

KLING, ET AL v. MORGAN-ALCALA, ET AL
OWEN VIERGUTZ

June 15, 2011

Prepared for you by



Bingham Farms/Southfield • Grand Rapids
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION, MORRIS COUNTY
3
4 THOMAS KLINE, AS ADMINISTRATOR AD
5 PROSEQUENDUM OF THE HEIRS AT LAW
6 OF SUSAN MORRIS KLINE, (DECEASED),
7 AS ADMINISTRATOR OF THE ESTATE
8 OF SUSAN MORRIS KLINE, and THOMAS
9 KLINE, INDIVIDUALLY,
10 Plaintiffs,
11 vs. Docket No. MRS-L-3575-08
12
13 VICTORIA MORGAN-ALCALA, CARLOS
14 ALCALA, NATALIE RAWLS,
15 DAIMLERCHRYSLER CORPORATION, A/K/A
16 CHRYSLER CORPORATION, LOMAN AUTO
17 GROUP, CHRYSLER GROUP LLC (For
18 Discovery Purposes), JOHN DOES A
19 THROUGH Z, (Names Being Fictitious),
20 ABC CORPORATIONS, 1 THROUGH 100,
21 (Names Being Fictitious),
22 Defendants.
23 _____
24
25 THE DEPOSITION OF OWEN VIERGUTZ, JUNE 15, 2011

1 The Deposition of OWEN VIERGUTZ,
2 Taken at 30800 Telegraph Road, Suite 2925,
3 Bingham Farms, Michigan,
4 Commencing at 2:31 p.m.,
5 Wednesday, June 15, 2011,
6 Before Lezlie A. Setchell, CSR-2404, RPR, CRR.

7

8 APPEARANCES:

9

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15 Appearing on behalf of the Plaintiffs.

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15 Appearing on behalf of Defendant Loman Auto Group.

16

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22 Appearing on behalf of the witness.

23

24 ALSO PRESENT:

25 Antonio C. Irizarry

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1 Bingham Farms, Michigan
2 Wednesday, June 15, 2011
3 2:31 p.m.

4 OWEN VIERGUTZ,
5 was thereupon called as a witness herein, and after
6 having first been duly sworn to testify to the truth,
7 the whole truth and nothing but the truth, was
8 examined and testified as follows:

9
10 EXAMINATION

11 BY MS. DeFILIPPO:

12 Q. Hi. My name is Angel DeFilippo. I'm an attorney. I
13 represent the Estate of Susan Kline in an action that
14 has been brought against Loman Auto Group as a
15 defendant concerning a Jeep, 1996 Grand Cherokee ZJ
16 vehicle. We're here to take your deposition. Have
17 you ever had your deposition taken before?

18 A. No, not on this type of matter. I have had a civil
19 deposition taken once.

20 Q. It's probably going to be very similar to that,
21 although the subject matter will be different. When
22 was the time you were deposed?

23 A. Mid '90s sometime.

24 Q. And because it was so long ago, let me give you some
25 instructions about depositions.

1 First of all, the court reporter seated to
2 my right and your left is taking down everything
3 that's going to be said in this room by anybody in
4 this room, and it will be typed up in a booklet form
5 and can be used for reference at any time after this.

6 A. Okay.

7 Q. As a result of that, I have to give you the
8 instruction, keep your answers verbal because the
9 court reporter can't take down gestures or a shrug or
10 a grunt.

11 A. Okay.

12 Q. So when you want to say yes or no, you have to say yes
13 or no, okay?

14 A. Okay.

15 Q. I also ask you to listen to every question that I ask
16 you and only answer what I ask you, and also, that if
17 you answer a question -- if I ask you a question and
18 you don't understand it or it's unclear to you or it
19 needs some type of clarification, I would ask that you
20 tell me because if you answer it, I'm going to assume
21 you understood it and it was clear to you, okay?

22 A. Okay.

23 Q. And finally, the last instruction I'm going to give
24 you is a very simple one. We all have a tendency to
25 anticipate a question or even I have a tendency to

1 anticipate your answer. I would just ask that we try
2 to do the best we can to wait until each of us is done
3 speaking so that the court reporter can get down the
4 full question and the full answer, okay?

5 A. Okay.

6 Q. All right. Do you have any questions before we begin?

7 A. No, I do not.

8 MS. DeFILIPPO: Okay. We've been provided
9 with your CV and we're marking it as Exhibit 1.

10 MARKED FOR IDENTIFICATION:

11 DEPOSITION EXHIBIT 1

12 2:34 p.m.

13 BY MS. DeFILIPPO:

14 Q. Can you just look at your CV and tell me if it's
15 accurate and up-to-date?

16 A. To the best of my knowledge it's accurate. It
17 indicates the last assignment was 2001 to present. I
18 retired from DaimlerChrysler in December, 2005, and so
19 this really ends at that period. I have not updated
20 it since that point in time.

21 Q. Okay. So are you currently employed?

22 A. No.

23 Q. From 2005 to the present time did you hold any other
24 employment?

25 A. No.

- 1 Q. So what would you update it with from 2005 until now?
- 2 A. That's why I didn't update it.
- 3 Q. Okay. So it is up-to-date to today, correct?
- 4 A. No, it's not because --
- 5 Q. Because "present" should be "2005" and then it would
- 6 be up-to-date?
- 7 A. Correct.
- 8 Q. Okay. So you retired in 2005 as director at Chrysler
- 9 of --
- 10 A. DaimlerChrysler.
- 11 Q. DaimlerChrysler of hybrid and electric vehicles and
- 12 Government applications?
- 13 A. Correct.
- 14 Q. Does anything about your position from 2001 to 2005
- 15 include any duties, responsibilities, or any
- 16 involvement with the Jeep cars?
- 17 A. No, it did not.
- 18 Q. So is it fair to say that the last time that you had
- 19 any involvement with Jeeps was in 2000?
- 20 A. No.
- 21 Q. Okay.
- 22 A. It was the previous assignment. 1994 was the last
- 23 involvement I had with Jeep vehicles.
- 24 Q. Okay. So then let me take you back to Page 1. I'm
- 25 sorry to make you turn the page, but the next

1 generation vehicles, what are they?

2 A. The Partnership for Next Generation Vehicle or New
3 Generation Vehicle, PNGV, was a joint
4 Government/industry collaborative effort to redesign
5 the automobile and achieve a breakthrough fuel economy
6 performance for the vehicle. It was participated in
7 by many Government agencies, as well as the three
8 Detroit-based OEMs as a research activity.

9 Q. But you did it in your capacity as director at
10 Chrysler?

11 A. I was the director for Chrysler to the program. There
12 were similar individuals at Ford and at GM that served
13 their role for their company.

14 Q. So, and correct me if I'm wrong, in that position as
15 director of the next generation vehicles for a program
16 that was not just including Chrysler, did that mean
17 that you didn't have any duties at Chrysler, per se,
18 with respect to any cars?

19 A. The purpose of the program was really to identify
20 breakthrough technology in principally the Government
21 research laboratories, university research
22 laboratories, and other Government-sponsored research
23 activities that could be brought into the industry to
24 enhance the fuel economy performance of U.S. vehicles,
25 be it GM, Ford, or Chrysler, and my role was to

1 function as the, I don't know, go-between, if you
2 will, between the collaborative efforts of the
3 partnership program and our company to try and bring
4 those technologies into the company.

5 I would periodically expose breakthrough
6 technologies or new technologies to individuals within
7 Chrysler as we, you know, attempted to achieve
8 improved fuel economy and targets for our vehicle.

9 Q. Did any of your duties or responsibilities in your
10 capacity as director of next generation vehicles have
11 anything to do with safety issues on the vehicles?

12 A. In the broadest possible sense it did because we were
13 looking at every possible technology from liquid
14 hydrogen fuel sources that had one set of safety
15 concerns through to lightweight composite materials
16 that had another, to different powertrain
17 configurations, different structural considerations,
18 different types of energy storage systems, be they
19 battery, flywheel, ultra capacitor.

20 Each sort of had their own safety concerns,
21 and we were sort of trying to maintain a high-level
22 awareness of what potential safety issues could come
23 with that technology, to be aware of them to evaluate
24 if and whenever the technology became of production
25 interest downstream, but none of this technology, at

1 least to my recollection during my tenure, ever really
2 transitioned from the program into Chrysler or the
3 other automotive companies. It was still all on a
4 research basis.

5 Q. Can you tell me before coming here today if you
6 reviewed any documents or anything written?

7 A. No, I did not.

8 Q. Did you review any tapes or anything that was spoken
9 or on video or anything?

10 A. The only thing that I came across that was remotely
11 associated with this was last week on television there
12 was a news article concerning a Jeep fuel tank.

13 Q. What news article was that?

14 A. I don't recall specifically. It was on one of the
15 nightly news report, you know, programs. I just
16 happened to notice it in passing as I was walking
17 through that it was talking about Jeep fuel tanks.

18 Q. Did it say anything in particular that you recall?

19 A. Other than what I've just related, no, it didn't,
20 because I sort of caught it in the middle.

21 Q. It was in Michigan, correct?

22 A. Yes.

23 Q. Do you know what --

24 A. Well, I saw it in Michigan. Whether it was the local
25 news station or the network news, I don't really

1 recall.

2 Q. Do you know what network it would have been?

3 A. No.

4 Q. And do you remember anything about it other than that
5 it was a fuel tank issue in the Jeep?

6 A. Not really.

7 Q. Okay. So that doesn't really qualify as something
8 that you went out purposely and reviewed?

9 A. Absolutely not.

10 Q. Did you know anything about this case before you came
11 here today?

12 A. No -- well, other than what I discussed with my
13 attorney a few weeks ago.

14 Q. You don't have to tell me anything about your
15 discussions with your attorney, but you received a
16 subpoena to come here today, correct?

17 A. Correct.

18 Q. And when you received the subpoena, did you know
19 anything about the case?

20 A. No.

21 Q. Can you give me the benefit of your educational
22 background? I see on this CV, it indicates here that
23 you have a bachelor of science in mechanical
24 engineering?

25 A. Uh-huh, that's correct, from Illinois Institute of

1 Technology, and I have a master's of science in public
2 administration from DePaul University.

3 Q. Do you have a physics degree?

4 A. No.

5 Q. What happened between 1969 and 1972?

6 A. In 1969, I began full-time employment.

7 Q. Where did you begin employment?

8 A. In 1969 through 1973, I was employed by the City of
9 Chicago.

10 Q. In the Department of Transportation?

11 A. Uh-huh.

12 Q. What did you do for them?

13 A. I was -- you know, I began as an entry-level engineer
14 and essentially worked on a variety of traffic-related
15 studies primarily, again, it ended up being a
16 federally-sponsored program on traffic-flow
17 efficiency, and we did a lot of analytic studies of
18 traffic-flow performance at intersections to identify
19 potential improvements the city could make at
20 intersections, widening lanes, changing traffic
21 control devices and so on to improve traffic flow and
22 efficiency.

23 Q. So is it fair to say that while you were still an
24 engineer for the City of Chicago, Department of
25 Transportation, that you started your master's program

1 in business administration?

2 A. Exactly. It was a part-time evening program.

3 MS. JEFFREY: Just make sure she's done
4 asking her question because the two of you were
5 talking at once basically.

6 MS. DeFILIPPO: I'll do the same thing.

7 BY MS. DeFILIPPO:

8 Q. I understand what you're saying, but unfortunately,
9 we've got to have respect for the court reporter.

10 A. Certainly.

11 Q. So you started the master's program. What was the
12 reason for that; did the Department of Transportation
13 require it or did you just do it on your own, or what
14 was your thought at that time?

15 A. Well, it essentially was a career enhancement. It was
16 really public service administration is the actual
17 title of the program at DePaul, and it was furtherance
18 of my education with respect to my assignments with
19 the City of Chicago.

20 Q. And then you left the City of Chicago and went to
21 Illinois Institute of Technology?

22 A. Research Institute, correct.

23 Q. And you did some work in mechanical engineering?

24 A. Uh-huh.

25 MS. JEFFREY: Yes or no.

1 BY MS. DeFILIPPO:

2 Q. You have to say yes.

3 A. Yes.

4 Q. And from there, you went to American Motors?

5 A. Yes.

6 Q. Okay. So you started with American Motors in 1984 as
7 chief engineer. Was there any particular vehicle that
8 you worked with?

9 A. Well, at AMC at that point in time, it was all of the
10 American Motors passenger cars, which were Renault
11 cars at that point in time and the Jeep line of
12 vehicles, and my responsibility was supporting the
13 product with, as it indicates there, various testing
14 activities throughout American Motors.

15 Q. So in 1984 when you first started with American
16 Motors, what were the Jeeps?

17 A. In 1984, Jeep product line consisted of the XJ
18 Cherokee, the SJ Grand Wagoneer, the derivative pickup
19 truck off the SJ. I believe those were the three Jeep
20 vehicles.

21 Q. What was the derivative pickup off the SJ?

22 A. It was a full-size pickup. I don't remember what it
23 was called, J8 or some such thing. I really don't
24 remember. It was a full-size pickup truck off of the
25 full-size Jeep.

1 Q. Did it have -- did it resemble in any way the
2 full-size Grand Wagoneer?

3 A. The front portion of the vehicle was similar up to the
4 B-pillar. Certainly the exterior was similar. Behind
5 that it was different.

6 Q. It was a pickup?

7 A. Right.

8 Q. Was it open bed?

9 A. Yes.

10 Q. Was there a pickup off the XJ in 1984 and '5 when you
11 were at American Motors?

12 A. There was in I believe it was '85 or '86, the
13 derivative pickup off the XJ platform was the Comanche
14 pickup truck. I believe it was '86 but I'm not 100%
15 certain as to the date.

16 Q. Did you have any involvement with the Comanche, also?

17 A. Well, again, at that point I was responsible,
18 depending on what part of the development program
19 you're looking at, for not only doing some of the
20 testing of the vehicle but for some of the analytic
21 calculation work that was done for it as well.

22 Q. Could you tell me where the SJ, the Grand Wagoneer's
23 fuel tank was located in 1984 to 1985?

24 A. I really don't know.

25 Q. How about the XJ Cherokee; do you know where the

1 location of the fuel tank was in 1984 and '85?

2 A. I have no recollection of that.

3 Q. And the Comanche, do you recall where the location of
4 the fuel tank was in those years?

5 A. No.

6 Q. At any time do you recall the location of the fuel
7 tank of any of those vehicles, the Comanche, the
8 Cherokee XJ or the SJ or the pickup off the SJ?

9 MS. JEFFREY: Object to form.

10 A. Could you please repeat it?

11 BY MS. DeFILIPPO:

12 Q. After 1985.

13 A. Oh, after 1985.

14 Q. I asked you about the time period from '84 to '85, and
15 I'm asking you now at any time after 1985, did you
16 become aware of the location of the fuel tanks of any
17 of those four vehicles?

18 A. I'm sure at the time I was aware of where it was
19 located. At this point I have no recollection of
20 where specifically it was located.

21 Q. Okay. And did you have any involvement in design or
22 development of any of those four Jeep models?

23 A. No, I did not.

24 Q. It's fair to say most of your involvement was in
25 testing?

- 1 A. Correct.
- 2 Q. And when you say testing, are you testing, doing crash
3 tests?
- 4 A. No. The area of crash testing and fuel economy
5 testing was done within a separate group at American
6 Motors.
- 7 Q. What was that group called if you recall?
- 8 A. I really don't. I really don't recall.
- 9 Q. So your tests were aerodynamic tests and noise and
10 vibration tests and the kinds of things that you
11 mention here?
- 12 A. Uh-huh, exactly.
- 13 Q. Okay. Now how is it that you went from or
14 transitioned from American Motors to DaimlerChrysler
15 or to Chrysler?
- 16 A. Well, they chose to buy American Motors.
- 17 Q. So you went with them?
- 18 A. Yes.
- 19 Q. But you had to be asked to go, is it fair to say; I
20 mean, you didn't just go?
- 21 A. That's correct, every professional individual was
22 asked -- well, those that were selected were invited
23 or were asked whether they wanted to assume a position
24 with Chrysler at that point in time.
- 25 Q. Were some not asked?

1 A. I believe so.

2 Q. Do you know who they were?

3 A. No.

4 Q. Did you work with any people that were not asked, any
5 titles you remember if you don't remember names?

6 A. I don't really remember, I really don't.

7 Q. Is it fair to say that the people that you worked with
8 all moved over as far as you're concerned?

9 A. I don't really know because my -- in addition to
10 moving corporation, my assignment changed. So I had
11 some responsibility for trying to integrate the
12 functional capabilities as well as the staffing of the
13 American Motors side of the organization with the
14 Chrysler side of the organization to try and place the
15 people or place the facilities within the Chrysler
16 umbrella at that point in time. Specifically I really
17 don't have a recollection on the individuals or
18 facilities for that matter.

19 Q. I want to just take you back to the American Motors
20 reference from '85 to '87 where you say that you were
21 responsible for providing all technical support
22 services for vehicle development and engineering
23 within AMC on all Jeep platforms, right?

24 A. On Jeep and AMC passenger car platforms.

25 Q. With specific reference to the Jeep, what does that

1 mean; what exactly did you do?

2 A. Well, again, it meant all of the family of Jeep
3 vehicles as we previously discussed, the XJ vehicle,
4 the MJ vehicle, the SJ vehicle, all of the
5 productionized Jeep vehicles and the AMC car platforms
6 which at that time was -- well, at the time of the
7 merger, it was the Medallion vehicle and the Premier
8 vehicle were the two AMC passenger cars as I recall.

9 Q. But my question is: What does it mean when you say
10 you provided all technical support services for
11 vehicle development and engineering? Can you be more
12 specific or give me an idea because I don't really
13 understand what that means.

14 A. Okay. The position I had in '85 through '87
15 incorporated the function of the position I had from
16 '84 to '85. So functionally those were the test
17 laboratories, were the same laboratories. There was
18 at that point in time a different chief -- or there
19 was a different set of managing engineers that
20 reported to me as the director. In addition, there
21 were the proving ground facilities in Wisconsin and
22 Yuma, Arizona, and the analytic modeling group that
23 was located in Detroit.

24 Q. Did the tests that you're describing in 1985 or '87
25 include crash tests?

1 A. Again, not as part of my responsibility. That was
2 still part of a separate department at American
3 Motors. The crash test facilities were housed within
4 the proving ground facilities at Wisconsin, and we
5 sort of, you know, were the landlord for the
6 facilities, if you will, but I had no responsibility
7 for any of the crashworthiness or safety testing.

8 Q. So with respect to the vehicle development and
9 engineering, what exactly did you do in terms of the
10 Jeep vehicles for development and engineering?

11 A. Again, it was essentially the same functions of
12 aerodynamic, thermodynamic testing, vehicle dynamic
13 performance, noise and vibration, stress analysis on
14 componentry for the vehicles, looking at material
15 standards for the vehicles, as well as doing the
16 durability testing for the vehicles, driving them over
17 certain types of road features, cobblestone, dirt
18 road, paved road and so on for X amount of miles to
19 ensure the durability/reliability of the vehicles,
20 looking at the corrosion performance of the vehicles,
21 looking at the on-road dynamics of the vehicles.

22 Q. And in that capacity, did you make any engineering
23 changes which were put into production with these
24 vehicles?

25 A. No, that was not my responsibility. My responsibility

1 was the testing portion of it, and the responsible
2 design engineer would be the one who would interpret
3 the data we were providing.

4 Q. So you didn't actually make a recommendation based on
5 that data?

6 A. No, no.

7 Q. You just did the testing and forwarded the data?

8 A. Correct.

9 Q. Now transitioning into Chrysler, did you transition
10 into the Jeep division of Chrysler with your cars?

11 A. Well, at the time of that merger, the company was
12 organized into a Jeep and Truck group which I was part
13 of that handled the Jeep vehicles and the truck
14 vehicles, including the Dodge truck line. The
15 passenger car functions were transferred to the
16 Chrysler passenger car group, I believe, at the time.

17 Q. So you didn't work in the passenger cars anymore after
18 that?

19 A. Correct.

20 Q. No more passenger cars for you?

21 A. Correct.

22 Q. It was all Jeeps and all trucks, correct?

23 A. Correct, all the time, correct.

24 Q. And was that going forward now?

25 A. That was going forward through '94, yes.

1 Q. Okay. That's the timeframe I want to focus on. Was
2 that good in your opinion; did you want that, did you
3 like that idea of not having to deal with the
4 passenger cars?

5 A. Well, certainly we were part of a much larger company,
6 and the product line was getting to be very broad.
7 Even within the Jeep and Truck group, the product line
8 was quite extensive. I believe there were six or
9 seven individual platforms that I did have
10 responsibility for just on the Jeep and Truck side.

11 Q. And when you say you had responsibility for these
12 product lines, can you tell me hands-on what did you
13 actually do in, let's say, the timeframe of '87 to '90
14 when you were director of Chassis Drivetrain
15 Engineering of Jeep/Truck?

16 A. Well, as director, I was responsible for the group
17 that had component design release responsibility for
18 all of the various chassis components, brakes, wheels,
19 tires, exhaust system, control system, fuel system of
20 the vehicle, as well as the drivetrain side which
21 included axles, transmissions, four-wheel drive
22 systems, everything that was under the vehicle
23 basically.

24 Q. And was this the same type of testing that you had
25 been doing at AMC?

1 A. No, it wasn't testing at all.

2 MS. JEFFREY: Object to form.

3 MS. DeFILIPPO: He can answer.

4 MS. JEFFREY: I object to the form of that
5 but go ahead. He answered it.

6 A. It wasn't testing at all. At that point in time, I
7 was responsible for component design and release of
8 the production components. I no longer was
9 responsible for any of the testing of those
10 components.

11 BY MS. DeFILIPPO:

12 Q. Okay. So is a fuel system a component?

13 A. Well, it consists of a number of components, yes.

14 Q. But as a component group, let's say, you were
15 responsible for the design of the fuel systems in the
16 1987 to 1990 timeframe?

17 A. Correct.

18 Q. Who did you report to directly?

19 A. I believe for a portion of it I reported directly to
20 Francois Castaing, and for another portion of it, I
21 reported to Bernard Robertson. Somewhere in the late
22 '80s, and I don't remember the exact date, Bernard
23 Robertson came in as, I don't know, I think it was
24 general manager of Jeep and Truck, and I believe at
25 that point in time I reported to him. Prior to that,

1 the group reported directly to Francois Castaing but
2 the dates are -- I'm not 100% certain on the dates.

3 Q. And I think you said that the chassis included the
4 fuel systems, correct?

5 A. Correct.

6 Q. So when we look at the schematics of the hierarchy of
7 the company in the chassis section, that would include
8 the fuel systems?

9 MS. JEFFREY: Do you understand that?

10 BY MS. DeFILIPPO:

11 Q. Do you understand what I'm saying?

12 A. Not exactly.

13 Q. I'm going to have to get you a document.

14 I'm going to show you what was marked
15 yesterday as Castaing Exhibit 1, and can you look at
16 the exhibit and tell me if you can identify what it
17 is?

18 A. It is an organization chart of Jeep and Truck
19 Engineering in December of 1987, and therein it shows
20 my position as director of Drivetrain and Chassis
21 Engineering reporting to Castaing.

22 Q. Okay. Where do you see that -- I see it, okay. So
23 you're looking at the first page actually after the
24 cover page, and the cover page indicates Jeep and
25 Truck Engineering Organization Charts?

1 A. Uh-huh.

2 MS. JEFFREY: It's a yes?

3 A. Yes, yes, yes.

4 BY MS. DeFILIPPO:

5 Q. Have you ever seen this document before, these
6 documents?

7 A. I'm sure I have.

8 Q. Okay. And if you'll look at the rest of the charts,
9 do you know if you are indicated anywhere else?

10 A. Yes, about, I don't know, three pages in or so there's
11 a detailed chart.

12 Q. Of the Drivetrain and Chassis and you're at the head
13 of that, correct?

14 A. Correct.

15 Q. The director. Anywhere else?

16 MS. JEFFREY: Take your time to look
17 through it.

18 A. I haven't seen these in years.

19 BY MS. DeFILIPPO:

20 Q. They all have headings, and maybe that will help you
21 out more than it will me.

22 A. No, I don't believe I'm referenced anywhere else in
23 this document.

24 Q. So at least in 1987, we know that you reported
25 directly to Francois Castaing?

1 A. Correct.

2 MS. DeFILIPPO: I'm going to mark this as
3 Exhibit 2.

4 MARKED FOR IDENTIFICATION:

5 DEPOSITION EXHIBIT 2

6 3:04 p.m.

7 BY MS. DeFILIPPO:

8 Q. I'm going to mark Viergutz 2. Do you recognize --
9 just briefly do you recognize that document?

10 A. No.

11 Q. Okay. Can I have it back for a minute and I'll direct
12 you where I want you to look. For the record, the
13 Viergutz 2 indicates it's an N-Body Truck Program
14 Chrysler Motors Engineering Program Review Meeting
15 book dated February 11th, 1988 at 1 p.m.

16 In looking at just the cover of this book,
17 and it's bound in like a spiral binding, have you ever
18 seen this book before?

19 A. Not to my recollection. I know what the N-body
20 program was, but I don't recall a document that looks
21 like that.

22 Q. What was the N-body program?

23 A. That was the program for the Dakota pickup truck
24 vehicle.

25 Q. And did it have anything to do with the Jeeps that you

1 worked on, or did you have anything to do with the
2 N-body program?

3 A. Well, it was a truck vehicle. Therefore, in the
4 timeframe we referenced of '87 to '90, I would have
5 had responsibility for the production chassis
6 components of that vehicle.

7 Q. And that would include the fuel system?

8 A. Could have. One of the issues I believe I recall with
9 the N-body program is I believe it had begun prior to
10 the merger with American Motors and, therefore, some
11 of it was being handled by the Chrysler side of the
12 corporation and some of it was being handled by the
13 Jeep/Truck portion of the corporation. So it's
14 conceivable that I had component responsibility for
15 the fuel system of that vehicle, but I don't really
16 recall.

17 Q. Okay. Was there a design of the Jeep Grand Cherokee
18 ZJ which was being done at American Motors before the
19 merger?

20 A. What do you mean by design?

21 Q. Had that vehicle begun its design phase while it was
22 at American Motors Company?

23 A. I believe the production -- I don't know I guess is
24 the simple answer.

25 Q. The production of the ZJ was begun in '92, correct?

- 1 A. Correct.
- 2 Q. Okay. And it came out as a '93 vehicle, correct?
- 3 A. Uh-huh.
- 4 Q. You have to say yes.
- 5 A. Yes.
- 6 Q. Okay. So what I'm really asking you is did the actual
7 engineering design, did that begin at Chrysler, or did
8 that begin at American Motors?
- 9 A. I don't know. I believe it would have begun at
10 American Motors.
- 11 Q. And what leads you to believe that?
- 12 A. That before it went into a production program, it
13 would have had to go through advanced engineering or
14 pre-production program not within the design groups
15 but within the advanced engineering group prior to the
16 program being approved, and that was actually ahead of
17 the normal design cycle wherein the various production
18 groups would have gotten involved with the vehicle.
19 In order for it to be a '92 launch vehicle, it would
20 have had to begin more than four years ahead of
21 product launch.
- 22 Q. Why is that?
- 23 A. Because a vehicle is a complicated thing.
- 24 Q. I understand that, but run me through the design
25 process, if you would, in a general sense.

1 MS. JEFFREY: Object as to form. If you
2 can.

3 A. Well, initially a concept design is done within an
4 advanced group, and therein a lot of alternatives are
5 looked at to try and define the parameters of what the
6 vehicle should ultimately look like. The size,
7 performance, component placement, basic layout of the
8 vehicle are all done and iterated numerous times in
9 the production phase. That may take a year or longer
10 to go through that phase of the vehicle.

11 Then once an advanced design is approved
12 and handed off to the component design groups, each
13 design group then has to go through transferring those
14 product definitions, concept definitions,
15 specifications through to actual detailed designs of
16 hardware, engineer it, do the analytic work, do the
17 detailed design work necessary and begin a
18 manufacturing prove-out or feasibility study of the
19 componentry that goes into the vehicle, then integrate
20 the individual components into systems or vehicles to
21 do vehicle level evaluations of performance of the
22 components and then ultimately get into a design
23 freeze stage of it where that is the way it's going to
24 look with the production vehicle, make the prototype
25 components and go into the durability and reliability

1 testing of the vehicle. Each of those steps takes
2 approximately six to eight months to complete.

3 BY MS. DeFILIPPO:

4 Q. Now did you have any part in any of those steps with
5 respect to the ZJ?

6 A. Some of the component design work for the ZJ would
7 have been done within my group in Chassis Drivetrain
8 Engineering during that '87/'90 timeframe of the
9 vehicle.

10 Q. Do you know who Paul Sheridan is?

11 A. I've heard the name. I believe at one point in time
12 he worked in one of my groups, actually in the '91 to
13 '94 timeframe within Engine Engineering, I believe,
14 but I would have to refer to something to see if that,
15 in fact, is the case.

16 Q. Do you recall him in any way as he was working either
17 with you or within the company?

18 A. As I recall, he was something like an assistant
19 program manager, and I didn't have a lot of direct
20 contact with him.

21 Q. Do you know if he headed a safety committee within the
22 company Chrysler?

23 A. Not to my knowledge.

24 Q. Do you know of a committee called the safety
25 leadership team?

1 A. I don't recognize that term.

2 Q. This document that we've marked as Viergutz 2 is a
3 document that comes out of a Jeep and Truck
4 Engineering N-Body Truck Program, and what looks to me
5 like it's a meeting minute page for prior meeting on
6 January 14th of 1988, there is an indication that you
7 were an attendee of this particular meeting. Is that
8 fair to say? You can look at the document.

9 A. Yes, my name is there and it's likely I was in
10 attendance at the program review. There were monthly
11 reviews on each of the product lines, so there were
12 some six or seven of those types of reviews conducted
13 every month.

14 Q. Okay. And I'm going to represent to you that this
15 document was put together by Paul Sheridan and he, I
16 believe, authored the minutes of the prior meeting
17 that was on January 14th. This one is for an agenda
18 for a meeting on February 11th of 1988, and I see that
19 in attendance with you was Mr. Castaing who you
20 reported to at the time, correct?

21 A. If the date reflects that, yes.

22 MR. FUSCO: Counsel, before you continue,
23 has that document been produced in discovery?

24 MS. DeFILIPPO: I don't know.

25 MR. FUSCO: You don't know?

1 MS. DeFILIPPO: I don't know offhand. It
2 might have been part of our expert's -- it might have
3 been part of his report.

4 MR. FUSCO: That document, itself?

5 MS. DeFILIPPO: Yeah. He might have made
6 it part of the first report. He's done two.

7 MR. FUSCO: I'll check.

8 MS. DeFILIPPO: You can check.

9 MS. JEFFREY: Has the second report been
10 produced?

11 MS. DeFILIPPO: Yes.

12 MS. JEFFREY: I haven't seen it, not that I
13 would get it necessarily.

14 MS. DeFILIPPO: Yes, it has. You should
15 get it because I think you're on the list to get
16 everything.

17 MS. JEFFREY: Okay.

18 MR. FUSCO: You're telling us it's been
19 produced?

20 MS. DeFILIPPO: I'm telling you that it
21 probably was an addendum to one of his two reports but
22 I'm not positive. I can't be positive.

23 BY MS. DeFILIPPO:

24 Q. Also in attendance in these meetings was a person
25 named SW Crater. Do you know who he is?

- 1 A. No recollection.
- 2 Q. It doesn't ring a bell at all, right?
- 3 A. No.
- 4 Q. I'm going to ask you to look at Page 20 and just ask,
5 does that document refresh your recollection as to who
6 Mr. Crater is?
- 7 A. No.
- 8 Q. Do you know who DE Dawkins is?
- 9 A. I'm familiar with Dale Dawkins.
- 10 Q. And who is he?
- 11 A. My recollection of Dale was he was head of program
12 management for some portion of the company. Whether
13 it was on the Jeep/Truck side or Chrysler side, I
14 don't really recall at this point.
- 15 Q. Was there any relationship between the Jeeps and the
16 N-body truck?
- 17 A. Well, the -- I don't know what you mean by
18 relationship I guess is the problem.
- 19 Q. Was there ever a situation where there was discussions
20 about developing the N-body into an SUV?
- 21 A. None that I'm aware of. It's conceivable there were
22 but certainly none that I was aware of.
- 23 Q. Was there a Dodge vehicle that was being developed as
24 an SUV at the same time that the Grand Cherokee was
25 being considered for production or development?

1 A. I believe there was an SUV Ram vehicle based off the
2 larger pickup truck, the A-275 pickup truck that was
3 in production at the time, Ram Charger something I
4 think may have been the product name of it, but I
5 don't remember any new SUV being developed in that
6 timeframe, no, part of it because the corporation was
7 leaning to simplifying the product offerings, reducing
8 the number of different platforms that were being
9 offered and trying to simplify it around a certain
10 number of Jeep vehicles and truck vehicles and
11 passenger car vehicles.

12 Q. What is a buck?

13 A. A buck is a mock-up of a portion of a vehicle product,
14 whether it's an interior, interior could consist of a
15 seat or instrument panel. Exterior could consist of a
16 suspension buck where you would have one corner of the
17 vehicle mocked up showing the geometry of various
18 componentry, placement of various componentry, the way
19 the components interact with each other, and there
20 were multiple bucks that were done as part of a
21 vehicle design program for everything from bodies to
22 interiors to chassis components, drivetrain
23 components.

24 Q. Was there a buck for fuel systems?

25 A. Typically the bucks were done within the packaging

1 group that was sort of responsible for the overall
2 interrelationship of the components on the vehicle.
3 Where one component fit with another component was the
4 responsibility of the packaging group, and they
5 typically maintained most of the bucks. The only
6 bucks that were done within the component design
7 groups were pretty specific to looking at resolving a
8 particular issue that came up as part of a design and
9 study.

10 Q. So the buck, itself, is it a tangible thing?

11 A. Yes, it's hardware. It's an attempt to show the
12 relationship of one hardware component to another as
13 it would be in the vehicle.

14 Q. But is it actual size and shape?

15 A. Yes.

16 Q. It is?

17 A. It often -- it's a meld of carry-over production
18 hardware with new proposed production hardware to see
19 if the geometry allows the two to work together, to
20 function together.

21 Q. Did the ZJ replace the Grand Wagoneer as a vehicle at
22 Chrysler?

23 A. Not to my knowledge, no.

24 Q. Did anything replace the Grand Wagoneer?

25 A. No.

1 Q. Was that an SJ vehicle?

2 A. Yes.

3 Q. And would you consider that an SUV?

4 A. Yes.

5 Q. Was it the first SUV that Chrysler made?

6 A. Well, it's a bit of a mixed metaphor because it
7 existed long before Jeep was part of Chrysler, long
8 before. It was a vehicle that went back probably 10
9 years prior to the merger with Chrysler and was an
10 American Motors SUV at that point in time. Again, I
11 believe Chrysler had the Ram based SUV also about that
12 same point in time.

13 Q. So when you merged, when AMC merged with Chrysler,
14 Chrysler had an SUV?

15 A. Yes.

16 Q. In production?

17 A. I believe it did. I believe it had the Ram Charger at
18 the time.

19 Q. The Ram Charger?

20 A. Uh-huh.

21 Q. And was that built on any specific body?

22 A. I believe -- well, it used componentry, some common
23 componentry with the full-size pickup truck, the Ram
24 pickup truck.

25 Q. And that was already in production when the Grand

1 Wagoneer was brought over from AMC?

2 A. I believe so.

3 Q. And they were being produced at the same time?

4 A. Yes.

5 Q. And were they both unibody constructions?

6 MS. JEFFREY: Object to form.

7 A. I don't know is the answer. I truly don't know.

8 BY MS. DeFILIPPO:

9 Q. Do you know if either was or any of them, either the
10 Ram Charger or the Grand Wagoneer were unibody
11 construction?

12 A. No. I've lost any recollection of that.

13 Q. Do you know where the location of the fuel tank was on
14 the Ram Charger?

15 A. No.

16 Q. Do you know what FMEA stands for?

17 A. I know one version of it, yes.

18 Q. What is it?

19 A. Failure Modes and Effects Analysis.

20 Q. And what is that?

21 A. It's a fairly formal analytic process for looking at
22 the way an individual component failure may affect
23 overall subsystem, system, and vehicle level
24 functionality.

25 Q. And was there an FMEA done for the fuel system of the

1 Jeep ZJ?

2 MS. JEFFREY: Fuel system? Object to form.

3 Go ahead.

4 BY MS. DeFILIPPO:

5 Q. You can answer.

6 A. I don't know.

7 MS. DeFILIPPO: What's your objection to
8 the form of that?

9 MS. JEFFREY: Well, he said it was looking
10 at how a component failure affected, so I don't know
11 that --

12 MS. DeFILIPPO: I think he defined the fuel
13 system as a component.

14 MS. JEFFREY: I withdraw the objection.

15 BY MS. DeFILIPPO:

16 Q. So you don't know if an FMEA was done with respect to
17 the fuel system or any of its individual components?

18 A. I don't know with certainty whether it was done,
19 correct.

20 Q. At any time?

21 A. At any time.

22 Q. Would you expect that it would have been done?

23 A. I would have thought it would have been done.

24 Q. And why?

25 A. As part of an overall engineering program, it is one

1 of the steps that is normally taken.

2 Q. Is the FMEA done prior to production or during
3 production or both or something else?

4 A. It can be done both. Typically it's done prior to
5 production.

6 Q. And where would you find the FMEA of the fuel system
7 and any of its components as a document; where would
8 that be located?

9 MS. JEFFREY: And are you talking about the
10 ZJ?

11 MS. DeFILIPPO: Yeah.

12 A. The simple version is I don't know. I would expect
13 that if it were done, the component responsible
14 engineer would be the one responsible for doing the
15 FMEA and having the associated documentation.

16 MS. DeFILIPPO: Would you repeat that?

17 (The requested portion of the record was
18 read by the reporter at 3:28 p.m. as
19 follows:

20 "Answer: The simple version is I don't
21 know. I would expect that if it were done,
22 the component responsible engineer would be
23 the one responsible for doing the FMEA and
24 having the associated documentation.")

25 BY MS. DeFILIPPO:

1 Q. Were you the component responsible engineer for the
2 fuel systems on the ZJ?

3 A. No. That would be the individual engineer three or
4 four levels below my function at the corporation.

5 Q. Would you also get a copy of what that engineer had
6 done in your capacity?

7 A. No.

8 Q. Why not?

9 A. It is part of one of the engineering steps and
10 analyses that are done on any component, and I would
11 never receive those as part of routine business.
12 Frankly, it's -- the detail is of no relevance to me.
13 It resides with the engineer who makes the decision on
14 that component.

15 Q. So correct me if I'm wrong. If the FMEA is done on a
16 portion of, let's say, any component of the fuel
17 system or the entire fuel system and there's failure
18 noted, would you expect that that engineer who
19 conducted the FMEA would fix it and you would never
20 know that it ever failed in your capacity?

21 A. Well, I would not use the term "fix it". It would be
22 part of an engineering analysis, just as I would
23 assume that if the engineer did a calculation that
24 said the stress level for this component were too
25 great, that the engineer would take steps to modify

1 the design so that the stress level was within the
2 appropriate performance parameters. I would similarly
3 assume that based on what the results of an FMEA were,
4 the engineer would take steps to avoid the failure
5 pathway that that would indicate existed or potential
6 failure pathway that existed.

7 MS. DeFILIPPO: I'm going to show you a
8 document which I'm going to mark Viergutz 3. Take a
9 look at it and take your time.

10 MARKED FOR IDENTIFICATION:

11 DEPOSITION EXHIBIT 3

12 3:30 p.m.

13 (Recess taken at 3:30 p.m.)

14 (Back on the record at 3:45 p.m.)

15 BY MS. DeFILIPPO:

16 Q. Mr. Viergutz, would you tell me if you can identify
17 the document we have marked Exhibit 3?

18 A. I've never seen this particular document before. It
19 references an equivalent SAE spec that it was derived
20 from, I guess, and also the date of it is after the
21 timeframe we're talking about. So I don't have -- I
22 don't specifically recall this document now.

23 Q. Is there anything in the document as you have reviewed
24 it that references the Jeeps, the ZJ, the WJ?

25 A. Nothing in my brief review of the document.

1 Q. Is that a document that you would expect to see if an
2 FMEA was done with respect to the fuel system of the
3 Jeep?

4 A. My view is this is one form of an FMEA presentation,
5 and it shows examples and samples of various types of
6 analyses. I don't believe that's the only type, and I
7 don't believe that all of them are necessarily this
8 formal, no.

9 Q. But it is at least one type of way of reporting?

10 A. Absolutely.

11 MS. DeFILIPPO: I'm going to mark
12 Viergutz 4.

13 MARKED FOR IDENTIFICATION:

14 DEPOSITION EXHIBIT 4

15 3:48 p.m.

16 BY MS. DeFILIPPO:

17 Q. I'd ask you to look at This Corporate Organization
18 Directory, Chrysler Corporation. Can you identify
19 that document?

20 A. Again, I don't recall ever seeing this document. I
21 recognize some of the officers cited in it, but I
22 don't ever recall seeing this type of organization
23 directory before, no.

24 Q. Okay. I would direct your attention to Page 14-5,
25 they're listed at the top.

1 A. Yes.

2 Q. And on that page, it starts out with sales and
3 service, and it lists individuals on the left-hand
4 side and then their titles on the right; is that fair
5 to say?

6 A. Yes.

7 Q. And the individuals on the left-hand side, are they
8 Chrysler or were they Chrysler employees?

9 A. I recognize the name at the top. None of the other
10 names are familiar to me.

11 Q. Okay. But based on your review of the document, would
12 you expect that there would be a list of the Chrysler
13 employees and their positions?

14 A. I guess, yeah, I would expect that.

15 Q. And underneath that, it says dealer operations,
16 correct?

17 A. Uh-huh.

18 Q. And then it has a list of names, and to the right of
19 it their positions, correct?

20 A. Yes.

21 Q. And is it fair to say from looking at this document
22 that there were at least 20 or more positions which
23 dealt with dealer operations?

24 A. That's what this would indicate, yes.

25 Q. Did you have any duties or responsibilities or contact

1 with any dealers during your time at Chrysler?

2 A. No.

3 Q. Did you interface in any way with either dealer
4 operations, business management of dealers, dealer
5 real estate, franchise planning or administration,
6 dealer identities, dealer placement, market
7 representation, etcetera?

8 A. No.

9 Q. Can you tell me what hands-on job you did with respect
10 to designing the fuel system of the Jeep ZJ or WJ?

11 MS. JEFFREY: Object to form. What do you
12 mean by "hands-on"?

13 BY MS. DeFILIPPO:

14 Q. Hands-on. Do you understand what I mean?

15 A. Well, I understand what I mean by hands-on.

16 Q. Okay. What do you mean?

17 A. And in that context nothing. I did nothing hands-on
18 with regards to the ZJ or any other vehicle. That was
19 what my staff several levels removed was responsible
20 for.

21 Q. Were you responsible for approving what your staff
22 did?

23 A. In general, no.

24 Q. Did you in any way make suggestions about corrections,
25 changes, additions to the fuel system of the Jeep ZJ

1 or WJ?

2 A. We would have periodic design reviews within our
3 department, and various engineers, managers, chief
4 engineers could bring up whatever subject they felt
5 they wanted to or would be of interest to the group to
6 discuss and review to get additional insight into, and
7 opinions were freely shared within those meetings. I
8 cannot recall a specific review on the ZJ fuel system,
9 however.

10 Q. Do you have any documents which would evidence your
11 meetings or reviews of the ZJ fuel system or the WJ
12 fuel system?

13 A. I do not. I didn't take any documents when I retired
14 from the corporation.

15 Q. But they do exist or they did exist?

16 MS. JEFFREY: Object to form. You can
17 answer if you can.

18 A. Can you please repeat it?

19 MS. JEFFREY: She's saying they existed.

20 BY MS. DeFILIPPO:

21 Q. Documents exist that memorialize those design meetings
22 and reviews?

23 A. Within our department, the meetings were more informal
24 than that. The documentation was typically
25 working-level design analyses or drawings or something

1 of that sort, and typically minutes were not produced
2 as a result of those reviews.

3 Q. Were there any documents, however, that memorialized
4 the design of the fuel system of the ZJ or the WJ that
5 you were aware of that you didn't take?

6 A. Well, certainly there are design drawings of the
7 system that existed at the time. Beyond that, I
8 really don't know.

9 Q. Were there any memos intracompany review documents or
10 any type of booklets similar to the N-body booklet,
11 anything in the nature of documentation that you did
12 not take that existed at the time?

13 MS. JEFFREY: He said he didn't take
14 anything. I don't understand the "did not take"
15 preface.

16 MS. DeFILIPPO: Because he said he did not
17 take any of them.

18 MS. JEFFREY: You're asking him if there
19 were any?

20 MS. DeFILIPPO: Yeah.

21 MS. JEFFREY: Okay.

22 A. None that I'm aware of. Again, they may or may not
23 exist, but I don't remember any documents calling out
24 the ZJ fuel system specifically.

25 BY MS. DeFILIPPO:

1 Q. Do you know where the tank was located in the Jeep ZJ,
2 the fuel tank?

3 A. As of seeing the show on TV a week ago, I'm aware of
4 where it's located. Prior to that, no, I'm not.
5 Certainly I was 20 years ago when the design was done
6 but subsequently lost any recollection of it until I
7 happened to see the show a week or so ago.

8 Q. So the show refreshed your recollection as to what you
9 knew 20 years ago?

10 A. Well, I would say it showed me where the tank was. It
11 didn't strike a recollection, per se, no.

12 Q. Okay. So 20 years ago when you knew where the tank
13 was located, can you tell me where it was located?

14 A. No.

15 MR. FUSCO: I object to the form.

16 MS. JEFFREY: Yeah, I do, too.

17 BY MS. DeFILIPPO:

18 Q. And today where was the tank located can you tell me?

19 A. I believe in the news show I saw, it was located on
20 the rear underbody of the vehicle.

21 Q. Rear underbody. Where in relation to the rear axle
22 was the tank located?

23 A. I believe it was behind the rear axle.

24 Q. Okay. And do you know why the tank was located in
25 that particular position on the Jeep ZJ and WJ?

1 A. No.

2 Q. Do you know if the tank was -- where the tank was
3 located on the WK?

4 MS. JEFFREY: You might want to start by
5 asking if he knows what that is.

6 A. Even though I've driven many of them, no, I don't.

7 BY MS. DeFILIPPO:

8 Q. So you know what a WK is then, correct?

9 A. Yes.

10 Q. It's the Jeep Grand Cherokee --

11 A. Yes.

12 Q. -- which replaced the WJ, correct?

13 MS. JEFFREY: I just did that so you would
14 wait until she's finished.

15 A. And I lost track of the nomenclature at that point, so
16 if you would please repeat.

17 BY MS. DeFILIPPO:

18 Q. Well, tell me what the WK is.

19 A. The WK was the Grand Cherokee vehicle from
20 approximately 2003 to 2009 model years.

21 Q. Okay. And you said you've driven them, correct?

22 A. Yes.

23 Q. Do you have one now?

24 A. No. We traded my wife's vehicle in last December.
25 She has had probably five of them.

1 Q. Five Wks?

2 A. Yes.

3 MS. JEFFREY: Wks?

4 THE WITNESS: Yes. She loves Jeeps.

5 BY MS. DeFILIPPO:

6 Q. Has the WK been replaced by the WL?

7 MS. JEFFREY: I object to form. It's not
8 accurate.

9 BY MS. DeFILIPPO:

10 Q. If you know?

11 A. What I believe it's been replaced by is something
12 called the WK2 but I don't really know.

13 Q. Did you say you did not know where the tank was
14 located on the WK?

15 A. Yes, I said no.

16 Q. In your capacity as executive engineer or as director
17 of the Chassis Drivetrain Engineering from 1987 to
18 1994, did you have any responsibility for crash
19 testing?

20 A. No.

21 Q. Did you get involved in any way in preparing the crash
22 test analysis directions, or were you viewing the
23 crash test results?

24 A. No.

25 Q. Did you know about the crash tests that were done

1 during that timeframe on the Jeep ZJs and the WJs?

2 A. I knew tests were done.

3 Q. And did you know that there was testing done to comply
4 with the Federal 301 requirement?

5 A. What is 301, please?

6 Q. It's the rear-end crash test, barrier test.

7 MS. JEFFREY: Along with other tests, the
8 301. It's not just rear testing.

9 MS. DeFILIPPO: I understand that.

10 A. Again, could you please repeat?

11 BY MS. DeFILIPPO:

12 Q. Relative to rear-end collision testing, it is
13 Government entitled FMVSS 301.

14 A. And the question is?

15 Q. So are you familiar with that testing?

16 A. I'm not familiar with the testing. I'm conceptually
17 aware there is FMVSS testing of some ilk that is
18 conducted.

19 Q. Do you know who designed the fuel tank to be behind
20 the rear axle in the ZJ and the WJ?

21 A. I believe the location of the tank for the ZJ was the
22 responsibility of the advanced packaging group.

23 Q. And who would that be?

24 A. I don't really recall who it would have been -- who it
25 was at that point in time.

1 Q. Would that document that we originally looked at give
2 you an idea of who it would be?

3 A. Well, the document we previously looked at had John
4 Kent there and that would have been --

5 Q. Would this document that we looked at previously,
6 Castaing 1, be able to help you indicate who was
7 responsible for the location of the fuel tank in the
8 ZJ and the WJ?

9 MS. JEFFREY: I'm just going object to form
10 as to the WJ. This is a 1987 document. It's a 1999
11 vehicle.

12 A. Okay. Could we try the question again?

13 MS. JEFFREY: She can read it back if you'd
14 like.

15 (The requested portion of the record was
16 read by the reporter at 4:02 p.m. as
17 follows:

18 "Question: Would this document that we
19 looked at previously, Castaing 1, be able
20 to help you indicate who was responsible
21 for the location of the fuel tank in the ZJ
22 and the WJ?")

23 A. Okay. I have no idea who it would have been for the
24 WJ because that would have occurred after I had moved
25 on. The ZJ would have been done within the timeframe

1 that it could either be the individual shown here,
2 John Kent, as of December of '87 or his predecessor,
3 and I'm not sure who his predecessor was.

4 BY MS. DeFILIPPO:

5 Q. Okay. I don't want you to guess, but do you have an
6 educated idea about who his predecessor was? Do you
7 mean predecessor or do you mean successor?

8 A. Pardon?

9 Q. Do you mean predecessor or successor?

10 A. Predecessor.

11 Q. That's a 1987 document?

12 A. Yes.

13 Q. I just want to make sure that it didn't go forward,
14 that's all.

15 A. No, the advanced packaging work of the ZJ could have
16 been done prior to December of '87. This document
17 refers to that timeframe and shows John Kent as the
18 person responsible for the group at that time, which
19 was essentially the post AMC/Chrysler merger
20 organization. The ZJ could have -- the advanced work
21 for the ZJ could have been done as part of the
22 American Motors advanced group prior to or during the
23 formative stages of the merger, and the individual who
24 was responsible for the advanced group at that point
25 in time is the individual I don't have clear

1 recollection of. Anything other than that would be
2 truly a guess.

3 Q. My recollection, and I could be wrong, but my
4 recollection yesterday with Mr. Castaing and my notes
5 reflect that he indicated that the person responsible
6 for the fuel system was you and that you were chiefly
7 responsible for the fuel system engineering in the ZJ.
8 Would he be wrong in that?

9 A. No. As you've just stated it, that would be correct,
10 my group would be responsible for the fuel system.
11 The caveat I would add is the production design
12 therein that, as I tried to describe earlier, the
13 design process has an advanced stage before the
14 vehicle goes to production engineering wherein the
15 geometry of the vehicle is decided upon, and that's
16 where the location of all of the componentry, the
17 major componentry of the vehicle would be decided
18 upon, including things such as the fuel tank location,
19 and so yes, I was responsible for engineering of the
20 production system, but that did not include the
21 location thereof.

22 Q. Really?

23 A. Really.

24 Q. Is the location an engineering concept or is that
25 something else?

1 A. One of the more difficult problems associated with
2 vehicle engineering is getting all of the componentry
3 to fit within the envelope of a vehicle, and typically
4 that could lead to more of the contentious discussions
5 between individuals of: I want to put my component
6 here. No, I want to put my component there.

7 And so a way to deal with that is to take
8 the responsibility away from those individuals that
9 have such a highly-vested interest in it and put it
10 with an advanced group that is responsible for the
11 overall packaging layout of the vehicle, which sort of
12 resolves those conflicts early on and says, okay,
13 here's the space we have for the rear seat, here's the
14 space we have for the tire, here's the space we have
15 for the spare tire, whatever, and those are where
16 they're going to be so they don't interfere with each
17 other, and then each of the design groups has that
18 envelope to work within and doesn't have to deal with
19 another design group.

20 Q. With each other, to argue with each other, it's an
21 advanced group that makes the decision of where the
22 components go?

23 A. Pretty much, yes.

24 Q. Okay. So it would be the head of that advanced group
25 that would decide the location of the fuel tank?

1 A. That's my belief, yes.

2 Q. And in the context of the ZJ, who was that?

3 A. Again --

4 Q. You think it was Kent?

5 A. It could have been a couple of individuals. John Kent
6 certainly is one person it could have been. I don't
7 have a clear recollection of who his predecessor was.
8 There are a couple of names that come to mind.

9 Q. Just tell me who they are. I'm not going to hold you
10 to them as definitely the ones but if you tell me who
11 they are at least as a starting point.

12 A. One name I believe is Chris Theodore.

13 Q. And did his name jump out at you from that Castaing 1?

14 A. His name is on that chart in a different capacity.
15 Well, I don't know.

16 On this chart he is shown as head of Engine
17 Engineering.

18 Q. Anyone else who it could have been?

19 A. I'm too fuzzy on the other individuals.

20 Q. Do you know personally either John Kent or Chris
21 Theodore?

22 A. You know, certainly we were compatriots, we were
23 associates in engineering. We got to know each other
24 pretty well.

25 Q. Do you still have contact with either of them?

1 A. No, no.

2 Q. And do you know if John Kent or Chris Theodore are
3 still with Chrysler?

4 A. I don't know about John Kent. I know Chris Theodore
5 is not.

6 Q. Do you know of any specific testing that was done to
7 test for crashworthiness of the Jeep ZJ?

8 A. I have no specific recollection of any testing done on
9 the vehicle. I have to believe it was done.

10 Q. Did you in your capacity as executive engineer of Jeep
11 Dodge and Truck or as the director of Chassis
12 Drivetrain Engineering have to sign off on the
13 vehicles as being either crashworthy or roadworthy or
14 ready to go to the public?

15 MS. JEFFREY: Object to form.

16 BY MS. DeFILIPPO:

17 Q. You can answer it.

18 MS. JEFFREY: If you can.

19 A. I have a recollection of -- well, no, in this
20 timeframe, I do not recall signing off on any
21 vehicles.

22 BY MS. DeFILIPPO:

23 Q. What vehicles were the ZJ's competition upon its
24 introduction to the public?

25 A. The number one was the Ford Explorer, and I forgot the

1 GM equivalent vehicle. It was a Blazer something but
2 I don't --

3 Q. Was the Mercedes-Benz a vehicle that was in
4 competition with the ZJ, the Mercedes SUV?

5 A. I don't know that Mercedes had an SUV in this
6 timeframe.

7 Q. Do you know where the fuel tank was located in the
8 Ford Explorer?

9 A. No.

10 Q. Which GM vehicle did you say was the competition for
11 the ZJ when it was introduced?

12 A. I believe it was a Blazer, but I believe they also
13 used that name on several different platforms, so I
14 don't specifically remember which one.

15 Q. Before 1992 when the ZJ went into production, were you
16 and the people that you worked with or under you at
17 Chrysler aware of problems that occurred with the Ford
18 Pinto in rear-end collisions resulting in post
19 collision fuel-fed fires?

20 MR. FUSCO: Object to form.

21 A. Certainly there was a high degree of awareness of the
22 Ford problem throughout the industry. Whether a given
23 individual was aware of it or not, I don't know. I
24 sort of had an anecdotal awareness. I knew such a
25 concern was there.

1 BY MS. DeFILIPPO:

2 Q. And were you aware that the fuel tank in the Pinto was
3 in the rear crush zone where it could be impacted and
4 cause a post collision fuel-fed fire?

5 MR. FUSCO: Object to the form.

6 A. No, I didn't know it was there. I certainly would
7 have suspected it, but no, I didn't know.

8 BY MS. DeFILIPPO:

9 Q. When you say no, you didn't know but you suspected it,
10 you mean you didn't actually physically view it there;
11 is that what you mean when you say that?

12 A. I have no direct knowledge of either seeing a vehicle
13 or seeing a drawing of a vehicle that would show where
14 the fuel tank is.

15 Q. And that's what you term direct knowledge as opposed
16 to knowledge from something you've read or that
17 someone told you?

18 A. Exactly.

19 Q. But you knew from either something you had read or
20 something that was put in front of you in the media
21 that that's where the fuel tank was located in the
22 Pinto, correct, in the crush zone?

23 MS. JEFFREY: Object to form.

24 BY MS. DeFILIPPO:

25 Q. You can answer it.

1 A. I knew the fuel tank was located in the rear of the
2 vehicle, or let's say I assumed the fuel tank was
3 located in the rear of the vehicle just because that
4 was common practice at that point in time in the
5 industry. What one defines as a crush zone,
6 particularly on that vehicle, I really don't know.

7 Q. How would you define a crush zone in general?

8 MS. JEFFREY: Object to form.

9 A. I wouldn't.

10 BY MS. DeFILIPPO:

11 Q. Okay.

12 A. I don't know how to define it.

13 Q. Is there a crush zone located in the Jeep ZJ?

14 A. I don't know.

15 Q. While you were the head of Engineering, did you
16 believe that there was a rear crush zone in the ZJ?

17 MS. JEFFREY: Object to form. He answered
18 that.

19 A. Yeah, the problem is I don't know what a crush zone
20 is, so I don't know whether it had one or it didn't
21 have one.

22 BY MS. DeFILIPPO:

23 Q. So are you saying that crush zone is a term that you
24 never used?

25 A. I'm saying it's not one that I'm familiar with at this

1 point in time.

2 Q. You might have used it back when you were working at
3 Chrysler?

4 A. I guess it's possible.

5 Q. Was there a shield provided in the ZJ to protect the
6 fuel tank on impact?

7 A. I don't know.

8 MR. FUSCO: Object to the form.

9 BY MS. DeFILIPPO:

10 Q. Is your answer "I don't know"?

11 A. I don't know, yes.

12 Q. Was there a shield available to mount around the fuel
13 tank of the ZJ?

14 MR. FUSCO: Object to form.

15 MS. JEFFREY: Object. I didn't know if
16 your question was done yet.

17 A. I don't know, either.

18 BY MS. DeFILIPPO:

19 Q. Did you say "I don't know"?

20 A. Yeah.

21 Q. Do you know what the term "skid plate" means?

22 A. Yes.

23 Q. What is it?

24 A. It's a -- I'm trying to define it without getting too
25 jargon-ish. It's a structure placed under a vehicle

1 to provide enhanced off-road capability for said
2 vehicle.

3 Q. Where is it placed under the vehicle?

4 A. It can be placed a number of locations depending upon
5 what you're -- what the specific design of the vehicle
6 is and what the performance of that vehicle is off
7 road. There are vehicles where they're placed on the
8 front of the vehicle, around the engine compartment to
9 prevent intrusion of rocks and such type obstacles
10 from intruding into the engine compartment of the
11 vehicle. There are skid plates placed under the
12 transmission drivetrain system of the vehicle for the
13 same reason, and skid plates can be placed under the
14 rear area of the vehicle, fuel tank, spare tire well
15 of the vehicle to prevent intrusion into that area,
16 also.

17 Q. Which, if any, of the skid plates that you've just
18 described were standard on every ZJ?

19 MS. JEFFREY: Object to form.

20 MS. DeFILIPPO: What are you objecting to?

21 MS. JEFFREY: It implies that they are
22 standard.

23 MS. DeFILIPPO: I said, Which, if any.

24 MS. JEFFREY: All right.

25 BY MS. DeFILIPPO:

1 Q. Which, if any, were standard on the ZJ?

2 A. I don't believe any were standard.

3 Q. So how would a customer know about a skid plate for
4 any of those areas?

5 A. That it would be offered with all of the other
6 optional features of the vehicle, and the customer
7 would have the choice of selecting it or not.

8 Q. How would the skid plates be offered; would a customer
9 be told that you can get a skid plate or would it come
10 in some other way, the offer?

11 MR. FUSCO: Object to the form.

12 MS. JEFFREY: Object to the word "offer",
13 form.

14 MS. DeFILIPPO: That's fine.

15 A. I believe they were both offered individually as well
16 as part of an off-road package for said vehicle where
17 skid plates, suspension upgrades were often combined.

18 BY MS. DeFILIPPO:

19 Q. Do you know whether or not the transfer case protector
20 or skid plate was standard on the ZJ for every ZJ?

21 A. I don't know if it was standard or not. I don't even
22 know whether there was one or not. It wouldn't
23 surprise me if there was, but I don't know whether
24 there was or not.

25 Q. By standard I mean without asking for an off-road

1 package or without a customer being told you can get a
2 skid plate. Do you know whether the transfer case had
3 a covering or skid plate that was standard?

4 A. I don't believe there was any skid plate standard on
5 the vehicle.

6 Q. Do you know whether Chrysler tested, did 301 testing
7 of the ZJ both with and without a skid plate?

8 A. I don't know, no.

9 Q. Do you know whether Chrysler did any testing for the
10 ZJ in 301 testing with or without a tow package?

11 A. I don't know, either.

12 Q. Did you know that the tow package was always an option
13 in the ZJ?

14 A. Did I know it was always an option, no.

15 Q. Do you believe at any time it was standard with the
16 ZJ, the tow package?

17 A. I don't believe it was standard.

18 Q. So then is it fair to say that it would have been an
19 option if it was offered at all?

20 A. It's fair to say I don't know whether it was standard
21 or option is what I'm implying.

22 Q. Okay. Do you know of any problem that might occur in
23 vehicles where there are vertical height differences
24 between a vehicle such as the Jeep ZJ and a passenger
25 car?

1 MS. JEFFREY: Object to form.

2 A. I don't specifically know any problems, no.

3 BY MS. DeFILIPPO:

4 Q. Do you understand that Chrysler had a duty to make
5 their car crashworthy?

6 MR. FUSCO: Object to the form.

7 MS. JEFFREY: Join.

8 A. I really don't quite understand what that means, duty
9 to make something crashworthy.

10 BY MS. DeFILIPPO:

11 Q. Do you understand what the term "crashworthy" means?

12 A. Not really.

13 Q. Did you ever use the term "crashworthy" in any of your
14 meetings or in your job capacity at Chrysler?

15 A. I'm sure it has been used. I don't know if I've ever
16 used it or not.

17 Q. Has anyone ever discussed with you the requirements of
18 crashworthiness in designing and manufacturing a
19 vehicle during the time when you were executive
20 engineer of Jeep, Dodge and Truck and also director of
21 Chassis and Drivetrain Engineering?

22 MS. JEFFREY: Object to form.

23 A. In those terms I don't know. I have no recollection,
24 no.

25 BY MS. DeFILIPPO:

1 Q. If I tell you that the crashworthiness is based on the
2 duty of a manufacturer to make a vehicle safe to
3 protect its passengers from enhanced injuries after a
4 collision --

5 MS. JEFFREY: Object to form.

6 MR. FUSCO: Object to the form.

7 BY MS. DeFILIPPO:

8 Q. -- do you recognize that as a definition of
9 crashworthiness?

10 MR. FUSCO: Object to the form.

11 MS. JEFFREY: Join.

12 A. Not at all. I don't have a better one necessarily,
13 but I don't understand what that one says.

14 BY MS. DeFILIPPO:

15 Q. Do you understand that there could be a situation
16 where a vehicle could be involved in a collision and
17 basically nothing occur other than the passengers
18 being jostled but that as a result of that collision,
19 for example, a rear-end hit, the fuel tank ruptures
20 and gas leaks and a fire occurs which burns a
21 passenger who would otherwise be only jostled and is
22 now dead, do you understand that to be enhanced
23 injuries, the death?

24 MS. JEFFREY: I object to the form of that.

25 BY MS. DeFILIPPO:

1 Q. Can you answer that?

2 A. Again, I really don't -- I don't understand it, no, in
3 that way, no.

4 Q. So let me just ask you so that I'm clear. During the
5 time when you were Chassis Drivetrain Engineering
6 director and executive engineer in the Engine
7 Engineering of Jeep, Dodge and Truck, you never
8 discussed or knew what the term "crashworthiness"
9 meant?

10 MS. JEFFREY: Object to form.

11 MR. FUSCO: Object to the form.

12 A. I'm saying now sitting at this point in time, I don't
13 have any recollection of it, no. Whether I did 20
14 years ago, I don't know.

15 BY MS. DeFILIPPO:

16 Q. What don't you have a recollection of, what the term
17 meant, or do you have a recollection of talking to
18 someone about it?

19 MS. JEFFREY: Just a minute. Object to the
20 form of that because you're asking him if he discussed
21 it and if the term was used in the past, and he's
22 saying he doesn't have a recollection.

23 BY MS. DeFILIPPO:

24 Q. Did you have an understanding of your own idea of what
25 the meaning of crashworthiness was when you were

1 executive engineer of Jeep, Dodge and Truck or
2 director of Chassis Drivetrain Engineering?

3 A. The difficulty I'm having is with the term
4 "crashworthiness". To me that's somewhat like a term
5 "goodness", that it is too unspecific, too amorphous
6 to really get a handle on what it means. You know, I
7 understand the need to have a vehicle perform in
8 certain adverse conditions, but the term I'm
9 struggling with is the term "crashworthiness". To me
10 it has no specifics behind it. I'm not saying it
11 doesn't; I'm saying to me it doesn't.

12 Q. And was that your understanding of how you approached
13 the term "crashworthiness" back in the years from 1987
14 to '94; you also felt it didn't have any meaning?

15 MR. FUSCO: Object to the form.

16 A. I don't -- I'm saying I don't have a way of defining
17 crashworthiness today. I don't know what I thought 20
18 years ago on the subject.

19 BY MS. DeFILIPPO:

20 Q. Do you know what the fuel tank in the ZJ was composed
21 of in terms of materials?

22 A. I don't specifically know, no.

23 Q. Did you ever at any time in your capacity from 1987 to
24 1994 have knowledge of a rear-end crash that could
25 result in an underride; in other words, the height of

1 the Jeep being higher than a passenger car and
2 underride occurring?

3 MS. JEFFREY: I object to the form. What
4 do you mean, "could result"?

5 MS. DeFILIPPO: Could result, maybe, could.

6 MS. JEFFREY: Does he know of an incident
7 where it could result?

8 MS. DeFILIPPO: No.

9 BY MS. DeFILIPPO:

10 Q. Do you have knowledge of that concept as a concept?

11 A. I understand the concept of rear underride, yes.

12 Q. Can you tell me what a rear underride is?

13 A. It's a condition where one vehicle has a projection on
14 the front of it that goes underneath the vehicle in
15 front of it in some dynamic event.

16 Q. And would you agree with me that because of the height
17 difference between the Jeep and some passenger cars,
18 that underride could occur in a rear-end collision
19 where the Jeep is rear-ended by a passenger vehicle of
20 a lower height?

21 MS. JEFFREY: Object to form.

22 A. I don't know. It would be my belief that there was a
23 standardization of vehicle heights by that point in
24 time that was an attempt to preclude that from
25 happening. Could there be a vehicle out there that

1 didn't meet that requirement? Sure. Specifically I
2 don't know of where that would occur.

3 BY MS. DeFILIPPO:

4 Q. What timeframe was there a standardization of vehicle
5 heights; what are we talking about?

6 A. I believe there was an FMVSS regarding bumper height
7 associated with a vehicle, and an attempt was made to
8 mitigate the rear underride issue of a vehicle.

9 Q. Okay. But what timeframe are we talking about?

10 A. Well, the only timeframe I think I'm discussing in any
11 of this is the 1987 to 1990 timeframe.

12 Q. To '90?

13 A. 1987 to 1990.

14 Q. To '90?

15 A. Yes.

16 Q. You're not including to '94?

17 A. Well, I believe going forward, it also existed, yes.

18 Q. So sometime in the timeframe of 1987 to 1990, you
19 believe that all vehicles were subject to the
20 standardization requirement of the Federal Government;
21 is that a fair statement?

22 MS. JEFFREY: He used the term FMVSS, not
23 Federal Government.

24 MS. DeFILIPPO: Is there a difference?

25 You can answer the question. Just answer

1 the question. Read my question back.

2 (The requested portion of the record was
3 read by the reporter at 4:30 p.m. as
4 follows:

5 "Question: So sometime in the timeframe of
6 1987 to 1990, you believe that all vehicles
7 were subject to the standardization
8 requirement of the Federal Government; is
9 that a fair statement?")

10 A. And to the specific, I believe that there was a
11 standard FMVSS compliance for vehicle height, yes.

12 BY MS. DeFILIPPO:

13 Q. Did Chrysler do crash tests to test for vehicle
14 underride at any time that you're aware of?

15 A. I don't know.

16 Q. So let me just make sure I understand you. So are you
17 saying that after 1990, the concept of underride
18 should have, based on the FMVSS standard, be taken
19 care of so that there would no longer be underride?

20 MS. JEFFREY: Object to the form.

21 MR. FUSCO: Object to the form.

22 A. I'm saying that in that timeframe, the vehicle should
23 have complied with the appropriate height requirement,
24 yes.

25 BY MS. DeFILIPPO:

1 Q. To eliminate underride, that's what we're talking
2 about, right?

3 A. Well, you can never eliminate underride. There are
4 always conditions of underride. You can go out on the
5 street today and you can see a condition where a
6 passenger car will underride a large over-the-road
7 truck, a semi-truck. Certainly you can find a
8 modified vehicle, they were more popular a few years
9 ago, that were lowered that could underride any
10 vehicle out there, but as far as a production vehicle
11 was concerned, I believe that the compliance issue was
12 there in that timeframe, yes.

13 Q. Do you know if Chrysler ever did testing on their
14 vehicles that involved vehicle-to-vehicle testing as
15 opposed to barrier testing for rear-end collisions?

16 A. I don't recall ever seeing anything like that, no.

17 Q. Did you have any responsibility to ensure that the
18 design of the ZJ met Government standards in your
19 capacity from 1987 to 1994?

20 A. Certainly there were some aspects where my group had
21 responsibility, but those were in many cases
22 reinterpreted into Chrysler requirements for one or
23 other specification of the vehicle as coming out of
24 the advanced design group that laid out the overall
25 design specifications for the vehicle but, you know,

1 certain component specifications, certain performance
2 specifications, yes, my group was responsible for
3 ensuring -- for designing to compliance for those
4 vehicles.

5 Q. And did the ZJ have a designed protection system for
6 the fuel tank?

7 MS. JEFFREY: Object to form.

8 A. I don't know.

9 BY MS. DeFILIPPO:

10 Q. Do you know what an impact deflecting device is?

11 MS. JEFFREY: Object to form.

12 A. I don't know, no, I don't know. I mean, I can provide
13 my own definition for one but I don't know.

14 BY MS. DeFILIPPO:

15 Q. What would your definition be?

16 A. Well, it's a device that deflects another object in a
17 collision event.

18 Q. Do you think or did you think when you were head of
19 Engineering in those capacities from '87 to '94 that
20 there was any safety advantage to a skid plate, a fuel
21 tank skid plate?

22 A. There certainly were advantages in an off-road setting
23 for a skid plate. In an on-road setting, I don't
24 know.

25 Q. Did you ever interface with NHTSA at any time that you

1 were employed by Chrysler?

2 A. I probably interfaced with NHTSA in my position with
3 the PNGV group a decade or so after this specific
4 timeframe we're talking about, and it was, again, it
5 was more in a research capacity, but in the 1987 to
6 '94 timeframe, I had no interaction with NHTSA.

7 Q. Did you ever see any studies, any documents, anything
8 written at all regarding the safe location of fuel
9 tanks?

10 MS. JEFFREY: I'll object to the form on
11 that.

12 A. Not that I recall.

13 BY MS. DeFILIPPO:

14 Q. Do you believe that the fuel tanks should be located
15 in an area that is protected by the frame rails on the
16 side?

17 MS. JEFFREY: Object to form.

18 A. I certainly believe the fuel tank should be protected
19 in whatever location it's placed.

20 BY MS. DeFILIPPO:

21 Q. In the ZJ, what protects the fuel tank?

22 A. At this point I don't know.

23 Q. What did?

24 A. I don't know.

25 Q. Can you tell me what could have protected the fuel

1 tank in the ZJ?

2 MS. JEFFREY: Object to form and
3 foundation.

4 BY MS. DeFILIPPO:

5 Q. What are the possible structural items that could have
6 protected the fuel tank?

7 MS. JEFFREY: Object to form. I don't know
8 how he can answer that.

9 MR. FUSCO: Objection, asked and answered.

10 MS. DeFILIPPO: He didn't say he didn't
11 know that. He said he didn't know today what actually
12 protected it, and I'm asking him now what all the
13 potential protections are.

14 MS. JEFFREY: I object to form on that. He
15 doesn't know what protected it.

16 MS. DeFILIPPO: He said he didn't know what
17 protected it. He didn't say what the potential
18 protectors were.

19 MS. JEFFREY: I object to form. If you can
20 answer it, go ahead.

21 A. What was the question, please?

22 BY MS. DeFILIPPO:

23 Q. What potentially could protect the fuel tank in the
24 ZJ, what structural items?

25 MS. JEFFREY: If you know of the structural

1 items that are there.

2 A. That's the issue. I don't have a clear recollection
3 of what the structure of a ZJ surrounding the fuel
4 tank looks like to be able to answer the question.
5 The answer to the question or the answer to how one
6 designs protection for a fuel tank or the location of
7 the fuel tank is very dependent upon what is around
8 it, and that's what I -- at this point in time, I
9 don't know what is around the fuel tank.

10 BY MS. DeFILIPPO:

11 Q. And you don't recall?

12 A. Exactly, that's what I'm saying is I don't recall. I
13 don't know.

14 Q. So do you think that the side rail frame rails were on
15 either side of the fuel tank in the ZJ?

16 MR. FUSCO: Objection.

17 BY MS. DeFILIPPO:

18 Q. You don't know that?

19 A. I don't know that for a fact. Certainly I would
20 believe they were, but I don't know that for a fact.

21 Q. And do you believe that if the side rails were on
22 either side of the fuel tank, they would provide
23 protection to the fuel tank in a motor vehicle crash
24 from the side?

25 A. That's one way of protecting the fuel tank certainly.

1 Q. Do you think that a skid plate would protect the fuel
2 tank?

3 A. That's certainly one way of protecting it.

4 Q. Do you think that a tow package with the tow brackets
5 would protect, you know, the way the tow package is
6 designed would protect the fuel tank?

7 A. I would personally be concerned that was more of a
8 hazard than a protection.

9 Q. And why do you say that?

10 A. That in the event of a crash, the bracketry as
11 described would push into the fuel tank.

12 Q. Do you know anything about a bracket that was designed
13 to be installed in the '97 ZJ and going forward?

14 A. No, again, I don't know -- I don't have any specific
15 recollection of the structure or bracketry at all.

16 Q. Do you know if there was a bracket that was to
17 strengthen the structures in the rear of the ZJ going
18 forward of '97?

19 A. I don't know, and if there was -- if there was such a
20 piece, component, it wouldn't have been -- I wouldn't
21 have been in the group responsible for designing it at
22 that point in time.

23 Q. Who would?

24 A. I believe it was John Kent.

25 Q. So that would be the group that would have?

1 A. In '90 as shown, I moved on to Engine Engineering, and
2 I believe my successor in Chassis Engineering was John
3 Kent.

4 Q. I'm talking about in 1987.

5 A. You said '97.

6 Q. I'm sorry, I am. I'm talking about '97. You're
7 right.

8 MS. JEFFREY: You think it would be Kent in
9 '97?

10 THE WITNESS: I don't know in '97. I'm
11 saying between '90 and '94, I think it was John Kent.
12 After that I don't know.

13 MS. DeFILIPPO: We can probably take a
14 break now.

15 (Recess taken at 4:41 p.m.)

16 (Back on the record at 4:50 p.m.)

17 BY MS. DeFILIPPO:

18 Q. I might have asked you this, but I don't remember if I
19 did. Did I ask you if you had any interfacing with
20 any dealers?

21 A. You did and the answer was no.

22 Q. And did you know or do you know about a thing called
23 DealerCONNECT?

24 A. I've heard the term. I knew a program existed. The
25 specifics of the program I don't recall at this point

1 in time.

2 Q. And when you say program, you mean a computer program?

3 A. No, no, no. A program within the corporation to -- I
4 believe it had something to do -- well, no, I don't
5 know what it had to do with. There were so many of
6 them. There was a, for want of a better definition I
7 guess, a communications channel, vehicle process
8 between the corporation and individual dealers to have
9 some discussion is the best way I can think to define
10 DealerCONNECT or a program involving DealerCONNECT.
11 Beyond that -- that may or may not be correct, and
12 beyond that, I really don't recall what it was.

13 Q. And do you know whether or not it was a computerized
14 communication process that they used?

15 A. I don't know.

16 Q. I'm going to show you a document that was marked 5 in
17 Robertson this morning. Have you ever seen a document
18 like that?

19 A. No.

20 Q. Do you know if there was any discussions at any time
21 during your time at Chrysler regarding relocation of
22 fuel tanks from the rear of a vehicle to midship of
23 any vehicle?

24 A. No, I don't know of any discussion like that.

25 Q. Do you know if there was any memos, studies, or

1 anything done along the lines of tank relocation from
2 the rear of any vehicle to midship?

3 A. Absolutely not.

4 Q. "Not" that you don't know?

5 A. That I don't know.

6 Q. Okay. Do you know what the Chrysler Book of Knowledge
7 is?

8 A. Again, I recognize the term. To me it's not a single
9 entity. It's a process by which Chrysler was trying
10 to document its various design practices across the
11 vehicle, and each group was charged with committing to
12 document, paper or computer, the design practices that
13 were being employed or the best practices that could
14 be employed in designing a vehicle.

15 Q. Do you believe it was good design practice to locate
16 the fuel tank for its protection from rear or side
17 impacts?

18 MR. FUSCO: Object to the form.

19 MS. JEFFREY: Object to form.

20 THE WITNESS: Could you restate it? I'm a
21 little confused on the question.

22 MS. DeFILIPPO: Read it again.

23 (The requested portion of the record was
24 read by the reporter at 4:54 p.m. as
25 follows:

1 "Question: Do you believe it was good
2 design practice to locate the fuel tank for
3 its protection from rear or side impacts?")

4 A. I don't know that it was not good design practice. I
5 have no specifics that would say that is not a thing
6 that could be done. Certainly it's one of a number of
7 different locations one can place the fuel tank.

8 BY MS. DeFILIPPO:

9 Q. Do you agree that from the ZJ --

10 MS. JEFFREY: Can you keep your voice up,
11 Angel.

12 THE WITNESS: The blower has kicked in and
13 I'm having a little trouble hearing you over on this
14 side of the table.

15 BY MS. DeFILIPPO:

16 Q. Do you agree from the ZJ to the WJ, the fuel tank
17 location was changed to allow relocation of the spare
18 tire from the rear interior of the ZJ to below the
19 rear floor pan in the WJ?

20 A. I wouldn't know since I really didn't have any design
21 input on the WJ, and again, at this point in time, I
22 don't really know where the fuel tank is.

23 Q. Do you believe that the ZJ was designed to reduce the
24 likelihood of fuel leakage in rear impact collisions?

25 MS. JEFFREY: Object to form. "Designed to

1 reduce the likelihood"?

2 MS. DeFILIPPO: Yeah.

3 A. Reduce from what?

4 MR. FUSCO: Angel, just again for
5 housekeeping, our stipulations from the deposition of
6 Robertson also apply to Mr. Viergutz.

7 MS. DeFILIPPO: I don't know what you're
8 talking about right now.

9 MR. FUSCO: For de bene esse purposes on
10 objections and that type of thing.

11 MS. DeFILIPPO: Why don't you go ahead and
12 ask your questions and then I'll continue.

13 MR. SACCO: I have just a couple questions
14 for you.

15 MR. FUSCO: Our stipulations for Robertson
16 also apply?

17 MR. SACCO: Yes, they're still in effect.

18 MR. FUSCO: Thanks.

19 EXAMINATION

20 BY MR. SACCO:

21 Q. Mr. Viergutz, would you look at your summary of
22 professional activities which you provided us with
23 earlier this afternoon, please?

24 A. Yes.

25 Q. You retired from Chrysler in December of 2005,

1 correct?

2 A. Correct.

3 Q. And from 2001 through 2005, you were a director with
4 the corporation?

5 A. I was a director -- could you repeat the timeframe
6 again?

7 Q. 2001 to 2005. I'm following your CV, sir.

8 A. Yes, and the question was?

9 Q. You were a director, were you not; that's what you
10 said, correct?

11 A. Yes.

12 Q. Okay. In that capacity, were you responsible for any
13 budget?

14 A. Yes.

15 Q. What was the budget that you were responsible for, the
16 quantum of money, if you remember?

17 A. It was highly variable because of the nature of the
18 job dealing with a totally new vehicle concept. I
19 believe it went up to a peak of a \$20 million program
20 budget at one point in time, but as I say, it was
21 highly variable.

22 Q. Okay. And correct me if I'm wrong -- strike that.

23 Were there goals that your department from
24 2001 to 2005 necessarily wished to accomplish or were
25 charged with accomplishing?

1 A. Certainly there were responsibilities the group had
2 that we were expected to discharge within that
3 timeframe which I view as a little more binding than
4 goals.

5 Q. Okay. And in the discharging of those
6 responsibilities were budgetary issues necessarily
7 considered?

8 A. Yes.

9 Q. And in discharging those goals, were safety issues
10 necessarily considered?

11 A. Yes.

12 Q. Okay. Let's move down Page 1 of your summary of
13 professional activities. From 1995 through 2000, you
14 were also a director, correct?

15 A. Correct.

16 Q. And in that capacity, did you have a budget?

17 A. No.

18 Q. Did you co-manage a budget?

19 A. We co-managed a collaborative budget between Chrysler,
20 Ford, GM, Federal Government and the university
21 partners, yes.

22 Q. Okay. And that was a technical budget, correct?

23 A. Yes.

24 Q. And in that capacity as a director, did you also have
25 responsibilities which you hoped to discharge?

- 1 A. Yes.
- 2 Q. And in the discharge of those responsibilities, were
3 there budgetary issues that were necessarily
4 considered?
- 5 A. Yes.
- 6 Q. And in the discharge of those responsibilities, were
7 there safety issues that were necessarily considered?
- 8 A. Yes.
- 9 Q. Turn to Page 2 of your summary of professional
10 activities, please.
- 11 A. Yes.
- 12 Q. From 1991 through 1994, you were an executive
13 engineer, correct?
- 14 A. Yes.
- 15 Q. And in that capacity, did you have budgetary
16 responsibilities?
- 17 A. Yes.
- 18 Q. And did your group or your department have
19 responsibilities which they necessarily had to or
20 hoped to discharge?
- 21 A. Yes.
- 22 Q. And were budgetary issues necessarily considered in
23 the discharging of those responsibilities?
- 24 A. Yes.
- 25 Q. Were safety issues necessarily considered in the

1 discharge of those responsibilities?

2 A. Yes.

3 Q. Let's look at your next item on Page 2. From 1987
4 until 1990, you were also a director, correct?

5 A. Yes.

6 Q. And as a director, did you have budgetary
7 responsibilities?

8 A. Yes.

9 Q. And did your group or department have a responsibility
10 that necessarily needed to be discharged?

11 A. Yes.

12 Q. In the discharge of that responsibility, were
13 budgetary issues necessarily considered?

14 A. Yes.

15 Q. And in the discharge of the responsibilities of that
16 group, were safety issues necessarily considered?

17 A. Yes.

18 Q. Now let's look down to the next item on Page 2, and
19 that goes back to your career with American Motors
20 Corporation, correct?

21 A. Yes.

22 Q. From 1985 until 1987, you also held the title as
23 director, correct?

24 A. Yes.

25 Q. And you say right in there that you had a budget which

1 you managed in that capacity, correct?

2 A. Correct.

3 Q. And in that capacity, did you have responsibilities
4 which you wanted or had to discharge?

5 A. Yes.

6 Q. And in the discharge of those responsibilities, were
7 there budgetary issues that were necessarily
8 considered?

9 A. Yes.

10 Q. And in the discharge of those responsibilities, were
11 there safety issues that were necessarily considered?

12 A. Yes.

13 Q. And from 1984, sir, until 1985, you were a chief
14 engineer, correct?

15 A. Yes.

16 Q. And you say right in here, and I'm directing you to
17 the bottom of Page 2 of your summary of professional
18 activities, that you managed an annual budget,
19 correct?

20 A. Yes.

21 Q. As well as a capital budget, right?

22 A. Yes.

23 Q. And in that capacity as chief engineer of Engineering
24 Laboratories, you had responsibilities which you
25 necessarily had to discharge, correct?

1 A. Yes.

2 Q. And in the discharge of those responsibilities, were
3 budgetary issues necessarily considered?

4 A. Yes.

5 Q. And in the discharge of those responsibilities, were
6 safety issues necessarily considered?

7 A. Yes.

8 Q. Sir, as an engineer who held the title of director and
9 executive engineer with various automotive
10 manufacturing organizations or corporations, would a
11 reasonable expenditure of money to make a product safe
12 or safer be prudent behavior?

13 MR. FUSCO: Object to the form.

14 MS. JEFFREY: Join. What's "reasonable
15 expenditure" mean?

16 A. Yeah, I'm struggling with what's reasonable. I don't
17 know what that means.

18 BY MR. SACCO:

19 Q. So you can't answer the question; is that what you're
20 telling me?

21 A. First of all, I'd like to hear the question repeated.

22 MS. JEFFREY: She can repeat it.

23 (The requested portion of the record was
24 read by the reporter at 5:04 p.m. as
25 follows:

1 "Question: Sir, as an engineer who held
2 the title of director and executive
3 engineer with various automotive
4 manufacturing organizations or
5 corporations, would a reasonable
6 expenditure of money to make a product safe
7 or safer be prudent behavior?")

8 A. The struggle I'm having is it's a very generic
9 question. The answer is yes.

10 MR. SACCO: Thank you. I have nothing
11 more.

12 MS. DeFILIPPO: I just want to go back to
13 where I was.

14 MS. JEFFREY: Okay.

15 EXAMINATION CONTINUING

16 BY MS. DeFILIPPO:

17 Q. My last question to you, Mr. Viergutz, was whether or
18 not the ZJ was designed to reduce the likelihood of
19 fuel leakage in rear impact collisions. Do you know
20 the answer to that question?

21 MS. JEFFREY: Object to form. Reduced as
22 compared to what?

23 A. Yeah, that's where I thought we were ten minutes ago.

24 BY MS. DeFILIPPO:

25 Q. I'm reading from an interrogatory answer of Chrysler

1 to a question which basically is submitted as a
2 supplemental response to Number 3. It might be a
3 document request. And in supplemental response Number
4 3 from Chrysler, there is a statement that Chrysler
5 makes. These are sworn statements from Chrysler in
6 which Chrysler says --

7 MS. JEFFREY: I object -- never mind.

8 BY MS. DeFILIPPO:

9 Q. Chrysler says that the design location of the fuel
10 tank behind the rear axle is a reasonable design for
11 the safe and effective storage of fuel, and they talk
12 about that, and then there is a sentence that says:
13 The fuel system of the 1996 Jeep Grand Cherokee ZJ was
14 designed to reduce the likelihood of fuel leakage or
15 fuel system damage in rear impact collisions.

16 Do you agree with that statement?

17 MS. JEFFREY: I'd like him to have the
18 context of the entire paragraph.

19 MS. DeFILIPPO: He can read the paragraph.

20 MS. JEFFREY: Go ahead, this paragraph that
21 she's quoting.

22 A. Okay. Now that I've read the question, please -- now
23 that I've read the paragraph, please repeat the
24 question.

25 BY MS. DeFILIPPO:

1 Q. The question is: Do you agree that the ZJ was
2 designed to reduce the likelihood of fuel leakage in
3 rear impact collisions?

4 A. I have no personal knowledge of how the -- excuse me
5 -- of how the '96 ZJ was designed. I have no reason
6 --

7 Q. I'm asking you about the ZJ prior to '96. I used the
8 terminology used by Chrysler's own lawyers, and I used
9 their terminology out of context, and I want to know
10 whether or not the Jeep ZJ was designed to, the fuel
11 system of the Jeep ZJ was designed to reduce the
12 likelihood of fuel leakage or fuel system damage in
13 rear impact collisions?

14 A. As I was going to finish the answer, I have no reason
15 to disagree with the statement here. So yes, I
16 believe it's accurate.

17 Q. Now having looked at it from your attorney, correct?

18 A. No.

19 MS. JEFFREY: I object to form.

20 MS. DeFILIPPO: You objected to form and it
21 was your own form. So I'm just saying I gave him the
22 opportunity to look at it because you insisted on it.
23 At first you said that you objected to form because
24 you didn't understand it. It was your own
25 terminology. That's one of the reasons why we have

1 the rule.

2 MS. JEFFREY: Okay. The prior sentences
3 give it context.

4 MS. DeFILIPPO: It didn't need context. I
5 took it out of context, and I asked the question based
6 on your -- you objected to the terminology. I only
7 asked the question based on your terminology out of
8 context.

9 MS. JEFFREY: You selected one sentence out
10 of a ten-sentence paragraph.

11 MS. DeFILIPPO: Yes, that's right.

12 MS. JEFFREY: The context made no sense.

13 MS. DeFILIPPO: The sentence made sense.
14 The sentence as I gave it made sense, and if he didn't
15 think it made sense, he could have said it, and now
16 you're testifying for him, and that's what the rule is
17 meant to avoid. That's all I'm saying. But I allowed
18 you to show it to him.

19 MS. JEFFREY: Can I respond? What I'm
20 saying is you took one sentence out of a paragraph --

21 MS. DeFILIPPO: That's right, I did.

22 MS. JEFFREY: -- and I gave him the
23 paragraph to read because of the context of the
24 response, surrounding sentences. It's not fair to
25 take one sentence out of a paragraph.

1 MS. DeFILIPPO: He just says now he agrees
2 with it because he got to read it as your language.
3 So what are we talking about? There was no problem as
4 to form, but we'll move on.

5 BY MS. DeFILIPPO:

6 Q. Now having read that, what was the specific design
7 that the ZJ incorporated to reduce the likelihood of
8 fuel leakage in rear impact collisions?

9 A. I don't know.

10 Q. And are you saying you don't know today but you did
11 know when you were an employee of Chrysler?

12 A. I'm certainly saying I don't know today. I presume I
13 did know when I had responsibility for that position,
14 yes.

15 Q. And when you did know when you had responsibility for
16 that position, did you reduce anything to writing in
17 case you might forget?

18 A. No, not to my recollection, no.

19 Q. Was there any writing regarding the designing of the
20 ZJ to reduce the likelihood of fuel leakage in rear
21 impact collisions?

22 A. Not that I know of.

23 Q. Do you know during the time that you were with
24 Chrysler, were you aware of any claims or lawsuits
25 which were filed involving rear-end collisions and

1 fuel-fed fires?

2 A. I have no personal knowledge of that, no.

3 Q. As you sit here today, do you have any knowledge of
4 any rear-end collisions resulting in fire involving
5 the Jeeps; do you have any personal knowledge?

6 A. No.

7 Q. Do you know a Judson Estes, Judson B. Estes,
8 E-S-T-E-S?

9 A. No, I have no recollection of that name.

10 MS. DeFILIPPO: I don't have any other
11 questions.

12 MS. JEFFREY: I have some questions.

13 MR. SACCO: That's okay. We're not done on
14 Direct yet.

15 RE-EXAMINATION

16 BY MR. SACCO:

17 Q. When's the last time you saw Francois Castaing?

18 A. Probably around the end of 2005.

19 Q. When's the last time you spoke with him?

20 A. End of 2005.

21 MR. SACCO: Thank you.

22 MS. JEFFREY: Okay. I just have a few
23 follow-ups.

24 EXAMINATION

25 BY MS. JEFFREY:

1 Q. You testified that the term "crashworthiness" was
2 amorphous to you; is that correct?

3 MS. DeFILIPPO: I object to the term. I
4 don't think he used the term "amorphous".

5 MS. JEFFREY: He used the term "amorphous".

6 MS. DeFILIPPO: Okay.

7 BY MS. JEFFREY:

8 Q. Do you recall the term "amorphous"?

9 A. Yes.

10 Q. You and the company were concerned about crash
11 performance of your vehicles; isn't that true?

12 A. Yes.

13 Q. And, in fact, you tested your vehicles to Federal
14 Motor Vehicle Safety Standards to make sure they met
15 applicable standards, correct?

16 A. The company did, yes.

17 Q. And those requirements are related to crash
18 performance in accidents; is that true?

19 A. I believe they are.

20 Q. And is it possible to test -- is it possible for a
21 vehicle to not suffer damage in all types of
22 accidents? Let me rephrase that.

23 Aren't there some accidents when any
24 vehicle would suffer damage and when individuals would
25 be killed?

1 A. Yes.

2 MS. DeFILIPPO: Objection to form.

3 A. I don't know about the killed part, but certainly
4 there are accidents that any vehicle would be damaged
5 in.

6 BY MS. JEFFREY:

7 Q. You can't prevent injury in all accidents; isn't that
8 true?

9 MS. DeFILIPPO: Object to the form.

10 A. You certainly cannot prevent damage in all accidents.
11 I don't know about injury.

12 BY MS. JEFFREY:

13 Q. And the purpose of testing to the Federal Motor
14 Vehicle Standards is to ensure that the vehicles
15 perform reasonably safely in accidents that occur in
16 the real world; is that true?

17 MR. SACCO: Form.

18 A. Yes.

19 MS. JEFFREY: That's all I have.

20 MS. DeFILIPPO: No other questions.

21 MR. FUSCO: Thank you, sir. We're done.

22 MR. SACCO: Thank you, sir.

23 MS. JEFFREY: Do you have any questions,

24 Mr. Gill?

25 MR. GILL: No questions.

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MS. JEFFREY: Thank you. We're hanging up
now.

(The deposition was concluded at 5:14 p.m.
Signature of the witness was not requested by
counsel for the respective parties hereto.)

1 CERTIFICATE OF NOTARY
2 STATE OF MICHIGAN)
3) SS
4 COUNTY OF MACOMB)
5

6 I, LEZLIE A. SETCHELL, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing questions
9 and answers were recorded by me stenographically and
10 reduced to computer transcription; that this is a
11 true, full and correct transcript of my stenographic
12 notes so taken; and that I am not related to, nor of
13 counsel to, either party nor interested in the event
14 of this cause.

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21

22 LEZLIE A. SETCHELL, CSR-2404
23 Notary Public,
24 Macomb County, Michigan.

25 My Commission expires: April 17, 2012