAMPTON COUNTY, did assault and beat Skyler Anderson-Coughlin, and by such assault and beating did kill said Skyler Anderson-Coughlin.

Specifically, (defendants), on or about November 10, 2013, having a legal duty of care, did engage in wanton and reckless conduct, and by such conduct did cause the death of Skyler Anderson-Coughlin in violation of General Laws chapter 265 section 13.

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COMMONWEALTH
VS.
JOEL NIEVES-CRUZ

14 675 -1

**INDICTMENT
INVOLUNTARY MANSLAUGHTER
GENERAL LAWS CHAPTER 265, SECTION 13**

At the Superior Court, begun and holden at Springfield, within and for the County of Hampden, on the first Tuesday of June 2014. The GRAND JURORS for the Commonwealth of Massachusetts on their oath present that:

JOEL NIEVES-CRUZ

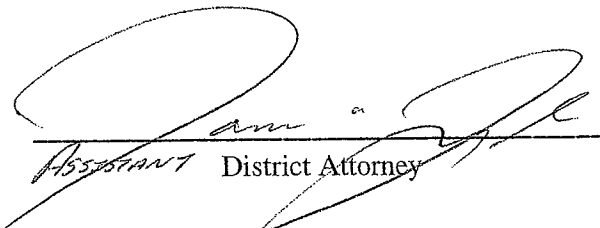
defendant herein, of Springfield in the County of Hampden, on or about November 10, 2013 at HAMPDEN COUNTY, did assault and beat Skyler Anderson-Coughlin, and by such assault and beating did kill said Skyler Anderson-Coughlin.

Specifically, that Joel Nieves-Cruz on or about November 10, 2013, having a legal duty of care, did engage in wanton and reckless conduct, and by such conduct did cause the death of Skyler Anderson-Coughlin, in violation of General Laws chapter 265, section 13.

A TRUE BILL



Foreperson of the Grand Jury

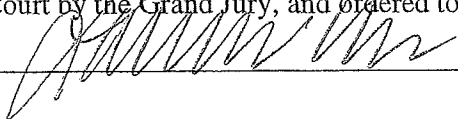


Assistant District Attorney

RETURN

HAMPDEN, ss On this 26th day of June, 2014, this indictment was returned and presented to said Superior Court by the Grand Jury, and ordered to be filed and filed.

ATTEST:



Assistant Clerk

COMMONWEALTH

VS.

JOEL NIEVES-CRUZ

14 875-2

INDICTMENT

LEAVING THE SCENE OF A DEATH

GENERAL LAWS CHAPTER 90, SECTION 24(2)(a1/2)(2)

At the Superior Court, begun and holden at Springfield, within and for the County of Hampden, on the first Tuesday of June 2014. The GRAND JURORS for the Commonwealth of Massachusetts on their oath present that:

JOEL NIEVES-CRUZ

defendant herein, of Springfield in the County of Hampden, on or about November 10, 2013 at HAMPDEN COUNTY, did operate a motor vehicle upon a way or in a place to which the public has a right of access or upon a way or in a place to which members of the public shall have access as invitees or licensees and without stopping and making known his name, residence and the registration number of his motor vehicle, did go away to avoid prosecution or evade apprehension after knowingly colliding with or otherwise causing injury to any person, the result of which caused the death of Skyler Anderson-Coughlin, in violation of General Laws chapter 90, section 24(2)(a 1/2)(2).

A TRUE BILL

Foreperson of the Grand Jury

Assistant District Attorney

.....

RETURN

HAMPDEN, ss On this 26th day of June, 2014, this indictment was returned and presented to said Superior Court by the Grand Jury, and ordered to be filed and filed.

ATTEST:

Assistant Clerk

COMMONWEALTH
VS.
RAFAEL PEREZ, JR.

14 676-1

INDICTMENT
INVOLUNTARY MANSLAUGHTER
GENERAL LAWS CHAPTER 265, SECTION 13

At the Superior Court, begun and holden at Springfield, within and for the County of Hampden, on the first Tuesday of June 2014. The GRAND JURORS for the Commonwealth of Massachusetts on their oath present that:

RAFAEL PEREZ, JR.

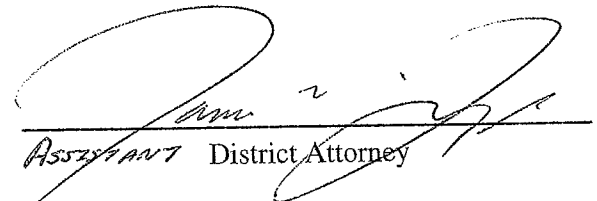
defendant herein, of Springfield in the County of Hampden, on or about November 10, 2013 at HAMPDEN COUNTY, did assault and beat Skyler Anderson-Coughlin, and by such assault and beating did kill said Skyler Anderson-Coughlin.

Specifically, that Rafael Perez, Jr. on or about November 10, 2013, having a legal duty of care, did engage in wanton and reckless conduct, and by such conduct did cause the death of Skyler Anderson-Coughlin, in violation of General Laws chapter 265, section 13.

A TRUE BILL



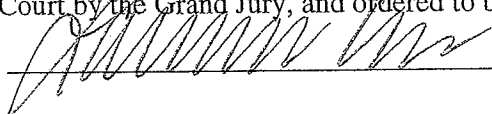
Foreperson of the Grand Jury



Assistant District Attorney

RETURN

HAMPDEN, ss On this 26th day of June, 2014, this indictment was returned and presented to said Superior Court by the Grand Jury, and ordered to be filed and filed.

ATTEST:  Assistant Clerk



Rafael Perez Jr., Joel Nieves Cruz deny manslaughter charge in fatal Longmeadow crash

Rafael Perez Jr., left and Joel Nieves Cruz, right arrive in Hampden County Superior Courtroom 1 Wednesday for their arraignment on a manslaughter charge. (MARK M.MURRAY / THE REPUBLICAN) *(Mark Murray)*

Buffy Spencer | bspencer@repub.com By **Buffy Spencer** | bspencer@repub.com

Email the author

on July 09, 2014 at 11:14 AM, updated July 09, 2014 at 1:19 PM

SPRINGFIELD - **Two city men** who ran onto Interstate 91 last November to get couch cushions that fell from their pickup truck denied a manslaughter charge Wednesday in **Hampden Superior Court**.

Joel Nieves Cruz, 32, of 76 Oswego St.; and Rafael Perez Jr., 43, of 32 Acushnet Ave. are charged in the death of 17-year-old Skyler Anderson-Coughlin of Springfield.

Anderson-Coughlin was driving a Jeep and swerved to avoid the situation created by the men in the road, Assistant District Attorney James M. Forsyth said. He said other vehicles were stopping or swerving to avoid the men retrieving the cushions.

A collision between the Jeep driven by Anderson-Coughlin and a tractor trailer truck caused a fiery crash about 6 p.m. Nov. 10. Anderson-Coughlin was alone in the Jeep.

Both men were released on their own recognizance by Judge Mary Lou Rup on the recommendation of the prosecutor. They had come to court for arraignment in response to a summons.

Cruz is represented by Roy Anderson and Perez by Marissa Elkins.

Several family members of the victim were in the courtroom with victim witness advocate Margo Piela.

Cruz was driving the pickup truck and is also charged with leaving the scene of a personal injury or death accident. Perez owned the truck and was a passenger, Forsyth said.

The crash happened in Longmeadow in the northbound lanes.

Anderson-Coughlin was a student at McDuffie School in Granby. A candlelight vigil was held there Nov. 15.

The manslaughter charge cites wanton and reckless conduct.

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END OF DOCUMENT

20 August 2014

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