



June 22, 2015

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DR MARK ROSEKIND
NHTSA HEADQUATERS
1200 NEW JERSEY, SE
DC 20590 US

Reference**Shipper:**

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17 June 2015

VIA FEDEX AIRBILL [8007 – 9341 - 6075](#)

Dr. Mark R. Rosekind, Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

Subject: Presentation Summary for 2 July 2015 Hearing
Reference: Docket 2015-12386, Recall 13V-252 et al.

Courtesy Copy List *

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* *By email and/or USPS*

** Up-to-date PDF version available with active hyperlinks :

<http://pvsheridan.com/Sheridan2Rosekind-1-17June2015.pdf>

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VIA FEDEX AIRBILL 8007 – 9341 - 6075

Dr. Mark R. Rosekind, Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
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Subject: Presentation Summary for 2 July 2015 Hearing
Reference: Docket 2015-12386, Recall 13V-252 et al.

Dear Dr. Rosekind:

You have been introduced to some of the factual background of the Subject by receipt of two recent letters that I had forwarded to the Michigan Attorney General Bill Schuette; those letters are available here:

<http://pvsheridan.com/Sheridan2Schuette-1-23April2015.pdf>

<http://pvsheridan.com/Sheridan2Schuette-2-11May2015.pdf>

I do not intend to elaborate on or propose the specific subject of these two letters on July 2. However, I have no intention of limiting my factual presentation; these and many additional facts previously shared with NHTSA will be reviewed at the hearing. ⁱ

Contextual Summary of 2 July 2015 Presentation

The broad context of my presentation is characterized as follows:

On its face the hearing has all the appearances of being devoted to the ideals of public service. With respect to many of the twenty individual agenda items those ideals could be made valid. But even these items serve to mask the ongoing fact that, in exact prior historical fashion, the NHTSA is merely striking first, capturing the proverbial high polemical ground, and thereby portraying the focus of the hearing, Fiat-Chrysler Automobiles (FCA), as the sole culprit in this public service disaster. Nowhere is this polemical reality more provably true than with respect to Recall 13V-252. ⁱⁱ

Context will also include (but not be limited to) the following factual items:

- a. Blatant failure of (both houses of) Congress to recognize and prioritize the far-reaching benefits of national highway safety.
- b. Fundamental and blatant failure of NHTSA at the philosophical and operative level; prioritizing meaningless, often diversionary statistics, sometimes referred to by Agency staff with the ludicrous phrase “defect trends,” versus Failure Mode Effects Analysis (FMEA or similar). ⁱⁱⁱ

- c. NHTSA failure to fundamentally upgrade if not abandon irrelevant and demonstrably ineffective “standards,” many of which date to decades-old industry specifications that had no original connection to a real world safety issue, let-alone contemporaneous safety issues. FMVSS-207 and FMVSS-301 are blatant examples. There are others.
- d. Openly biased favoritism toward the automotive industry, versus the taxpayer and/or petitioners, during defect investigations of any severity.
- e. Openly biased favoritism toward the automotive industry defense bar versus the plaintiff’s bar. ^{IV}
- f. Abject and blatant historical failure of the Agency to facilitate the automotive safety defect “whistleblower,” or provide the minimal processes and channels that protect those individuals who offer true public service, doing so at notoriously great personal and professional risk. ^V
- g. Open servility / pusillanimity when accommodating industry ruses regarding “trade secrets.” ^{VI}
- h. Open and easily provable criminal activity on the part of NHTSA in-behalf of and in-service to the automotive defense bar (and the top executives they represent). ^{VII}
- i. How the above, and much more, led to the horrific fire death of 23-year-old Kayla Lucille White, and unborn son, 8-month term Braedon White.

Multiple Purposes of 2 July 2015 Presentation

In addition to providing factual insight and perspective, I will be formally requesting that the NHTSA re-open defect investigation EA12-005. To facilitate and justify this action the following minimum will be requested:

All NHTSA file materials that preceded, occurred contemporaneously, or subsequently documented, in any way and in any form, the secret closed-door meeting of NHTSA/DOT/FCA on June 9, 2013.

Presentation Content : Two Specific but Characteristic Samples

As an introduction to my July 2, 2015 presentation, let us review how the ongoing NHTSA/FCA relationship translates into behaviors that appear benign but, under mere casual scrutiny, demonstrate an inbreeding that implicitly corrupts even the NHTSA ‘Notice of Public Hearing’ for this Docket 2015-12386.

1. NHTSA Catering to FCA Defense Bar Verbiage/Coached Testimony

I served as the primary plaintiff’s expert in the Jeep fire-death litigation of Kline v Chrysler, Lomans Auto Group, et al. In response to my recommendation, the Kline matter included the deposition of the former Executive Vice President for Jeep SUV engineering and product management, Mr. Francois Castaing. I was present for this entire deposition.

But to understand that the primary defense bar tactic (relating to the Jeep fuel tank defect, as deployed by the Castaing deposition) is utterly ludicrous, we must review the truthful testimony of another well-known FCA expert, Mr. Robert Banta, as examined by plaintiff attorney Ms. Angel Defilippo:



DeFilippo: 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?

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

DeFilippo: 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.

Banta: Just the tank surface itself.

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

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

Do you see a defense bar ruse about "structure" anywhere in Mr. Banta's expert testimony? ^{viii}

Despite the blatant physical/mechanical reality depicted in the photograph above, Mr. Castaing, under the obvious coaching of his defense lawyers, testified in Kline as follows:

*" Like I said, the car was designed to do everything the car was supposed to do in the eyes of the customer, the target market for this vehicle. The tank was the way it was, and when we talk about **rear structure** -- there is a **rear structure** in the back of the vehicle to protect the tank. It is not an add-on. It's built into the **structure** of the car. That's why the Jeep Grand Cherokee passed all the FMVSS standards at the time. I don't know about underride standard. If you describe to me what it is, like it was later discussed and later in the history of the '90s bumper height where it become part of new standard by NHTSA, but until then, there was no standards. So if you know of one or someone that can tell you, there was no standard by SAE or any other organization of manufacturers that we can refer to. So we cannot design or think about designing anything underride if it is not a defined question. "* (bolding/coloring added) ^{ix}

With this garbled, convoluted, defense-bar-coached nonsense in mind, let us now view a screen shot of the 'Notice of Public Hearing' under Docket 2015-12386 for Recall 13V-252:

2. Rear fuel tank structure's risk of failure (13V-252);

Dr. Rosekind, you can rest-assured that no reasonable, experienced persons will look upon this Notice regarding 13V-252 as a "typo." Further, those same persons will never capitulate to the notion that a MOPAR trailer hitch, which was deployed by NHTSA/FCA as a "structural enhancement," was done with any measureable amount of technical competence or public service credibility. Again, under mere casual scrutiny, we demonstrate an NHTSA/FCA inbreeding that caters to the latter, and implicitly corrupts. ^x

Presentation Content : Two Specific but Characteristic Samples - con't

2. FCA "Blame the Customer" Routine : Responses of FCA US LLC to NHTSA Special Order AQ14-03

Writing this section took enormous restraint. The vileness demonstrated by FCA is beyond repulsive, all the way to sinister. But to comprehend my restraint, we must first analyze the following photographs:



The 23-year-old expecting mother, Kayla White, and her son Braedon, which she has come to know and love during a carriage of eight wonderful months, is trapped inside the Jeep Liberty pictured at right. Prior to this horror, Kayla had visited the FCA dealership to inquire about the fuel tank. As I review below, what she was told was framed and coached by the type of ruse that also led to the FCA responses to AQ14-03.

From the photograph above, as well as the autopsy, a reasonable, experienced person can render the true sequence of events. As such a person, I render the following:

REDACTED

Courtesy copy recipient version.

Full rendering included in

Dr. Mark Rosekind version only.

And their young lives come to an end. ^{XI}

So . . . Dr. Rosekind . . . is this the reality that FCA rendered when they took their “survey,” which they submitted to you on June 1, which they claim includes “*enhanced communication*”?!

Was the above rendering what FCA forthrightly included in their “survey” prior to then proclaiming that the customer was guilty of having “*indifference*”? A “*lack of concern*”?

Here is a screen shot of the watered-down sinister nonsense from FCA; it speaks for itself:

Another major challenge the industry faces is indifference towards recall remedies. Within the outreach activities for the 13V-252 (N45 and N46) campaign, customers were asked to participate in a survey. The survey demonstrated a lack of concern by some customers who had not yet had their vehicle remedied. The second highest of 27 possible survey responses to the question “If I may ask, which of the following reasons best describes why you have not had the recall service completed?” was “did not consider issue important enough/wasn’t priority.” This survey response was given despite the Part 577 letter informing the customer that “The fuel tank on your vehicle has a chance of experiencing a fuel leak during certain types of rear end collisions. Fuel leakage in the presence of an ignition source can result in a fire.” This same response was not unique to the 13V-252 (N45 and N46) campaign as is shown in Table 1. This may indicate that despite the enhanced communication from FCA US as well as the increased media attention, customers are choosing to not pursue the remedy fix regardless of the safety risk communicated to them. For vehicles utilized commercially, owners or operators may not deem the risk sufficient to take the vehicle out of service for the time required to remedy.

The FCA survey word-smithing was a calculated psycho-sociological ruse. It blatantly sought to minimize the severity of the defect, thereby accommodating the expected lackluster response. The latter was then used to **blame the customer**, in lockstep with the promotion that fault for FCA’s putrid recall performance lies elsewhere. This is especially true for 13V-252. Reconnecting to Page 4 of 7, this survey ruse is consistent with the coaching directed by FCA to the dealership that Kayla White visited prior to burning to death. What customer response would there have been to a truthful rendering of the defect risk? ^{XII}

This AQ14-03 submission was also part of the FCA attempt to convince you that the July 2 hearing was not necessary, and that you should cancel. Thank you for not capitulating to that request.

Conclusion

Thank you in-advance for your demonstrated competence and courage in these matters. I look forward to meeting you on July 2, 2015. Please do not hesitate to contact me at any time.

Respectfully,

Paul V. Sheridan

ENDNOTES

^I All prior letters regarding Jeep fuel tank fire-injury/fire-death defect here:

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

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

<http://pvsheridan.com/Sheridan2Strickland-2-27Sep2011.pdf> (Review of “trade secrets” ruse)

<http://pvsheridan.com/Sheridan2Strickland-3-5Dec2011.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> (Review of CAS Karco test of 16 May 2011)

<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> (FedEx delivered in ITALY)

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

<http://pvsheridan.com/Sheridan2Foxy-1-3May2013.pdf> (Prior to Foxx assumption as Secretary of DOT)

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

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

<http://pvsheridan.com/Sheridan2Ditlow-3-20Aug2014.pdf> (Discussion of ongoing/Chicago fraud)

<http://pvsheridan.com/Sheridan2Scovell-1-11Sep2014.pdf> *

* The Scovell response is here: <http://pvsheridan.com/Scovell2Sheridan-1-26Sep2014.pdf>

<http://pvsheridan.com/Sheridan2Kelleher-1-11Apr2012.pdf> (Letter to NADA)

^{II} Please see <http://pvsheridan.com/NHTSA-GOES-FIRST.pdf> and

<https://www.youtube.com/watch?v=p1NuhUEFvmk>

^{III} <http://pvsheridan.com/FMEA-Design-Feb1995.pdf> and <http://pvsheridan.com/NHTSA-Defect-Trends-redacted.pdf> and <http://pvsheridan.com/Sheridan2Strickland-4-15Jun2012.pdf>

^{IV} See gala notice about “Jackie” here: http://pvsheridan.com/Goldfarb-Glassman-NHTSA_reception.pdf

- V http://pvsheridan.com/82_million.pdf and <http://pvsheridan.com/Tyrrell-Email-Watts.pdf>
- VI <http://pvsheridan.com/Sheridan2Strickland-2-27Sep2011.pdf>
- VII <http://pvsheridan.com/DOJ-NHTSA-ChryslerConspiracy.pdf>
- VIII Please see page 132 here: http://pvsheridan.com/Dep_Banta-7Sep2012-Arrows.pdf
- IX <http://pvsheridan.com/Castaing-14Jun11-Complete----.pdf>
- X <https://www.federalregister.gov/articles/2015/05/22/2015-12386/public-hearing-to-determine-whether-fiat-chrysler-has-reasonably-met-its-obligations-to-remedy>
- XI <https://www.youtube.com/watch?v=aL8KrWfJtZI>
- XII http://pvsheridan.com/Chrysler-Narrative-Response-Declaration_060315-1.pdf

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5 June 2015

Ms. Carla Bridges
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE.
Washington, DC 20590
Tel 202-366-2992 \ Fax 202-366-3820

Subject: Registration/Notification of Attendance and Presentation :

“Public Hearing To Determine Whether Fiat Chrysler Has Reasonably Met Its Obligations To Remedy Recalled Vehicles and To Notify NHTSA, Owners, and Purchasers of Recalls”

Dear Ms. Bridges

Pursuit to the ‘Procedural Matters’ section of the Federal Registry Docket Number 2015-12386, (filed May 21, 2015 @ 8:45am by NHTSA Administrator Dr. Mark R. Rosekind), I am submitting to your office (via facsimile number listed above) the following information:

Name:	Mr. Paul V. Sheridan
Citizenship:	United States of America
Presentation Information:	Docket 2015-12386 issue: Recall Number 13V-252
Presentation time:	Not more than forty-five minutes
Affiliation:	DDM Consulting / Center for Auto Safety (202-328-7700)
Telephone:	313-277-5095
Email:	pvs6@cornell.edu or pvsheridan@wowway.com

Please do not hesitate to contact me at any time.

Paul V. Sheridan

Attachment

“Procedural Matters: Interested persons may participate in these proceedings through written and/or oral presentations. Persons wishing to attend must notify Carla Bridges, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (Telephone: 202-366-2992) (Fax: 202-366-3820), before the close of business on June 30, 2015 (and June 26, 2015, for non-U.S. citizens). Each person wishing to attend must provide his or her name and country of citizenship. Non-U.S. citizens must also provide date of birth, title or position, and passport or diplomatic ID number, along with expiration date. Each person wishing to make an oral presentation must also specify the amount of time that the presentation is expected to last, his or her organizational affiliation, phone number, and email address. NHTSA will prepare a schedule of presentations. Depending upon the number of persons who wish to make oral presentations and the anticipated length of those presentations, NHTSA may limit the length of oral presentations.”

END OF DOCUMENT

Dr. Mark R. Rosekind
Administrator
NHTSA Headquarters
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Washington, DC 20590
202-366-4000

17 June 2015

Subject: Presentation Summary for 2 July 2015 Hearing
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