

TOYOTA
TOYOTA MOTOR NORTH AMERICA, INC.

WASHINGTON OFFICE
1850 M STREET, NW, SUITE 800, WASHINGTON, DC 20036

TEL: (202) 775-1707
FAX: (202) 463-8613

July 19, 2002

Mr. Jonathan D. White, Chief
Defect and Recall Information Analysis Division
Office of Defects Investigation
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

RECEIVED
JUL 23 P 3 26
OFFICE OF
DEFECTS INVESTIGATION

Re: NSA-11ejw, DP02-002

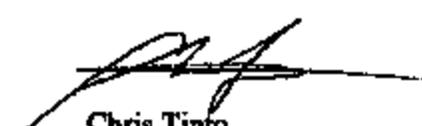
Dear Mr. White:

In addition to Toyota's partial response that we sent to you on July 8, 2002, concerning a petition for an investigation on the 1990 through 1995 MY 4 Runner, we hereby submit the attachments to our response. Please note that the Toyota Engineering Standard in Attachment 6 is to remain confidential. A confidential version of this submission is being submitted to the Chief Counsel's office.

Should you have any questions about this response, please contact either myself or Mr. Michiteru Kato at (202) 775-1707.

Sincerely,

TOYOTA MOTOR NORTH AMERICA, INC.



Chris Tinto
Director

CT: mk
Attachments

TOYOTA
TOYOTA MOTOR NORTH AMERICA, INC.

WASHINGTON OFFICE
1650 M STREET, NW, SUITE 600, WASHINGTON, DC 20036

TEL: (202) 776-1707
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July 8, 2002

Mr. Jonathan D. White, Chief
Defect and Recall Information Analysis Division
Office of Defects Investigation
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: NSA-11cjw, DP02-002

Dear Mr. White:

Please find attached Toyota's partial response to your May 15, 2002 information request letter concerning a petition for an investigation on the 1990 through 1995 MY 4 Runner. As per our discussion, Toyota needs an additional 10 working days to provide the attachments, and therefore will submit the remaining documents on July 19th.

Should you have any questions about this response, please contact either myself or Mr. Michiteru Kato at (202) 775-1707.

Sincerely,

TOYOTA MOTOR NORTH AMERICA, INC.


Chris Tinto
Director

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1. Identify the total number of subject vehicles sold in the United States by make, model, and model year.

Response 1

The total number of subject vehicles sold in the United States, by make, model, and model year is set forth in Table 1 below:

Make / Model	Model year	Number of production vehicles	Total
Toyota 4Runner	1990	72,123	362,709
	1991	46,263	
	1992	40,577	
	1993	42,257	
	1994	71,304	
	1995	90,185	

Table 1

2. State the number and provide copies of all documents containing the following, from all sources, of which Toyota is aware and which relate, or could relate to the alleged defect in the subject vehicles:

- a. owner, consumer, or fleet reports or complaints;
- b. field reports, surveys, investigations, other reports, and similar documents;
- c. crashes, injuries, or fatalities;
- d. subrogation claims;
- e. third-party arbitration proceedings (where Toyota is an involved party);and
- f. lawsuits, both pending and closed in which Toyota is or was a defendant (or codefendant), or of which Toyota is otherwise aware.

These would include all those which may have occurred, at least in part, due to circumstances, conditions, or problems caused by the alleged defect in the subject vehicles from all sources either received or authorized by Toyota, or of which Toyota is otherwise aware. This would include, but not be limited to, complaints or information provided by various consumer groups, government agencies, insurance companies, and other entities which would have provided such information to Toyota. Identify all parties involved in each lawsuit and arbitration proceeding, including the caption, court with jurisdiction, docket number, filing date, and nature of the claim(s) related to the alleged defect. Furnish all reports whether or not Toyota has verified each report, including all correspondence, notes, memoranda, and other records pertaining or relating to the alleged defect in the subject vehicles.

Response 2

The owner reports are provided as Attachment 1. Pertinent owner's information known to Toyota is also included in Attachment 1.

There is a lawsuit that may pertain to the incident that the petitioner referred to. Copies of related documents for the lawsuit are submitted as Attachment 2.

There are no field reports, reported crashes, subrogation claims, or third-party arbitration proceedings of which Toyota is aware from its sources on the subject vehicles which may have occurred due to circumstances, conditions, or problems caused by the alleged defect.

3. Provide copies of all service and technical documents, including, but not limited to, notices, bulletins, advisories, and other communications that Toyota provided, or made available, to any dealers, zone offices, field offices, fleet purchasers, relating in whole or part to the alleged defect in the subject vehicles within the next 60 days.

Response 3

Toyota has not issued any service and technical documents, including notices, bulletins, advisories, and other communications to any dealers, zone offices, field offices, or fleet purchasers, relating to the alleged defect in the subject vehicles. Toyota also has no plan to issue any information to those dealers and/or offices within the next 60 days.

4. From the start of production of the subject vehicles, identify and describe each and every modification or change made by, on behalf of, or known to Toyota in the design, material composition, supplier, manufacture, testing, quality control, installation, or routing of the middle row safety belt assemblies, and all components thereof, in the subject vehicles or otherwise affects the alleged defect in the subject vehicles. Similarly, identify any change or modification which Toyota is aware of which may be produced, implemented, designed, or otherwise made available within the next 60 days. The following information must be included for each modification or change:
 - a. the date on which the modification or change was incorporated into production;
 - b. the part numbers of the original, and of the modified or changed components;
 - c. a description of the modification or change;
 - d. the model, model year, and inclusive dates of manufacture of all vehicles in which the modified or changed component was installed, or could be installed;
 - e. all the reasons for the modification or change; and
 - f. the disposition of the unmodified / unchanged components in Toyota production inventory, Toyota distribution and dealer stock, and the suppliers inventory, furnishing the date(s) if such components were removed or withdrawn from sale or inventory.

Response 4

The size of the hanger for the rear shoulder seat belt was increased.

- a. The date on which the change was incorporated into production;
Jul-1991 (i.e., Start of production for 1992MY 4Runners)
- b. The part numbers of the original, and of the changed components;
Original part number :73371-89101
Changed part number :73371-35010
- c. A description of the change;
The shape and size of the hanger for the rear shoulder seat belt is provided as Attachment 3.
- d. The model, model year, and inclusive dates of manufacture of all vehicles in which the modified or changed component was installed;
1992 through 1995MY 4Runners (Production period: Jul-1991 through Aug-1995)
- e. The reasons for the change;
This hanger is provided to prevent the shoulder belt from being damaged when folding the seatback down. The size of this hanger was changed to make it easier to slide the webbing into the hanger. This change was implemented as part of Toyota's normal product improvement process.
- f. The disposition of the unchanged components;
No action was taken to the unchanged components that existed in Toyota production inventory, distribution and dealer stock, and the suppliers' inventory.

5. Provide a description of any changes in the warnings or instructions to occupants that may have been implemented with the intent to address the alleged defect on the subject vehicles by release date and model year(s) affected.

Response 5

Toyota provides the following changes it believes to be responsive to this request:

- 1) A notice label was placed on the lower portion of the right "C" pillar to remind occupants about the purpose and use of the hanger. Figures to indicate the location of the notice label and its description are provided as Attachment 3.

Release date : Jul-1991 (i.e., Start of production for 1992MY 4Runners)
Affected model years : 1992 through 1995MY 4Runners

- 2) Several changes had been made to the explanation in the owner's manual regarding the hanger and its use, to make the instruction more explicit. These changes were made as part of our normal, ongoing, periodic revisions to improve the quality of owner's manual. The changes are summarized and provided as Attachment 4, which includes their release date and model years affected. A copy of related pages of the owner's manual is also provided electronically on diskette in PDF format, and provided as Attachment 5.

6. Identify separately each and every study, simulation, evaluation, analysis, inquiry, test program, survey, investigation, or similar action pertaining to the alleged defect in the subject vehicles conducted by or for Toyota, or under its control, including when it was performed, by whom, the methodology, and the results. Provide a copy of each and every document relating to any such study, simulation, evaluation, analysis, inquiry, test program survey, investigation, or similar action regardless of whether the documents are in interim, draft, or final form. For all incomplete or planned activities, provide (a) a description of the action (including the objective and procedures);(b) the date it was, or will be, initiated;(c) a detailed schedule for the work to be done; and (d) the expected completion date.

Response 6

Toyota provides the following materials it believes to be responsive to this request:

Exhibit 1: Videotape of the operation of the rear seat back and rear seat belts on a 1992 Toyota 4Runner and the operation of an ALR/ELR installed on the same vehicle. This videotape was prepared by Dr. Alan Dorris, Dorris & Associates, Inc., 18 Eastbrook Bend, Peachtree City, Georgia, 30269, on February 12, 2002, in Phoenix, Arizona. The purpose of the videotape is to demonstrate the proper operation of the rear seat back and rear seat belts in order to extend the cargo area of the Toyota 4Runner. The videotape also demonstrates the converting of the retractor from ELR to ALR.

Exhibit 2: Videotape of three women in the back seat of a 1992 Toyota 4Runner, each donning their respective seat belts when the seat belts are in the proper design position, and donning their respective seat belts when the rear outboard shoulder belt webbing is trapped behind the striker for the rear seat back. This videotape was prepared on February 12, 2002, in Phoenix, Arizona, at the direction of Dr. Alan Dorris, referenced above, and Dr. Dennis Schneider, Biokinetic Engineering, Inc., 715 Santa Maria Avenue, Suite A, Los Osos, California, 93402. The purpose of this videotape was to demonstrate the visual and other sensory clues that would alert the user when attempting to don the rear outboard seat belt when the shoulder belt portion is trapped behind the rear seat back striker. The videotape shows that the user must reach farther rearward to grab the latch plate when the shoulder belt is trapped behind the rear seat back striker as compared to when the shoulder belt is in the design position. The videotape also shows that more force is needed to pull the latch plate to the buckle because the angle of approaching the latch plate and pulling it to the buckle is different than in the design position. Consequently, the user may lock the web-sensitive feature of the retractor. Finally, the videotape demonstrates that the user must thread the outboard arm through a narrow space between the shoulder belt portion and the lap belt portion of the seat belt assembly when the shoulder belt portion is trapped behind the rear seat back striker.

Exhibit 3: Photographs taken by Dr. Dennis Schneider, referenced above, on or about February 11, 2002, in Phoenix, Arizona. These photographs show three women sitting in the rear seat of a 1992 Toyota 4Runner with the rear outboard seat belt assembly in the design position, and wearing the seat belt assembly when the shoulder belt portion is trapped behind the rear seat back striker. The purpose of these photographs is to demonstrate that a visual difference would be apparent to the user with the outboard seat belt assemblies configured in these two positions.

Exhibit 4: Photographs taken at the direction of Dr. Dennis Schneider, referenced above, and Dr. Alan Dorris, referenced above, of three women in the rear seats of a variety of other sport utility, hatchback and station wagon vehicles. These photographs were taken on February 12, 2002, in Phoenix, Arizona. The vehicles depicted in the photographs are:

1991 Ford Escort 2 Door Hatchback
1995 Geo Metro 2 Door Hatchback
1994 GMC Jimmy 4 Door SUV
1997 Hyundai Accent 2 Door Hatchback
1997 Hyundai Elantra Station Wagon
1995 Isuzu Rodeo 4 Door SUV
1991 Jeep Cherokee 4 Door SUV
1995 Mitsubishi Montero 4 Door SUV
1994 Nissan Pathfinder 4 Door SUV
1991 Volvo 740 Station Wagon
1993 VW Passat Station Wagon

The purpose of these photographs is to demonstrate that with vehicles having the utility of extending the cargo area by folding down the rear seat back, it is possible to trap the shoulder belt webbing in the seat back latching mechanism. These photographs also demonstrate that if the rear outboard shoulder belt webbing on these vehicles is somehow trapped in the rear seat back latching mechanism, then the routing of the lap belt portion of the webbing may be altered.

Exhibits 1 and 2 are provided by videotape as Attachment 6.

Exhibit 3 is provided as Attachment 7 and Exhibit 4 is provided electronically (CDR) as Attachment 8.

In addition, a copy of the Toyota Engineering Standard is provided as Attachment 9. Toyota uses this standard to evaluate seatbelt usability for vehicles at the development stage.

7. Toyota's assessment of the alleged defect in the subject vehicles, including:

- a. all casual or contributory factors;
- b. the failure mode(s);
- c. root cause(s) of the failures; and
- d. the risk to motor vehicle safety that it poses.

Response 7

The 1990-1995 Toyota 4Runner is a sport utility vehicle designed to both carry passengers and cargo. The rear seat backs fold down to extend the cargo carrying area of the vehicle. The rear seat back is split 50/50. The seat back latch is located on the outboard side of the seat back. The striker for the seat back latch is a U bolt mounted at the quarter inner panel near the C pillar. The seat back latch is activated by a pull rod located on the top of the seat back.

Both of the rear outboard seating positions are equipped with three-point continuous loop emergency locking retractor seat belt assemblies. (The 1995 Toyota 4Runner is equipped with a dual ELR/ALR.) The retractor is located near the base of the C pillar. The upper anchor for the shoulder belt is located aft of the C pillar on the roof rail. The D ring for the shoulder belt is attached to a short cant rail.

In order to fold down the rear seat backs to extend the cargo area, the user must first remove the headrests from the rear seat backs. The user then rotates forward the rear seat cushions. The seat backs are then unlatched and rotated forward. A strap is provided to secure each of the folded down rear seat backs. A hanger mounted on each C pillar is provided for storage of the shoulder belt webbing during this process. The vehicle can be reconfigured for passenger-carrying capability by simply reversing the steps outlined above. Instructions concerning the proper method to fold down the rear seat backs for extended cargo

capacity, or to return the seat backs to a passenger-carrying configuration, are set forth in the Owner's Manual. For model years 1992 through 1995, a label was affixed to the right C pillar advising the user to place the shoulder belt webbing in the hanger.

If the user does not follow the directions set forth in the Owner's Manual concerning the operation of the rear seat backs, and in particular, the storage of the shoulder belt webbing in the hanger, then upon moving the rear seat backs from a down position to an up position, the shoulder belt webbing may become entangled with the seat back latch and/or striker. In other words, if the shoulder belt webbing is not placed in the hanger, or simply moved out of the way when returning a folded-down seat back to an upright position, the webbing may be pushed into the seat back latch by the striker when attempting to latch the seat. There is not enough tolerance, however, within the seat back latch to allow the seat back latch to lock if the webbing interferes with the latching mechanism. An attempt to lock the seat back latch with webbing in the latch can cause damage to the webbing fibers. Alternatively, the shoulder belt webbing may lay behind the seat back striker. Under this condition, the seat back latch could lock to the striker.

The effect of these two scenarios is that the user may damage the seat belt webbing or the user may trap the shoulder belt webbing behind the seat back striker. If the latter occurs, and an occupant then attempts to wear the outboard seat belt assembly, the routing of the lap belt portion of the assembly may change from the designed position. The lap belt portion, depending upon the size of the occupant, may no longer lie across the pelvis of the occupant. We note, however, that the owner's manual clearly cautions that "...High-positioned lap belt and loose-fitting shoulder belts both could increase the chance of injury due to sliding under the lap belt during an accident."

In addition to the written instructions, Toyota believes that the design itself informs the occupant when the shoulder belt webbing is trapped behind the seat back striker. As shown in the demonstrative exhibits furnished in response to Paragraph 6, above, the latch plate for the seat belt assembly is farther rearward and more difficult to access as compared to when the shoulder belt webbing is not trapped by the rear seat back striker. If the occupant is required to reach farther and at a different angle to grab the latch plate, the occupant is not able to fasten the latch plate into the buckle in a smooth manner. Rather, the force which is required to pull the webbing out of the retractor is greater than normal, and thereby engages the web sensitive feature of the ELR. An occupant who attempts to buckle the seat belt in such a configuration is required to thread the outboard arm through a narrow space between the shoulder and lap belt portions of the assembly. If the occupant is able to latch the seat belt, the seat belt does not feel comfortable and does not have a typical or expected fit. Moreover, for the 1995 model year Toyota 4Runner with an ELR/ALR, depending upon the size of the occupant, the ALR function could be engaged, thereby locking the occupant into position.

Conclusions

- Toyota strongly believes that an occupant can clearly recognize the abnormality of the situation when he/she attempts to fasten a seat belt that is trapped behind the seat back striker (due to the increased force required to use the belt, and subsequent engagement of the ELR function);
- Ample instructions are provided in the vehicle, in both the owner's manual as well as on the notice label provided on the C pillar ('92 MY and later);
- As demonstrated in Exhibit 4, this design is similar to many competitors' models on the road today, with the same implications for the occupants if the seatbelt is used while incorrectly routed.

For the reasons outlined above, Toyota believes that this condition does not constitute an unreasonable risk to highway safety and no defect trend exists.

Finally, for this response to NHTSA's IR, data provided is current as of the following dates:

- Response 1: Number of production vehicles (May 31, 2002)
- Response 2: Owner reports (May 22, 2002)
Field reports (June 4, 2002)
Crashes or incidents, subrogation claims, lawsuits, or third-party arbitration proceedings (June 19, 2002)
- Response 3: Dealer communications (May 29, 2002)
- Response 4: Modifications or changes (May 31, 2002)
- Response 5: Changes in the warnings or instructions to occupants (May 31, 2002)
- Response 6: Study, simulation, evaluation, analysis, inquiry, test program, survey, investigation, or similar action (June 19, 2002)

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400 Seventh Street, S.W.
Washington, D.C. 20590

Re: NSA-11cjw, DP02-002

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Dear Mr. White:

In addition to Toyota's partial response that we sent to you on July 8, 2002, concerning a petition for an investigation on the 1990 through 1995 MY 4 Runner, we hereby submit the attachments to our response. Please note that the Toyota Engineering Standard in Attachment 6 is to remain confidential. A confidential version of this submission is being submitted to the Chief Counsel's office.

Should you have any questions about this response, please contact either myself or Mr. Michiteru Kato at (202) 775-1707.

Sincerely,

TOYOTA MOTOR NORTH AMERICA, INC.



Chris Tinto
Director

CT: mk
Attachments

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Ms. Heidi Coleman
Assistant Chief Counsel for General Law
Office of Chief Counsel (NCC-30)
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Subject: NSA-11cjw, DP02-002
Confidential Information

Dear Ms. Coleman:

In accordance with 49 CFR 512.4, enclosed is attachment 9 to Toyota's response to NHTSA's May 15, 2002 information request concerning a petition for an investigation on the 1990 through 1995 MY 4 Runner. A response without the claimed confidential material has been sent to Mr. Jonathan D. White, Chief, Defect and Recall Information Analysis Division, Office of Defects Investigation.

Toyota claims that attachment 6 herein contains confidential information, specifically the engineering standards and in-house test procedure of the subject components.

Release of this confidential material would aid Toyota's competitors in learning details of Toyota's engineering standards and in-house test procedure of the subject components, closely guarded information in the motor vehicle industry. Therefore, Toyota requests that this material be treated as confidential. Such information has historically been so recognized by the agency, and confidential treatment has been granted.

If this request and supporting affidavit are found to be insufficient to establish Toyota's entitlement to confidential treatment, we ask that, pursuant to 49 CFR 512.4(j)(2), you afford us the opportunity to supplement this request.

Office of Chief Counsel
July 19, 2002
Page 2

If you have any questions about these materials, please contact either me or Mr. Michiteru Kato at (202) 775-1707.

Sincerely,

TOYOTA MOTOR NORTH AMERICA, INC.

A handwritten signature in black ink, appearing to read "CT", is written over a horizontal line.

Chris Tinto
Director

CT:mk
Enclosure

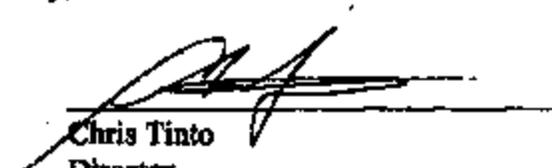
cc: Mr. Jonathan D. White, Chief, ODI(w/o enclosure)

**CERTIFICATE IN SUPPORT OF
REQUEST FOR CONFIDENTIALITY**

I, Chris Tinto, pursuant to the provisions of 49 CFR 512, state as follows:

- (1) I am Director, Toyota Motor North America, Inc., and I am authorized by Toyota Motor Corporation (Japan) to execute documents on behalf of Toyota Motor Corporation (Japan);
- (2) Toyota's response to NHTSA's May 15, 2002 inquiry containing Toyota's engineering standards and in-house test procedure of the subject components being submitted to the Office of Chief Counsel are confidential and proprietary and are being submitted with the claim that they are entitled to confidential treatment under 5 U.S.C. 552(b)(4), 15 U.S.C. 2005(d)(1) and 15 U.S.C. 2029, and that their release to the public would result in competitive harm to Toyota;
- (3) I have personally inquired of the responsible Toyota Motor Corporation (Japan) personnel who have authority in the normal course of business to release the information for which a claim for confidentiality has been made to ascertain whether such information has ever been released outside Toyota Motor Corporation (Japan), Toyota Motor Sales, U.S.A., Toyota Technical Center U.S.A., Inc., and its supplier (except to other government agencies under a grant of confidentiality);
- (4) Based on such inquiries, to the best of my knowledge, information and belief the information for which Toyota Motor Corporation (Japan) has claimed confidential treatment has never been released or become available outside Toyota Motor Corporation (Japan), Toyota Motor Sales, U.S.A., Inc., Toyota Technical Center U.S.A., Inc., and its supplier (except to other government agencies under a grant of confidentiality);
- (5) I make no representations beyond those contained in this certificate and in particular I make no representations as to whether this information may become available outside Toyota Motor Corporation (Japan), Toyota Motor Sales, U.S.A., Inc., Toyota Technical Center U.S.A., Inc., and its supplier because of unauthorized or inadvertent disclosure except as stated in Paragraph (4); and
- (6) I certify under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge and belief.

Executed on this, the 19th day of July, 2002.


Chris Tinto
Director

TOYOTA MOTOR NORTH AMERICA, INC.

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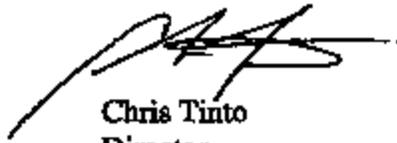
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TOYOTA MOTOR NORTH AMERICA, INC.

A handwritten signature in black ink, appearing to read "Chris Tinto", is written over the printed name and title.

Chris Tinto
Director

CT:mk
Enclosure

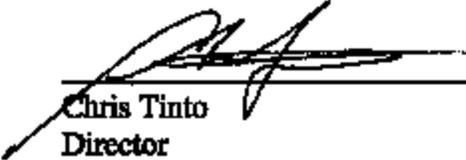
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- (6) I certify under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge and belief.

Executed on this, the 19th day of July, 2002.


Chris Tinto

Director

TOYOTA MOTOR NORTH AMERICA, INC.

Attachment 1: Owner reports

#	Id Number	Dealer	Ve Grade	Ve Yr	Case History Long 2000	Seek	Stated	Cur.	Cust Lname	Cust Address	Cust City	Cust State	Cust Zip	Cust Phone Num	Creation Time	Contact Method	Ve Year	Cur Miles	Incident Miles	Cur #Months	Ve Model	Ve Date	Status	
1	962570446A	04456	SRS (V6)	JT3VN39W680196906	*** CRN2 CUSTOMER STATES VERY DISAPPOINTED WITH PRODUCT. (1) ALARM LOCKS DOORS AFTER A FEW SECONDS (2) POPPING SOUND WHEN TURNING TO THE LEFT. (3) BRIGHT REAR SEAT BLT WILL NOT RETRACT. (4) TRANS STOPPED SHIFTING. (5) 5500 MILES USED ON QUART OIL (6) FRT DOME LIGHT STOPPED WRK. (7) VEH LACKS PWR. GETS 17 MPH ON OPEN LEVEL ROAD. (8) MID OVERHEAD LGHT INOPER. (9) FRT CARPET MOUNT CLIPS MISSING. (10) RATTLE IN FRT SUS. (11) DRIVERS SIDE FRT SEAT LEVER BROKE. *** CRN2 NOTES 9/10/96 TMS 10EF LEFT A MESSAGE FOR THE CUSTOMER AT 10:57 AM. 9/20/96 TMS 10EF SPOKE TO THE CUSTOMER AT 8:34 AM. THE CURRENT CONCERNS INCLUDE A HANDY LIST OF ITEMS. HE IS SEEKING A REPURCHASE OF THE VEHICLE.						EL CAJON	CA		619-581-7089	13-Aug-96	WRITTEN	1995	36500	0	27	4 RUNNER	18-Jun-95	CLOSED	
2	962570446L	04456	SRS (V6)	JT3VN39W680196906	*** CRN2 CUSTOMER STATES VEH ALARMS ITSELF, POP SOUND WHEN TURN LEFT, REAR SEATBELT WON'T RETRACT, CIG LIGHTER INOP. TRAN NOT SHIFTING USING EXCESS OIL, DOME LIGHT OUT, DRIVERS FRONT SEAT CARPET CLIPS MISSING, RATTLE FROM SUSPENSION, RATTLE FROM DRIVELINE, REAR WINDOW INOP, STEERING SHIMMYS. & LEATHER SEATS WORN. CUST SKS REPLACEMENT OR REPURCHASE OF VEH VIA BBB. CRN2 NOTES 01/16/97 11AM: DECISION IN FOR REPAIRS TO CUST VEH. WAITING FOR ACCEPT/DENIAL FR CUST. *** CRN2 ONGOING INFORMATION: 0001 PGM 30/19971 OHWA04/96 PMATE 9-251 FTTERS STR VERY UNHAPPY W/HD BUT MORE UNHAPPY W/SVC OF TMOG REP. SKS APOL FROM INCC REP. NCH FWDED TO TMOG.						EL CAJON	CA			619-581-7089	1-Nov-96	WRITTEN	1995	37810	746	27	4 RUNNER	18-Jun-95	CLOSED
3	199807090468	19031	SRS (V6)	JT3VN39W4M0053777	*** PHONE LOG 07/09/98 10:13:40 JEBENSTEN SEATBELTS IN THE REAR SEAT WILL NOT PULL OUT ALL THE WAY AND CONNECT. CUST STS THAT DLR QUOTED ESTIMATE OF \$486 TO RPH. VEH ALREADY IN FOR V06 THROUGH 7/10. CUST SKS TO KNOW IF A COMMON PRBLM W/SEATBELTS IN YEAR AND MODEL. CUST ALSO FRUST B/C SHIFT LEVER NOT WORKING WELL AND DLR ADV THAT SOMETHING SPILLED. *** CASE CLOSE 07/13/98 12:31:48 CAT3 DEALER WILL GOOD WILL THE SEATBELTS.	POSS ASSIST W/COST OF SEATBELT RPR. CUST SKS ANOTHER DIAG/CLARIFY OF PRBLM W/SHIFT LEVER R/C DOES NOT FEEL THAT A SMALL AMT OF LIQUID WOULD CAUSE SUCH PRBLMS.	NCR ADV WOULD OPEN TO CRM. PLS CONTACT AND DISCUSS W/CUST INCR AWARE THAT SAFETY ITEMS MAY BE EXCEPTION TO WARR. PLS CONTACT DSM FOR REVIEW			MOUNTAIN	MD			301-468-6573	9-Jul-98	PHONE	1991	85000	85000	92	4 RUNNER	21-Nov-90	CLOSED	
4	199807200537	04338	SRS	JT3HN37W	*** PHONE LOG 07/20/98 10:06:34 HUGHES CUST ADV THAT THE BACK LEFT SEAT BELT ON VEH FELL OUT OF CEILING WHEN CUST'S SON WENT TO PUT IT ON. CUST FEELS THIS SHOULD NOT HAVE HAPPEN (SAFETY ISSUE). CUST SKS OUT-OF-WARR ASSIST FOR RPR. *** CASE CLOSE 07/30/98 15:10:33 SF3 RETAINING BOLT CAME OUT OF BRACKET. REPLACED IT AND ALL OK NOW.	CUST SKS OUT-OF-WARR ASSIST FOR RPR OF SEAT BELT.	NCR ADV CUST THAT SHE WOULD SEND FILE TO CRM AT DLR TO LOOK INTO. (CRM CAN CONTACT NCR. ALONA HUGHES @ 910-221-5893 ABOUT POSS GOODWILL ASSIST)-			FREMONT	CA			415-391-6204	20-Jul-98	PHONE	1990	90000	0	0	4 RUNNER	?	CLOSED	
5	199902021368	47218	SRS (V6)	JT3VN39W	*** PHONE LOG 02/07/99 13:25:00 KDAY'S 93 4RUNNER 34,000 MILES REAR SAFETY BELTS WILL NOT PULL OUT. CUSTOMER HAS NOT BEEN TO THE DEALERSHIP AS OF YET. PURCHASED VEHICLE USED, AND USED CAR DLR CALLED TOYOTA DLR. DLR ADV NOT COVERED. CUSTOMER SKS TO KNOW IF CAN BE COVERED BECAUSE IS SAFETY CONCERN. *** CASE CLOSE 02/05/99 13:34:32 DLR47018 CUSTOMER HAS SCHEDULED APPOINTMENT WITH BODY SHOP TO HAVE SEAT BELT PROBLEM DIAGNOSED. AT THAT TIME IT WILL BE DETERMINED IF IT WILL BE COVERED BY WARRANTY OR CUSTOMER PAY. 1996 VEHICLE HAS A SEAT BELT WARRANTY OF 5 YRS OR 60,000 MILES SO IT MAY BE ITS COVERED.	SKS TO WORK WITH DLR FOR SEAT BELT CONCERN. SKS TO KNOW IF COVERED UNDER ANY SORT OF SAFETY WARRANTY	NCR APOLOG ZED, RPRS MAY BE OUTSIDE OF WARRANTY HOWEVER TO DLR FOR POSSIBLE OUT OF WARRANTY CONSIDERATION.			PRINCETON	WV			304-425-0155	2 Feb 99	PHONE	1995	34000	34000	0	4 RUNNER	?	CLOSED	
6	199905172012	02013	SRS (V6)	JT3VN39W2R0143985	*** PHONE LOG 05/17/99 18:09:42 GCHANG INTERNET >> CUST WAS ON VACATION 2 YEARS AGO IN AZ. PURCHASE USED VEH, NO RUST (LIVE IN MO). CUST DID NOT HAGGLE WITH PRICE BUT DID NOT INSIST THAT TWO ITEMS HAS TO BE REPLACED. A CRACKED FRONT HEADLIGHT LENS AND REAR SEATBELT THAT WAS CAUGHT IN SEAT LOCKING MECH. DLR WAS GOING TO GOODWILL PARTS, CUST REPAIR HIMSELF. CALLED DLR MANY TIMES AND FINALLY SENT HEADLIGHTS LENS. *** CASE CLOSE 05/17/99 18:09:54 GCHANG *** NOTES 05/20/1999 10:45:53 BY GCHANG AT INTERNET DATE 5/20 Y:47 AND RECEIVED 5/20 10:46. WRONG E-MAIL SENT TO CUST. SAME CONCERN. WILL DOC AT HG.	CUST SKS TO DOC	NCR ADV WILL DOC AT HG			O'FALLON	MO				314-240-0559	17-May-99	EMAIL	1994	0	0	81	4 RUNNER	25-Apr-94	CLOSED
7	199907080630	32118	SRS (V6)	JT3VN39WXR0152766	*** PHONE LOG 07/08/99 10:26:18 GHAGEMAN CUST FRUST B/C BOTH REAR SEAT BELTS WON'T PULL OUT PAST THE CHEST & THE DLR ADV THE COST TO RPR WOULD BE \$110/EA SEAT BELT & \$50 FOR LABO. CUST ADV DLR SAID TO CALL CAC. SKS OUT OF WARR ASSIST W/REPR. SKS CRM TO REVIEW FOR ASSIST B/C CUST SERVICES AT DLRSH. PLS TDY SHOULD COVER B/C POSSIBLE SAFETY ISSUE. CUST IS AWARE THAT VEH IS OUT OF WARR *** CASE CLOSE 07/08/99 10:26:34	SKS CRM TO REVIEW FOR OUT OF WARR ASSIST. CUST TO CONTACT CRM TODAY.	NCR APOI ORDER FOR SITUATION AND ADV TO CONTACT CRM FOR REVIEW & ASSIST.			GREENVILLE	NC			252-353-6406	8-Jul-99	PHONE	1994	73000	70000	61	4 RUNNER	30-Jun-94	CLOSED	

#	Id Number	Dealer	Va Grade	Va Vin	Case History Long 2000	Seeks	Stated	Cust	Cred Name	Cust Address	Cust City	Cust State	Cust Zip	Cust Phone Num	Creation Time	Contact Method	Ve Year	Cur Miles	Incident Miles	Cur Miles	Ve Model	Ve Date	Status				
1	2000K4200720	24074	6R5 (V6)	JT3VN28W5PB063887	<p>*** P-RONE LOG 04/20/00 08:11:58 AM TSHIDO SAME ISSUES AS PREV CASE 199907081449- CUS PURCH'D USED VEH LAST YR.CUS ADV AT TIME OF PURCH.2 REAR SEATBELTS INOPERATIVE&DLR ADV WOULD RPR AT \$2000/BELT.CUS ADV NEVER RCVD CLL FROM DLR AFTER PREV OPEN FILE&MOVED FROM MO TO CA END OF 8/99. CUS SKS MO DLH TO CONTACT TOY DLR IN CA TO ASST W/SEATBELT. (NCR CLLD CRMSVCMNGR MIKE BOLEK&L/M FOR MIKE TO CLL NCR DIRECTLY ON W/MAIL AS MIKE OUT UNTIL 4/21.) NCR DID NOT RAISE CUS'S EXPECTATIONS *** NOTES 04/21/2000 14:49:27. BY TSHIDO YCR SPK W/SVCMNGR MIKE BOLEK WHO ADV SPK W/GM WHO ADV NO ASST B/C OF TIME LAPSE&ADV CUS SHOULD HAVE RCVD CLL BLTR B/C OF PARTS ORDERING SYS TEM.MIKE ADV USED VEH 1 MNGR NOT AT DLR ANYMORE&WASNT GOING TO OFFER FURTHER ASST.MIKE ADV UNSURE OF WHO CLOSED CASE&OKAY FOR NCR OFFERING GW.NCR CLLD CUS-L/M ON ANSWERING MACH TO CLL CAC&REF.NCR CONSIDERING TO OFFER GW OF 50% OF PARTS OF SEATBELT RPR B/C SEAT BELT IS SAFETY & LIABILITY ISSUE & CUS NEEDS TO HAVE RPR COMPLETED.</p> <p>>>>> *** CASE CLOSE 04/21/00 02:24:29 PM TSHIDO NEXT REP-PLS PROBE IF CUS HAS ESTIMATE OF REAR SEATBELT RPRS& TRANSFER TO X65778 IF NOT AVAIL, PLS PROBE FOR PH # & AVAIL C/B TIME *** NOTES 04/24/2000 10:04:07. BY ASAND CUS C/B AND WANTED TO SPEAK W/ TIFFANY. NCR WENT OVER ISSUE W/ CUS AND CUS ADV THAT SHE DID LET THIS SITUATION GO. NCR ADV CUS NEEDS TO GET AN ESTIMATE ON VEH AND CALL BACK. NCR ADV TIFFANY LOOKING INTO GOODWILL. *** NOTES 04/25/2000 09:57:20. BY DSATLAWA CUST CALLING & ASKED FOR TSHIDO. NCR AFOI. ADV NOT AVAIL. NCR ADV LEFT V/M FOR TSHIDO TO RETURN CUST CALL. CUST ADV I HAS GOTTEN EST FOR VEH. NCR EMAILED TSHIDO W/ REQUEST FOR CUST C/B *** NOTES 04/25/2000 10:09:37. BY TSHIDO NCR CLLD CUS WHO ADV \$674.87 FOR RPR AT J FW WEBB'S BUENA PARK TOYOTA.CUS ADV NO BREAKDOWN, BUT MOSTLY LABOR. NCR CLLD DLR CRM KERI FISHER, AS SVCMNGR JIM MCNEIL AT ALL-DAY MEETING NCR ADV CRM KERI OF SITUATION & ADV NCR WILLING TO OFFER 1X GW OF 50% PARTS.KERI ADV WILL C/B W/PARTS FIGURE.NCR ADV KERI OF DI</p>	REAR SEATBELT RPLCMNT	NCR APCL&ADV WILL RESEARCH & C/B BY EOB FRI OR MON 4/25								JA HABRA	CA		562.690.2977	20-Apr-00	PHONE	1994	88000	85000	694	RUNNER	18-Jul-94	CLOSED

Attachment 1 - Sub

A copy of owner report/e-mail text



1 9 9 9 0 5 1 7 2 0 1 2

**TOYOTA
CUSTOMER RELATIONS**

Name	<u>Mr.</u>	<u>James</u>	<u>Sparks</u>
	<small>TITLE</small>	<small>NAME</small>	<small>INITIAL</small> <small>LAST</small>
In Care of	<u>James.k.sparks@monsanto.com</u>		
Address	<u>1323 Washington Crossing dr</u>		
City	<u>O'fallon</u>	<u>MO</u>	<u>63366</u>
	<small>CITY</small>	<small>STATE</small>	<small>ZIP CODE</small> <small>COUNTRY</small>
Area Assigned	<u>TMS O/C</u>	<u>George Chang</u>	
		<small>SALES</small>	

1999-0517292



0000-Admin(0000) <dseamon@toyota.toyota.com>
05/15/99 05:28 PM

To: CR46@toyota.com
cc: [bcc: CR46/AltToyota]
Subject: NCAC to CR46@toyota.com

From: NCAC-CGI@web1-fgc.toyota.com Sat May 15 17:28:11 1999
Received: from web1-fgc.toyota.com (web1-fgc.toyota.com [207.138.36.73])
by toyota.toyota.com (8.9.3/8.9.3) with SMTP id RAA19717
for <ncacdist@toyota.com>; Sat, 15 May 1999 17:28:11 -0700 (PDT)
Received: by web1-fgc.toyota.com (SMI-8.6/SMI-SVR4)
id RAA05594; Sat, 15 May 1999 17:27:51 -0700
Date: Sat, 15 May 1999 17:27:51 -0700
Message-Id: <199905150027.RAA05604@web1-fgc.toyota.com>
from cwnaccs.toyota.com - Sparks
From: NCAC-CGI@toyota.com

DATE: 1999-05-15 17:27:51
SESSION ID: 6tPE464NPj1J
OWNERID: jkspax

FIRST NAME: James
LAST NAME: Sparks
ADDRESS: 1323 Washington Crossing Drive
CITY: O'Fallon
STATE: MO
ZIP: 63366
TELEPHONE (DAY): 1 314 240 0559
EXT:
BEST TIME: any
ALT PHONE: 1 314 240 0559
ALT EXT:
ALT BEST TIME:
E-MAIL ADDRESS: james.k.sparks@consauto.com

VIN: JT3VU39R2R0143985
VEHICLE MODEL: 4Runner (4X4)
VEHICLE YEAR: 1995
CURRENT MILEAGE: 50000
INCENTIVE MILEAGE: 35300
DEALERSHIP NAME: Superstition Springs Toyota
DEALER CITY: Mesa
DEALER STATE: AZ
DEALER CONTACT: Hoy Mathis

COMMENTS:
2 years ago I was vacationing in AZ and purchased a used 4Runner because they had no rust, (I live in MO). I did not haggle the price but did insist that two items be replaced. A cracked front headlight lens and a rear seatbelt that was cut up from it being caught in the seat locking mech. I said I would replace

the parts myself because I was going back to MO and they had to get the parts. They promised when they got the parts in they would send them to me. Months went by. I called many times, finally they sent me the headlight lens. I kept calling to get the belt. They said the person I need to talk to was not in, the person whom I dealt with no longer was employed there, or many other excuses. I finally gave up. I love the truck. Love working on it but the parts don't fail too often?)

WANTS TOYOTA TO DO TO RESOLVE ISSUE:

I bought at a Toyota dealership to avoid this frustration. I feel they just gave me the runaround. All I asked was that the truck safety issues be fixed. I offered to do the work myself even. I realize I waited too long to bring this to your attention. All I want is for this to go on record.

--

M. Edwards

CR65

05/17/00 08:22 PM

To: CR1/Al/Toyota@Toyota
cc:
Subject: NCAG / Sparks, James - Toyota

Thank you for contacting Toyota Motors Sales, USA, Inc.

To obtain information about your lease contract, please contact your leasing company. If your lease is through Toyota Motor Credit Corporation (TMCC), you may reach them by calling (800) 382-2988.

NATIONAL CUSTOMER RELATIONS

YOUR

1999 05172012



"James" <jamespark@netzero.net>
05/20/99 07:47 AM

To: CR46/AUToyota@Toyota
cc:
Subject: wrong email

Your answer was apparently meant for someone else. Basically my concern was something that there is no action required by Toyota. It is something that happened when I purchased the 4Runner on 5.24.97. I stumble across the web page. It is something that bothers me so I must tell you about it.

I was in Arizona backpacking and my wife and we had it in our plans to look at some used 4Runners. At the time I had a \$7 Bronco that was starting to get rust damage. We had planned to buy a Toyota certified 4Runner. We found one at Superstition Springs Toyota, 6116 East Loop Avenue, Mesa, Arizona. Since they were a new dealership they said they could not certify the SUV but if they did it would pass. I carefully looked over the truck and noticed the front passenger headlamp had a crack on it so bad that it would cut your hand if your were to rub up against it. They agreed to replace it but since they had to order it and we were going back to Pennsylvania they would send it to me. I offered to replace it myself. Also the rear passenger seatbelt was out from it getting caught in the seatback locking mechanism. They agreed to send me one. I paid 19,999 (their asking price) and expected a Toyota dealership to fix these safety issues. They never sent either one so I started to call them. I moved to Missouri and gave them my new address. The Assistant Manager that I had dealt with, Roy Mathis was no longer with the company or the person I need to talk to was not in was some of the runaround I got. Finally after much trouble they sent the headlamp lens. I got tired of calling and finally gave up on the seatbelt. I am not requesting any action but I just wanted to let you know of my bad experiences with Superstition Springs Toyota.

On a positive note, we really love the truck. My dad is a retired UAW worker and it was hard to buy something other than a Ford (three Ford trucks over the years and one Ford car). He was visiting when I was replacing the starter and he got under the truck. He was impressed on the engineering. All the fasteners were thoughtfully positioned and they even had an access panel. We are going to be replacing my wife's Ford in the future and we will look at Toyota line.

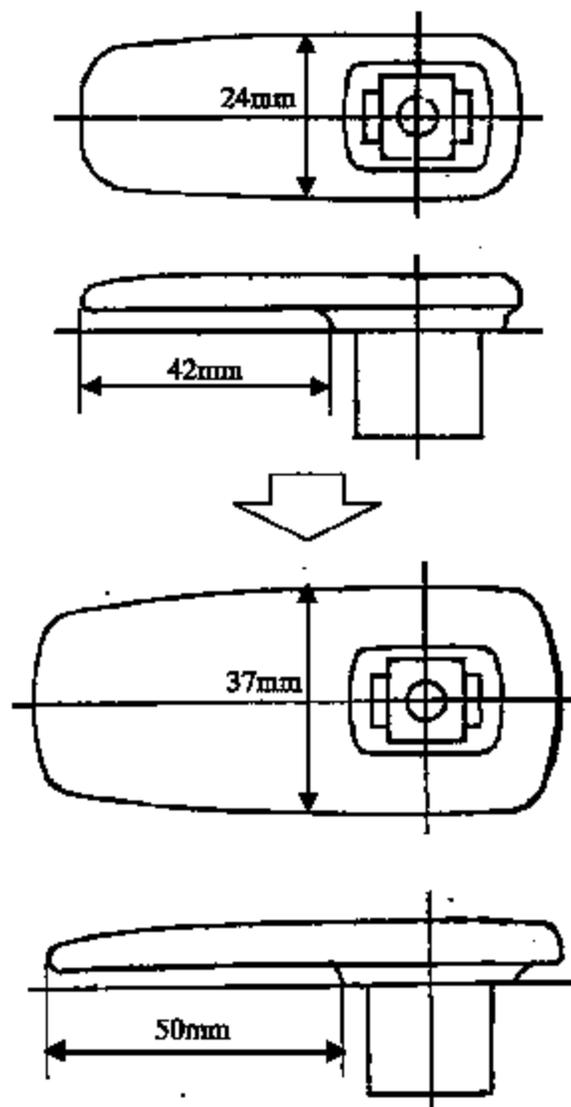
James Sparks
jamespark@netzero.com

-----Original Message-----

From: CR46@notes.toyota.com [mailto:CR46@notes.toyota.com]
Sent: Tuesday, May 18, 1999 6:54 PM
To: james.k.sparks@comcast.com
Subject: NCAC / Sparks, James - Toyota

*** TOTAL PAGE.06 ***

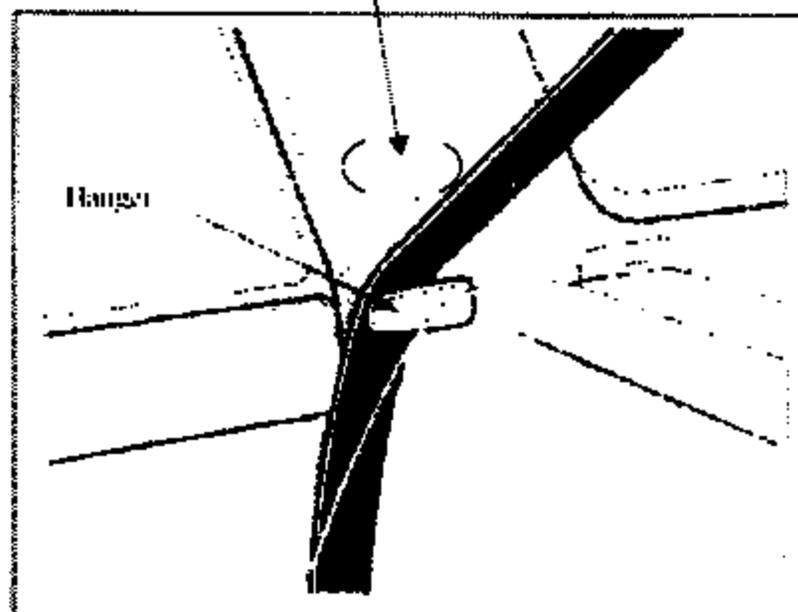
Attachment 3



NOTICE

To prevent damage to the shoulder belt, make sure the shoulder belt passes through the hanger before folding the seatback down or returning it to the upright position.

Pour éviter tout dommage de la ceinture baudrier, s'assurer que la ceinture baudrier est bien enfilée dans le crochet de suspension avant de rabattre le dossier de siège ou de le ramener en position verticale.



Attachment 4

MY	Publish No.	Edition	Release date	Description of changes	Ref. page
1990	OM35498U	1st	Apr-89	---	Attachment 5 - p.1
	OM35516U	1st	Aug-89	Colored "CAUTION" in RED	Attachment 5 - p.2
		2nd	Feb-90	Added explanation for the "hanger" as follows: Make sure that the shoulder belt passes through the hanger when folding the seatback down or returning the seatback to the upright position. This prevents the shoulder belt from being damaged.	Attachment 5 - p.3
1991	OM35537U	1st	Aug-90	No change was made	---
1992	OM35554U	1st	Aug-91	Added CAUTION for the "rear seat cushion returning" as follows: When returning the bottom cushion to its place: - Do not forget to pull out the buckle of the side seatbelts and center seatbelt and arrange them in their proper position for ready use. - Make sure the bottom cushion is securely locked by trying to pull up the edge of the cushion near the lock release straps. Added CAUTION for the "rear seatback returning" as follows: When returning the seatback to the upright position: - Make sure the seat belts are not twisted or caught in the seatback and are arranged in their proper position for ready use. - Make sure the seatback is securely locked by pushing forward and rearward on the top of the seatback.	Attachment 5 - p.4
	OM35588U	1st	Feb-92	Added CAUTION for the "hanger" as follows: Seat belt must be removed from the hanger when seat belt is in use.	Attachment 5 - p.5
1993	OM35608U	1st	Aug-92	Changed the location of the caution for the hanger as follows: From 4th part of "Fold-down rear seats" to 1st part of it.	Attachment 5 - p.6
		2nd	Dec-92	No change was made	---
1994	OM35629U	1st	Aug-93	No change was made	---
		2nd	Mar-94	No change was made	---
1995	OM35655U	1st	Aug-94	Changed description of the explanation for the hanger as follows: Make sure the shoulder belt passes through the hanger when folding the seatback down. This prevents the shoulder belt from being damaged. Also take due care to avoid catching the shoulder belt in the rear seatback when returning it to the upright position.	Attachment 5 - p.7
		2nd	Jan-95	Bolded first part of the explanation for the hanger as follows: Make sure the shoulder belt passes through the hanger when folding the seatback down. This prevents the	Attachment 5 - p.8
	OM35676U	1st	Mar-95	No change was made	---

Attachment 5

A copy of related pages of the owner's manual is stored on diskette as an electronic file.

Attachment 6

Exhibits 1 and 2 are provided by videotape.

#	Id Number	Dealer	Vb Grade	Vb Vin	Case History Long 2000	Seeks	Stated	Cust Frmr	Cust Lname	Cust Address	Cust City	Cust State	Cust Phone Num	Creation Time	Contact Method	Ve Year	Cur Miles	Incrd Miles	Cur Months	Ve Model	Ve Dots	Status	
1	962570446A	04456	SRS (V6)	JT3VN39W6S0195906	*** CRN2 CUSTOMER STATES VERY DISAPPOINTED WITH PRODUCT (1) ALARM LOCKS DOORS AFTER A FEW SECONDS. (2) POPPING SOUND WHEN TURNING TO THE LEFT. (3) RIGHT REAR SEAT BLT WILL NOT RETRACT. (4) TRANS STOPPED SHIFTING. (5) 5500 MI ENG USED ON QUART OIL. (6) FRT DOME LIGHT STOPPED WTK. (7) VCH LACKS PWR. GETS 1/2 MPH ON OPEN LEVER ROAD. (8) MID OVERHEAD LIGHT NOISE. (9) FRT CARPET MOUNT CLIPS MISSING. (10) RATTLE IN FRT SUS. (11) DRIVERS SIDE FRT SEAT LEVER BROKE. *** CRN2 NOTES 01/09/98 TMS 10:11 LEFT A MESSAGE FOR THE CUSTOMER AT 10:57 AM. 09/20/98 TMS 10:06 SPOKE TO THE CUSTOMER AT 8:34 AM. THE CURRENT CONCERNS INCLUDE A LANDRY LIST OF ITEMS. HE IS SEEKING A REPUNCIASE OF THE VEHICLE.							ELCAJON	CA	619-561-7089	13-Aug-98	WRITTEN	1995	36500	0	27	4 RUNNER	18-Jun-95	CLOSED
2	962570446D	04456	SRS (V6)	JT3VN39W6S0195906	*** CRN2 CUS' OWNER STATES VEH ALARMS ITSELF, POP SOUND WHEN TURN LEFT, REAR SEATBELT WON'T RETRACT, CIG LIGHTER INOP. TRANS NOT SHIFTING, USING EXCESS OIL, DOME LIGHT OUT, DRIVERS FRONT SEAT CARPET CLIPS MISSING, RATTLE FROM SUSPENSION, RATTLE FROM DRIVE INP, REAR WINDOW INOP, STEERING SHIMMYS, & LEATHER SEATS WORN. CUS SKS REPLACEMENT OR REPUNCIASE OF VEH VIA BBB. CRN2 NOTES 01/18/97 11:46: DECISION IN FOR REPAIRS TO CUST. VEH. WAITING FOR ACCEPT/DENIAL FR CUST. *** CRN2 ONGOING INFORMATION: 0001 P09/30/1997 01:10:43 PMATT 9-23: LETTERS STS VERY UNHAPPY WNEH BU MORE UNHAPPY W/SG OF TMCC REP. SKS APOL FROM TMCC REP. NCR FWD'D TO TMCC.							ELCAJON	CA	619-561-7089	1-Nov-98	WRITTEN	1995	37810	746	27	4 RUNNER	18-Jun-95	CLOSED
3	199807090488	19051	SRS (V8)	JT3VN39W4M0053777	*** PHONE LOG 07/09/98 10:13:40 JESSENSEN SEATBELTS IN THE REAR SEAT WILL NOT PULL OUT ALL THE WAY AND CONNECT. CUST STS THAT DLH QUOTED ESTIMATE OF \$406 TO RPR. VEH ALREADY IN FOR V06 THROUGH 7:10. CUST SKS TO KNOW IF A COMMON PRBLM W/SEATBELTS IN YEAR AND MODEL. CUST ALSO FRUST B/C SHIFT LEVER NOT WORKING WELL AND DLH ADV THAT SOMETHING SPILLED. *** CASE CLOSE 07/13/98 10:21:48 CAT3 DEALER WILL GOOD WILL THE SEAT BELTS	POSS ASSIST W/COST OF SEATBELT RPR. CUST SKS ANOTHER DIAG/CLARIFY OF PRBLM W/SHIFT LEVER B/C DOES NOT FEEL THAT A SMALL AMT OF LIQUID WOULD CAUSE SUCH PRBLMS.	NCR ADV WOULD OPEN TO CHM. PLS CONTACT AND DISCUSS W/CUST (NCR AWARE THAT SAFETY ITEMS MAY BE EXCEPTION TO WARR. PLS CONTACT DSM FOR REVIEW)				JOINT RANIA	MD	301-468-8573	9-Jul-98	PHONE	1991	85000	85000	92	4 RUNNER	21-Nov-90	CLOSED	
4	199807200537	04388	SRS	JT3RN37W	*** PHONE LOG 07/20/98 10:08:31 HUGHES CUST ADV THAT THE BACK LEFT SEAT BELT ON VEH FELL OUT OF CEILING WHEN CUST'S SON WENT TO PUT IT ON. CUST FEELS THIS SHOULD NOT HAVE HAPPEN (SAFETY ISSUE). CUST SKS OUT-OF-WARR ASSIST FOR RPR. *** CASE CLOSE 07/30/98 15:10:33 SFS RETAINING BOLT CAME OUT OF BRACKET. REPLACED IT AND ALL OK NOW.	CUST SKS OUT-OF-WARR ASSIST FOR RPR OF SEAT BELT.	NCR ADV CUST THAT SHE WOULD SEND FILE TO CRM AT DLH TO LOOK INTO. (CHM CAN CONTACT NCR, ALONA HUGHES @310-224-6803 ABOUT POSS GOODWILL ASSIST)				FREMONT	CA	415-391-6204	20-Jul-98	PHONE	1990	90000	0	0	4 RUNNER	?	CLOSED	
5	199902021368	47018	SRS (V6)	JT3VN39W	*** PHONE LOG 02/02/99 13:54:00 KGAVIS 95 4RUNNER 34,000 MILES REAR SAFETY BELTS WILL NOT PULL OUT. CUSTOMER HAS NOT BEEN TO THE DEALERSHIP AS OF YET. PURCHASED VEHICLE USED, AND USED CAR DLR CALLED TOYOTA DLR. DLR ADV NOT COVERED. CUSTOMER SKS TO KNOW IF CAN BE COVERED BECAUSE IS SAFETY CONCERN. *** CASE CLOSE 02/05/99 13:34:32 DLR47018 CUSTOMER HAS SCHEDULED APPOINTMENT WITH BODY SHOP TO HAVE SEAT BELT PROBLEM DIAGNOSED. AT THAT TIME IT WILL BE DETERMINED IF IT WILL BE COVERED BY WARRANTY OR CUSTOMER PAY. 1995 VEHICLE HAS A SEAT BELT WARRANTY OFS YHS OH 60,000 MILES SO IT MAY BE ITS COVERED.	SKS TO WORK WITH DLR FOR SEAT BELT CONCERN. SKS TO KNOW IF COVERED UNDER ANY SORT OF SAFETY WARRANTY	NCR APOLOGIZED, RPRS MAY BE OUTSIDE OF WARRANTY, HOWEVER **O DLR FOR POSSIBLE OUT OF WARRANTY CONSIDERATION.				PRINCETON	WV	304-475-3155	2-Feb-99	PHONE	1995	34000	34000	0	4 RUNNER	?	CLOSED	
6	199805172012	02013	SRS (V6)	JT3VN39W2R0143985	*** PHONE LOG 05/17/99 18:09:42 GCHANG INTERNET - CUST WAS ON VACATION 2 YEARS AGO IN AZ, PURCHASE USED VEH, NO FRUST (LIVE IN MO). CUST DID NOT HAGGLE WITH PRICE BUT DID NOT INSIST THAT TWO ITEMS HAS TO BE REPLACED. A CRACKED FRONT HEADLIGHT LENS AND REAR SEATBELT THAT WAS CAUGHT IN SEAT LOCKING MECH. DLR WAS GOING TO GOODWILL PARTS, CUST REPAIR HIMSELF. CALLED DLR MANY TIMES AND FINALLY SENT HEADLIGHTS LENS. *** CASE CLOSE 05/17/99 18:09:54 GCHANG *** NOTES 05/20/1999 10:45:53. BY GCHANG AT INTERNET DATE 5/20 7:47 AND RECEIVED 5/20 10:46. WRONG E-MAIL SENT TO CLST. SAME CONCERN. WILL DOC AT HQ.	CUST SKS TO DOC	NCR ADV WILL DOC AT HQ				O'FALLON	MO	314-240-0559	17-May-99	EMAIL	1994	0	0	61	4 RUNNER	25-Apr-94	CLOSED	
7	199907080630	32148	SRS (V6)	JT3VN39WXR0150768	*** PHONE LOG 07/08/99 10:26:18 GILGEMAN CUST FRUST B/C BOTH REAR SEAT BELTS WON'T PULL OUT PAST THE CHEST & THE DLR ADV THE COST TO RPR WOULD BE \$1100EA SEAT BELT & \$50 FOR LABOR. CUST ADV DLR SAID TO CALL GAC. SKS OUT OF WARR ASSIST W/REPR. SKS CRM TO REVIEW FOR ASSIST B/C CUST SERVICES AT DLRSHP. PLS TRY SHOULD COVER B/C POSSIBLE SAFETY ISSUE. CUST IS AWARE THAT VEH IS OUT OF WARR. *** CASE CLOSE 07/08/99 10:26:54	SKS CRM TO REVIEW FOR OUT OF WARR. ASSIST. CUST TO CONTACT CRM TODAY.	NCR APOLOGIZED FOR SITUATION AND ADV TO CONTACT CRM FOR REVIEW & ASSIST.				GREENVILLE	NC	252-353-5406	8-Jul-99	PHONE	1994	73000	70000	61	4 RUNNER	30-Jun-94	CLOSED	

#	Id Number	Dealer	Ve Grade	Ve Vin	Case History Long 2000	Seeks	Stated	Cust Frame	Cust Lname	Cust Address	Cust City	Cust State	Cust Zip	Cust Phone Num	Creation Time	Contact Method	Ve Year	Cur Miles	Incident Miles	Cur Months	Ve Model	Ve Dofu	Status	
3	200004200228	24074	SR5 (V6)	JT3VIN39W5R8053887	<p>*** PHONE LOG 04/21/00 08:11:58 AM TSHIDO SAME ISSUES AS PREV CASE 199007081449- CUS PURCH'D USED VEH LAST YR. CUS ADV AT TIME OF PURCH, 2 REAR SEATBELTS INOPERATIVE & DLR ADV WOULD RPH AT \$200/BELT. CUS ADV NEVER RCVD CLL FROM DLR AFTER PREV OPEN FILE & MOVED FROM MO TO CA END OF 8/00. CUS SKS MO DLR TO CONTACT TOY DLR IN CA TO ASST W/ SEATBELT. (NCR CLLD CRM SVCMNGR MIKE BOLEK) AM FOR MIKE TO CALL NCR DIRECTLY ON VMAIL AS MIKE OUT UNTIL 4/21. NCR DID NOT RAISE CUS'S EXPECTATIONS *** NOTES 04/21/2000 14:49:21, BY TSHIDO NCR SPK W/ SVCMNGR MIKE BOLEK WHO ADV SPK W/ GM WHO ADV NO ASST B/C OF TIME LAPSE. ADV CUS SHOULD HAVE RCVD CLL & LTH B/C OF PARTS ORDERING SYSTEM. MIKE ADV USED VEH MNGR NOT AT DLR ANYMORE & WASNT GOING TO OFFER FURTHER ASST. MIKE ADV UNSURE OF WHO CLOSED CASE & OKAY FOR NCR OFFERING GW. NCR CLLD CUS- LM ON ANSWERING MACH TO CLL CAC & REFR. NCR CONSIDERING TO OFFER GW OF 50% OF PARTS OF SEATBELT RPR B/C SEAT BELT IS SAFETY & LIABILITY ISSUE & CUS NEEDS TO HAVE RPH COMPLETED</p> <p>>>>> *** CASE CLOSE 04/27/00 02:24:20 PM TSHIDO NEXT REP. PLS PROBE IF CUS HAS ESTIMATE OF REAR SEATBELT RPR & TRANSFER TO X85778. IF NOT AVAIL. PLS PROBE FOR PH# & AVAIL C/B TIME *** NOTES 04/24/2000 10:04:07, BY ASAND CUS C/B AND WANTED TO SPEAK W/ TIFFANY. NCR WENT OVER ISSUE W/ CUS AND CUS ADV THAT SHE DID LET THIS SITUATION GO. NCR ADV CUS NEEDS TO GET AN ESTIMATE ON VEH AND CALL BACK. NCR ADV TIFFANY LOOKING INTO GOODWILL. *** NOTES 04/25/2000 09:37:20, BY DSATLAWA CUST CALLING & ASKED FOR TSHIDO. NCR APOL. ADV NOT AVAIL. NCR ADV LEFT V/M FOR TSHIDO TO RETURN CUST CALL. CUST ADV HAS GOTTEN EST FOR VEH. NCR EMAILED TSHIDO W/ REQUEST FOR CUST C/B *** NOTES 04/25/2000 10:08:37, BY TSHIDO NCR CLLD CUS WHO ADV \$674.87 FOR RPR AT LEW WEBB'S BUENA PARK TOYOTA. CUS ADV NO BREAKDOWN, BUT MOSTLY LABOR. NCR CLLD DLR CRM KERI FISHER. AS SVCMNGR JIM MCNEIL AT ALL-DAY MEETING. NCR ADV CHM KERI OF SITUATION & ADV NCR WILL NG TO OFFER 1X GW OF 50% PARTS. KERI ADV WILL C/B W/ PARTS FIGURE. NCR ADV KERI OF DJ</p>	REAR SEATBELT RPLCMNT	DR FR	MITZIE	LAM	380 E ERINA AVE	LA HABRA	CA		562-690-2977	20-Apr-00	PHONE	1994	86000	86000	69	4	RUNNER	18-Jul-94	CLOSED

Attachment 1 - Sub

A copy of owner report/e-mail text



1999 0517 2012

TOYOTA CUSTOMER RELATIONS

Name	_____	_____	_____	_____	_____
	<small>TITLE</small>	<small>FIRST</small>	<small>M. INITIAL</small>	<small>LAST</small>	
In Care of	James J. ...@toyota.com				_____
Address	_____				_____
City	O'fallon	_____	MO	_____	_____
	<small>STATE</small>	<small>ZIP CODE</small>	<small>COUNTRY</small>		
Area Assigned	TMS O/C		George Chang		

19990517202



0000-Admin(0000) <daemon@toyota.toyota.com>
05/15/99 05:28 PM

To:
CC:
Subject: NCAC to CR46@toyota.com

From: NCAC-CGI@web1-fgc.toyota.com Sat May 15 17:28:11 1999
Received: from web1-fgc.toyota.com (web1-fgc.toyota.com [207.138.34.73])
by toyota.toyota.com (8.9.3/8.9.3) with SMTP id RAA19717
for <ncacdist@toyota.com>; Sat, 15 May 1999 17:28:11 -0700 (PDT)
Received: by web1-fgc.toyota.com (SMI-8.6/SMI-SVR4)
id RAA05604; Sat, 15 May 1999 17:27:51 -0700
Date: Sat, 15 May 1999 17:27:51 -0700
Message-Id: <189905160027.RAA05604@web1-fgc.toyota.com>
from owners.toyota.com - Sparks
From: NCAC-CGI@toyota.com

DATE: 1999-05-15 17:27:51
SESSION ID: 0tFX464NFj1J
ORDERID: jkspax

FIRST NAME: -
LAST NAME: -
ADDRESS: -
CITY: O'Fallon
STATE: MO
ZIP: -
TELEPHONE (DAY): -
EXT: -
BEST TIME: any
ALT PHONE: -
ALT EXT: -
ALT BEST TIME: -
E-MAIL ADDRESS: james.k.sparks@mcnsanto.com

VIN: JT3VNA9W2R0141985
VEHICLE MODEL: 4Runner (4x4)
VEHICLE YEAR: 1995
CURRENT MILEAGE: 50000
INCIDENT MILEAGE: 35300
DEALERSHIP NAME: Superstition Springs Toyota
DEALER CITY: Mesa
DEALER STATE: AZ
DEALER CONTACT: Roy Mathis

COMMENTS:
2 years ago I was vacationing in AZ and purchased a used 4runner because they had no rust, (I live in MO). I did not haggle the price but did insist that two items be replaced. A cracked front headlight lens and a rear seatbelt that was out up from it being caught in the seat locking mechanism. I said I would replace

the parts myself because I was going back to MO and they had to get the parts. They promised when they got the parts in they would send them to me. Months went by. I called many times, finally they sent me the headlight lens. I kept calling to get the belt. They said the person I need to talk to was not in, the person whom I dealt with no longer was employed there, or many other excuses. I finally gave up. I love the truck. Love working on it but the parts don't fail too often.)

WANTS TOYOTA TO DO TO RESOLVE ISSUE:

I bought at a Toyota dealership to avoid this frustration. I feel they just gave me the runaround. All I asked was that the truck safety issues be fixed. I offered to do the work myself even. I realize I waited too long to bring this to your attention. All I want is for this to go on record.

..

CR#6

05/17/99 05:32 PM

To: CR1/AV/Toyota@Toyota
Subject: NCAC / Sparks, James - Toyota

Thank you for contacting Toyota Motors Sales, USA, Inc.

To obtain information about your lease contract, please contact your leasing company. If your lease is through Toyota Motor Credit Corporation (TMCC), you may reach them by calling (800) 392-2969.

NATIONAL CUSTOMER RELATIONS

YOUR

1299 05172012



05/20/99 07:47 AM

To: CR46/AM/Toyota@Toyota
Cc:
Subject: wrong email

Your answer was apparently meant for someone else. Basically my concern was something that there is no action required by Toyota. It is something that happened when I purchased the 4Runner on 3.24.97. I stumbled across the web page. It is something that bothers me so I must tell you about it.

I was in Arizona backpacking and my wife and I had it in our plans to look at some used 4Runners. At the time I had a #7 Bronco that was starting to get rust damage. We had planned to buy a Toyota certified 4Runner. We found one at Superstition Springs Toyota, 6136 East Loop Avenue, Mesa, Arizona. Since they were a new dealership they said they could not certify the SUV but if they did it would pass. I carefully looked over the truck and noticed the front passenger headlamp had a crack on it so bad that it would cut your hand if you were to rub up against it. They agreed to replace it but since they had to order it and we were going back to Pennsylvania they would send it to me. I offered to replace it myself. Also the rear passenger seatbelt was out from it getting caught in the seatback locking mechanism. They agreed to send me one. I paid 19,980 (their asking price) and expected a Toyota dealership to fix these safety issues. They never sent either one so I started to call them. I moved to Missouri and gave them my new address. The Assistant Manager that I had dealt with, Hoy Mathis was no longer with the company or the person I need to talk to was not in was some of the runaround I got. Finally after much trouble they sent the headlamp lens. I got tired of calling and finally gave up on the seatbelt. I am not requesting any action but I just wanted to let you know of my bad experiences with Superstition Springs Toyota.

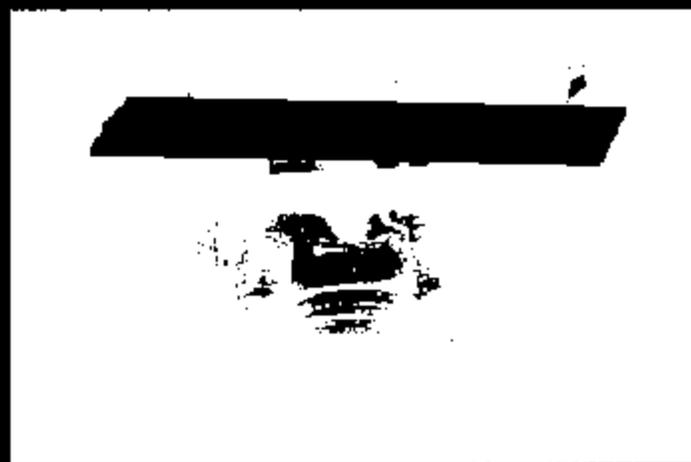
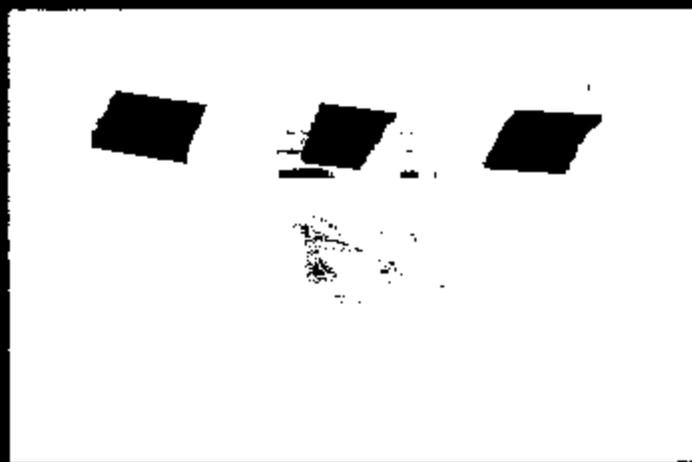
On a positive note, we really love the truck. My dad is a retired UAW worker and it was hard to buy something other than a Ford (three Ford trucks over the years and one Ford car). He was visiting when I was replacing the starter and he got under the truck. He was impressed on the engineering. All the fasteners were thoughtfully positioned and they even had an access panel. We are going to be replacing my wife's Ford in the future and we will look at Toyota line.

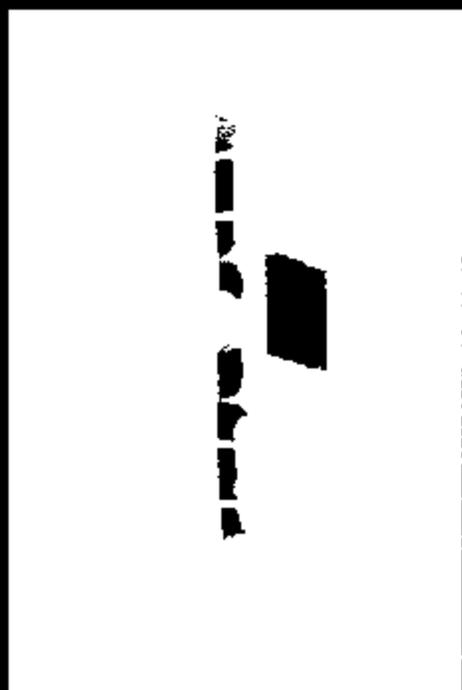
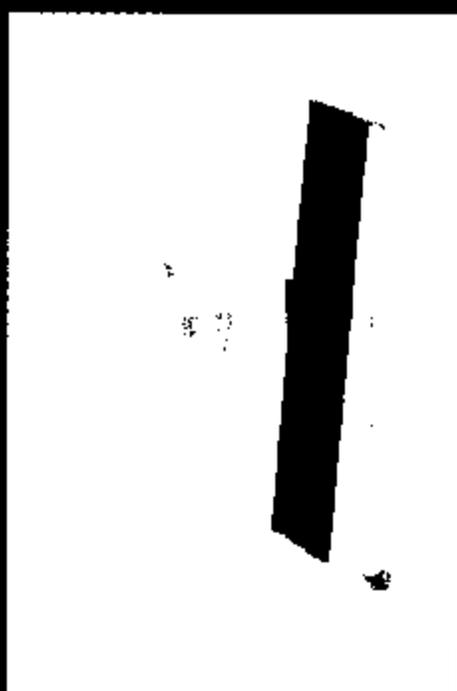
James Sparks
jamessparks@netrero.com

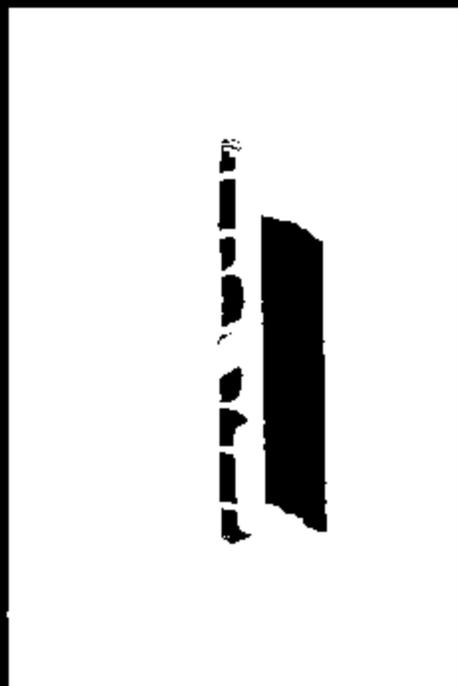
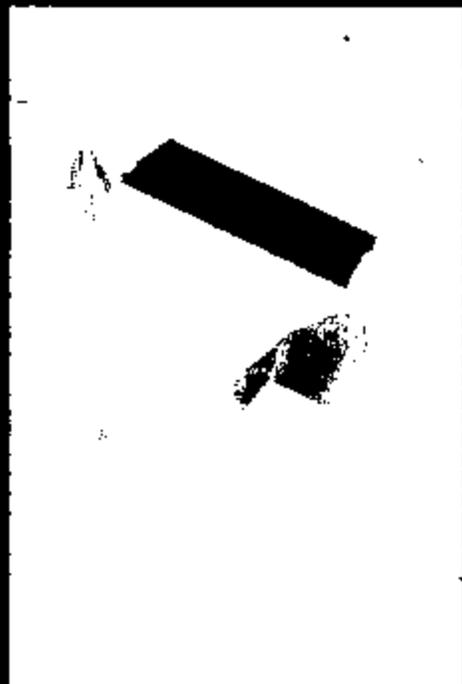
-----Original Message-----

From: CR46@notes.toyota.com [mailto:CR46@notes.toyota.com]
Sent: Tuesday, May 18, 1999 6:54 PM
To: james.k.sparks@netsanto.com
Subject: NCMC / Sparks, James - Toyota

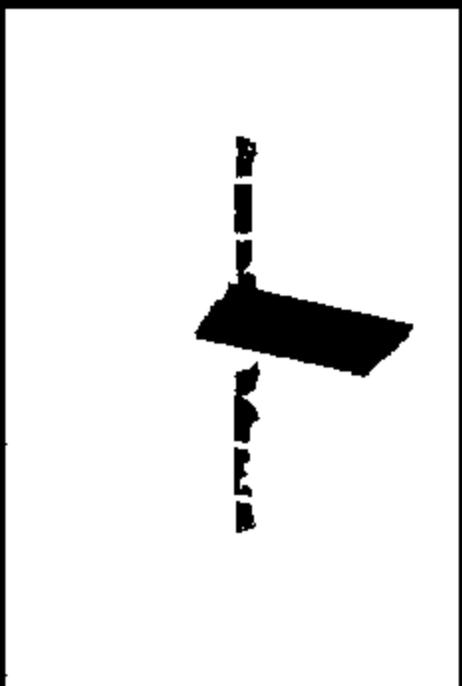
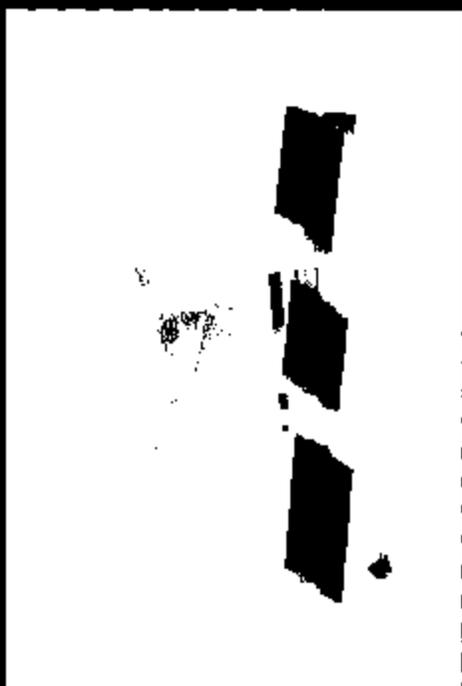
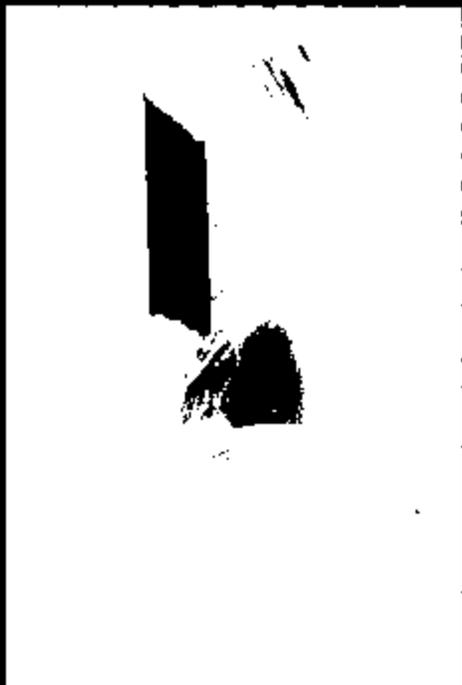
*** TOTAL PAGE.06 ***













Attachment 8

Exhibit 4 is recorded on 3 CDRs as an electronic file.

Attachment 8-1: Exhibit 4-1

Attachment 8-2: Exhibit 4-2

Attachment 8-3: Exhibit 4-3

CONFIDENTIAL (Entire pages)

Attachment 9

A copy of Toyota Engineering Standard

CONFIDENTIAL (Entire pages)

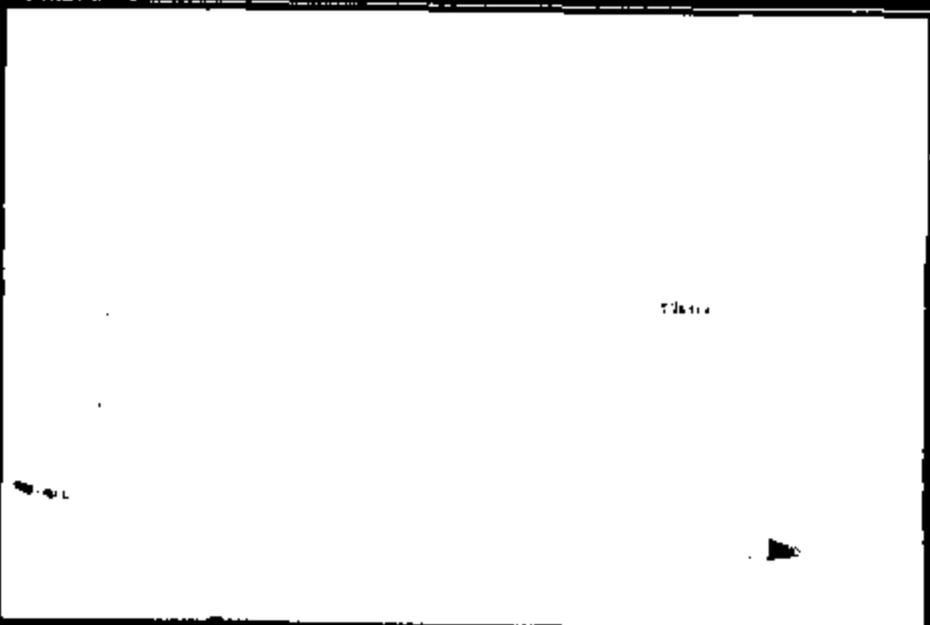
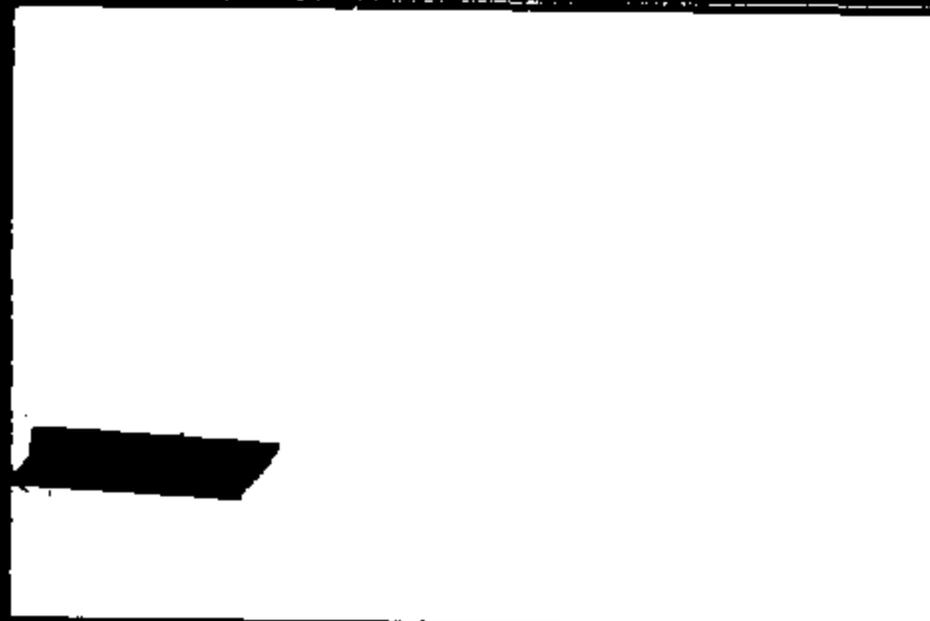
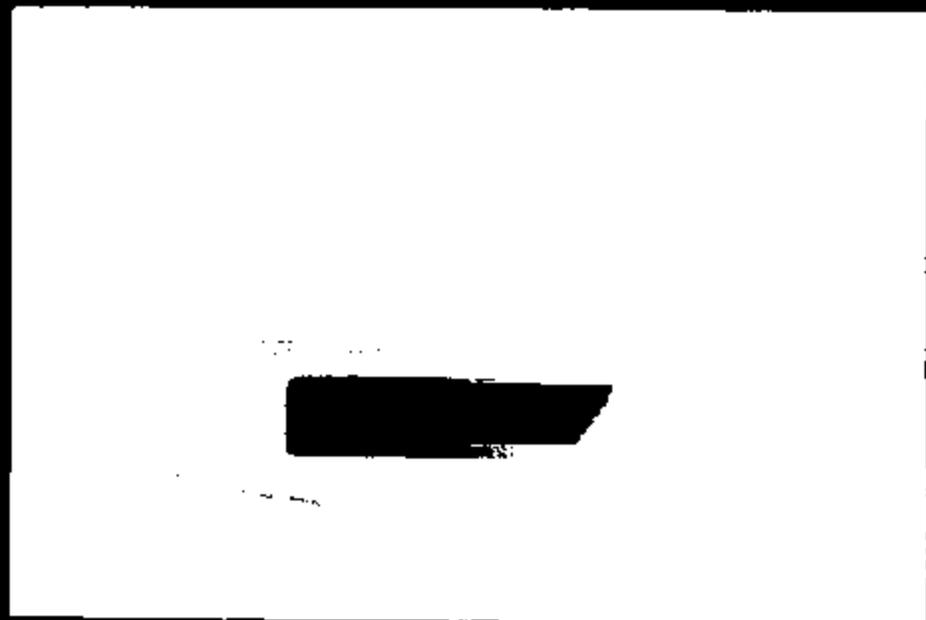
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Japanese version

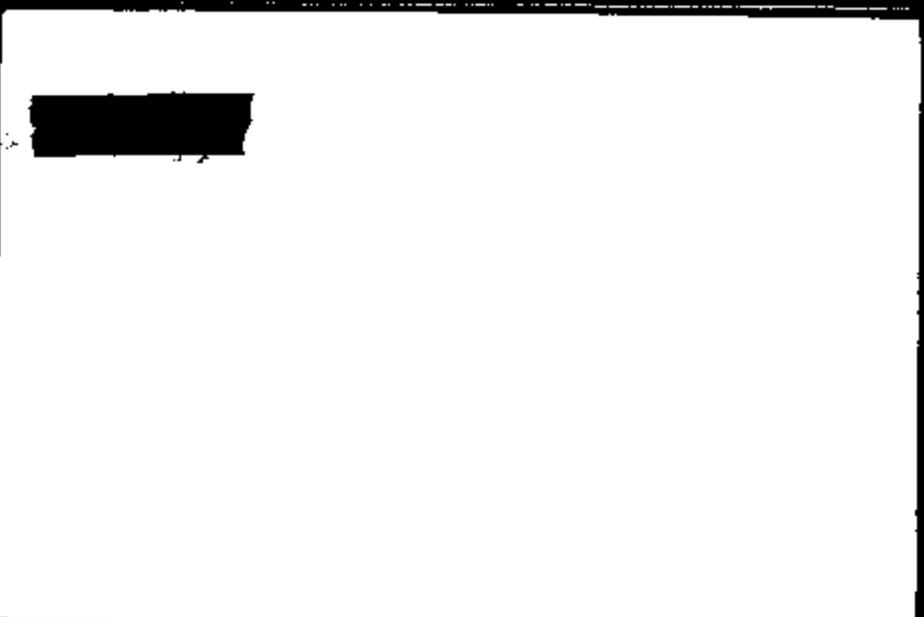
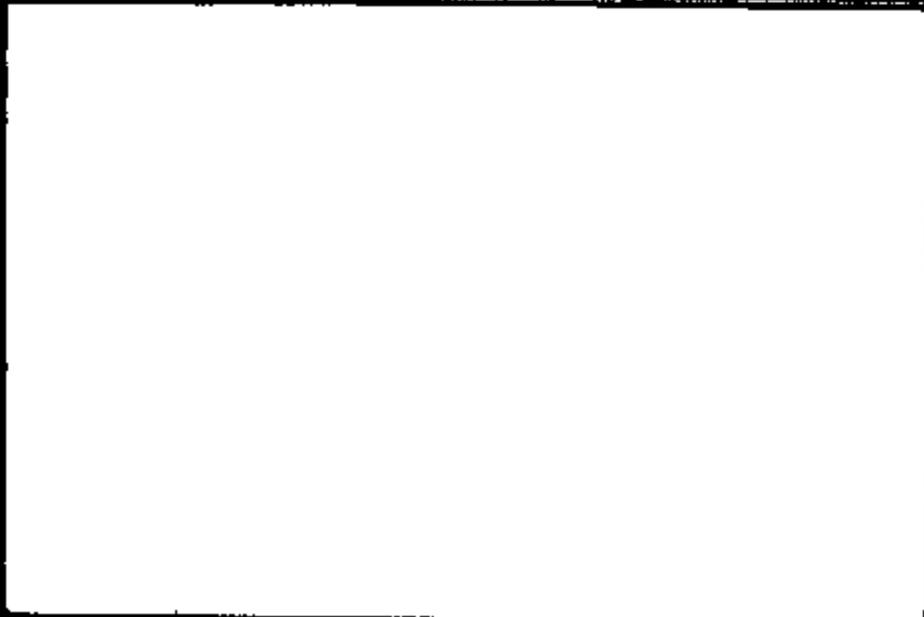
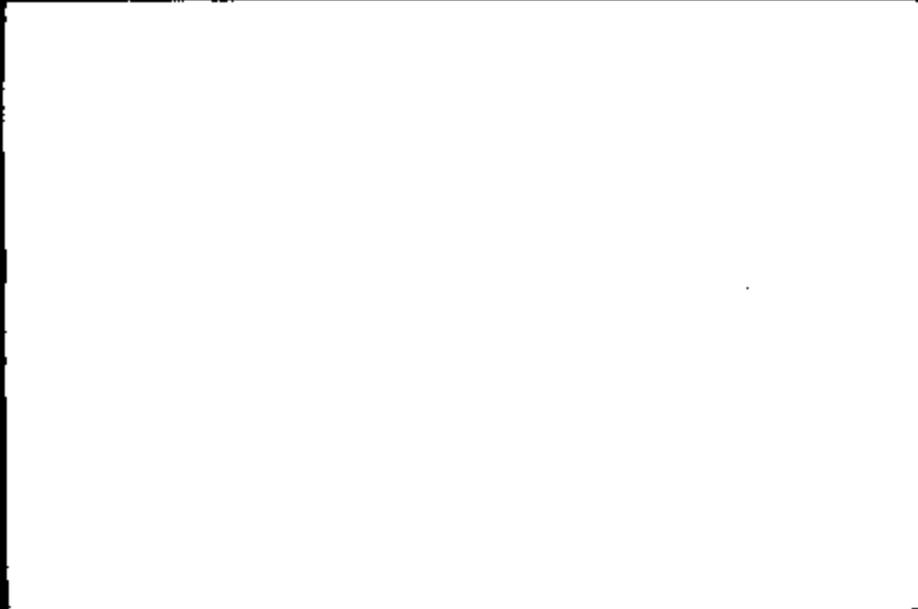
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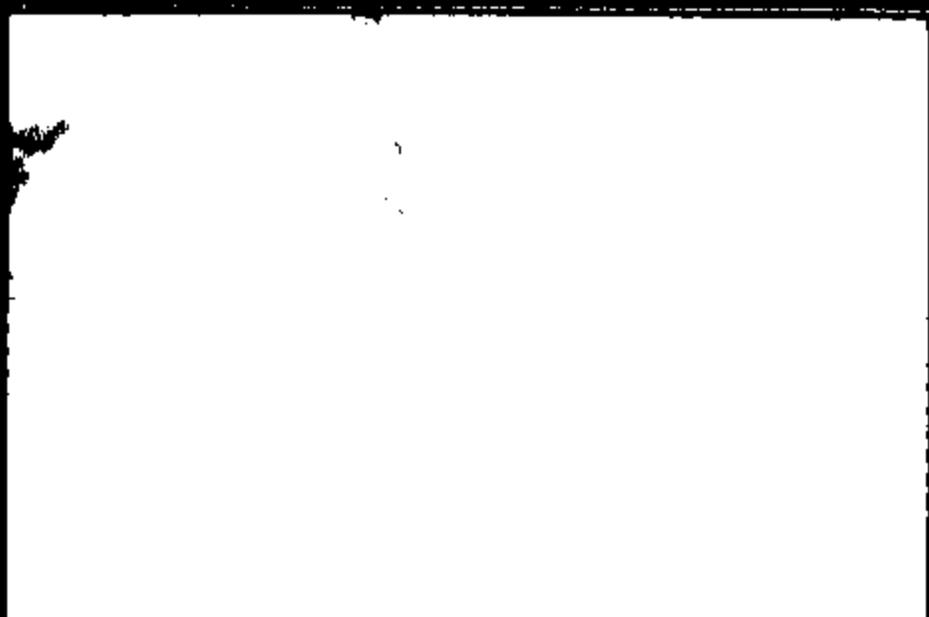
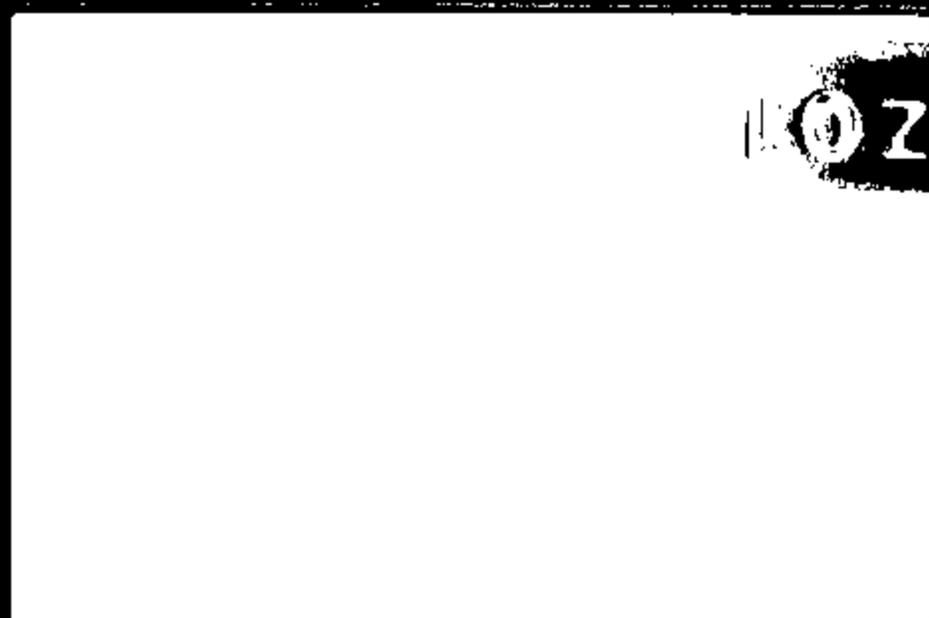
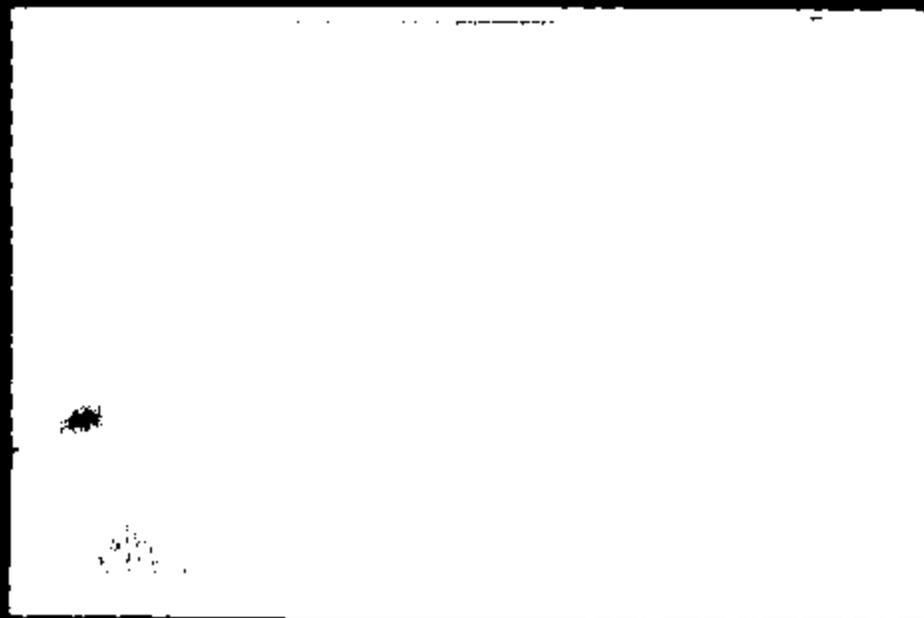
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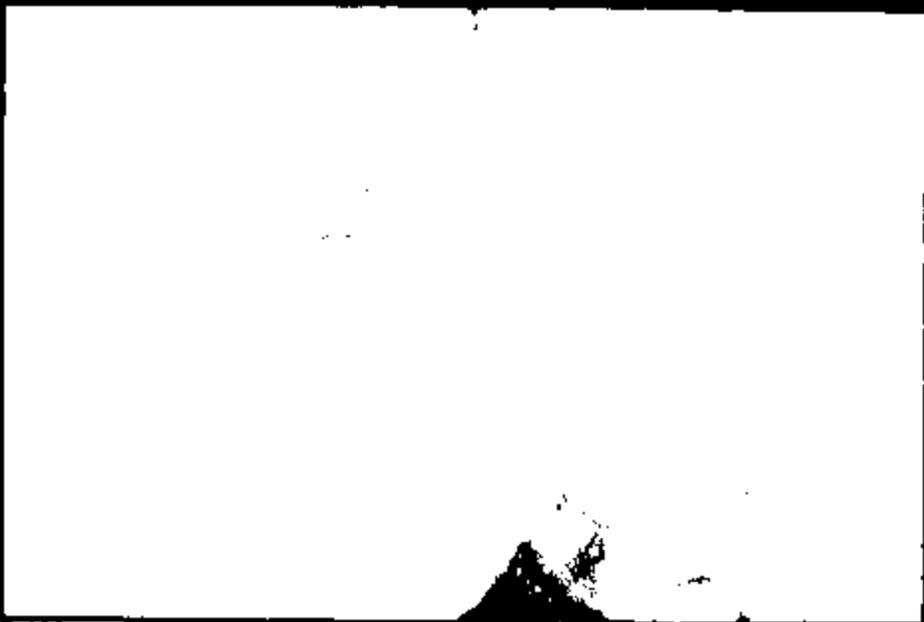
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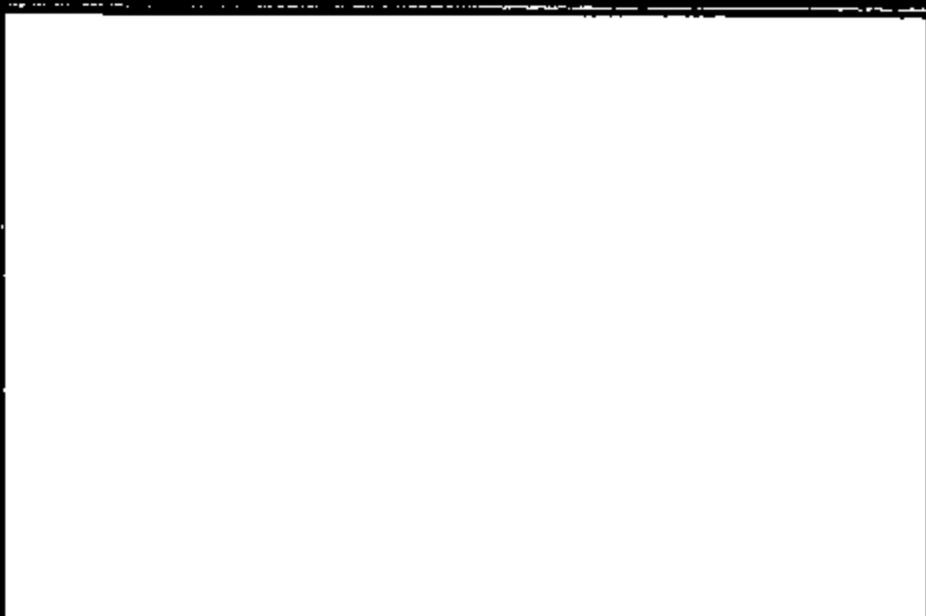
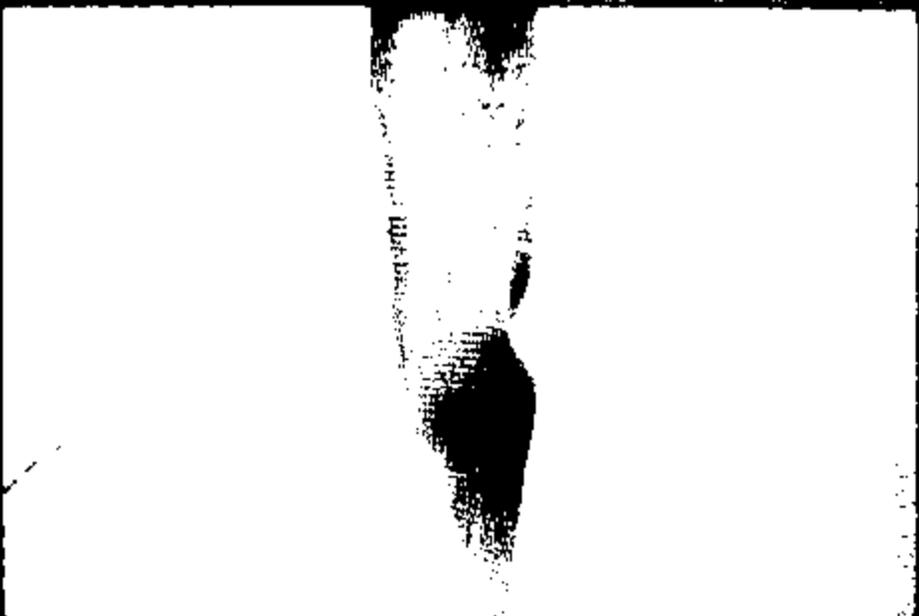
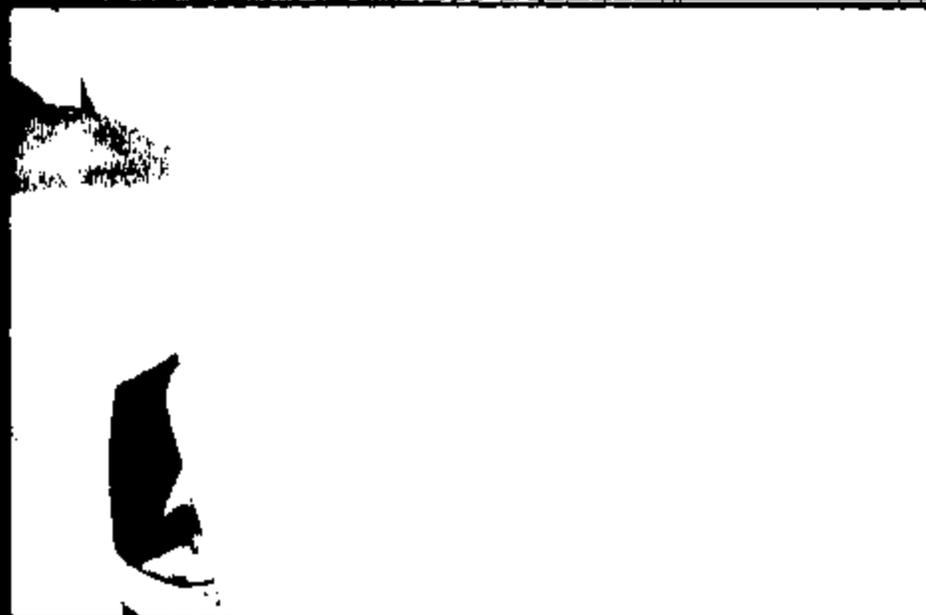


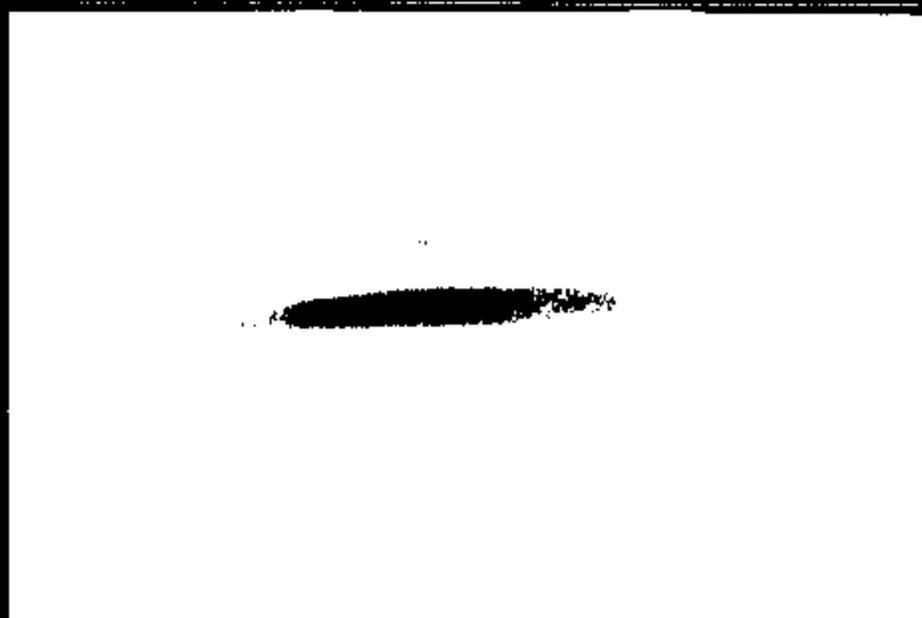
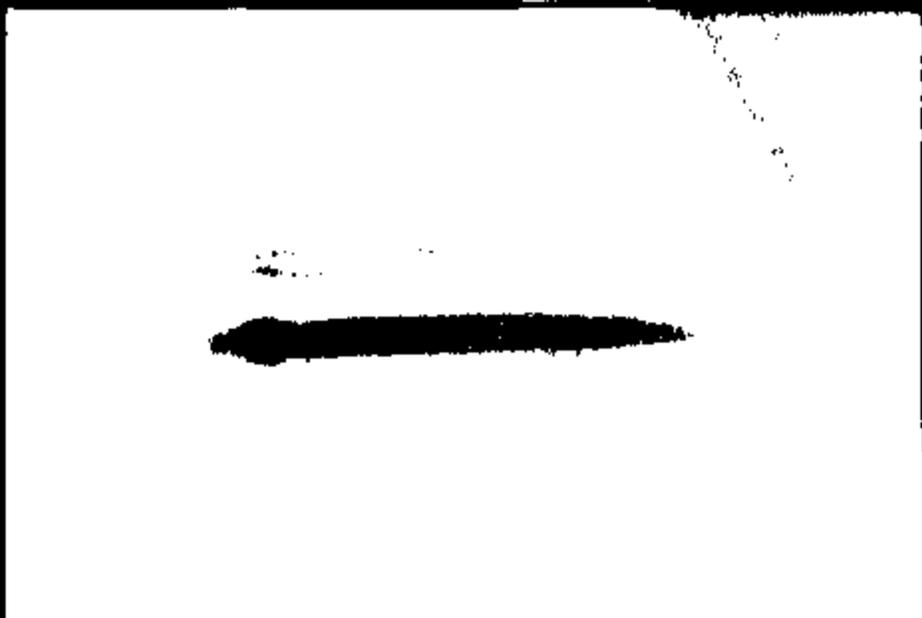
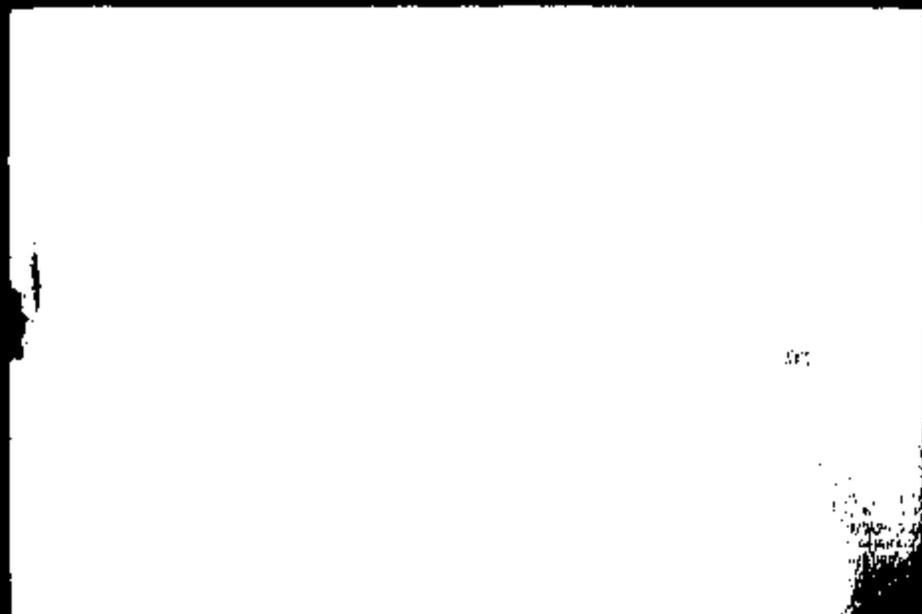




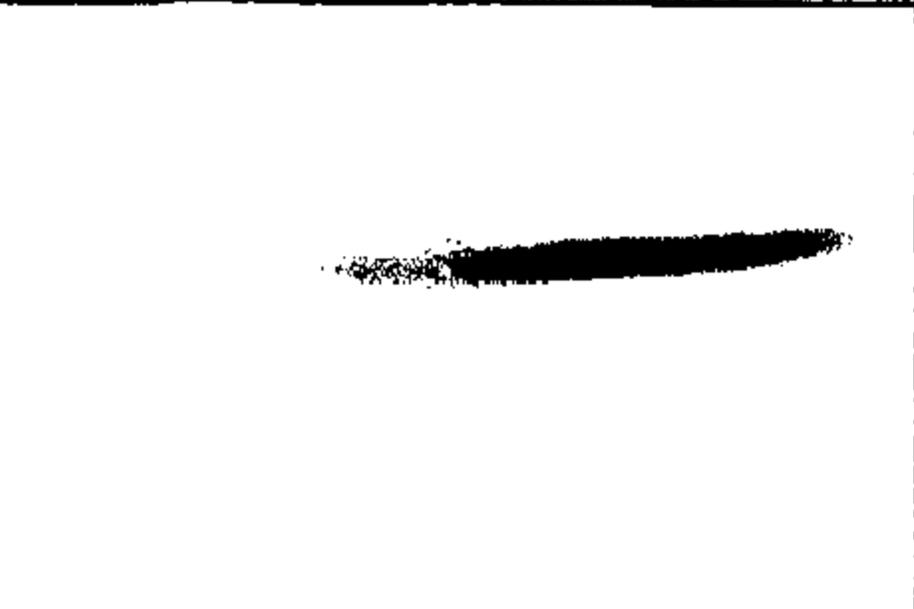
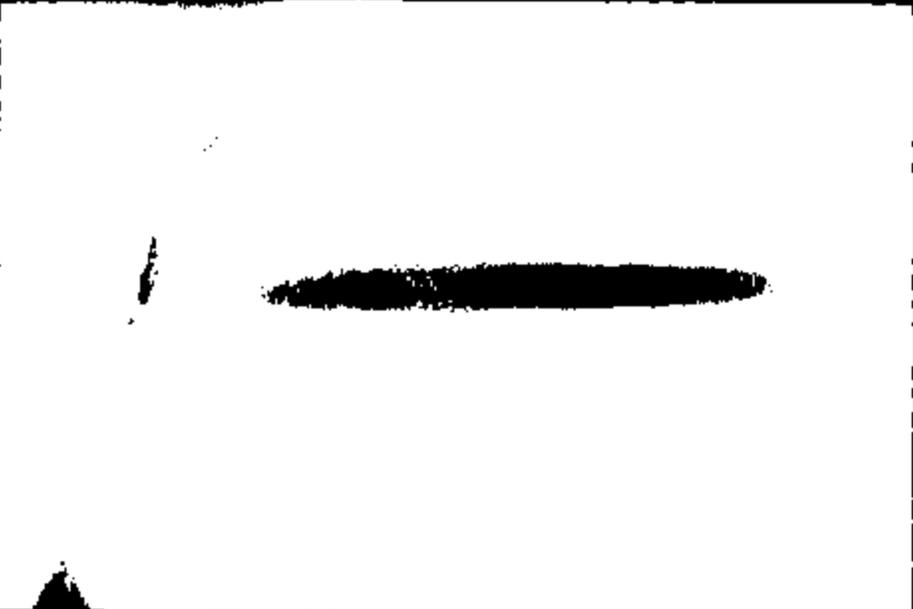
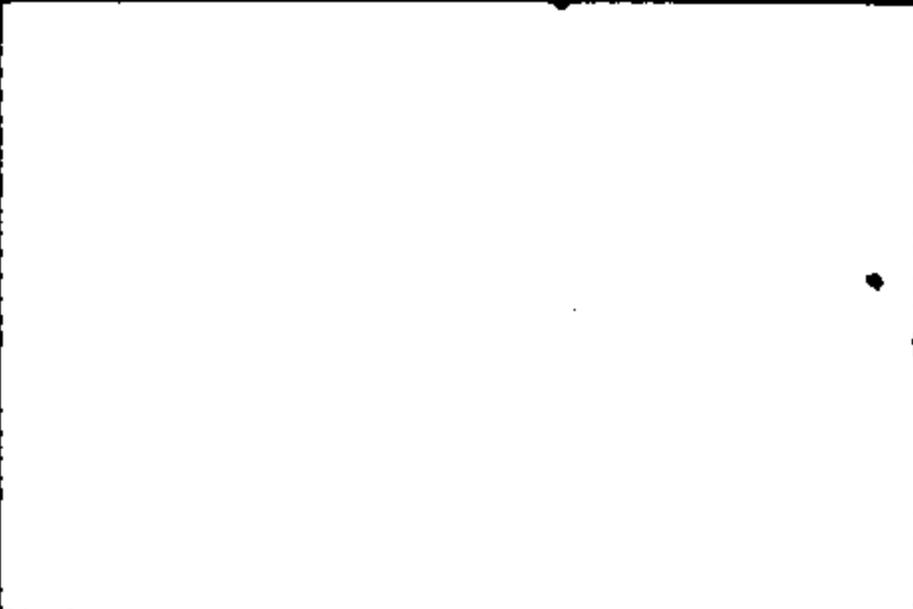


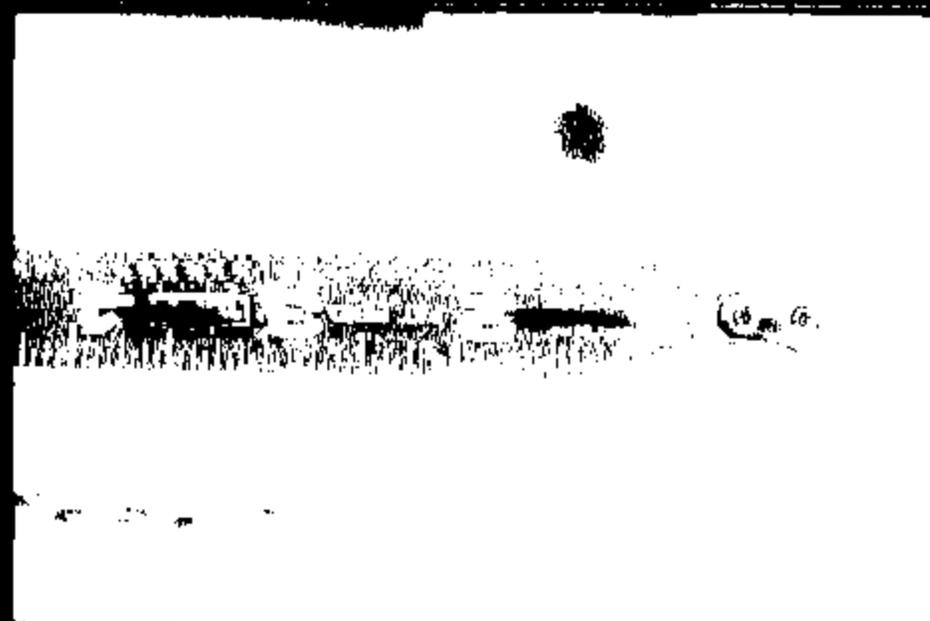


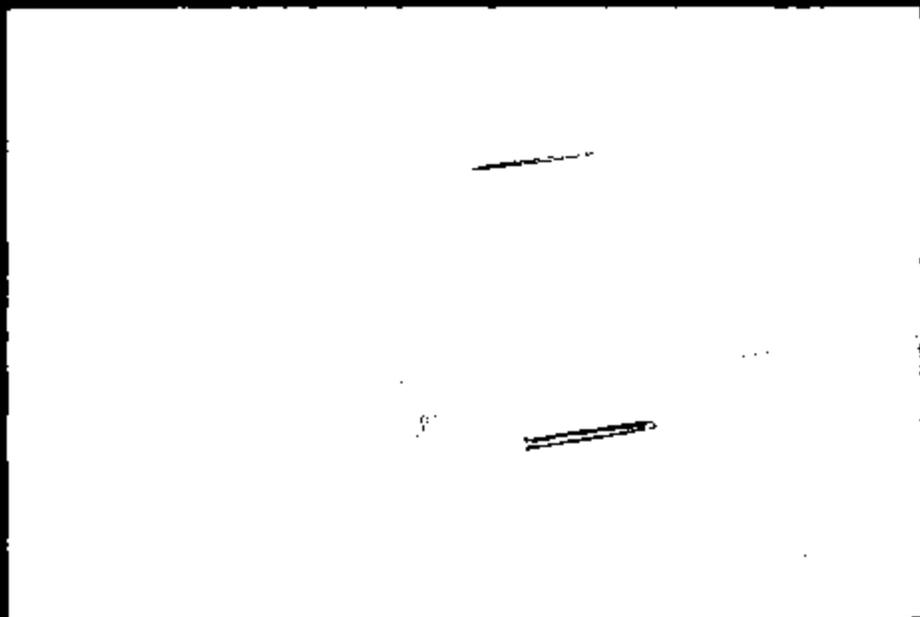
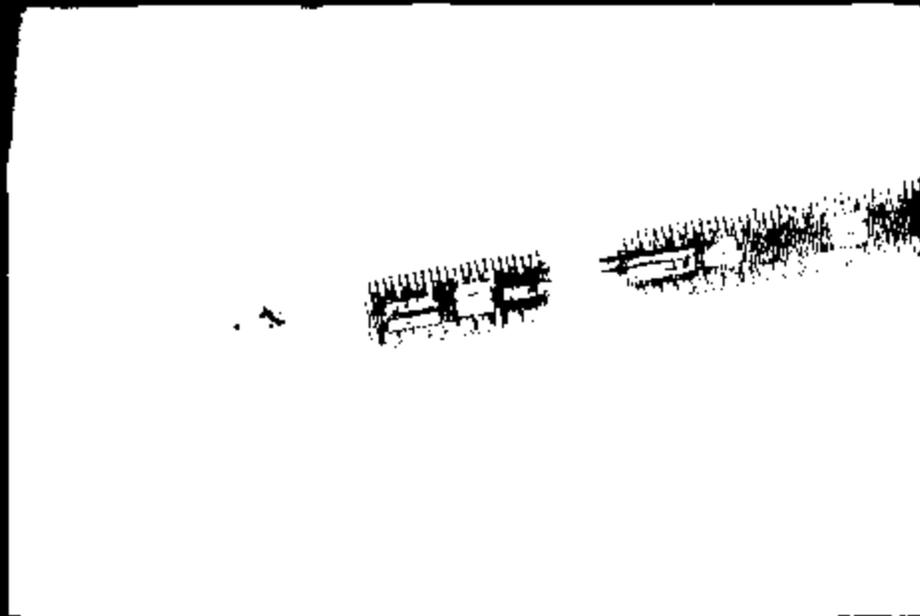


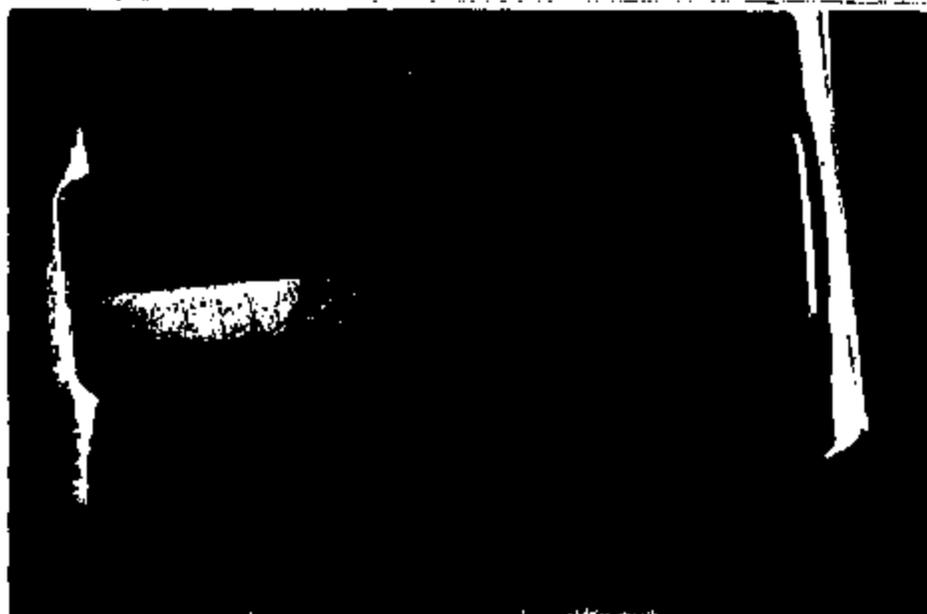




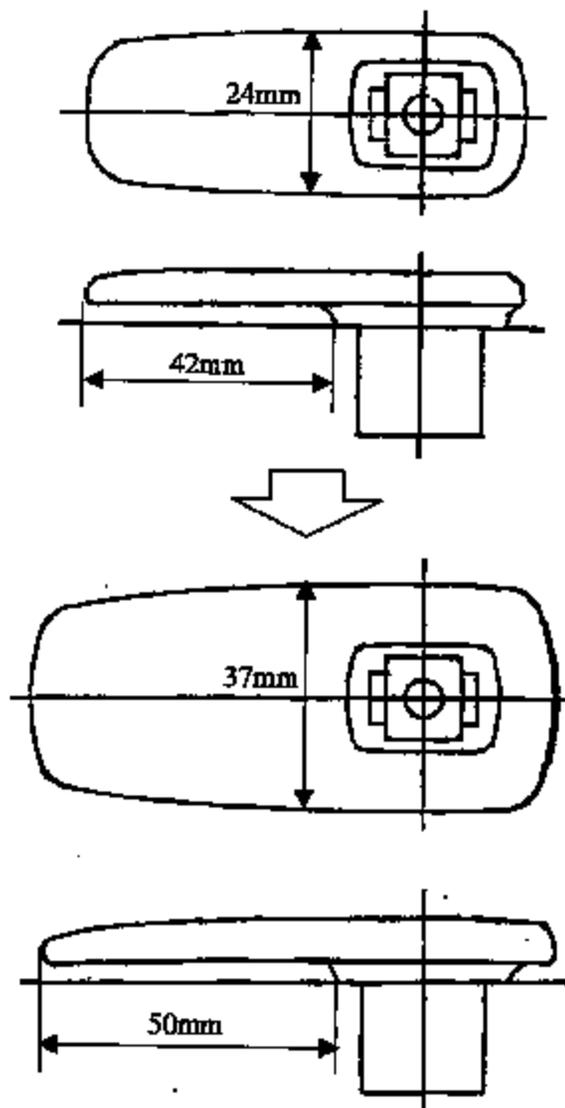








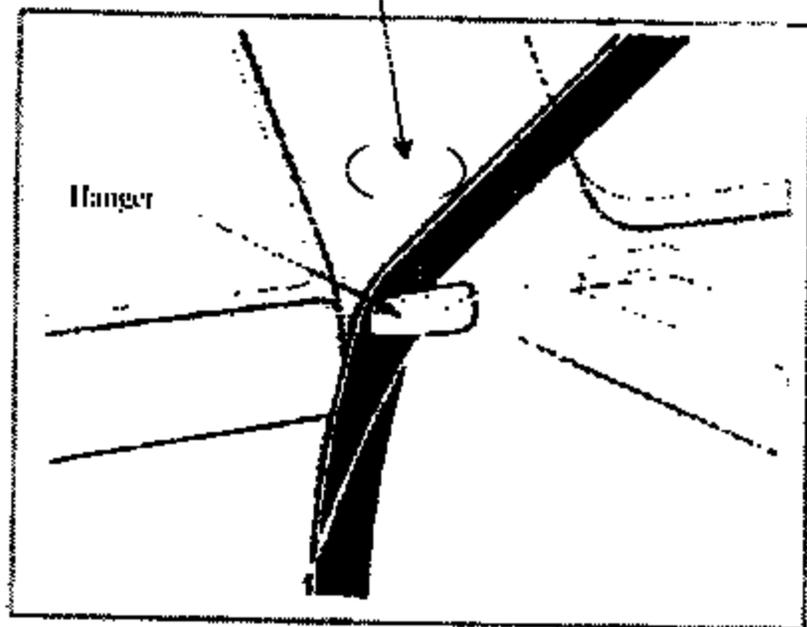
Attachment 3



NOTICE

To prevent damage to the shoulder belt, make sure the shoulder belt passes through the hanger before folding the seatback down or returning it to the upright position.

Pour éviter tout dommage de la ceinture baudrier, s'assurer que la ceinture baudrier est bien enfilée dans le crochet de suspension avant de rabattre le dossier de siège ou de le ramener en position verticale.



Attachment 4

MY	Publish No.	Edition	Release date	Description of changes	Ref. page
1990	OM35498U	1st	Apr-89	---	---
	OM35516U	1st	Aug-89	Colored "CAUTION" in RED	Attachment 5 - p.1
		2nd	Feb-90	Added explanation for the "hanger" as follows: Make sure that the shoulder belt passes through the hanger when folding the seatback down or returning the seatback to the upright position. This prevents the shoulder belt from being damaged.	Attachment 5 - p.2 Attachment 5 - p.3
1991	OM35537U	1st	Aug-90	No change was made	---
1992	OM35554U	1st	Aug-91	Added CAUTION for the "rear seat cushion returning" as follows: When returning the bottom cushion to its place: - Do not forget to pull out the buckle of the side seatbelts and center seatbelt and arrange them in their proper position for ready use. - Make sure the bottom cushion is securely locked by trying to pull up the edge of the cushion near the lock release straps. Added CAUTION for the "rear seatback returning" as follows: When returning the seatback to the upright position: - Make sure the seat belts are not twisted or caught in the seatback and are arranged in their proper position for ready use. - Make sure the seatback is securely locked by pushing forward and rearward on the top of the seatback.	Attachment 5 - p.4
	OM35588U	1st	Feb-92	Added CAUTION for the "hanger" as follows: Seat belt must be removed from the hanger when seat belt is in use.	Attachment 5 - p.5
1993	OM35608U	1st	Aug-92	Changed the location of the caution for the hanger as follows: From 4th part of "Fold-down rear seats" to 1st part of it.	Attachment 5 - p.6
		2nd	Dec-92	No change was made	---
1994	OM35629U	1st	Aug-93	No change was made	---
		2nd	Mar-94	No change was made	---
1995	OM35655U	1st	Aug-94	Changed description of the explanation for the hanger as follows: Make sure the shoulder belt passes through the hanger when folding the seatback down. This prevents the shoulder belt from being damaged. Also take due care to avoid catching the shoulder belt in the rear seatback when returning it to the upright position.	Attachment 5 - p.7
		2nd	Jan-95	Bolded first part of the explanation for the hanger as follows: Make sure the shoulder belt passes through the hanger when folding the seatback down. This prevents the	Attachment 5 - p.8
	OM35676U	1st	Mar-95	No change was made	---

Attachment 5

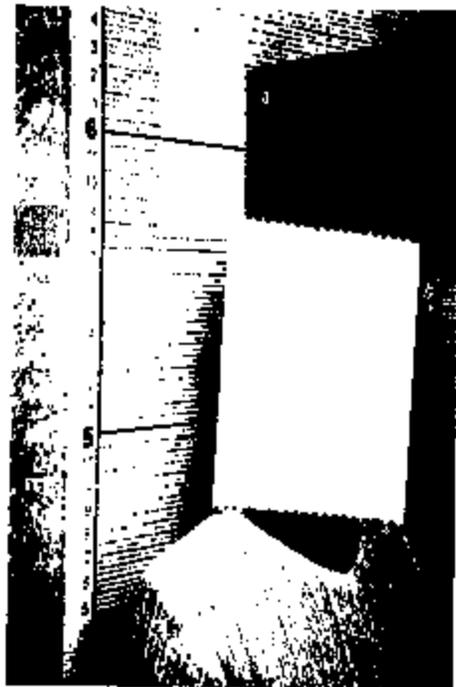
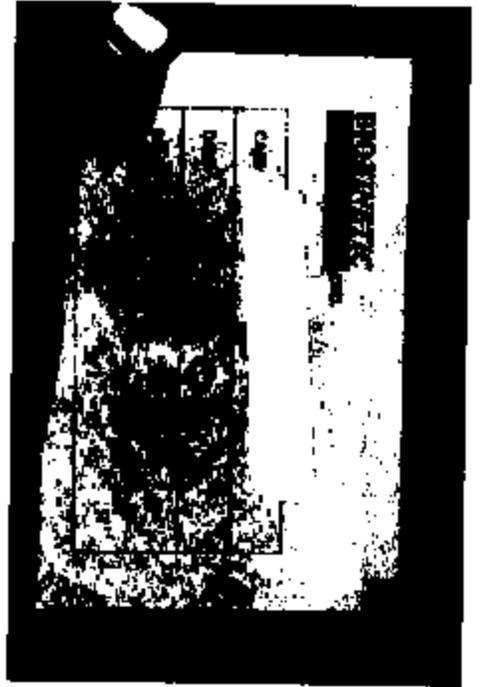
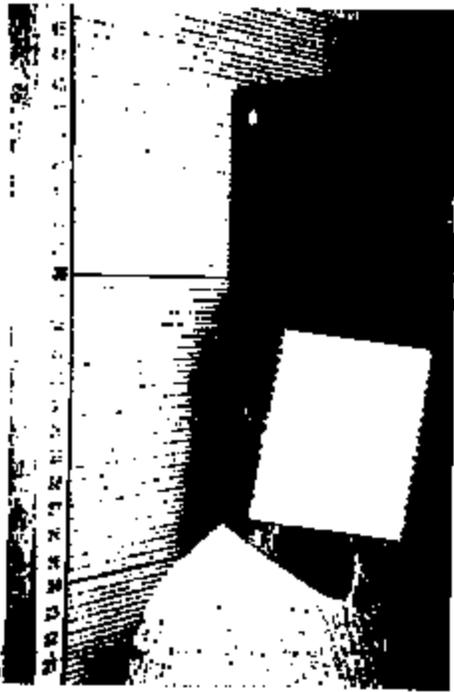
A copy of related pages of the owner's manual is stored on diskette as an electronic file.

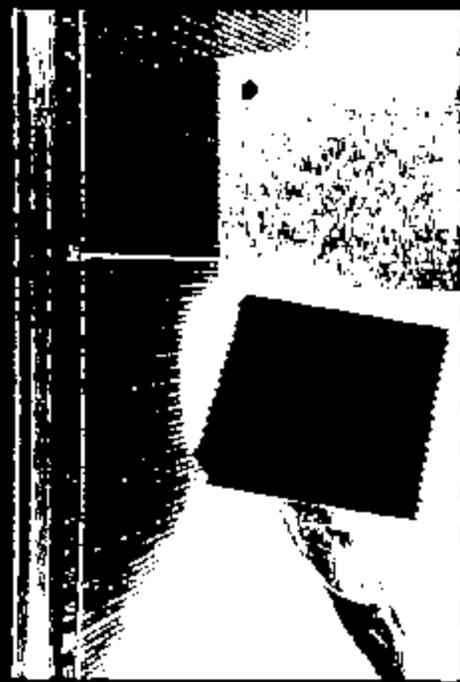
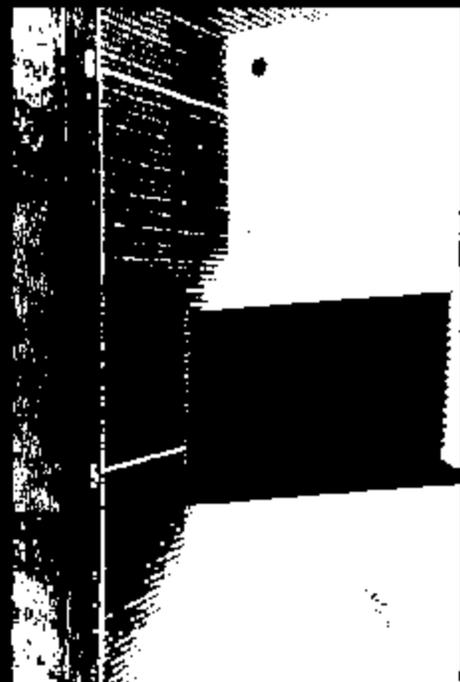
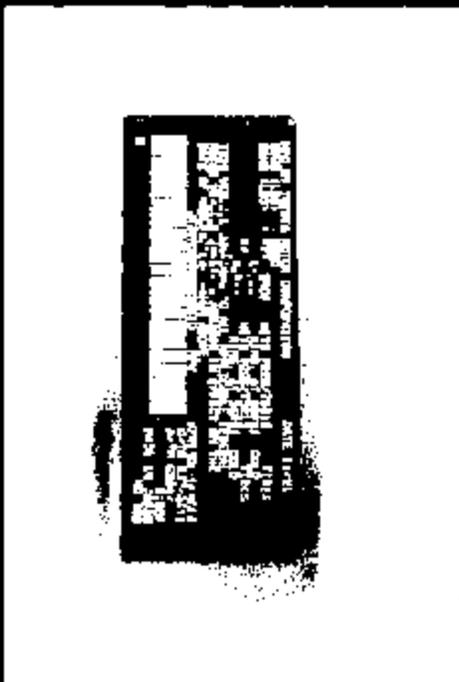
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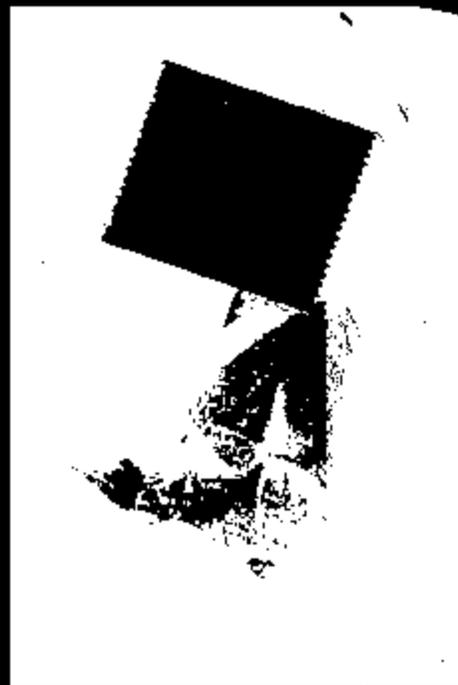
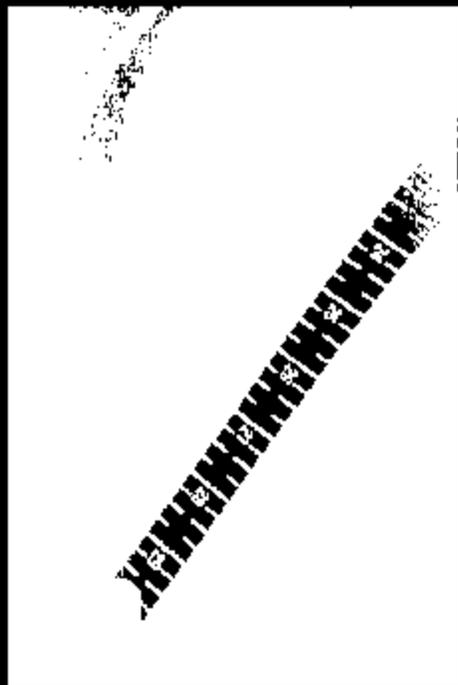
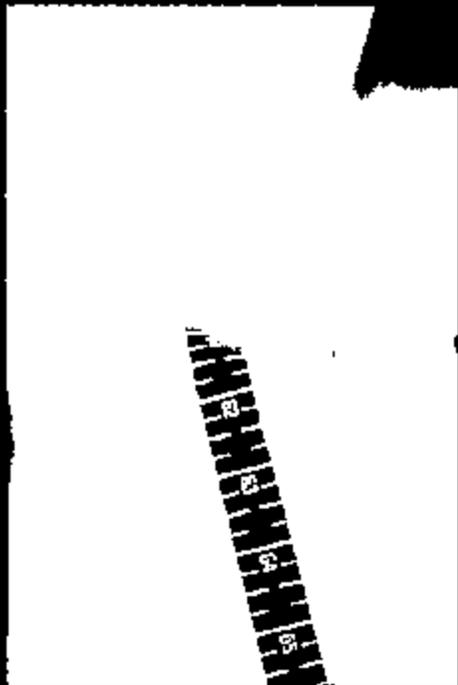
Exhibits 1 and 2 are provided by videotape.

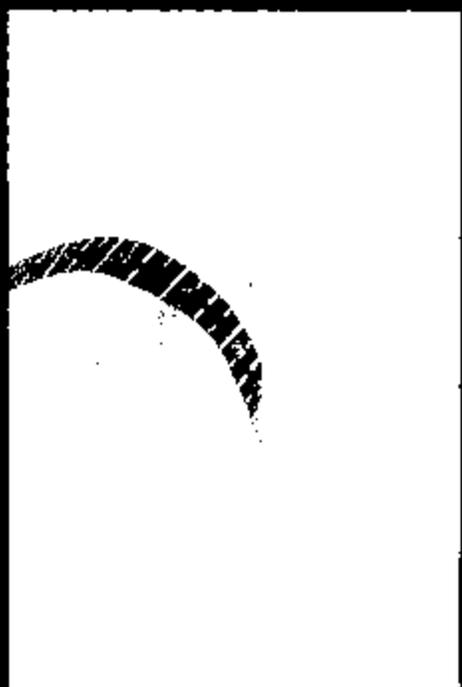
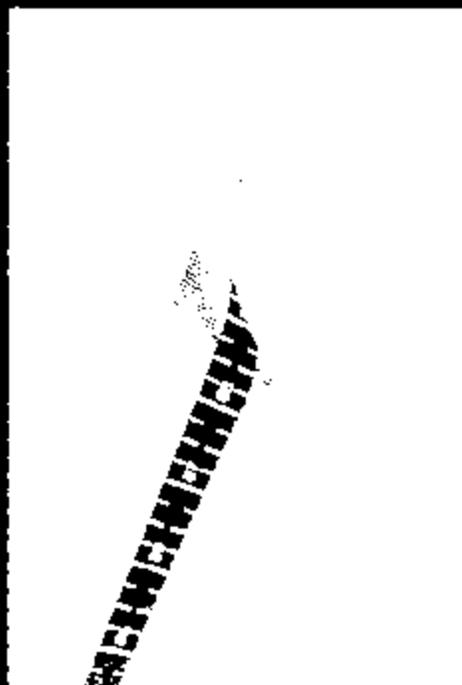
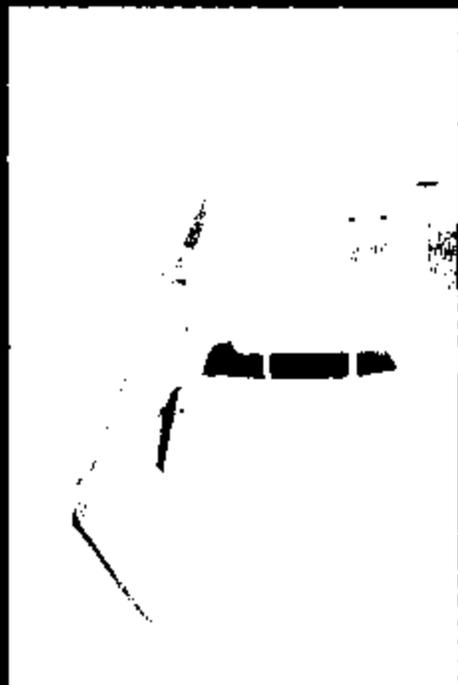
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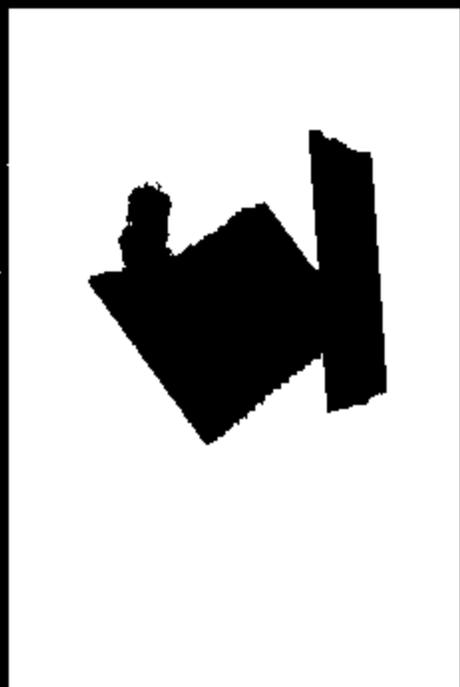
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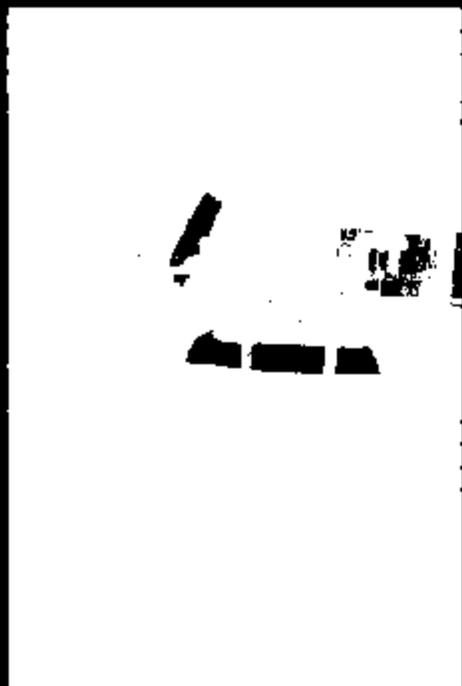




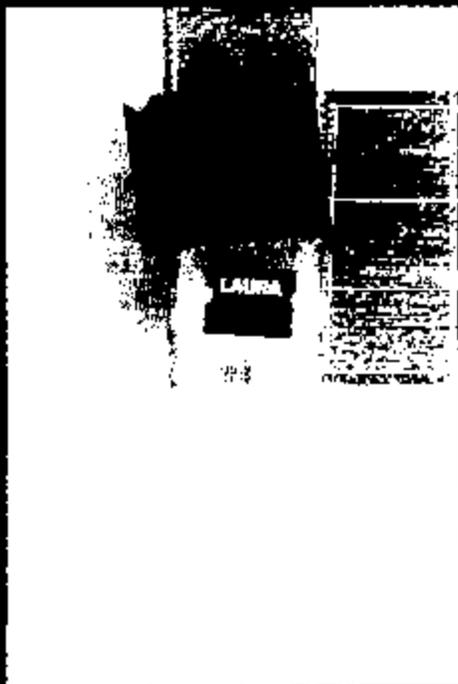
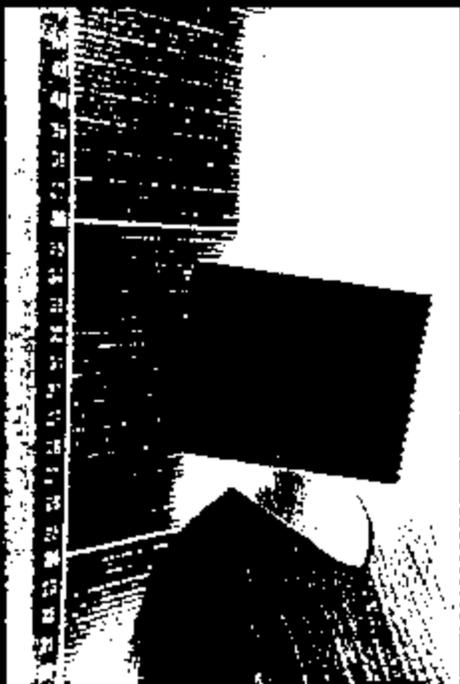


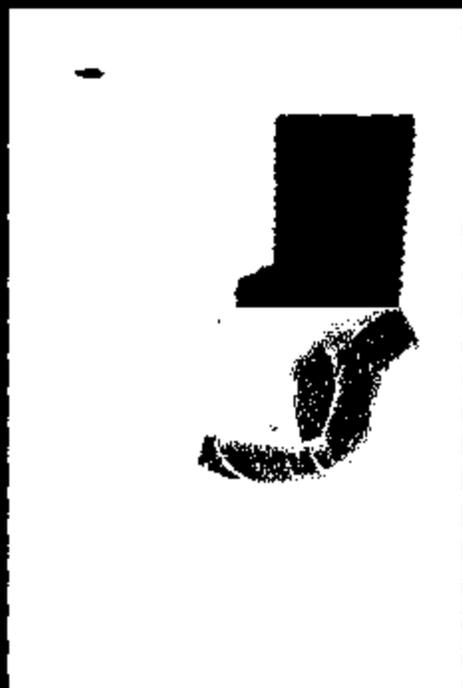


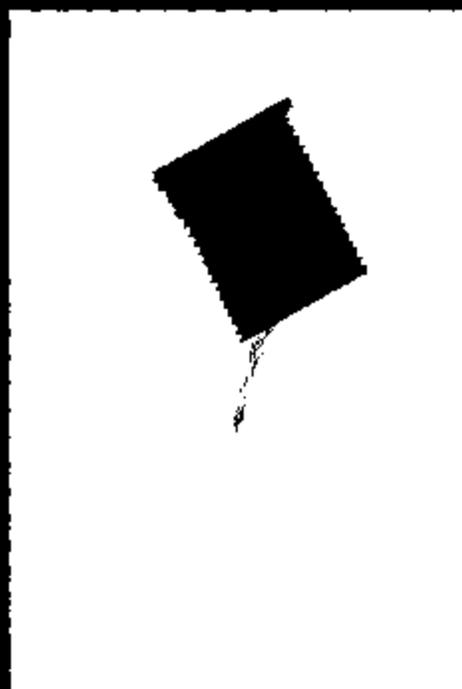
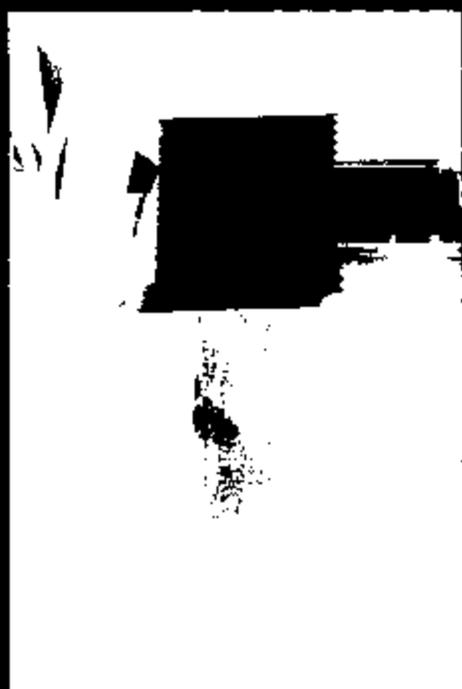
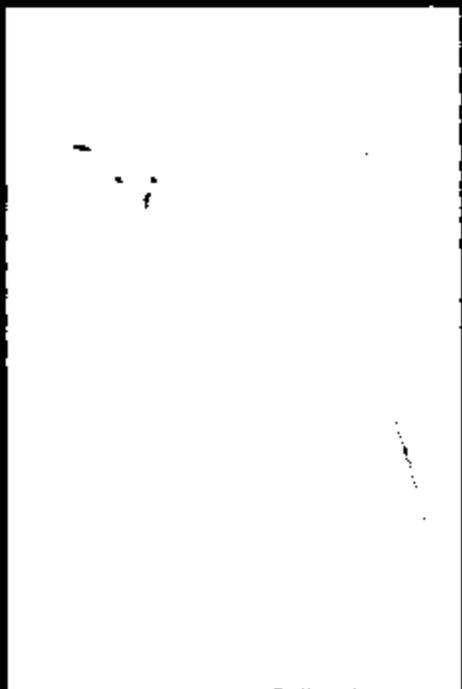


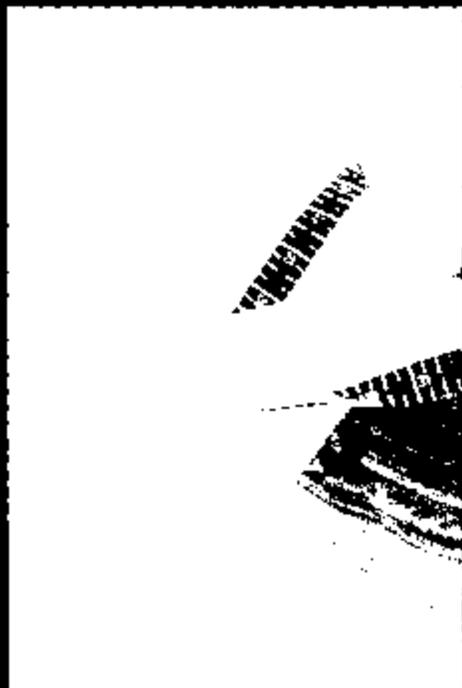


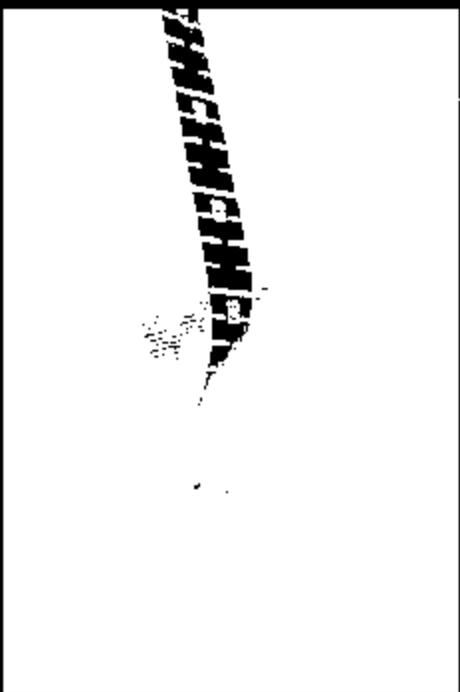
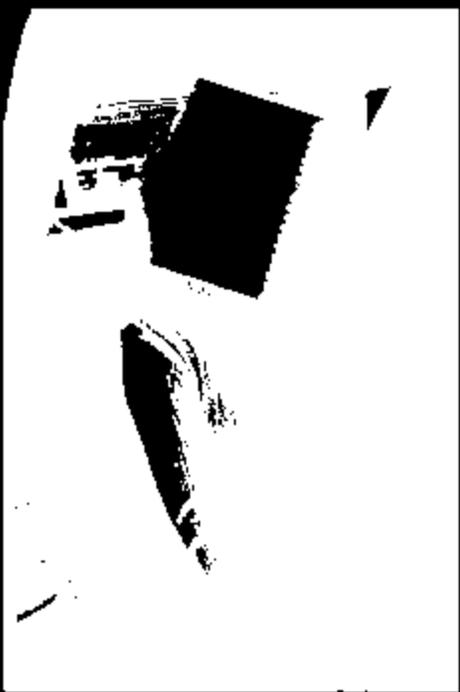


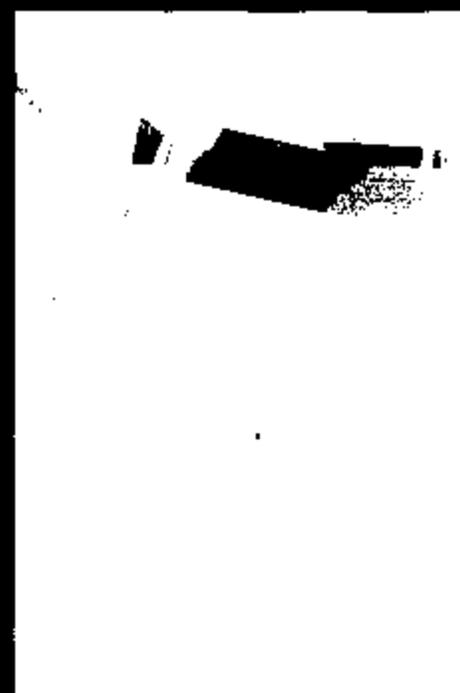
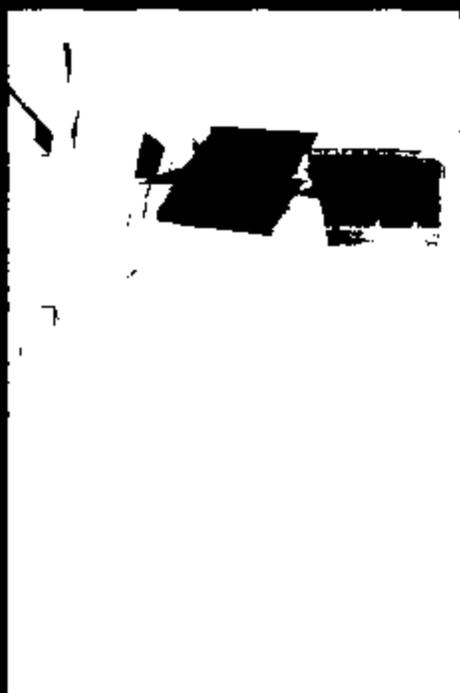


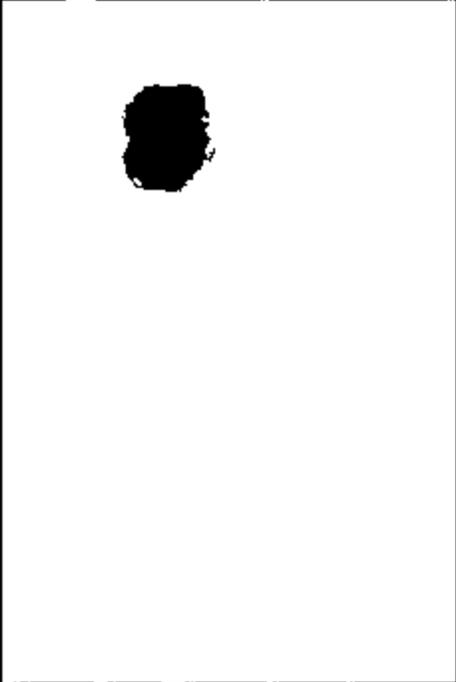


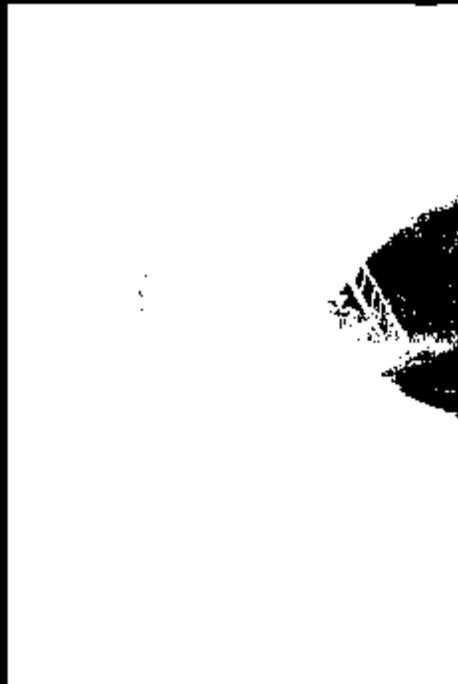
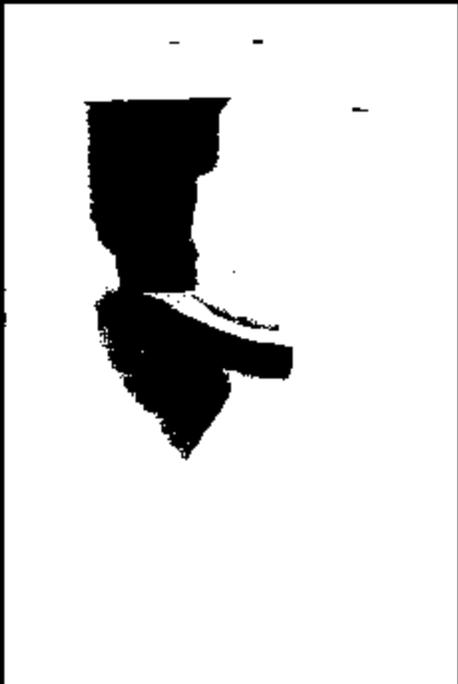












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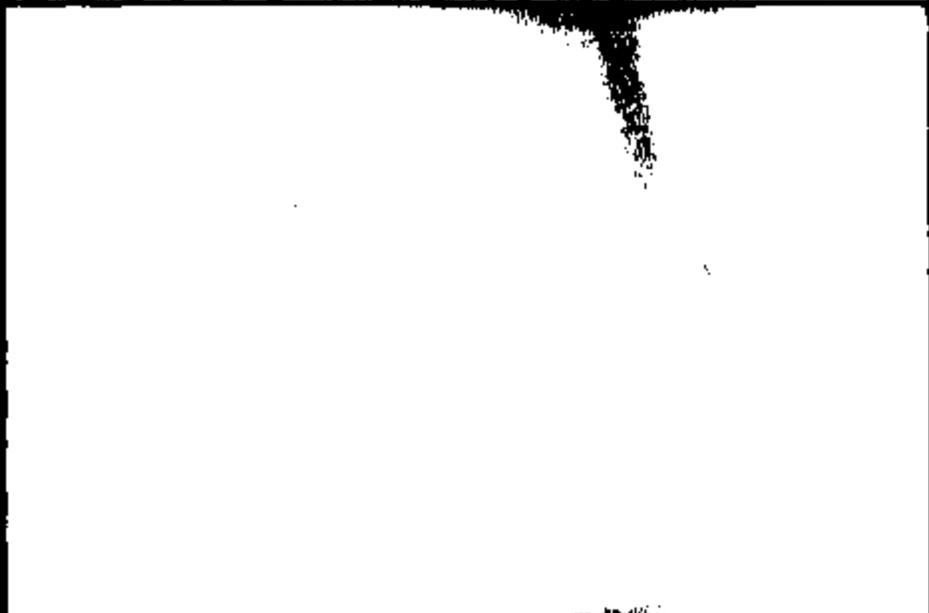
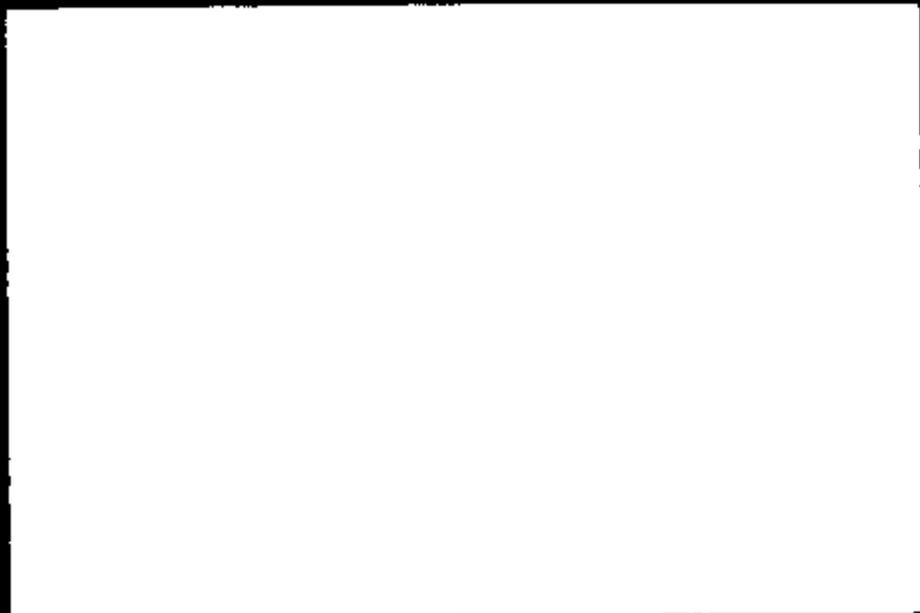
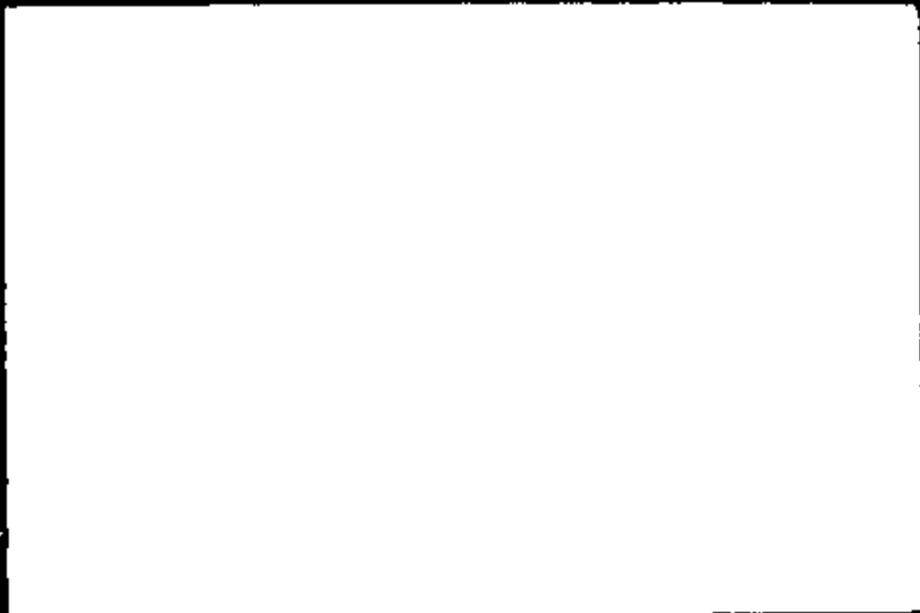
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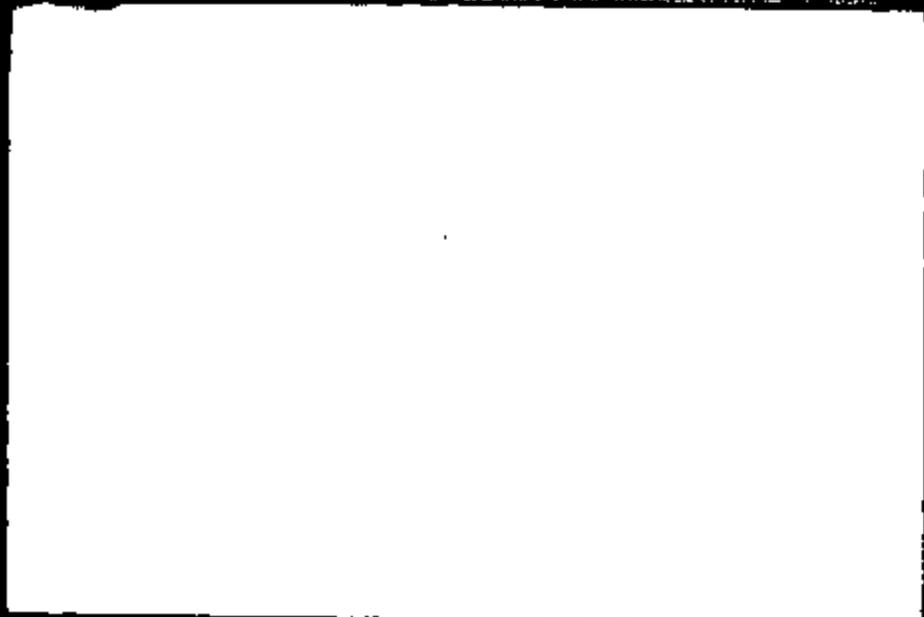
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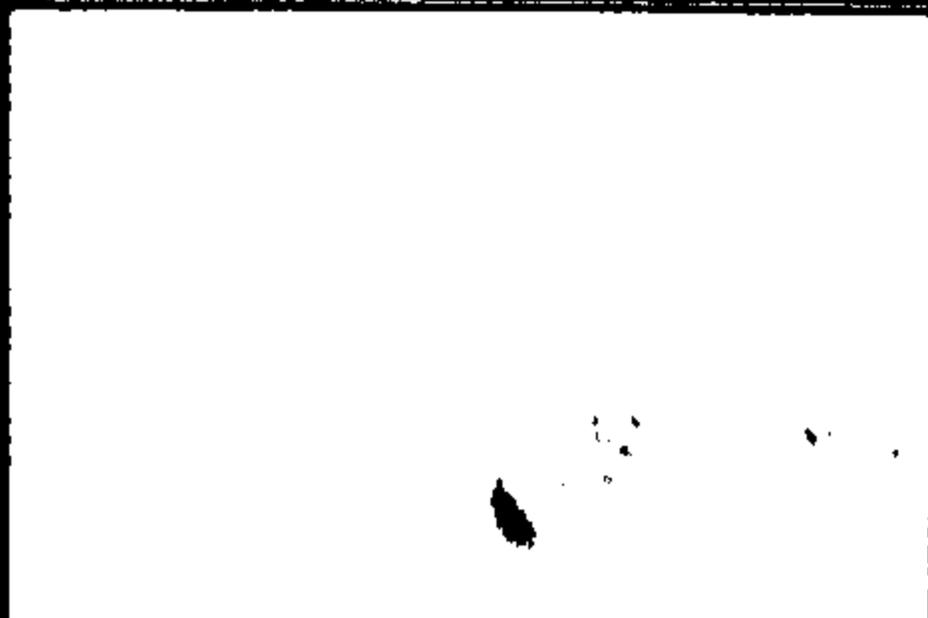
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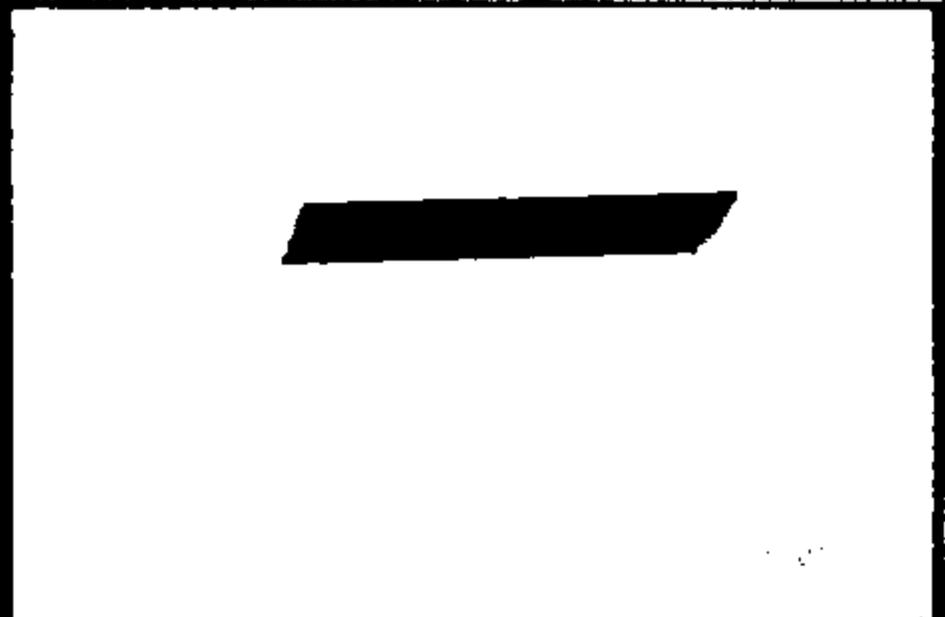
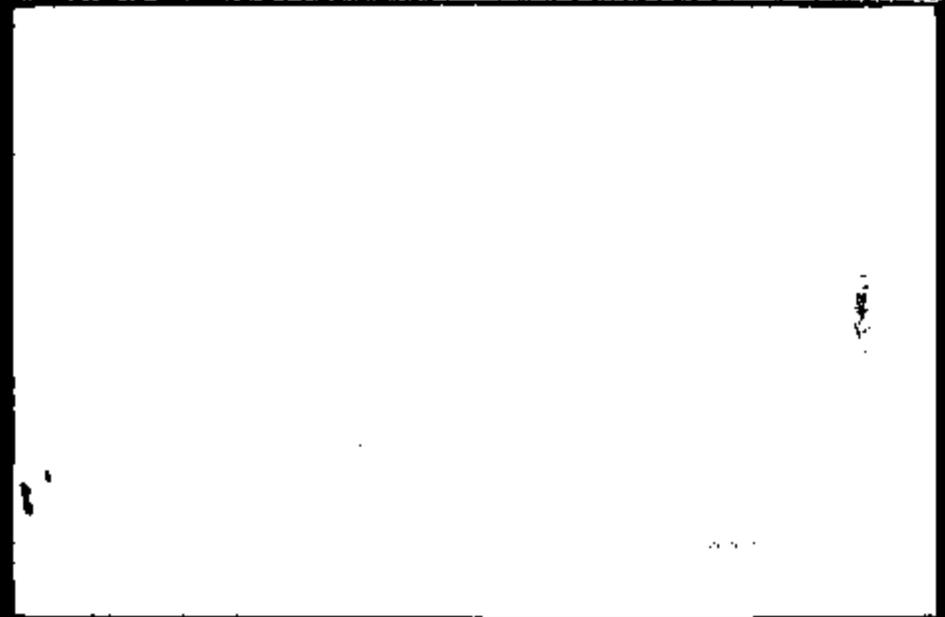
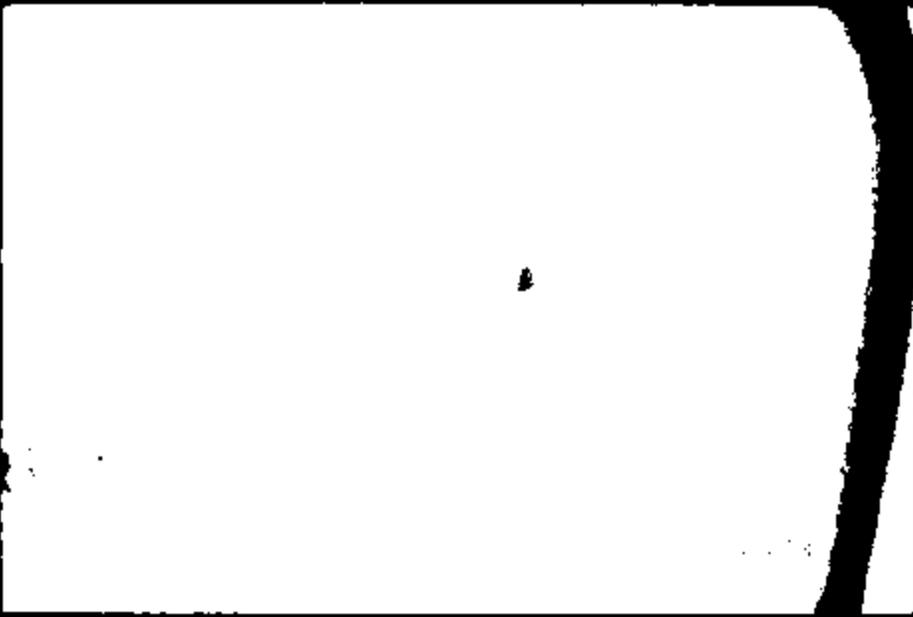
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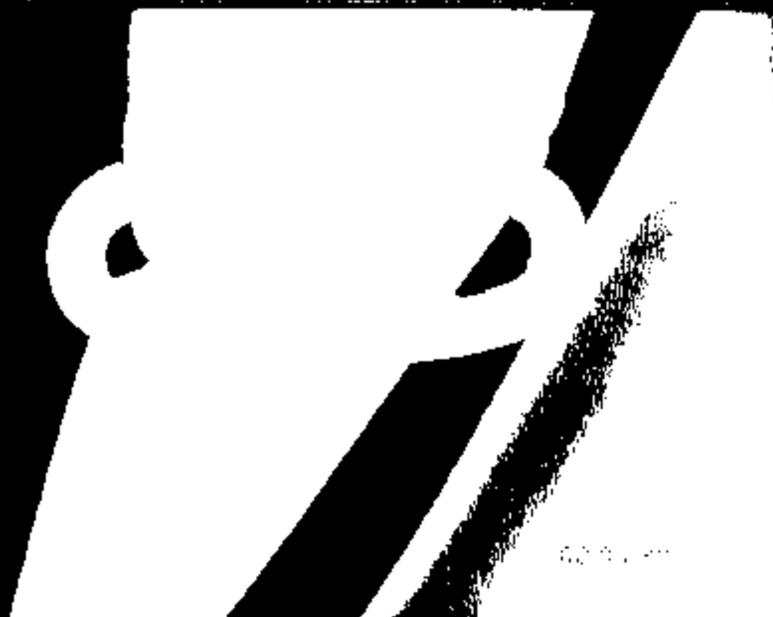
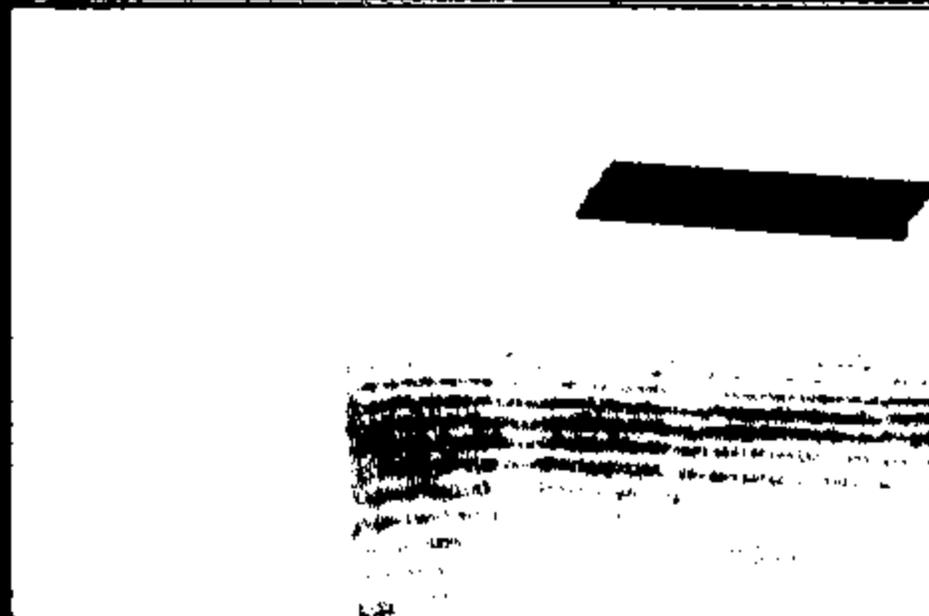
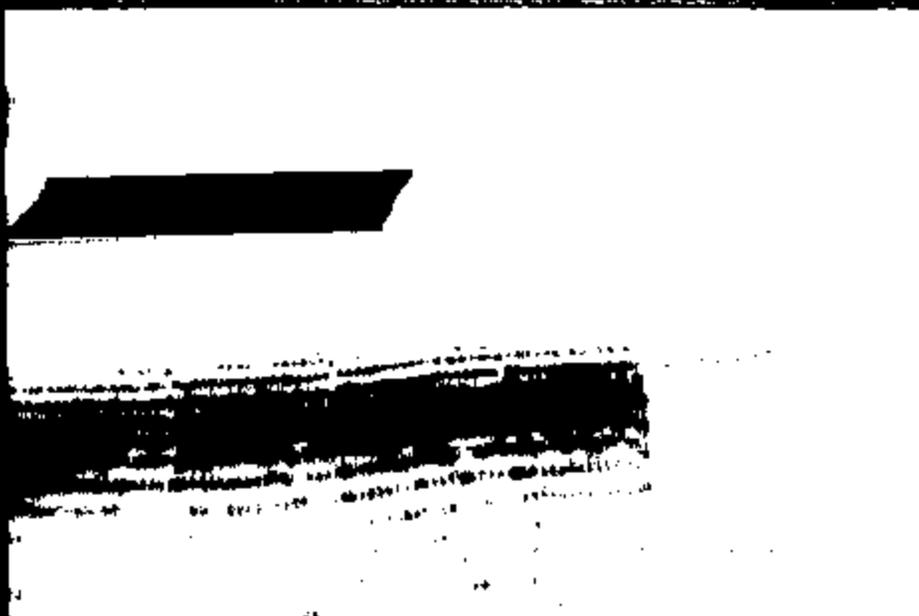
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1995 4RUNNER
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12/19/00



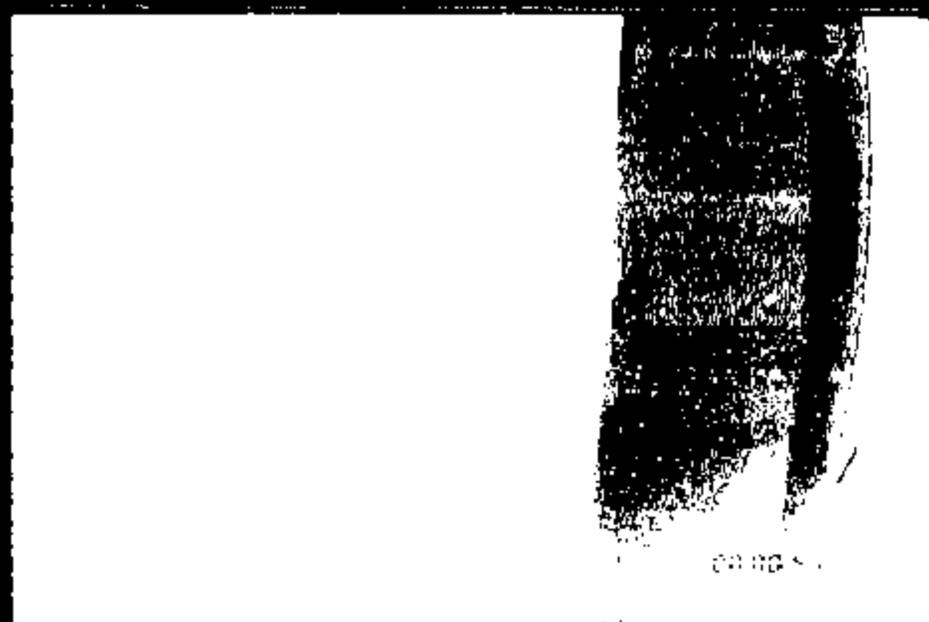




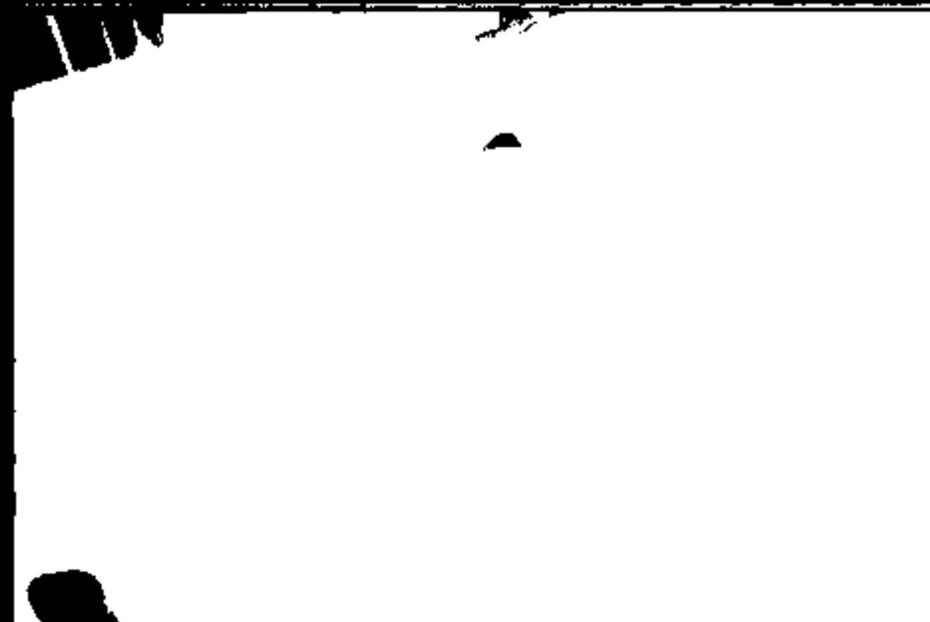


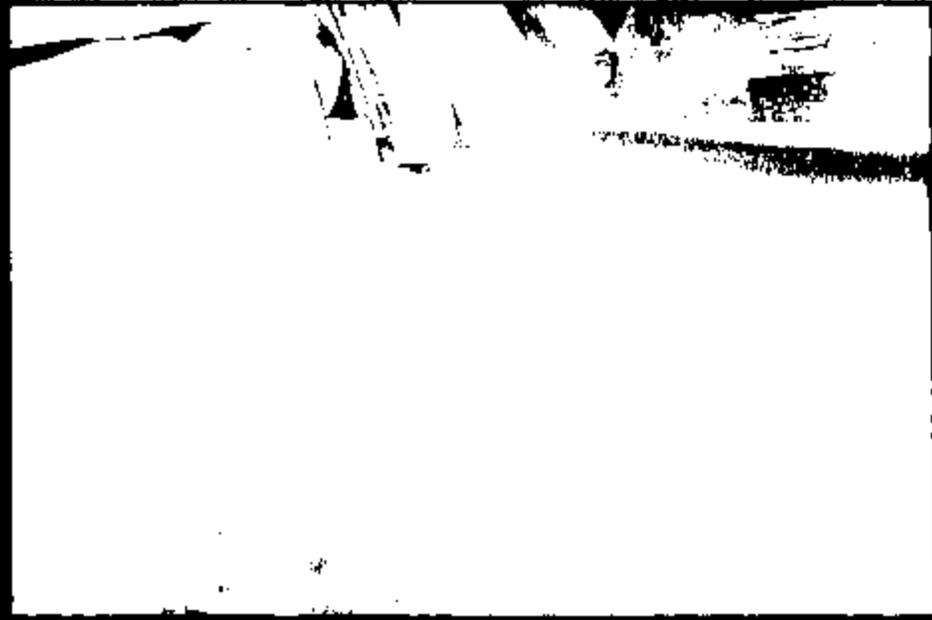




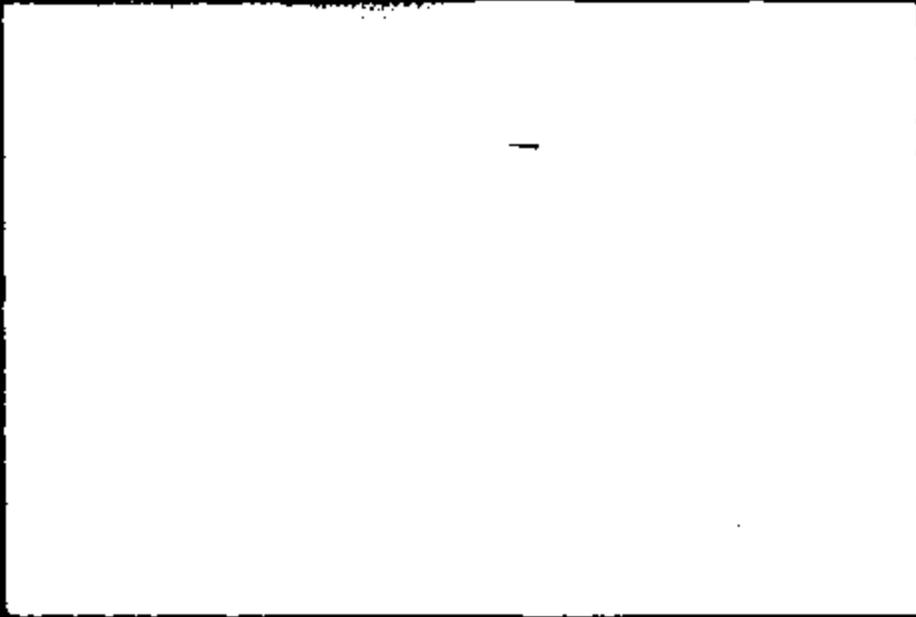
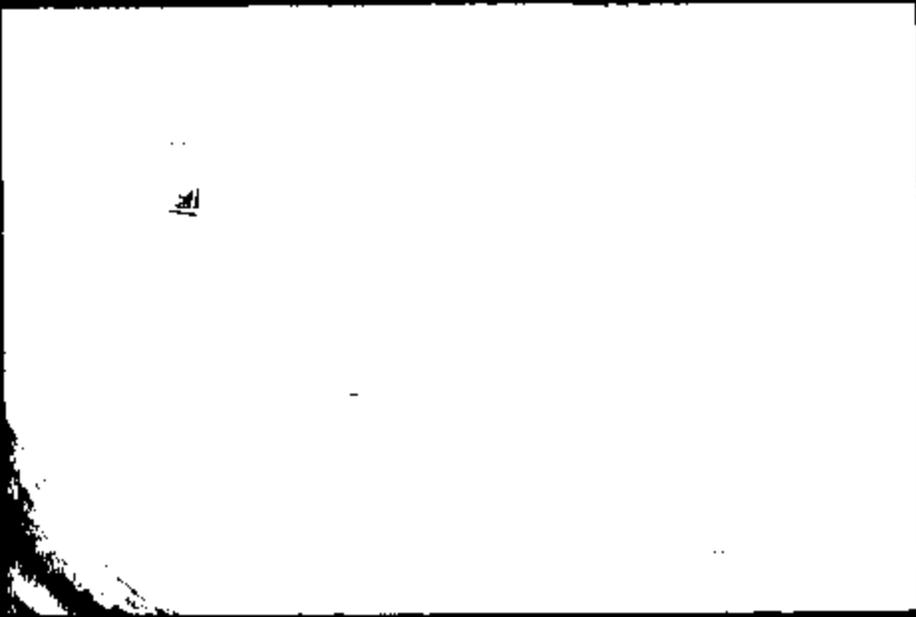


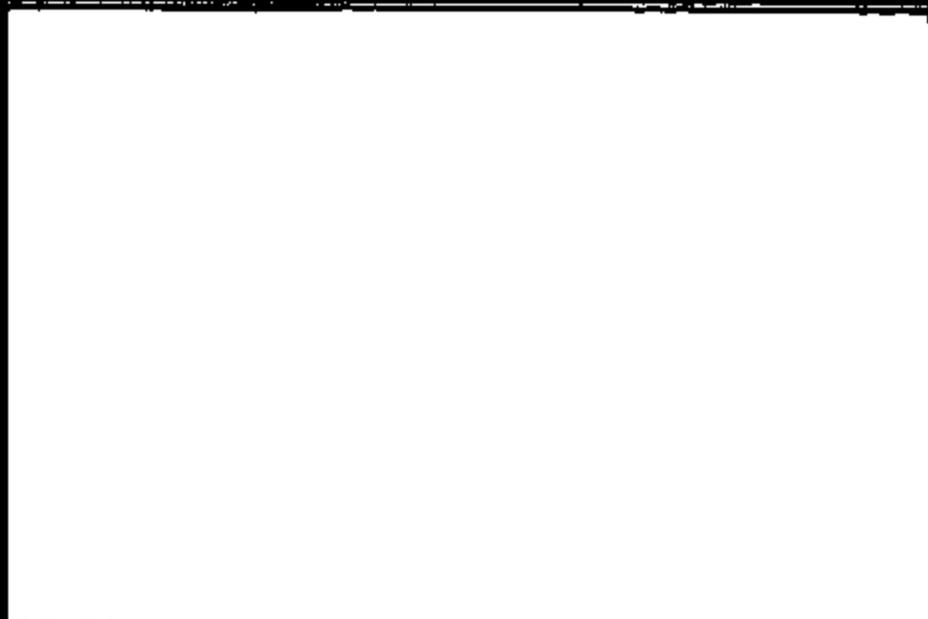
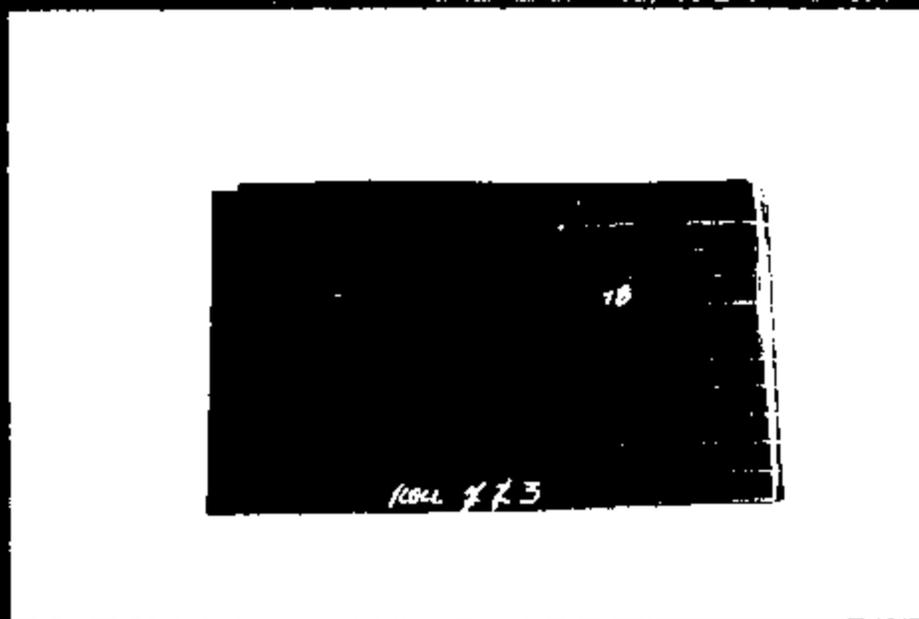
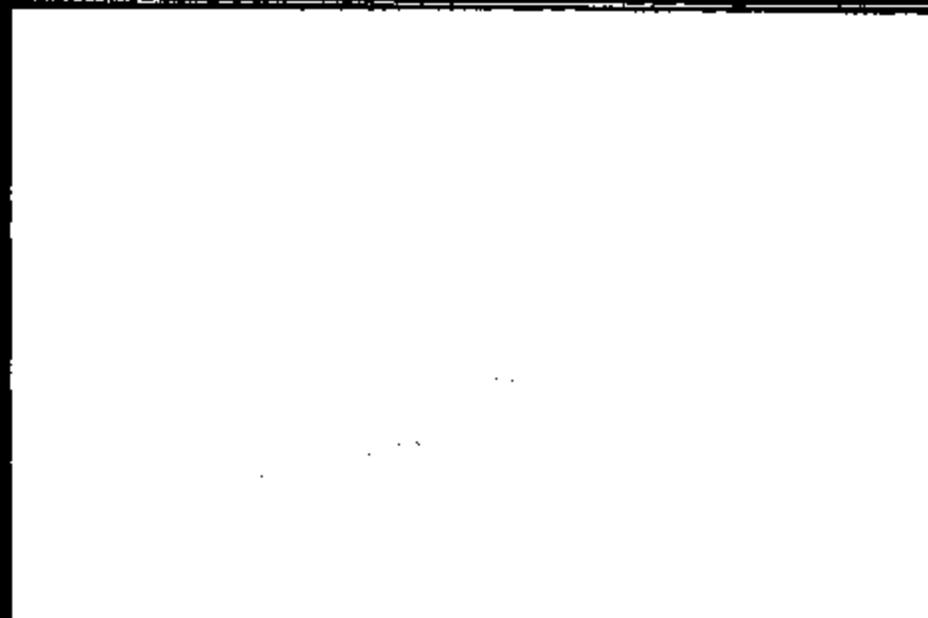


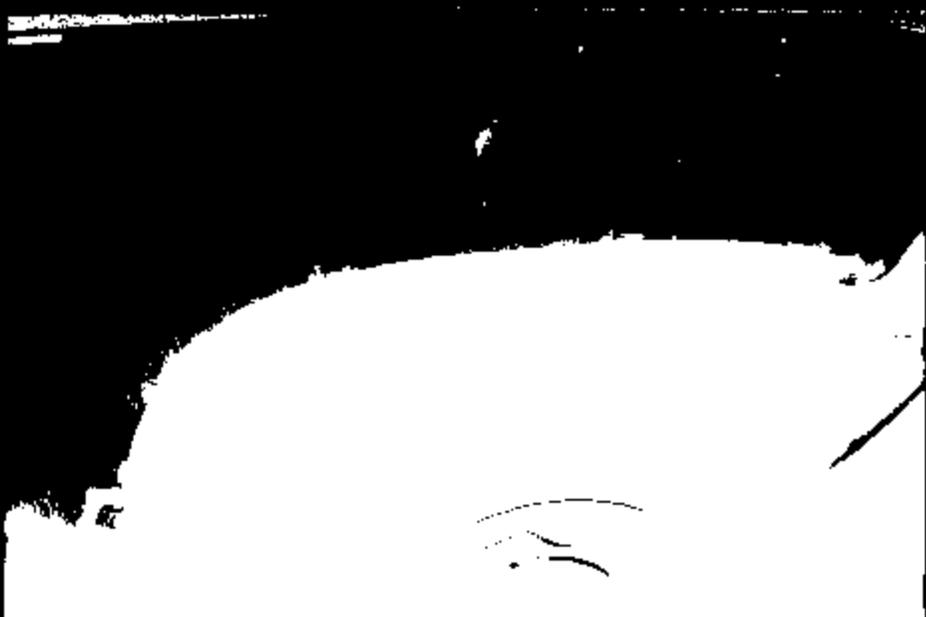




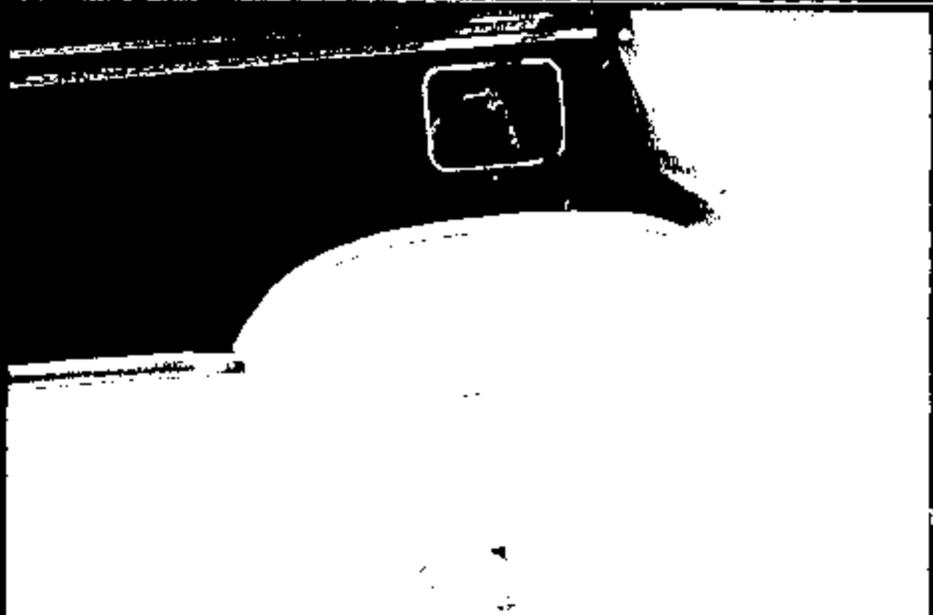
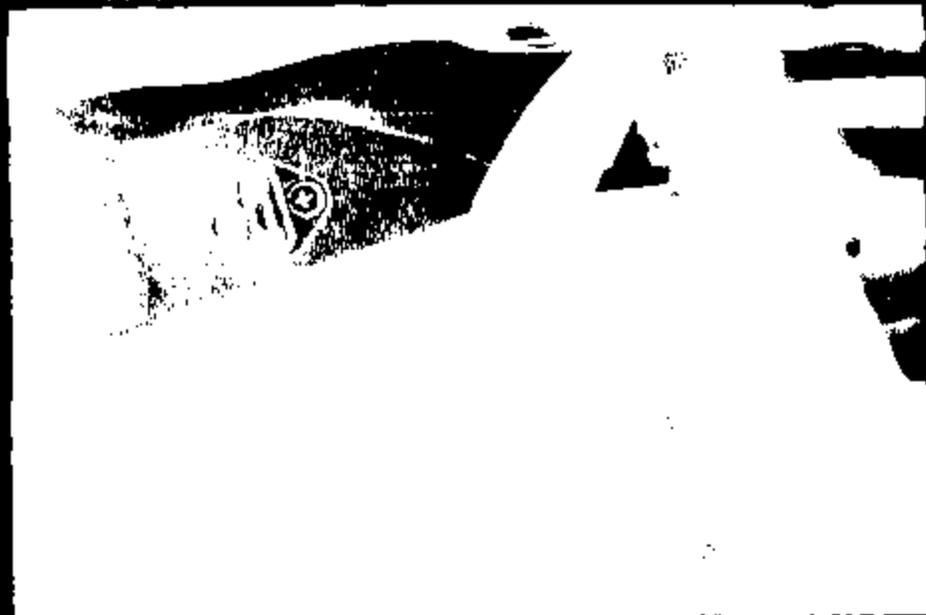
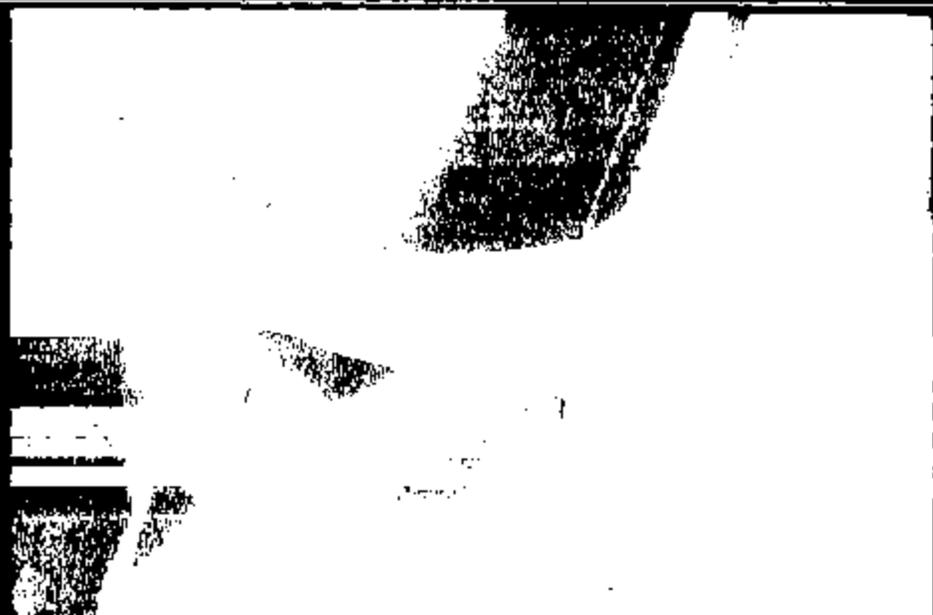
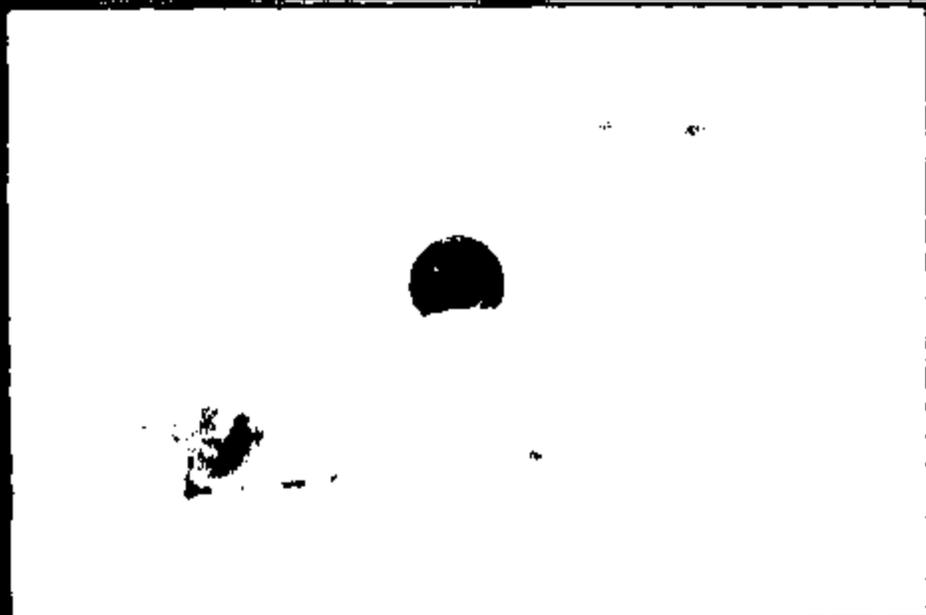


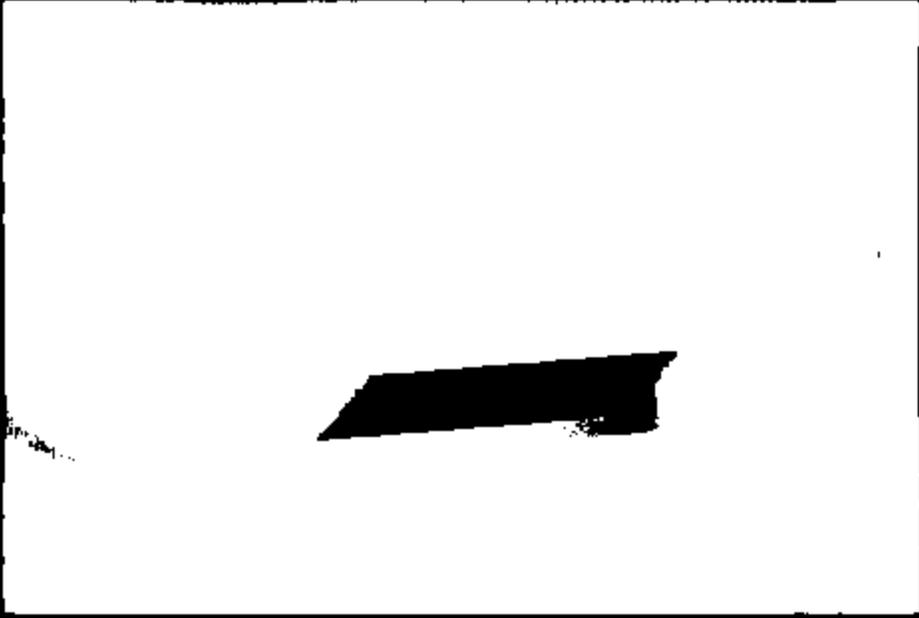


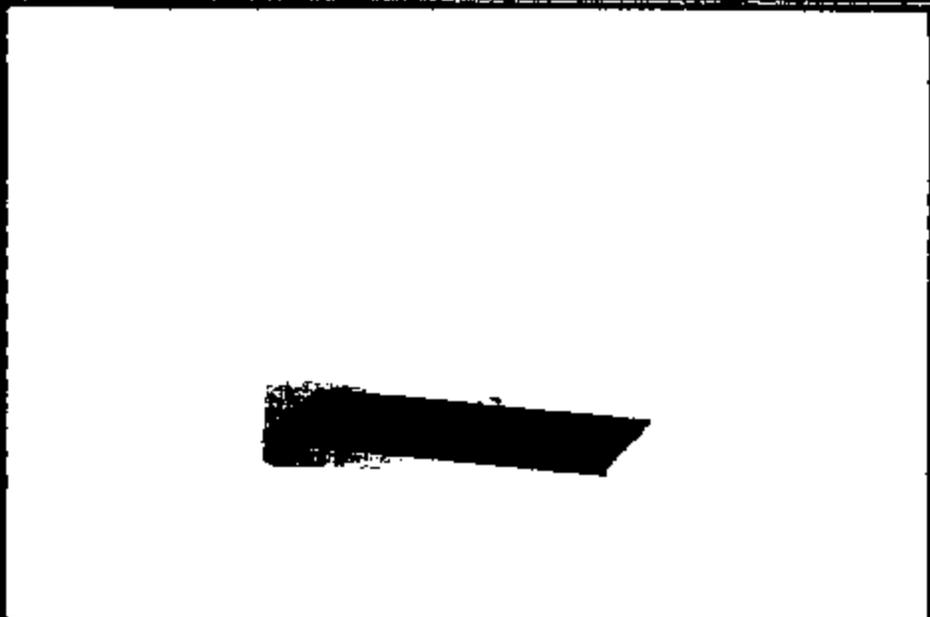
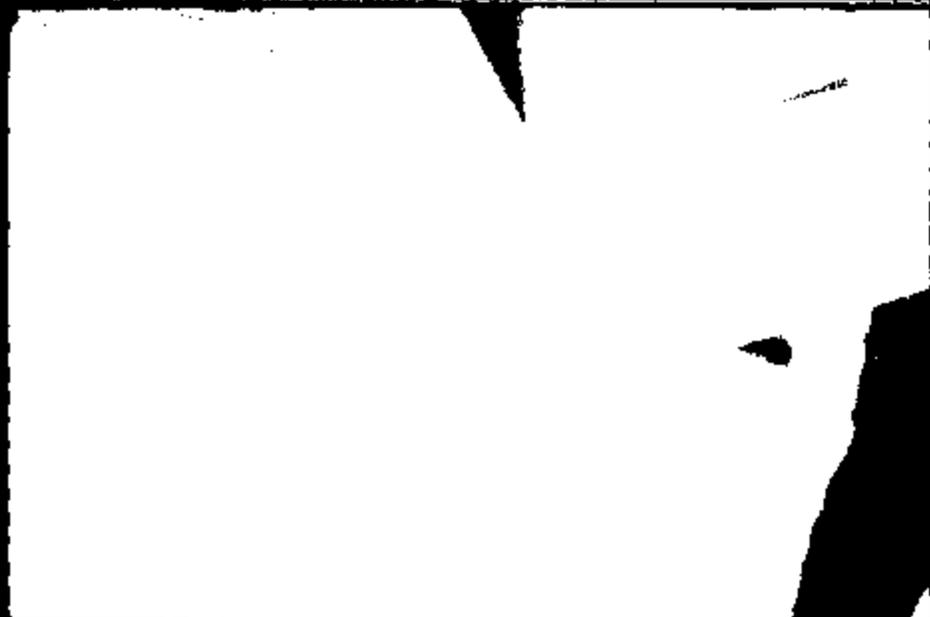


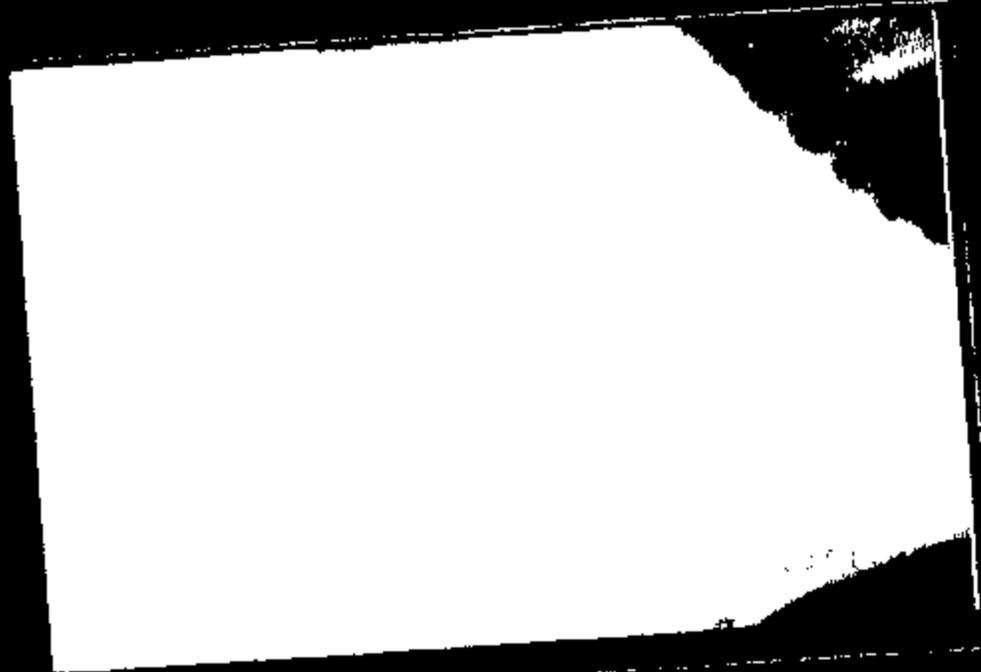
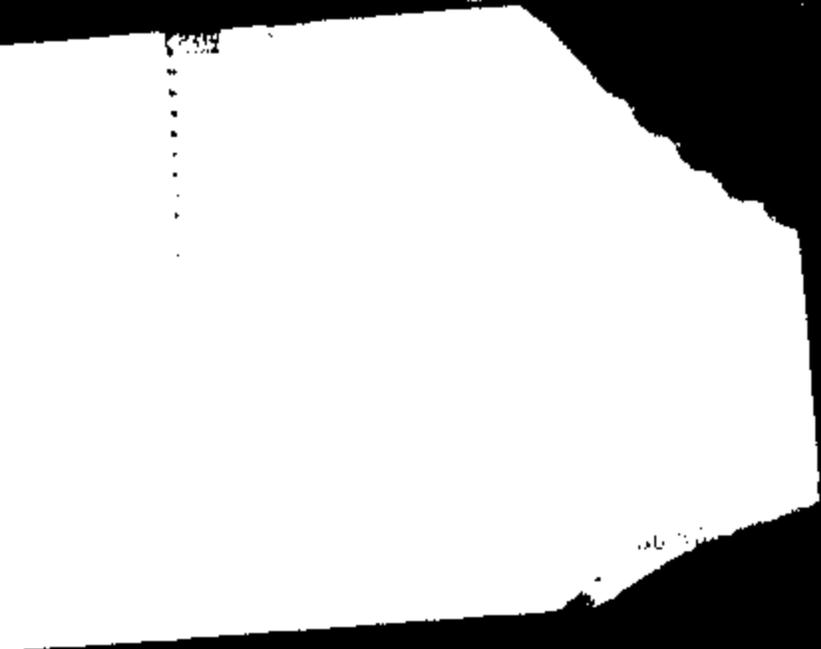












FLAGSTAFF MEDICAL CENTER
1200 North Beaver, P.O. Box 1268
Flagstaff, Arizona 86002

Eric D. Kendle, M.D.

Page 2 of 2

Follow up will be with her physicians in Pennsylvania and she will stick around in town for 2 or 3 more days. If she has any difficulties she will call my office.

Eric D. Kendle, M.D.
Signature On File

EDK/lai
dd: 05/19/98 6:33 P
dt: 05/20/98 8:12 A
Doc #: 175913

c: Eric D. Kendle, M.D.

DISCHARGE SUMMARYDISCHARGE SUMMARY***
ORIGINAL

FLAGSTAFF MEDICAL CENTER
1200 North Beaver, P.O. Box 1268
Flagstaff, Arizona 86002

Stephen W. Hartz, M.D.

Page 1 of 2

EMERGENCY ROOM ENCOUNTER #

DATE OF SERVICE: 04/12/98

HISTORY OF PRESENT ILLNESS: The patient is a d white female who was traveling on US Hwy 180 at milepost 234 at approximately 12:30 hours, the patient's vehicle struck a patch of ice and lost control and they slid into a tree. The patient is complaining of stomach pain and back pain. She denies any loss of consciousness.

VITAL SIGNS: Temp 97.6, pulse 90, respirations 16, and blood pressure 122/64. She weights 130 pounds. Her last period was 3/14 on time and normal.

PHYSICAL EXAMINATION: Her pupils are equal, round, reactive to light and accommodation. Extraocular movements normal. TM's normal. Throat normal. No dental or lingual trauma.

Neck is mildly tender to palpation but not to actual compression. The patient is left in c-spine precaution.

Skeletal Survery: Clavicle is intact. Upper extremities intact. Good grip strength bilaterally. Chest wall intact to AP and lateral compression.

LUNGS: Clear to auscultation.

HEART: Regular, rate, and rhythm without murmur, gallop.

ABDOMEN: Soft, mildly tender across the low pubic area without rebound. The patient has pain on palpation in the low thoracic and lumbar spine area.

Negative pelvic rock.

LOWER EXTREMITIES: Seem intact. Deep tendon reflexes are 2+ bilaterally. Toes are bilaterally down going.

An IV is established, normal saline 125cc an hour, and x-rays obtained. The c-spine was negative. The LS-spine shows a compression fracture of L2. The patient is sent to CT scan which shows no obvious nerve damage and patient remains neuro intact throughout ED evaluation.

Her blood work shows negative pregnancy test. Hemoglobin, hematocrit are 11.1 and 33.3 with a white count of 15,400. Urine was clear, yellow with specific gravity of 1.025, ph is 5.5, negative for protein. Glucose showed 2- ketones, negative for occult blood, bilirubin, nitrites, leukocyte,

*** EMERGENCY DEPARTMENT ***
; ORIGINAL

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Flagstaff, Arizona 86002

Stephen W. Hartz, M.D.

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esterase, 0-2 white cells, 0-2 red cells, and trace bacteria per high power field.

Call was placed to Dr. Steve Ritland and patient admitted for pain control and future stabilization.

DIAGNOSIS: Motor vehicle accident with L2 compression fracture.

Stephen W. Hartz, M.D.
Signature On File

SWH/ckw

dd: 05/20/98 4:06 P

dt: 05/23/98 1:46 P

Doc #: 176363

cc: E.R. Billing
Stephen W. Hartz, M.D.
Stephen L. Ritland, M.D.

*** EMERGENCY DEPARTMENT ***
ORIGINAL

FLAGSTAFF MEDICAL CENTER
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Flagstaff, Arizona 86002

Stephen L. Ritland, M.D.

Page 1 of 2

DATE OF ADMISSION: 4/12/98

DATE OF DISCHARGE: 4/19/98

DIAGNOSIS: L2 compression burst fracture.

PROCEDURE: Fit with lumbar brace.

HISTORY: The patient is a _____ man in a motor vehicle accident.
She sustained an L2 burst fracture.

X-rays demonstrated mild angulation of the canal, more than 50% loss of height anteriorly.

CT demonstrated a burst fracture with fairly marked compromise of the canal.

From the standpoint of angulation, it appeared that the fracture would heal satisfactorily.

From the standpoint of the canal compromise, the canal compromise was enough that in any case it would need surgery. She was absolutely without neurologic complaint on admission. She remained so at bed rest during the hospitalization.

Initially after being fitted with the brace, she would get a little aching in the thighs when she got up. This was resolving significantly by the time of discharge.

I talked with her at length about this. While she has bony fragments in the canal based on the lack of neurologic symptoms it was my impression that if she could get by for the first 3 or 4 weeks, she would get by long-term without needing intervention.

I suggested to her limited activity, progressing with activity as is comfortable. Specifically not pushing activity to the point where she was getting too much aching or discomfort into the legs.

I reviewed her films with her prior to discharge. I am sending a copy of the CT and the most recent AP and lateral of the lumbar spine with her.

My recommendation is that in a couple of weeks after discharge she see her regular doctor or an appropriate physician for an AP and lateral of the spine to see that she is not having any significant progressive angulation or loss of alignment.

DISCHARGE SUMMARYDISCHARGE SUMMARY***
ORIGINAL

FLAGSTAFF MEDICAL CENTER
1200 North Beaver, P.O. Box 1268
Flagstaff, Arizona 86002

Stephen L. Ritland, M.D.

Page 2 of 2

I am going to send her home with a prescription for Vicodin.

I am going to follow up with her on as necessary basis. I would be glad to see her if she decided to make follow-up here.

She is afraid of discharge and the ride home. With this being the case I gave her a prescription for ambulance transfer. I don't think she needs to continue in the hospital. I don't think she needs to be transferred to a rehab setting.

Stephen L. Ritland, M.D.
Signature On File

SLR/lai
dd: 04/19/98 7:50 A
dt: 04/21/98 9:59 A
Doc #: 171402

cc: Stephen L. Ritland, M.D.

DISCHARGE SUMMARYDISCHARGE SUMMARY***
ORIGINAL



TIMOTHY R. HARRINGTON, MD

DATE OF ADMISSION: 08/04/98

DATE OF DISCHARGE: 08/11/98

PROCEDURES:

1. L3 corpectomy with placement of cage and autograft with Z plate from L1 to L3.
2. Revision of Z plate.

PREOPERATIVE DIAGNOSIS: Lumbar burst fracture.

POSTOPERATIVE DIAGNOSIS: Lumbar burst fracture.

HOSPITAL COURSE: The patient is . female involved in a motor vehicle accident outside of Flagstaff with immediate low back pain. She was seen in the clinic with consultation with Dr. Harrington and found to have a lumbar burst fracture with mild anterior compression. The patient was taken to the operating room on August 4, 1998, and underwent a retroperitoneal approach with corpectomy and placement of a mesh cage and Z plate.

Postoperative CT showed the top screw and bolt to be too long. The patient was apprised of what we had found after presenting the risks and benefits of leaving the screw in versus doing nothing, the patient elected to return to surgery. Again, Dr. Peterson provided a retroperitoneal approach and the Z plate was revised. She now has a 30 mm bolt in the L2 body and a 35 mm screw in the L2 body. The L4 body has a 40 mm bolt and 45 mm screw. Postoperative films show good screw placement and size.

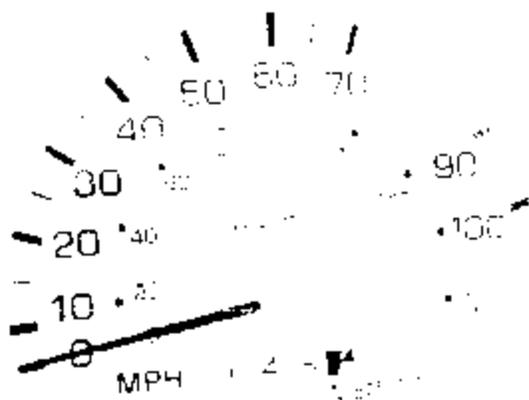
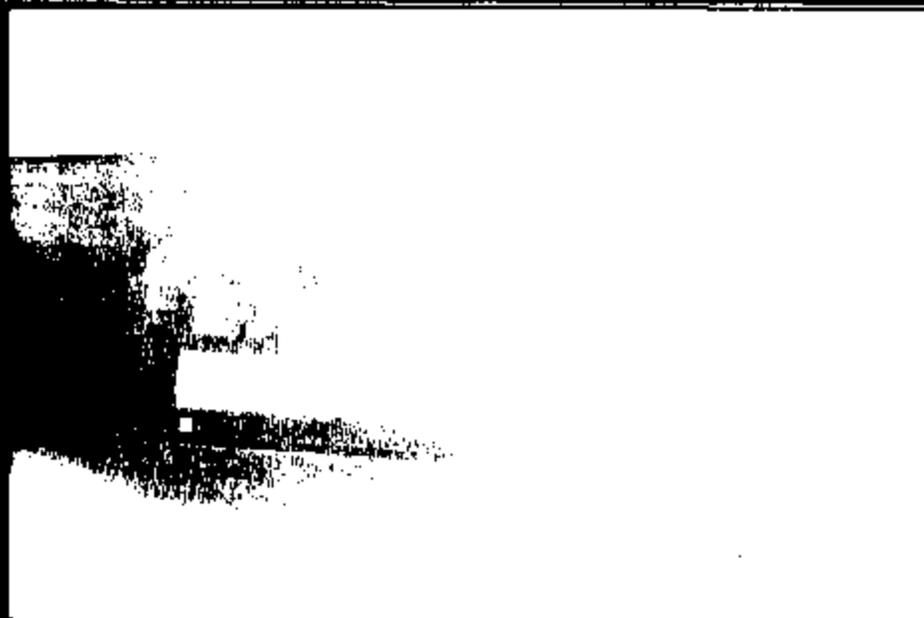
In the postoperative period, the patient was transferred from the unit to the floor. She has been tolerating p.o. and ambulating without problems. She has been taking Percocet and Valium for pain and spasm pro renata. At the time of discharge, the patient's lower extremity motor exam is 5/5 throughout. She has a mild sensory deficit on the lateral aspect of the left leg, which she has had since surgery.

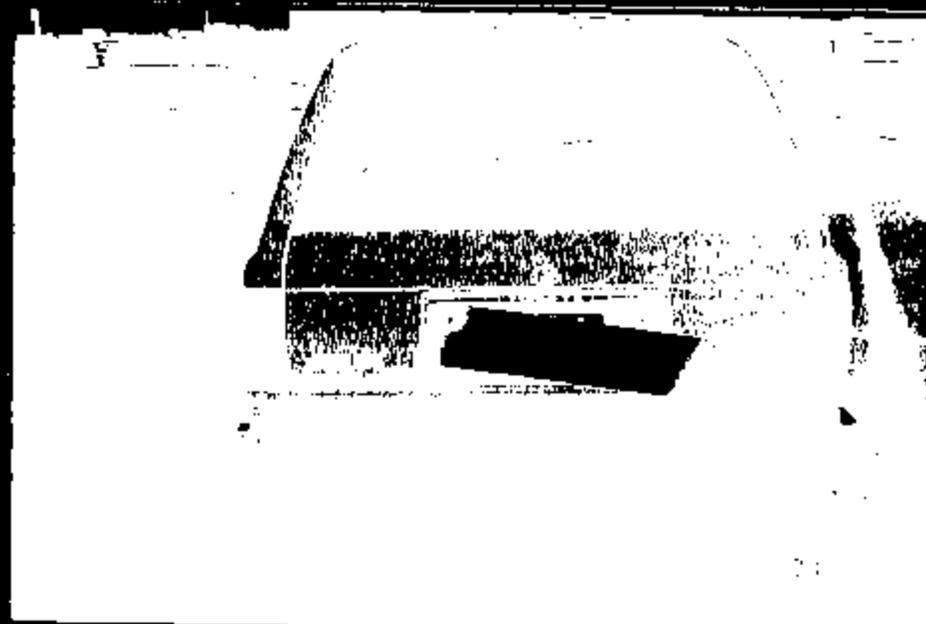
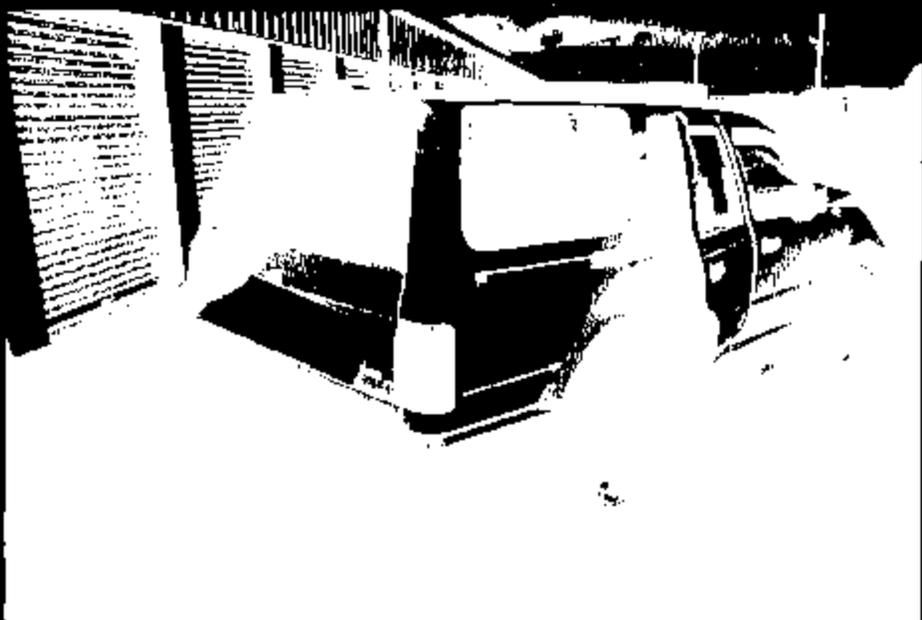
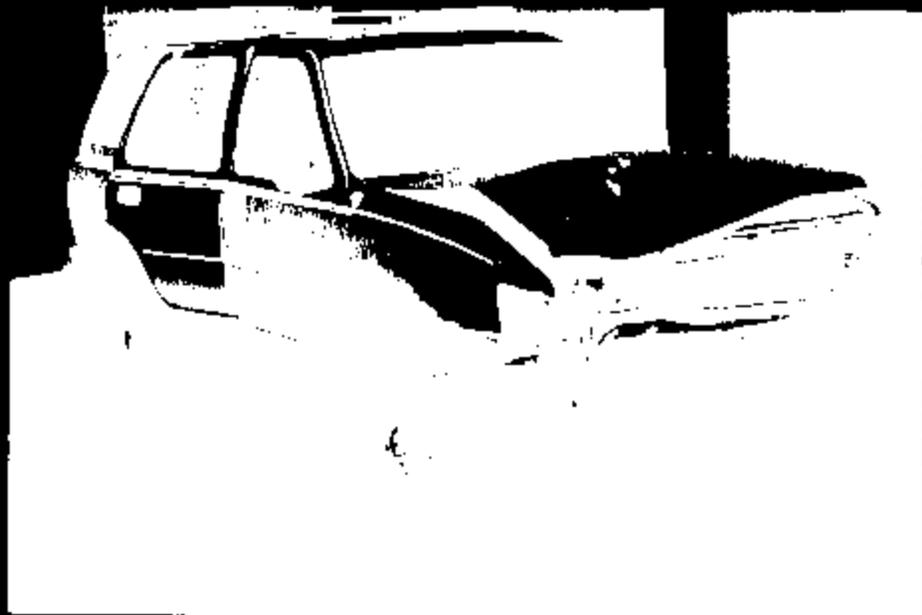
SUMMARY
PAGE 1 OF 2

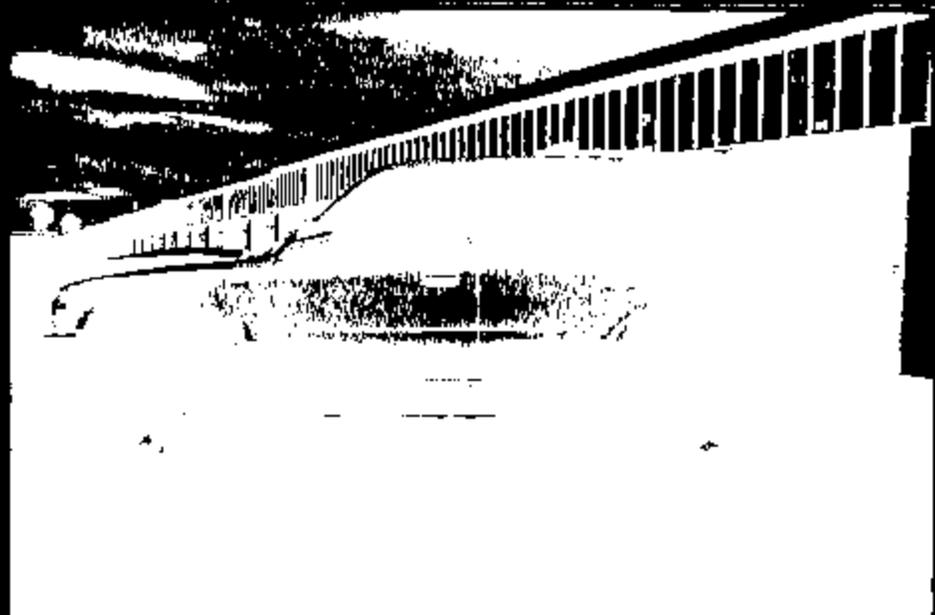
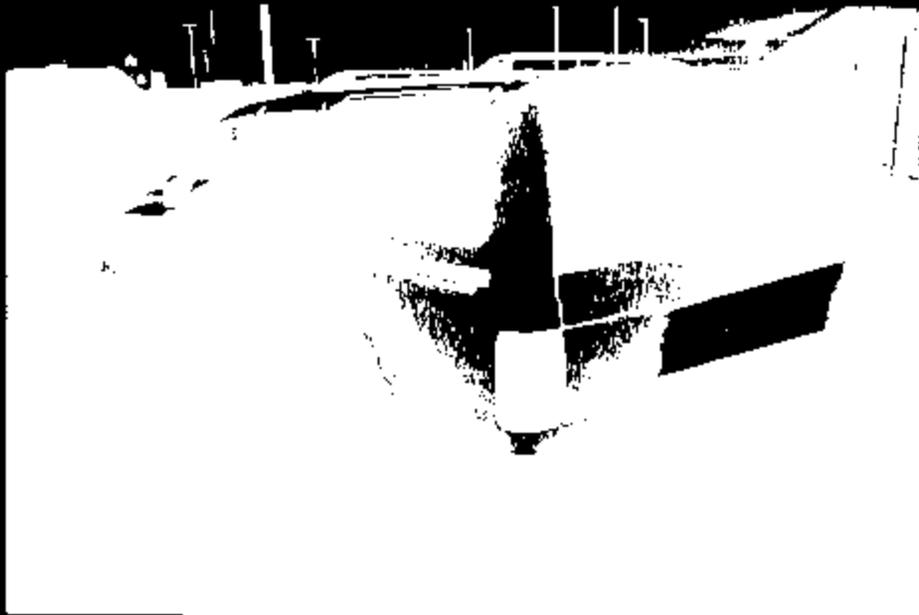
St. Joseph's Hospital and Medical Center

CHART COPY

TOYOTA
1995 4RUNNER
JT3VN39W0S0189398
12/19/00
ROLL 1

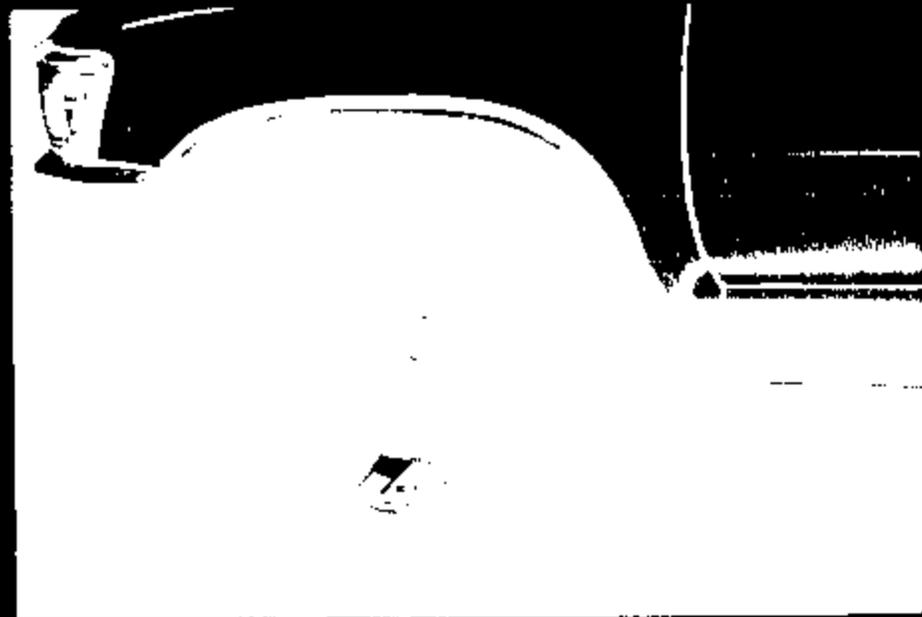


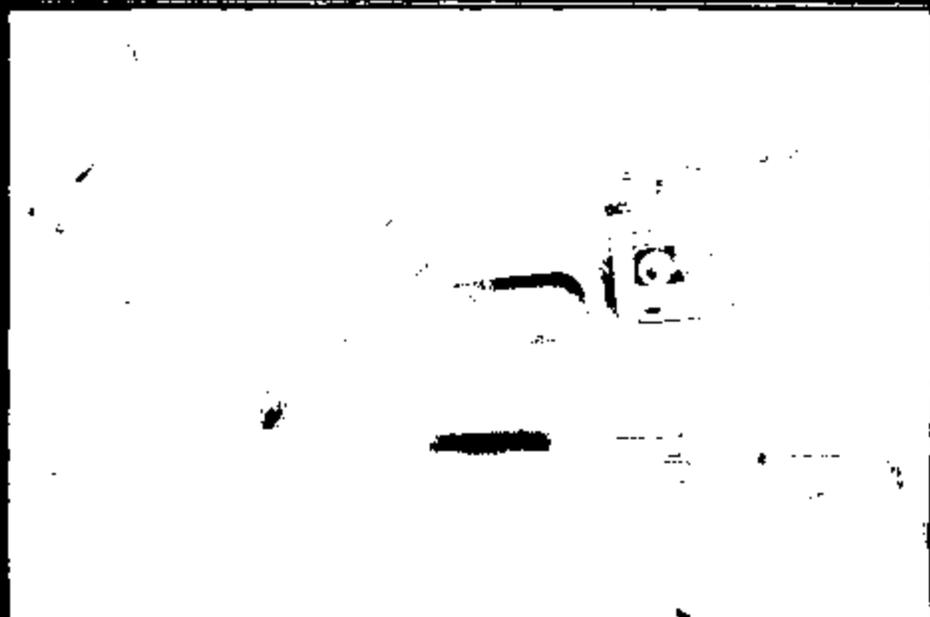
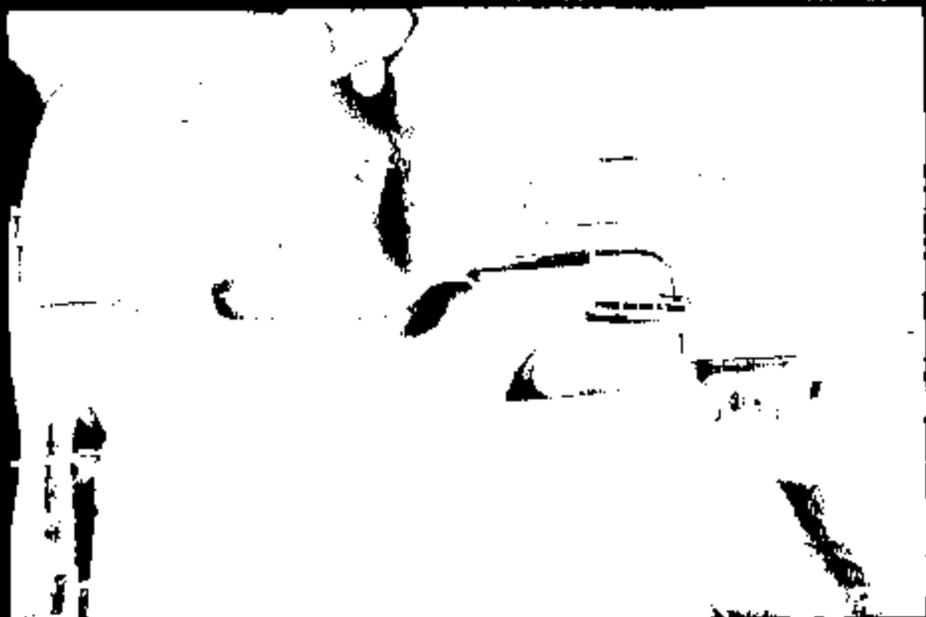
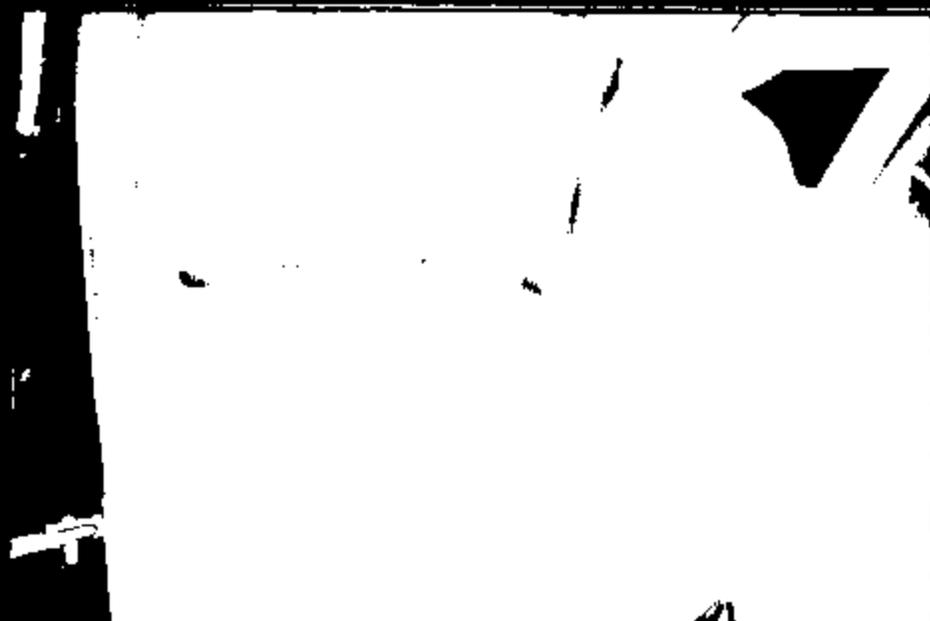
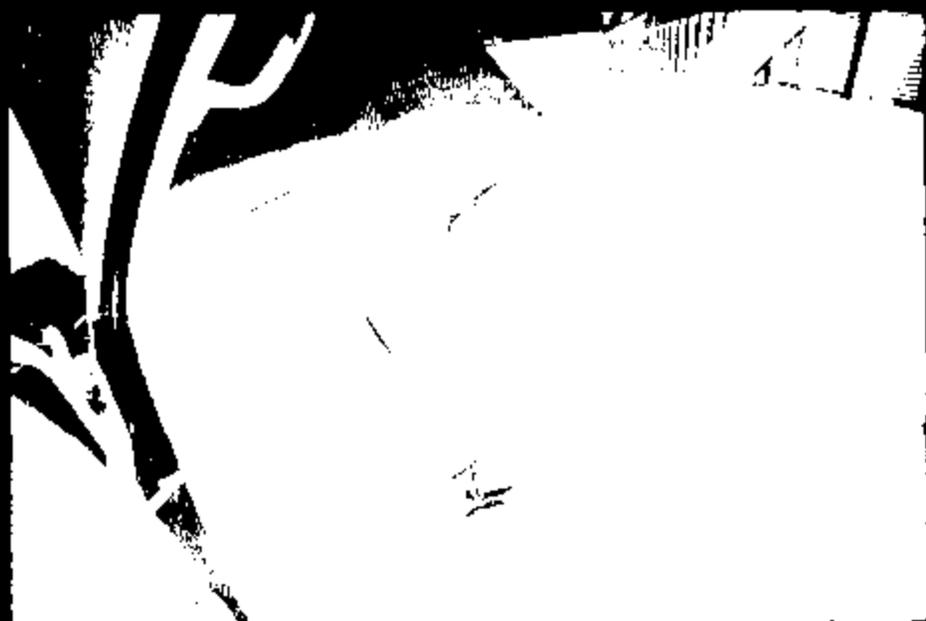


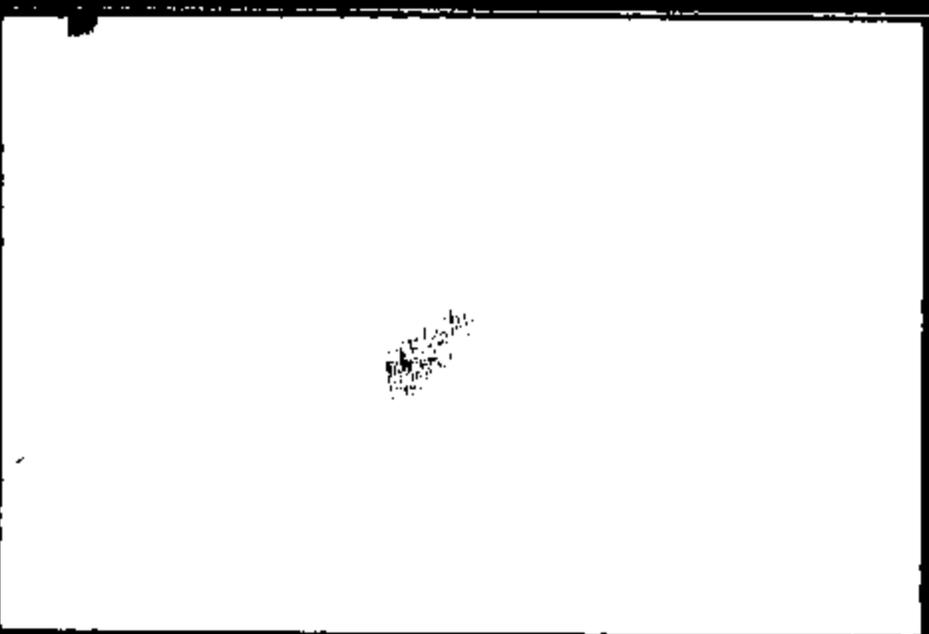
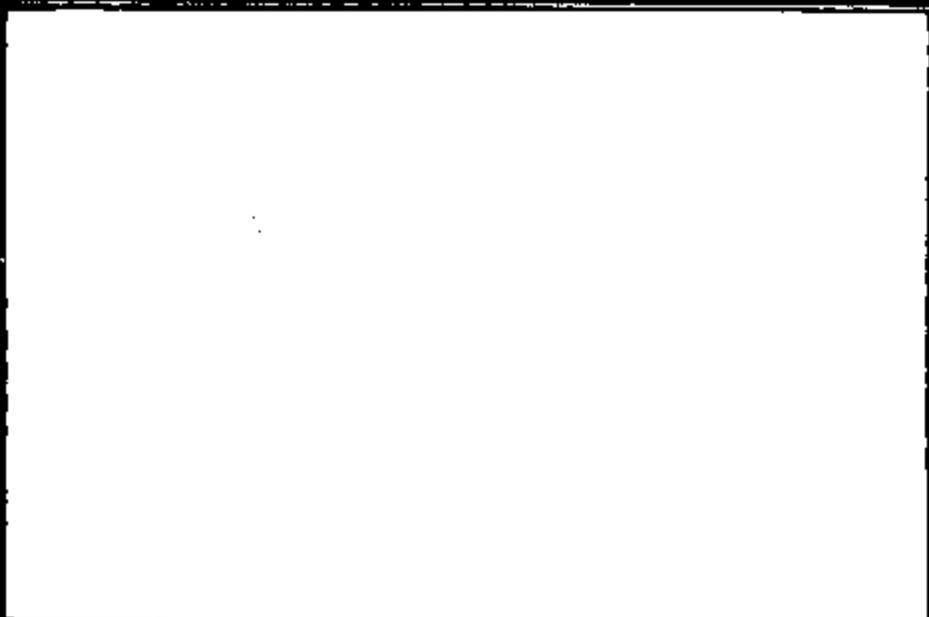


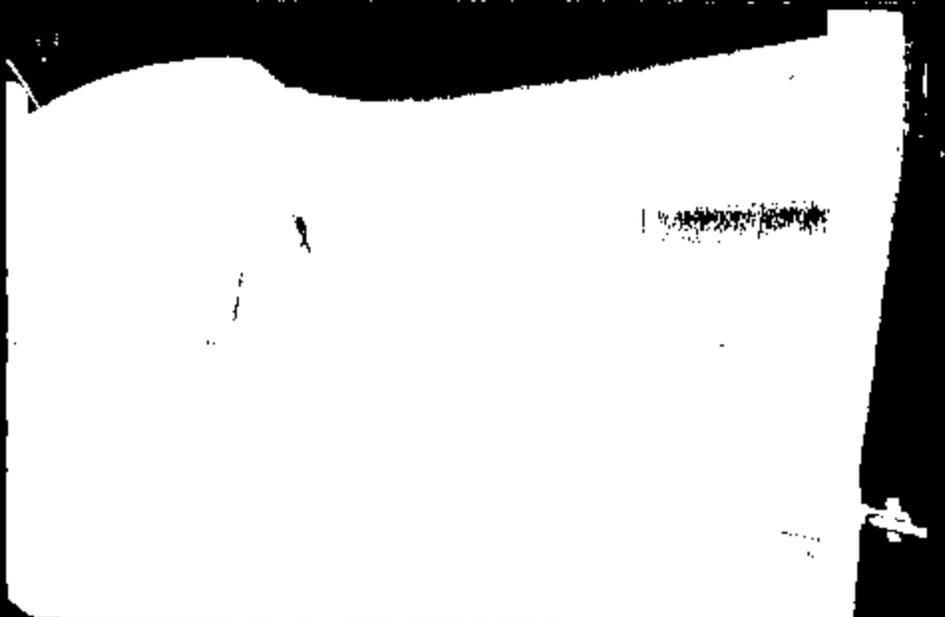


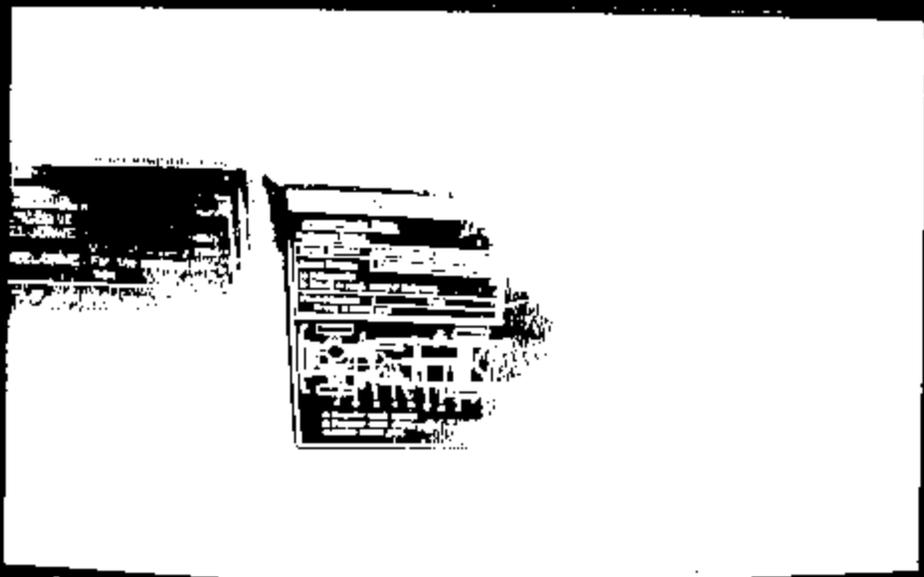
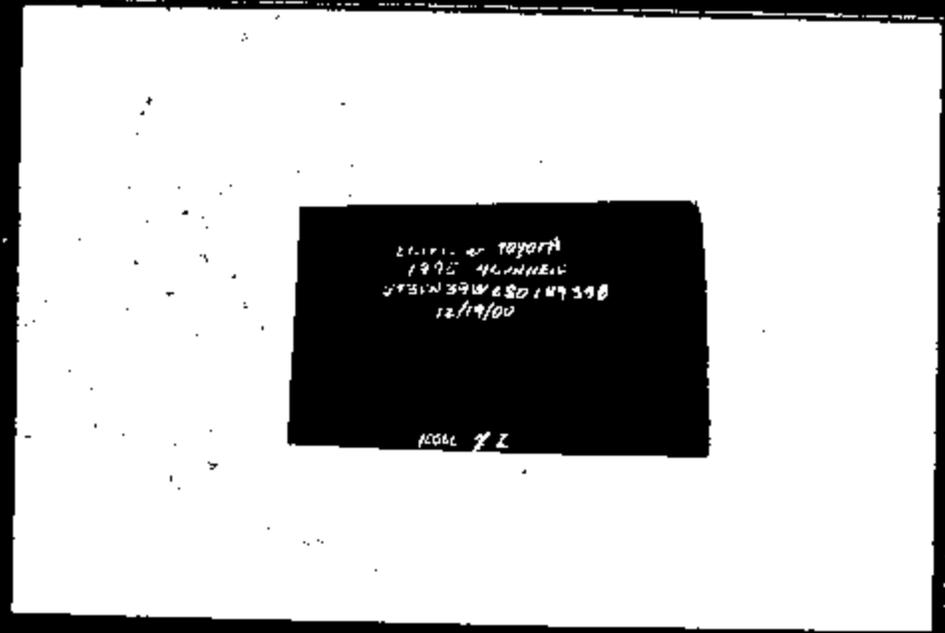




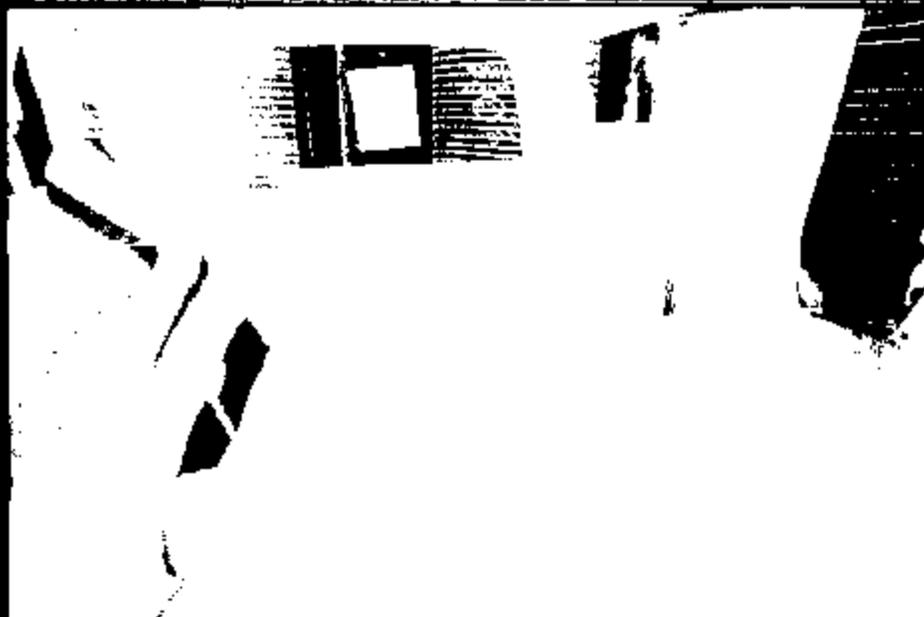
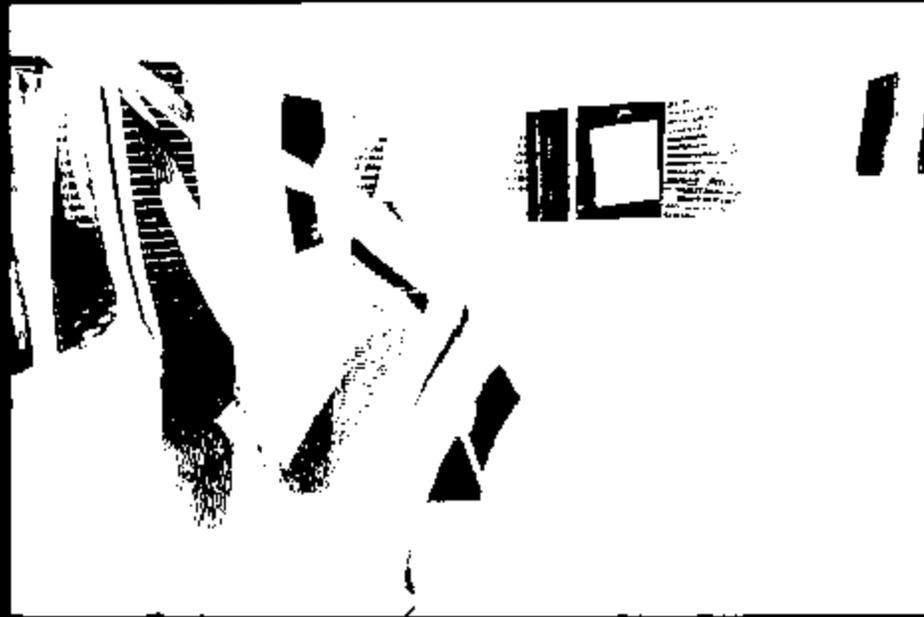


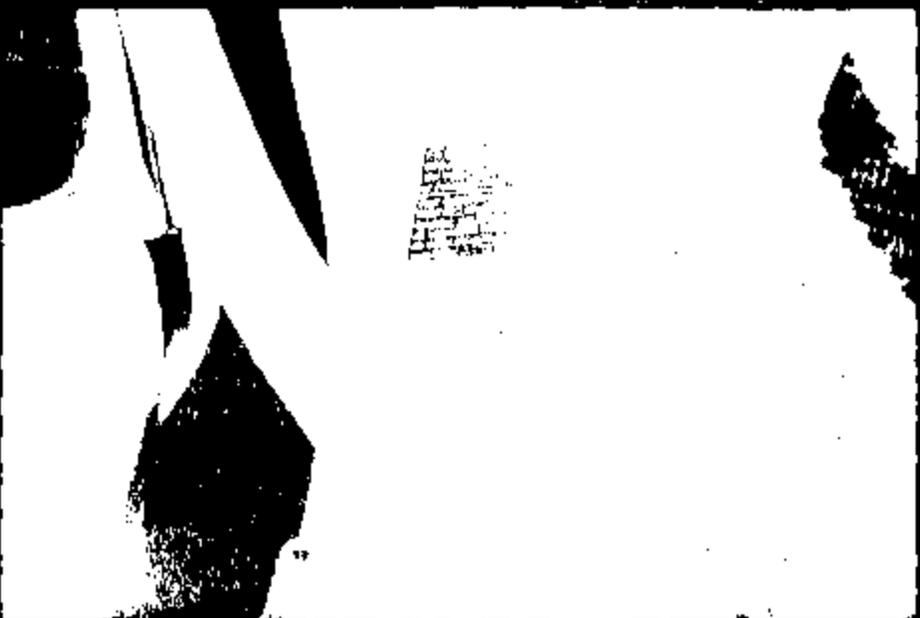






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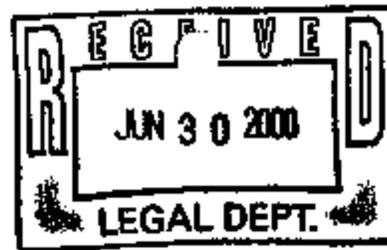
Attachment 2

A copy of documents for the lawsuit

- a. Complaint**
- b. TMC's answer to the complaint**
- c. Police report**
- d. Medical report**
- e. Photos**

(Taken by _____)

December 19, 2000 in Phoenix, AZ)



COPY

APR 10 2000
MICHAEL K. JEANES, CLERK
K. GALISS, DEPUTY CLERK

1 HARALSON, MILLER, PITT & McANALLY, P.L.C.
2 ATTORNEYS AT LAW
3 ONE SOUTH CHURCH AVENUE, SUITE 900
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5 (520) 792-3636

6 Dale Haralson
7 State Bar No. 1560

8 Attorneys for Plaintiffs

9 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

10 MARICOPA
11 CIVIL CASE NO. 006367

12 Plaintiffs,

13 v.

14 TOYOTA MOTOR CORPORATION; TOYOTA
15 MOTOR SALES, USA, INC.; PIERCE, L.L.C., dba
16 TEMPE TOYOTA, INC.;

17 Defendants.

18 COMPLAINT
19 (Tort - Motor Vehicle)

- 20 1. Strict Products Liability: Design Defect
- 21 2. Negligent Products Liability
- 22 3. Punitive Damages

23 Assigned to

24 For their complaint against Defendants, Plaintiffs allege as follows:

25 GENERAL ALLEGATIONS

26 1. Plaintiff _____ re the surviving natural parents of _____ deceased. They are residents of the State of Pennsylvania and bring this claim on their own behalf, pursuant to A.R.S. § 12-611 et. seq.

2. Plaintiff _____ an adult resident of the State of Pennsylvania.

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TUCSON, ARIZONA 85701-1880
620-792-3838

1 3. Plaintiff _____ is an adult resident of Maricopa County,
2 Arizona and was at all times material hereto.

3 4. Plaintiffs believe and allege that, at all times relevant hereto, defendants
4 Toyota Motor Corporation and Toyota Motor Sales, USA, Inc., are and were
5 corporations doing business throughout the State of Arizona.

6 5. Plaintiffs believe and allege that, at all times relevant defendant Pierce,
7 L.L.C., dba Tempe Toyota, was a Delaware corporation doing business in the State
8 of Arizona.

9 6. Each Defendant caused events to occur in the State of Arizona out of
10 which this claim for relief arises.

11 7. The jurisdictional minimum for filing this action is satisfied and venue
12 in this Court is proper.

13 8. Sometime prior to March, 1995, defendants Toyota Motor Corporation
14 and Toyota Motor Sales, USA, Inc., caused a 1995 Toyota Forerunner, VIN
15 #JT3VN39WOSO189398 (hereinafter, the "subject vehicle") to be delivered to
16 defendant Pierce, L.L.C., dba Tempe Toyota, Inc., for sale to the general public.

17 9. In March, 1997, _____ purchased the subject vehicle from
18 defendant Pierce, L.L.C., dba Tempe Toyota, in Tempe, Arizona.

19 10. On April 12, 1998, Plaintiff: _____ precedent
20 daughter _____ ainti' _____ and Plaintiff _____ were riding
21 in the subject vehicle as it traveled on U.S. Highway 180 in the State of Arizona.

22 11. At or around Milepost 234.1 on U.S. Highway 180, the subject vehicle
23 slid on a patch of snow and struck a tree situated just beyond the white line marking
24 the edge of U.S. Highway 180, resulting in serious injuries to _____
25 and _____

26 12. On or about August 19, 1998, _____ died as a result of injuries

1 suffered in the April 12, 1998 accident.

2
3 **COUNT ONE**

4 **(Strict Products Liability,- Defendants Toyota Motor Corporation;**
5 **Toyota Motor Sales, USA, Inc.; Pierce, L.L.C., dba Tempe Toyota, , Inc.)**

6 13. Plaintiffs incorporate by reference herein each allegation previously
7 made.

8 14. Plaintiffs are informed, believe, and allege that at all times relevant,
9 defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc., and Pierce,
10 L.L.C., dba Tempe Toyota, Inc., and each of them, manufactured, fabricated,
11 designed, assembled, distributed, bought, sold, inspected, serviced, repaired, marketed,
12 warranted, supplied, modified, warned of defects and conditions and/or otherwise
13 provided the 1995 Toyota Forerunner, VIN #JT3VN39WOSO189398 (the "subject
14 vehicle").

15 15. Plaintiffs are informed, believe and allege that at all times herein
16 mentioned, the subject vehicle was defective and unreasonably dangerous when placed
17 on the market by defendants, and each of them, and was of such a nature that the
18 defects would not be discovered in the normal course of inspection and operation of
19 said vehicle by users thereof.

20 16. That on April 12, 1998, the subject vehicle, including its occupant
21 restraint/protection system, was being operated in a reasonably foreseeable manner by
22 decedent _____ Plaintiff _____ and in the
23 manner in which it was intended to be used.

24 17. That on April 12, 1998, decedent _____ as sitting in the right rear
25 passenger seat of the subject vehicle, Plaintiff _____ the middle rear
26 passenger seat and Plaintiff _____ in the left rear passenger seat when the subject

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Tucson, Arizona 85701-1680
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1 vehicle was involved in the accident on U.S. Highway 180, set forth above. During
2 this accident, the occupant restraint/protection system failed to provide reasonable
3 safety for decedent Plaintiff
4 and, as a result, all suffered severe and permanent personal injuries
5 subsequently died as a direct result of the injuries suffered in this accident.

6 18. Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.
7 and Pierce, L.L.C., dba Tempe Toyota, Inc., fabricated, manufactured, tested,
8 assembled, inspected, distributed, marketed, sold, delivered and/or supplied the
9 subject vehicle: a) in a defective, unsafe and unreasonably dangerous condition; b)
10 without effective and safe rear passenger seat occupant restraint/protection systems;
11 c) with a reasonably foreseeable defect and condition in the rear seat occupant
12 restraint/protection systems, and; d) in an uncrashworthy condition.

13 19. That the harmful characteristics of the rear seat occupant
14 restraint/protection systems in the subject vehicle outweigh the benefits of their
15 design.

16 20. That the rear seat occupant restraint/protection systems in the subject
17 vehicle did not perform as safely as an ordinary consumer would expect when, as here,
18 the product was used in a reasonably foreseeable manner.

19 21. That Defendants Toyota Motor Corporation, Toyota Motor Sales, USA,
20 Inc. and Pierce, L.L.C., dba Tempe Toyota, Inc. fabricated, manufactured, tested,
21 assembled, inspected, distributed, marketed, sold, delivered and/or supplied the
22 subject vehicle in a defective and unreasonably dangerous condition in that they failed
23 to provide adequate warning and instruction for safe use regarding a reasonably
24 foreseeable defect and condition in the rear seat occupant restraint/protection systems.

25
26

COUNT TWO

(Negligent Products Liability- Defendants Toyota Motor Corporation;
Toyota Motor Sales, USA, Inc.; Pierce, L.L.C., dba Tempe Toyota, , Inc.)

22. Plaintiffs are informed, believe, and allege that at all times relevant, defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc., and Pierce, L.L.C., dba Tempe Toyota, Inc., and each of them, were engaged in the business of manufacturing, fabricating, designing, assembling, distributing, buying, selling, inspecting, servicing, repairing, marketing, warranting, supplying, modifying, and providing warning of defects and conditions and instructions for use, and otherwise providing a certain 1995 Toyota Forerunner, VIN #JT3VN39WOSO189398 (the "subject vehicle").

23. Plaintiffs are informed, believe, and allege that at all times relevant, defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc., and Pierce, L.L.C., dba Tempe Toyota, Inc., and each of them, had a duty to manufacture, fabricate, design, assemble, distribute, buy, sell, inspect, service, repair, market, warrant, supply, modify, warn of defective conditions and/or otherwise provide the subject vehicle in a reasonable manner.

24. Plaintiffs are informed, believe, and allege that at all times relevant, defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc., and Pierce, L.L.C., dba Tempe Toyota, Inc., and each of them, knew or in exercise of due care should have known that the subject vehicle was not manufactured, fabricated, designed, assembled, distributed, bought, sold, inspected, serviced, repaired, marketed, warranted, supplied, modified or otherwise provided in a reasonable manner.

25. Plaintiffs are informed, believe, and allege that on April 12, 1998, the subject vehicle was being used in a reasonably foreseeable manner.

26. Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.,

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TUCSON, ARIZONA 85701-1880
520-798-3836

1 and Pierce, L.L.C., dba Tempe Toyota, Inc., and each of them, negligently and
2 carelessly fabricated, manufactured, tested, assembled, inspected, distributed,
3 marketed, sold, delivered and/or supplied the subject vehicle: a) in a defective, unsafe
4 and unreasonably dangerous condition; b) without effective and safe rear passenger
5 seat occupant restraint/protection systems; c) with a reasonably foreseeable defect and
6 condition in the rear seat occupant restraint/protection systems, and; d) in an
7 uncrashworthy condition.

8 27. Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.,
9 and Pierce, L.L.C., dba Tempe Toyota, Inc., and each of them, negligently and
10 carelessly failed to recall and retrofit the subject vehicle with an effective rear
11 passenger seat occupant restraint/protection system, to make it crashworthy.

12 13 COUNT THREE

14 (Punitive Damages- Defendants Toyota Motor Corporation;
15 Toyota Motor Sales, USA, Inc.; Pierce, L.L.C., dba Tempe Toyota, , Inc.)

16 28. Plaintiffs restate the allegations of Counts One and Two, and incorporate
17 them by reference.

18 29. Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.,
19 and Pierce, L.L.C., dba Tempe Toyota, Inc., through their acts and/or omissions, as
20 set forth in Counts One and Two, consciously pursued a course of conduct knowing
21 that it created a substantial, unjustified risk of significant harm to others. Such
22 conduct on the part of Defendants Toyota Motor Corporation, Toyota Motor Sales,
23 USA, Inc., and Pierce, L.L.C., dba Tempe Toyota, Inc. justifies an award of punitive
24 damages.

25 Wherefore, Plaintiffs request judgment against Defendants Toyota Motor
26 Corporation, Toyota Motor Sales, USA, Inc., and Pierce, L.L.C., dba Tempe Toyota,

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1 Inc., for such punitive damages as the court and jury deem sufficient to set an example
2 and deter such conduct by these Defendants in the future.

3 30. As a direct and proximate result of the intentional acts, negligence and
4 carelessness of Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.
5 and Pierce, L.L.C., dba Tempe Toyota, Inc., Plaintiffs' decedent suffered
6 permanent physical and mental injuries, pain, suffering, embarrassment, humiliation,
7 anxiety, permanent disfigurement and disability, and, on or about August 19, 1998,
8 died from said injuries.

9 31. As a direct and proximate result of the intentional acts, negligence and
10 carelessness of Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.
11 and Pierce, L.L.C., dba Tempe Toyota, Inc., Plaintiff
12 the surviving parents of have sustained damages, including but
13 not limited to, pecuniary losses, funeral and burial expenses, loss of love, affection,
14 companionship, care, protection and guidance since the death and in the future, and
15 pain, grief, sorrow, anguish, stress, shock, and mental suffering experienced and
16 probably to be experienced in the future.

17 32. As a direct and proximate result of the intentional acts, negligence and
18 carelessness of Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.
19 and Pierce, L.L.C., dba Tempe Toyota, Inc., Plaintiff suffered and
20 will continue to suffer throughout her lifetime severe and permanent physical and
21 mental injuries, pain, suffering, embarrassment, humiliation, anxiety, permanent
22 disfigurement and disability, loss of income and permanent loss of earning capacity.

23 33. As a direct and proximate result of the intentional acts, negligence and
24 carelessness of Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.
25 and Pierce, L.L.C., dba Tempe Toyota, Inc., Plaintiff
26 incurred and will continue to incur in the future substantial medical, hospital, therapy

1 and related expenses for the treatment of the personal injuries she has suffered.

2 34. As a direct and proximate result of the intentional acts, negligence and
3 carelessness of Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.
4 and Pierce, L.L.C., dba Tempe Toyota, Inc., Plaintiff _____ suffered and will
5 continue to suffer throughout her lifetime severe and permanent physical and mental
6 injuries, pain, suffering, embarrassment, humiliation, anxiety, permanent
7 disfigurement and disability, loss of income and permanent loss of earning capacity.

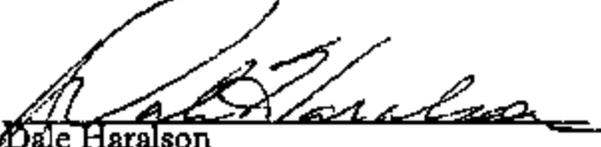
8 35. As a direct and proximate result of the intentional acts, negligence and
9 carelessness of Defendants Toyota Motor Corporation, Toyota Motor Sales, USA, Inc.
10 and Pierce, L.L.C., dba Tempe Toyota, Inc., Plaintiff _____ suffered and will
11 continue to incur in the future substantial medical, hospital, therapy and related
12 expenses for the treatment of the personal injuries she has suffered.

13
14 WHEREFORE, Plaintiffs respectfully request that this Court grant them
15 judgment against each Defendant for:

- 16 a. Compensatory damages in an amount to be determined by a jury at trial;
- 17 b. Punitive damages in an amount to be determined by a jury at trial;
- 18 b. Costs incurred herein;
- 19 c. Such other relief as the Court deems appropriate.
- 20

21 DATED this 27 day of April, 2000.

22 HARALSON, MILLER, PTTT & McANALLY, P.L.C.

23
 24 
 25 Dale Haralson
 John P. Leader
 Attorneys for Plaintiffs

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 Tucson, Arizona 85701-1680
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1 Jill S. Goldsmith (#011500)
2 **BOWMAN AND BROOKE LLP**
3 Suite 1700, Phoenix Plaza
4 2929 North Central Avenue
5 Phoenix, Arizona 85012-2781
6 (602) 248-0899

7 Attorneys for Defendant Toyota Motor Corporation

BOE	HO	RWB
DMY	LCA	PKS
DAM	GMB	JWR
JWW	MSD	DRS
ATM	CL	HAS
MS	CNC	KTR
IS	MWJ	DDO
	TPE	

CORRESPONDENCE _____
PLEADINGS _____
DISCOVERY → TOYOTA
DISCOVERY → OTHERS _____
ATTORNEY'S NOTES _____
INVESTIGATION _____
TECHNICAL _____
MEDICAL _____

8 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**
9 **COUNTY OF MARICOPA**

10
11
12 Plaintiffs,

13 v.

14 TOYOTA MOTOR CORPORATION;
15 TOYOTA MOTOR SALES, USA, INC.;
16 PIERCE L.L.C., dba TEMPE TOYOTA, INC.,

17 Defendants.

No. CV2000-008367

**ANSWER ON BEHALF OF TOYOTA
MOTOR CORPORATION**

(Assigned to the
Honorable Alan Kamin)

18
19 Defendant, Toyota Motor Corporation ("TMC") for its separate answer to plaintiffs'
20 Complaint admits, denies, and alleges as follows:

- 21 1. TMC denies each and every allegation in the Complaint except those
22 allegations that are hereinafter admitted, qualified, or otherwise answered.
- 23 2. TMC is without sufficient information to determine the truth or falsity of the
24 allegations in paragraphs 1, 2, and 3 of plaintiffs' Complaint, so it denies the same.
- 25 3. TMC denies paragraph 4 of plaintiffs' Complaint.
- 26 4. TMC is without sufficient information to determine the truth or falsity of the
27 information to determine the truth or falsity of the allegations set forth in paragraph 5 of
28 plaintiffs' Complaint, so it denies the same.

1 answering defendant has no control or right of control and thus comparative negligence bars
2 any recovery by plaintiffs.

3 16. TMC affirmatively alleges that the plaintiffs and decedent assumed the risk of
4 injuries and damages claimed as a result of the events set forth in plaintiffs' Complaint and
5 that their assumption of the risk bars plaintiffs' recovery.

6 17. TMC affirmatively alleges that if it is determined that TMC designed the vehicle
7 described in the plaintiffs' Complaint, the plans or designs of the vehicle and its component
8 parts and the method and technique of manufacturing, inspecting, and labeling the vehicle
9 and its component parts conformed with the state-of-the-art at the time the vehicle was sold.

10 18. TMC affirmatively alleges that if it is determined that TMC designed the vehicle
11 described in plaintiffs' Complaint, the proximate cause giving rise to this action was an
12 alteration or modification of the vehicle that was not reasonably foreseeable, made by a
13 person other than TMC, subsequent to the time the vehicle was sold.

14 19. TMC affirmatively alleges that if it is determined that TMC designed the vehicle
15 described in plaintiffs' Complaint, the proximate cause of the incident giving rise to the action
16 was the use of the vehicle which was for a purpose, in a manner, or in an activity other than
17 that which was reasonably foreseeable, or was used in a manner that was contrary to any
18 express and adequate warnings or instructions appearing on, attached to, or delivered with
19 the vehicle about which the plaintiffs or plaintiffs' agents knew or in the exercise of
20 reasonable diligence, should have known.

21 20. TMC affirmatively alleges that at the time and place referred to in plaintiffs'
22 Complaint, said vehicle was subjected to abnormal use and misuse by plaintiffs and non-
23 party and that the accident, the alleged injuries, and damages could have
24 been avoided if said vehicle was not subjected to such abnormal use and misuse.
25 Therefore, any damages and injuries sustained by plaintiffs were proximately caused by the
26 aforesaid abnormal use and misuse of said vehicle.

27 21. TMC affirmatively alleges that the acts or omissions, if any, of TMC were no
28 substantial factors in bringing about said injuries, and therefore, were not a contributing

1 cause thereof, but were superceded by acts or omissions of others, which are independent,
2 intervening, and proximate causes of any such injuries or damages allegedly suffered.

3 22. TMC affirmatively alleges that the plaintiffs failed to mitigate their damages.

4 23. TMC affirmatively alleges that the Complaint does not state facts sufficient to
5 support the plea for punitive or exemplary damages.

6 24. TMC alleges that plaintiffs' claim for punitive damages violates the provisions
7 of the United States and Arizona Constitutions, including the Due Process Clauses of the
8 14th Amendment to the United Constitution and Article 2, § 4 of the Arizona Constitution.

9 25. TMC affirmatively alleges that plaintiffs did not rely or reasonably rely on any
10 oral or written representations made by TMC.

11 27. TMC affirmatively alleges that some or all of plaintiffs' claims are pre-empted
12 by FMVSS.

13 28. TMC affirmatively alleges that, after appropriate discovery, the following
14 affirmative defenses may be applicable: failure to state a claim upon which relief can be
15 granted, failure to join in necessary and proper parties, spoliation, violation of statutes,
16 Statute of Limitation, Statute of Fraud, waiver, release, failure of consideration, assumption
17 of the risk, and contributory negligence. The extent to which plaintiffs' claims may be barred
18 by one of the foregoing affirmative defenses cannot be determined until this defendant has
19 had an opportunity to complete discovery.

20 Therefore, TMC requests that these plaintiffs take nothing by their Complaint and that
21 the same be dismissed with prejudice on the merits, that this defendant have and recover its
22 costs, disbursements, and attorneys' fees incurred in this matter, and that this defendant

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receive all other relief which this Court deems to be just and reasonable.

DATED this 30 day of June, 2000.

BOWMAN AND BROOKE LLP

By: Jill S. Goldsmith
Jill S. Goldsmith
Suite 4700, Phoenix Plaza
2929 North Central Avenue
Phoenix, Arizona 85012-2761
Attorneys for Defendant
Toyota Motor Corporation

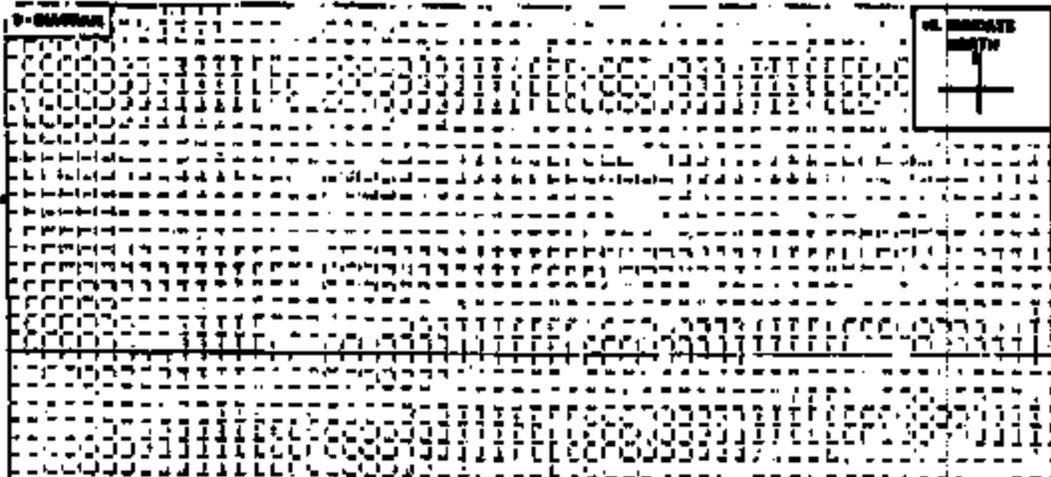
Copy of the foregoing
mailed/faxed/hand-delivered this
30 day of June
2000, to:

Dale Haralson, Esq.
Haralson, Miller, Pitt & McNally, P.L.C.
One South Church Avenue, Ste. 900
Tucson, Arizona 85701
Attorney for Plaintiffs

Sandy Wickham

JUN 2 6 1998

1		REPORT ID				Agency Report Number	
98/04/12		11 44		0799		0 2932	
98/04/12		11 44		0799		0 2932	
2		Total Lines 1		Total Reports 5		Total Pages 0	
3		AZ		AZ		AZ	
4		American Family		602-822-4830		0430 3867 0800 PAPA AZ	
5		Mark Brian, 108 Marsby Ln.		Clark Summit, PA		11 M 3	
6		Emily Brian, 108 Marsby Ln.		Clark Summit, PA		16 F 4	
7		Chad Abrams, 2024 N. 188th Ave.		Avondale, AZ		27 F 3	
8		Laura Brian, 108 Marsby Ln.		Clark Summit, PA		17 F 5	



11 - DAMAGE TO VEHICLE UNOCH
VEHICLE NUMBER BY NUMBER

YES NO

12 - SECTION
UNIT NO. A.S. NO. OR CITY CODE

14 - CLASSIFICATION BY TYPE
TYPE OF ROADWAY FROM
TO FIRST MAJOR EVENT

YES NO

COLLISION BETWEEN A MOTOR
VEHICLE IN TRANSPORT AND

1 PEDESTRIAN
2 MOTOR VEHICLE
3 BICYCLIST
4 PERSON/VEHICLE
5 ANIMAL
6 FIXED OBJECT
7 OTHER OBJECT

NON-COLLISION INVOLVING A MOTOR
VEHICLE IN TRANSPORT

8 OVERTURNING
9 OTHER NON-COLLISION

15 - VIOLATION BY DRIVER
CHECK ONE PER VIOLATION

1 GOING STRAIGHT AHEAD
2 ALLOWING IN TRANSPORT
3 STOPPED IN TRAFFIC
4 MAKING LEFT TURN
5 MAKING RIGHT TURN
6 MISSING TURN
7 ENTERING ALLEY OR DRIVEWAY
8 LEAVING ALLEY OR DRIVEWAY
9 OVERTAKING/SLIPPING
10 CHANGING LANE
11 BACKING
12 AVOIDING VEHICLE OBJECT,
PEDESTRIAN

13 ENTERING PARKING POSITION
14 LEAVING PARKING POSITION
15 PROPERLY PAVED
16 IMPROPERLY PAVED
17 OVERTAKING MOVING VEHICLE
18 CROSSING ROAD
19 INTERFERING WITH TRAFFIC
20 VIOLATING ADJACENT TRAFFIC
21 STANDING
22 LYING
23 GETTING ON OR OFF VEHICLE
24 VIOLATING OR PUSHING
VEHICLE
25 VIOLATING ON ROAD
26 OTHER
27 UNKNOWN

16 - OTHER VIOLATIONS
CHECK ONE PER VIOLATION

1 NOT OBSERVED
2 BY PARKED/STOPPED VEHICLE
3 BY MOVING VEHICLE
4 BY SIGNAL
5 BY SIGNBOARD
6 BY YELLOW LIGHT
7 BY LIGHT ON VEHICLE
8 BY TRUCK BELL-HORN
9 BY HEADLIGHT
10 BY SUN BLARE
11 BECAUSE OF BAD WEATHER
12 OTHER
13 RAIN, SNOW FOG ON
WEATHER
14 WEATHER-RELATED -
OTHER
15 UNKNOWN

13 - REFER TO POLICE REPORT

See narrative.

17 - LIGHT SIGNALS
CHECK ONLY ONE

1 DAYLIGHT
2 BURN OR BURN
3 DARKNESS

YES NO

1 STREET LIGHT
2 STREET LIGHT
FUNCTIONING

18 - SIGHTING
CONDITIONS
CHECK ONLY ONE

1 CLEAR
2 RAIN
3 CLOUDY
4 SMOG
5 STRONG WIND
6 DUST
7 FOG

19 - ROAD SURFACE
CHECK ONLY ONE

1 ASPHALT
2 CONCRETE
3 SAND
4 DIRT
5 OTHER

20 - TYPE OF LOCATION
CHECK ONLY ONE

1 INTERSECTION
2 JUNCTION AREA
3 NON-JUNCTION
AREA
4 DRIVEWAY ACCESS
5 ALLEY ACCESS

21 - INTERSECTION
EQUIPMENT

YES NO

22 - SIGNAL LOCATION
CHECK ONLY ONE

1 SIGNAL CROSSING
PEDESTRIAN CROSSWALK
(STOPBAR)
2 PEDESTRIAN CROSSWALK
(NO STOPBAR)
3 TRAMP
4 TUNNEL
5 RR CROSSING
6 ALLEY
7 SIDE PATH
8 ZERO LEFT TURN LANE

23 - SIGNAL TYPE
CHECK ONLY ONE

1 UNDER CONSTRUCTION,
TRAFFIC ALLOWED
2 UNDER CONSTRUCTION,
NO TRAFFIC ALLOWED
3 LAMPS EXHAUSTED
4 HOLD, RUN, BUMP
5 OBSTRUCTION -
PROTECTED
6 OBSTRUCTION -
UNPROTECTED
7 OBSTRUCTION -
LIGHTS AT 90°
8 DEFECTIVE SHOULDER
9 CHANGING ROAD WORK
FLOWING
10 TEMPORARY LANE CLOSURE

24 - SIGNAL DEFECTS
CHECK ALL THAT APPLY

1 STOP AND GO SIGNAL
2 YIELD SIGN
3 STOP SIGN
4 WARNING SIGN
5 RAILROAD CROSSING
PLAQUE SIGN
6 OTHER

25 - ROAD SURFACE
CHECK ONLY ONE

1 SANDY STRIPPED DRIVEWAY
2 SAND, NO STRIPES
3 SAND PAINTED MEDIAN
4 SAND, PAVED MEDIAN
5 SAND, BARRIER MEDIAN
6 SAND, IMPROVED MEDIAN
7 SAND, EXTENDED MEDIAN
8 1-WAY STREET

26 - ROAD GRADE
CHECK ONLY ONE

1 LEVEL
2 DOWNGRADE
3 UPGRADE
4 HILLSIDE
5 DIP

27 - ROADWAY WIDTH
CHECK ONLY ONE

1 VERT
2 LODGE SAND, GRIT OR
GRAND
3 STUMP, LOG
4 ROCK/ICE
5 OTHER
6 UNKNOWN

28 - VEHICLE DEFECTS
CHECK ALL THAT APPLY

1 NO APPARENT DEFECTS
2 HAD BEEN DRIVING
3 APPARENT TO BE LAMPS
4 INFLUENCE OF OTHER
5 ALL-WEATHER EQUIPMENT
6 OTHER BODY DEFECTS
7 UNKNOWN

29 - DRIVER DEFENSES
CHECK ALL THAT APPLY

1 NO IMPROPER DRIVING
2 SPEED TOO FAST FOR
CONDITIONS
3 EXCEEDED LAMP/LA SPEED
4 FAILED TO YIELD RIGHT-OF-WAY
5 FOLLOWED TOO CLOSELY
6 RAN STOP SIGN
7 DISOBEYED TRAFFIC SIGNAL
8 MADE IMPROPER TURN
9 DROVE IN OPPOSITE TRAFFIC
LANE
10 KNOWINGLY OPERATED WITH
FAULTY OR MISSING
EQUIPMENT
11 REQUIRED MOTORCYCLE
SAFETY EQUIPMENT NOT USED
12 PASSED IN NO PASSING ZONE
13 UNLAWFUL LANE CHANGE
14 OTHER UNLAWFUL PASSING
15 INATTENTION
16 DID NOT USE CROSSWALK
17 WALKED ON WRONG SIDE OF Rd
18 OTHER
19 UNKNOWN

30 - WEATHER DEFENSES
CHECK ALL THAT APPLY

1 NO APPARENT DEFECTS
2 DEFECTIVE BRAKES
3 DEFECTIVE STEERING
4 DEFECTIVE HEADLIGHTS
5 DEFECTIVE TAIL LIGHTS
6 DEFECTIVE TURN SIGNAL
7 FRACTURE OR BLOWOUT
8 ONE OR MORE TIRE
9 FINE
10 DEFECTIVE WINDSHIELD WIPER
11 DEFECTIVE BRAKING SYSTEM
12 OTHER DEFECTS
13 NO WALKER DEFENSE
14 UNKNOWN

SUPPLY ELEMENT FURNISH COPY TO ACCIDENT RECORDS ANALYSIS UNIT 6000 ARIZONA DEPARTMENT OF TRANSPORTATION 2815 W. WILSON AVENUE, PHOENIX, ARIZONA 85003-0001	REPORT NO.	REPORT DATE	REPORT TIME	REPORT LOCATION	Agency Report Number
	73047	11/14/07	1407	199029312	98-19550

ACCIDENT DESCRIPTION
(Narrative)

Collision Investigation Narrative

On 041298 at approximately 1144 hours a one vehicle collision with injuries occurred on U. S. 180, milepost 234.1.

Vehicle #1 is a white 95 Toyota sport utility vehicle bearing Arizona license 3R5BPW. This vehicle was driven by Brian Wayne Beltramo, DOB: 041570. The right front seat passenger was Mark Brier. The left rear seat passenger was Emily Brier. The middle seat passenger was Cheri Beltramo. The right rear seat passenger was Laura Brier.

U. S. 180 at the scene is constructed of asphalt accommodating one lane of northbound traffic and one lane of southbound traffic. There are no paved shoulders on the highway at this location. This is a heavily forested area with trees growing up to the dirt berm on the shoulder of the highway. The weather was snowy that day. The road at the time of the collision was reported to be covered with slush. Most of the slush had melted off from the road when I arrived but it was approximately 2" deep off of the pavement.

Vehicle #1 was northbound at the time of the collision. The driver reported that his speed was approximately 40mph when he lost control of his vehicle and slid into a tree off the right shoulder. He reported that he reduced his speed below the 55mph speed limit because of the accumulated slush on the pavement. The vehicle went front bumper first into a large tree. A subular bumper support penetrated the tree approximately 1 1/2".

Vehicle #1 sustained heavy front end damage and induced damage on both sides of the vehicle. The impact was on the right half of the bumper.

All occupants of the vehicle were injured. The driver complained of head and chest pain. He was examined at Flagstaff Medical Center. The right front seat passenger reported a bruised right hip. He was examined at Flagstaff Medical Center. The left rear seat passenger was admitted to Flagstaff Medical Center with internal injuries. The middle passenger was being examined for a possible spinal fracture. The right rear seat passenger was admitted to Flagstaff Medical Center with internal injuries. The occupants of the vehicle were transported to the hospital by Guardian ambulance and by private vehicle.

The driver of vehicle #1 said that he would have had to slow down to 10mph to maintain control of his vehicle to prevent the collision.

This collision occurred as a result of vehicle #1 being operated at a speed too fast for the existing weather conditions.



TIMOTHY R. HARRINGTON, MD

PLAN: Discharge home. Ambulate in brace. Valium 5 mg p.o. q.6h. p.r.n., dispensed 30, Percocet, 1 dispensed q.3h. p.r.n., dispensed 40. Follow up with Drs. Sonntag and Harrington in two weeks.

PAUL DETWILER, MD

Resident

PD/mrc/dw


VOLKER K. SONNTAG, MD

Job #: 101687 dd: 08/11/98

dt: 08/17/98 9:44 A

cc: PAUL DETWILER, MD
TIMOTHY R. HARRINGTON, MD
SCOTT R. PETERSEN, MD
VOLKER K. SONNTAG, MD
GIANNI VISHTEH, MD

SUMMARY
PAGE 2 OF 2

St. Joseph's Hospital and Medical Center

CHART COPY

FLAGSTAFF MEDICAL CENTER
1200 North Beaver, P.O. Box 1268
Flagstaff, Arizona 86002

Stephen W. Hartz, M.D.

Page 1 of 1

EMERGENCY ROOM ENCOUNTER # 3352425-7

DATE OF SERVICE: 4/12/98

HISTORY OF PRESENT ILLNESS: The patient is a year-old female brought in by private vehicle from an motor vehicle accident. She was the rear seat passenger on the left and her vehicle struck a tree head-on after sliding off of US 160. The patient was wearing a seatbelt, not ejected, but is complaining of some neck and primarily abdominal discomfort. Has a very tight tympanitic abdomen and pain on palpation, diminished breath sounds due to diminished excursion. Extremities, otherwise, look intact. She has some mild left paracervical muscle and/or paracervical tenderness on palpation moving all extremities.

Lungs are clear to auscultation and percussion.

Heart is regular rate and rhythm without murmur or gallop.

The tympanic membranes are normal. The pupils equal, round, reactive. Throat is normal. No cephalhematomas.

X-rays of patient's neck are negative for any fractures, series shows gastric distension with air, otherwise normal.

CT of her abdomen shows a ruptured liver, however.

A call was placed to Eric D. Kendle, M.D. and the patient is being admitted. Blood is available and being transfused and she is admitted to Intensive Care Unit Bed #1. Eric D. Kendle, M.D. was informed and was actually in Surgery. An attempt was made on actually both radial arteries for arterial line placement without success. The patient's pulse is weak and thready.

DIAGNOSIS: Is motor vehicle accident with cervical strain and ruptured liver.

Stephen W. Hartz, M.D.
Signature On File

SWH/mtj

dd: 04/12/98 2:48 P

dt: 04/15/98 7:59 A

Doc #: 170639

cc: E.R. Billing
Stephen W. Hartz, M.D.
Eric D. Kendle, M.D.

*** EMERGENCY DEPARTMENT ***
ORIGINAL

000004



PICU2M0212
 REPORT ID: 546055
 SEX: F
 NOT CRS

DOB: 06/16/1983

ADMITTING DX: SM.BOWEL FOLLOW THRU WITH GASTROGRAFFIN VIA G--TUBE

ORD. PHYS: TEAFORD, PATRICIA A
 ATT. PHYS: TEAFORD, PATRICIA A

ORD#: 1870291 05/25/1998 CT ABDOMEN SCAN ENHANCED
 ORD#: 1870321 05/25/1998 CT PELVIS ADDED TO ABDOMEN SCAN

FINAL Report

CLINICAL HISTORY: A 14-year-old female status post grade IV liver laceration. Status post resection of right lobe of liver since previous scan.

CT ABDOMEN ENHANCED
 CT PELVIS ENHANCED
 May 25, 1998, at 1248 hours.

COMPARISON: This study is compared to prior study done 3 May 1998.

TECHNIQUE: Following administration of nasogastric and rapid IV contrast, helical acquisition scans of the abdomen and pelvis were done with image reconstructions done at 10-mm intervals. One set of delayed images through the mid abdomen were also done to check progression of bowel contrast.

FINDINGS: Previously noted left pleural effusion is now markedly reduced, with just a small amount of fluid remaining. There is now a small amount of right pleural effusion, with overlying atelectasis. Multiple tubes are seen throughout the abdomen. There is a dual-lumen tube which loops through the bed of the resected right lobe of the liver superiorly to terminate in a right subphrenic location. There is a Jackson-Pratt drain in the left midabdomen which appears to traverse the abdomen just inferior to the lesser sac. There is a nasogastric tube which terminates in the third portion of the duodenum.

The right lobe of the liver has been resected and there are multiple surgical clips along the lateral margin of the remaining liver. The caudate lobe appears hypertrophied and is homogeneous in density. The remaining left lobe of the liver appears somewhat inhomogeneous, with patchy areas of low attenuation throughout the remaining lobe. The liver windows confirm lower density areas throughout most of the left lobe of the liver, worrisome for infarct. There is a large fluid collection in the operative bed through which the drainage catheters are seen to traverse. This



REPORT ID: 546055

J SEX: F

Continued from previous page:

fluid collection has no capsule and is low in attenuation and appears homogeneous. The previously noted thick-walled, large, subhepatic fluid collection seen previously, which was displacing bowel contents medially, has now disappeared. There is a new finding of an ill-defined fluid collection in the area of the lesser sac, which is also low in attenuation and homogeneous-appearing, conforming to surrounding structures.

The pancreas appears normal in size and density. No evidence of transection or pseudocyst. Both kidneys enhance promptly and symmetrically, without evidence of obstructive uropathy. The spleen again shows multiple low attenuation lesions distributed throughout peripherally-enhancing tissue, and has not significantly changed from prior appearance.

Inferior to the kidneys, the small bowel appears diffusely edematous with thickened folds noted throughout densely packed small-bowel loops. There is no evidence of pneumatosis. There is also increase in the density of the mesentery compared to prior studies, consistent with edema of the mesentery. There is no evidence of free intraperitoneal air. The bowel gas pattern is nonspecific and there is no evidence of bowel obstruction. There is no free intraperitoneal air.

Finally, the inferior vena cava has a filling defect at about the level of the right kidney. This does not appear to be a flow artifact. As was mentioned previously, both kidneys enhance promptly and symmetrically, and are of normal size.

Within the pelvis there is a large rounded fluid collection anteriorly, which is intraperitoneal in location and is unchanged from prior appearance, and measures approximately the same size. The remaining pelvic viscera is unremarkable.

IMPRESSION:

1. Status post resection of right lobe of liver, the large intraperitoneal fluid collection in the bed of the operative site. This fluid collection has a low attenuation and a homogeneous appearance. Hypertrophy of the remaining caudate lobe, which has a homogeneous appearance. The left lobe of the liver, however, has a heterogeneous appearance and on the liver windows, appears to have diffuse areas of low attenuation, worrisome for infarct of the majority of the left lobe.
2. Diffuse edema of the small bowel, with increasing edema of the



REPORT ID: 546055

AX: F

Continued from previous page:

- mesentery, compared to prior study on 3 May 1998. No evidence of bowel obstruction or free air.
3. New fluid collection in the lesser sac, of questionable significance. Decreased size of left pleural effusion, compared to prior study.

Job #8568

THE ATTENDING RADIOLOGIST BELOW HAS PERSONALLY REVIEWED THIS EXAMINATION.

BARRY GREEN, M.D.

JOHN R. VESPE, M.D. RADIOLOGY R:

ELECTRONICALLY SIGNED BY:

Barry Green, M.D.

ID: 05/25/1998 DT: 05/25/1998 20:52
TRK: RM
MRK:
EF: 05/26/1998
DATE PRINTED: 05/26/1998

FINAL

TIME PRINTED:14:47



PICT2M0212
 REPORT ID: 547578
 SEX: F
 NOT CRS

DOB: 06/16/1983

ADMITTING DX: POST CT W CONTRAST

ORD. PHYS: TEAFORD, PATRICIA A
 ATT. PHYS: TEAFORD, PATRICIA A

ORD#: 1870406 05/25/1998 DR ABDOMEN PORTABLE

FINAL Report

CLINICAL INFORMATION: This film was obtained to assess for progress of gastrografin through the bowel from recent abdomen CT scan examination.

PORTABLE AP SUPINE ABDOMEN:
 5/25/98, 4:00 p.m.

Unfortunately, the contrast agent utilized during CT scanning is extremely dilute in order to prevent artifactual streaking on the CT scan. This is too dilute to be readily identified on a plain film of the abdomen. I cannot tell there is any bowel contrast on this film.

The tip of a duodenal feeding tube is in the fourth portion of the duodenum. The tip of a nasogastric tube is in the midstomach. The two right subphrenic drains are acknowledged. Another drain is seen projecting in the left abdomen. Bowel gas pattern is nonspecific. There is still the peculiar air collection projecting over the right chest base or subphrenic region, either representing normal lung surrounded superiorly by some subsegmental atelectasis or a small amount of residual free intraperitoneal subphrenic air. No other abdominal findings are identified.

Job #210

BARRY GREEN, M.D.

Barry Green, M.D.

ELECTRONICALLY SIGNED BY:

DD: 05/29/1998 DT: 05/29/1998 13:28
 TRX: BGS
 NTRX:
 DF: 05/30/1998
 DATE PRINTED: 05/30/1998

FINAL

TIME PRINTED: 13:32

DISCHARGE SUMMARY

Geisinger Medical Center
Danville, Pennsylvania 17822

Page 1 of 4

Location:

Admission Date: 06/16/98 Discharge Date: 08/19/98

**PRINCIPAL
DIAGNOSIS:**

Hepatic failure status post motor vehicle accident.

**SECONDARY
DIAGNOSES:**

1. Grade IV liver laceration status post motor vehicle accident on 04/12/98.
2. Cardiac arrest on 05/01/98.
3. Anoxic encephalopathy secondary to #2.
4. Diffuse ischemic colitis.
5. Inferior mesenteric vein thrombosis.
6. Gastroparesis.
7. Abdominal ascites.
8. Bilateral pleural effusions.
9. Pseudomonas pelvic abscess.
10. Cystitis, multi-microbial intermittently.
11. Splenic infarct.
12. Adult respiratory distress syndrome.
13. Pseudomonas pneumonia.
14. Persistent biliary leak.

**OPERATIONS/
PROCEDURES:**

1. Endoscopic retrograde cholangiopancreatography with biliary stent placement on 07/17/98.
2. Bilateral pigtail chest tube placement under CT-guidance on 07/24/98.
3. Venogram on 08/03/98.
4. Right thoracostomy on 08/08/98 by Dr. Indeck.
5. Liver biopsy on 08/04/98.
6. Esophagogastroduodenoscopy on 06/19/98.

COMPLICATIONS:

Nosocomial urinary infections and nosocomial Lyme infection.

ALLERGIES:

No known drug allergies.

DISPOSITION:

MEDICATIONS: On date of death, Eucerin cream to elbows, Nystatin cream to labia, ceftazidime 1.5 gm IV Q8H, tobramycin 325 mg IV QD, vancomycin 1 gm Q12H.
FOLLOWUP: NA

001663

ORIGINAL

DISCHARGE SUMMARY

Discharge Date: 08/19/98

Page 2 of 4

SPECIAL INSTRUCTIONS: NA
ACTIVITY: NA
DIET: NA
CONDITION ON DISCHARGE: NA

HISTORY: White female who was involved in a motor vehicle accident in Flagstaff, Arizona, while her family was on vacation. She was the restrained rear-seat passenger of the vehicle involved in an MVA at that time. She was initially seen at a local facility and was maintained there from 04/12/98 until 05/03/98. Her injury complex included that of a liver laceration which was Grade IV requiring transfusions as well as embolization. She subsequently suffered a cardiac arrest on 05/01/98 as well. She suffered hypoxemic respiratory failure believed to be a pulmonary embolism by pulmonary angiography while at that facility as well. A Greenfield filter was placed temporarily but removed prior to transfer to St. Joseph's Medical Center in Phoenix, Arizona. She also suffered an aspiration pneumonia at the time of her cardiac arrest and developed a Candida cystitis which was treated with fluconazole while at that facility. Emily was subsequently transferred to St. Joseph's Medical Center in Phoenix to their Pediatric Intensive Care Unit on May 3, 1998, and stayed there until June 16, 1998. While at St. Joseph's, she continued to suffer from hypoxic ischemic encephalopathy with CT scan of the head being negative on May 3; however, an MRI was performed on May 20, which showed cortical laminar necrosis in the watershed distribution. An EEG on 05/12/98 showed generalized delta wave slowing as well. She suffered a hypoxic respiratory failure believed to be secondary to ARDS at that time as well. Tracheostomy was placed in approximately the second week of June as well. Chest tubes had been placed and were removed in the interim during her stay at St. Joseph's due to persistent pleural effusions. An exploratory laparotomy was performed on May 6, 1998, revealing the liver laceration, and at that time a right hepatectomy as well as a cholecystectomy were performed, and the pathology on the hepatectomy showed infarction of the liver. Jackson-Pratt drains were left in place and drained significant amounts of fluid initially. An abdominal CT was performed in followup on May 25, which showed a mottled liver which was consistent with infarction and an abdominal ultrasound was performed to help guide the paracentesis on June 10. The patient was also felt to have a chemical pancreatitis while at the outlying hospital as well. While at St. Joseph's infectious disease complications included a Staphylococcus catheter infection which was treated with vancomycin as well as aspiration pneumonia treated with Unasyn. Both Candida and E coli urinary tract infections were treated with fluconazole and ampicillin respectively. Serratia marcescens ?? also grew out over one of the Jackson-Pratt drains. The patient was initially fed with TPN following her operation; however, she was quickly able to be given tube feeds and tolerated those throughout her stay there. Because the family lives local to Geisinger Medical Center, they felt that transfer to Geisinger was the most appropriate course, and the patient was subsequently transferred to GMC on 06/16/98.

PHYSICAL EXAM: At the time of admission, temperature was 36.7, pulse was 118, respiratory rate was 23, satting at 96% with a blood pressure of 112/70. In general, she was supine in bed with a tracheostomy in place. Pupils were noted to be 6 mm and symmetric. Tracheostomy was noted in her neck. Lungs were diminished at the bases with no rhonchi

001664

ORIGINAL

DISCHARGE SUMMARY

Discharge Date: 08/19/98

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or rales. The cardiovascular exam was a tachycardic rate and regular rhythm, S-2 noted with no murmurs, gallops or rubs appreciated. Abdomen was soft, flat, nondistended. There were positive bowel sounds. Multiple small scars were noted, and a Jackson-Pratt drain was noted in the right upper quadrant as well. Extremities showed no significant edema. Neurologic: Glasgow Coma Scale of 7 with E-3, M-4, V-0. Conjugate gaze appeared to be intact as well.

HOSPITAL COURSE: The patient was admitted to the Pediatric Intensive Care Unit at Geisinger, and an EGD was performed which revealed no significant gastric pathology, and a feeding tube was placed. During her hospital course at Geisinger, the patient was noted to suffer a pseudomonas pelvic abscess which was drained on 07/16/98. The patient suffered a recurrence of bilateral pleural effusions, and pigtales were placed bilaterally on 07/29/98. She developed a gastroparesis while in the hospital as well and developed chronic feeding intolerance and therefore was maintained subsequently on TPN. This was worked up including a flexible sigmoidoscopy with biopsies on 07/28 showing diffuse ischemic colitis. She developed a chronic diarrhea as well early on in her course; however, that seemed to resolve during her time receiving TPN. On 07/17/98, she began to be mechanically ventilated for an ERCP for which she was paralyzed for common bile duct placement and stent placement as well. Since that time, she was unable to be weaned from the ventilator. She was noted to have a hypoalbuminemia, and inferior mesenteric vein thrombosis was diagnosed via duplex on 07/30/98 as well. Infections during her hospitalization at Geisinger included a pseudomonas abscess which was drained as well as pseudomonas in the urine which was treated with tobramycin and Zosyn ending the course at the end of July. Over several weeks of August, the patient suffered increasing abdominal ascites with an abdominal girth increasing to 100 cm and ultimately gained approximately 1 kg per day. She suffered worsening of her pleural effusions with right lower lobe atelectasis, likely secondary to diaphragmatic compression and was requiring increasing ventilatory support. Discussions were undergone with Dr. Pohl about the possibility of a TIPS procedure, and also other considerations were made by Dr. Indeck concerning the possibility of a portosystemic shunt to help relieve the ascites; however, a repeat CT scan was performed to evaluate her liver anatomy and ultimately Dr. Pohl felt that a TIPS procedure was not possible considering her abnormal liver anatomy currently. A family meeting was held with Joseph and Susan Brier as well as their other child who was sibling on 08/19/98, and the family meeting culminated with Dr. Wallace, Dr. Pohl and Dr. Indeck and other staff and ultimately it seemed that Emily did not have much of a hope for permanent recovery. Ultimately, the decision was made to withdraw care considering her worsening status without much therapy to offer. Therefore, on 08/19/98, after the appropriate family and friends were invited in by Emily's parents, the support was ultimately withdrawn. The patient was made comfortable, and she ultimately expired at 13:00 hours on August 19, 1998.

LABORATORY: Initial labs showed a sodium of 153, potassium of 3.0, chloride of 100, bicarb of 39.8, BUN of 46, glucose of 93 with a creatinine 0.75. White count was initially 32.6, hemoglobin and hematocrit were 10 and 30 with 333 platelets, 76% segs, 1% bands. PTT was normal at 27 with a PT slightly elevated at 14.4. levels were noted to be 42 as well at that time. Ionized calcium typically ran high during her hospitalization,

001669

ORIGINAL

DISCHARGE SUMMARY

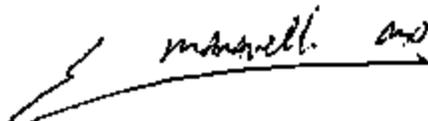
Discharge Date: 08/19/98

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approximately 1.3 and up to 1.6 as well. Total bilirubin was typically elevated anywhere from 5.5 to approximately 27. Alkaline phosphatase was elevated as well as the ALT and AST being elevated during the hospitalization as well. Lipase was mildly high in June; however, normalized in July. The white counts typically remained elevated in the 13-14 range. Hepatitis studies were negative. Cultures showed pseudomonas on urine on 07/12/98 as well as 10-100,000 colonies of Enterococcus. Pseudomonas on the tracheal aspirate on 07/11/98. Pseudomonas on the sputum again on 06/28/98. Serratia marcescens on tracheal aspirate on 06/26/98. On 06/21/98, tracheal aspirate showed a Klebsiella oxytoca, Serratia marcescens and pharyngeal flora.

CONSULTANTS: Adult Gastroenterology, Pediatric Gastroenterology, Pediatric Psychology, Pediatric Infectious Disease, Cardiothoracic and Vascular Surgery, Speech Pathology, Physical Therapy, Occupational Therapy.

REF. PHYSICIAN:



Ammie Maravelli, M.D.



Matthew C. Inbeck, M.D.

AJM/hcp; D: 08/19/98; T: 08/20/98 8:37 A; Doc #: 1157925

cc: Ammie Maravelli, M.D.
Geisinger Medical Center
100 N. Academy Ave.
Danville, PA 17822-2005

David F. McKinley, M.D.
Geisinger Medical Center
100 N. Academy Ave.
Danville, PA 17822-2722

Catherine M. Wallace, M.D.
Geisinger Medical Center
100 N. Academy Ave.
Danville, PA 17822-2722

Patricia Teaford MD
Mercy Health Care Arizona
St Joseph's Hospital and Medical Center
350 W Thomas Rd
Phoenix AZ 85013

Anders Nilsson MD

Chinchilla, Pa
15416

001670

ORIGINAL

FLAGSTAFF MEDICAL CENTER
1200 North Beaver, P.O. Box 1268
Flagstaff, Arizona 86002

William A. Wilson, D.O.

Page 1 of 2

TODAY'S DATE, DATE OF SERVICE, DATE OF DISCHARGE: 4/12/98

TIME PRESENTED: 1300

TIME OF EXAMINATION: 1313

MODE OF ARRIVAL: By ambulance.

CHIEF COMPLAINT: Is auto accident.

HISTORY OF CHIEF COMPLAINT: This is a .-old female who was a back seat passenger with a seatbelt on in a Forerunner vehicle that was apparently traveling at about 35 mph slid into a tree head-on. Of note, the air bags did not deploy if present. The patient apparently was strained against her seatbelt. Her main complaint is that of abdominal pain.

REVIEW OF SYSTEMS: The patient denies striking her head or loss of consciousness. She states there is some minimal neck pain. States that she has no chest pain or shortness of breath. The patient states there is significant abdominal pain that seems to be in the right mid-to-upper portion of her abdomen. The patient states there is no particular back pain. She states there is, perhaps, some pelvic pain. She prefers to have her legs bent. She denies any lower extremity pain. There has been no fever, or chills. Slight nausea. She has not vomited.

PAST MEDICAL HISTORY: Not available.

CURRENT MEDICATIONS: Not available.

ALLERGIES: Apparently none.

TREATMENT PRIOR TO ARRIVAL: Patient was immobilized on a backboard and transported.

PHYSICAL EXAMINATION:

VITAL SIGNS: Blood pressure is 116/67, pulse is 94, respirations 31.

GENERAL: This .old female is awake, alert, cooperative. Appears pale. She seems obviously uncomfortable as well.

Head, no obvious trauma. Eyes, pupils equal, round, reactive to light and accommodation, extraocular movements intact.

ENT, no noted abnormalities.

Chest and lungs, symmetrical rise and fall of the chest.

There are some mild left lower chestwall tenderness.

Lungs are clear. No rales, rhonchi or wheezing.

Heart is regular no rubs or gallops.

Abdomen is tense. Bowel sounds are absent. There is tenderness in the right mid upper quadrants.

*** EMERGENCY DEPARTMENT ***
ORIGINAL

FLAGSTAFF MEDICAL CENTER
1200 North Beaver, P.O. Box 1268
Flagstaff, Arizona 86002

William A. Wilson, D.O.

Page 2 of 2

Pelvis, no pain with compression. No false motion.
Back, no particular tenderness.
Extremities, no obvious trauma.
Neurological, patient mentating well. She is anxious.
The cranial nerves II-XII grossly intact.
Motor strength symmetrical in the upper and lower extremities.

X-rays cervical spine, chest, lumbar spine and pelvis, are negative by my review.

LABORATORY: The patient's urine shows too numerous to count red blood cells. Her arterial blood gas shows normal pH and saturations. Other labs are pending at the time of this dictation.

Imaging study, patient sent for CT scan of her abdomen and pelvis. This scan had shown contusion-laceration to both the spleen and the liver.

MEDICAL DECISION MAKING COURSE IN THE EMERGENCY DEPARTMENT:

The patient had been sent for type and screen. She was not sent for type and cross match of 4 units. As soon as one is available, we will attempt to transfuse. The patient's condition is obviously that, that she will require surgical evaluation intervention. A call was placed to Eric D. Kendle, M.D.. I have not been able to speak with him directly since he is in the Operating Room, but he is made aware of this patient and her condition. The patient has remained stable, however. Her blood pressure at last check showed a pulse of 104, and a blood pressure of 112/70. She was given morphine for pain and Phenergan for nausea. She was released from the cervical restraints. She is prepared for admission and surgery.

DIAGNOSIS: Ruptured liver and spleen.

PLAN: Hospital admission.

William A. Wilson, D.O.
Signature On File

WAW/mtj

dd: 04/12/98 3:01 P

dt: 04/15/98 8:05 A

Doc #: 170641

cc: E.R. Billing
William A. Wilson, D.O.

*** EMERGENCY DEPARTMENT ***
ORIGINAL

FLAGSTAFF MEDICAL CENTER
1200 North-Beaver, P.O. Box 1268
Flagstaff, Arizona 86002

eric D. Kendle, M.D.

Page 1 of 2

DATE OF ADMISSION: 4/12/98

DATE OF DISCHARGE: 4/24/98

ATTENDING PHYSICIAN: Eric D. Kendle, M.D.

HISTORY OF PRESENT ILLNESS: A 17-year-old young lady who was the back seat passenger restrained in a 4-runner type vehicle that hit a tree head-on on Highway 180. She came in complaining only of abdominal pain, denied any neck or head pain. She was treated by ATLS type protocol initially and was noted to have a stable blood pressure and was sent for an abdominal CT scan due to her upper abdominal pain and tenderness. She was noted in the scanner to have a large liver laceration grade 3-4 and a splenic laceration grade 1-2 in severity. She was brought into the hospital on the trauma service.

PAST MEDICAL HISTORY: Unknown at the time.

ALLERGIES: No known medical allergies.

HOSPITAL COURSE: She was brought into the hospital on the trauma service. She was admitted to the Intensive Care Unit with close observation. A central line was placed in the Emergency Room and an arterial line was placed in the Intensive Care Unit. She tolerated the monitoring and serial hematocrits quite well, stabilized at a moderate hemoglobin and hematocrit in the 10 and 30 range and was kept in the Intensive Care Unit over the course of the next three days. After 3 days in the Intensive Care Unit she was transferred to the floor. She began slowly taking PO's and ambulating with some physical therapy. She improved slowly, had occasional bouts of constipation and abdominal pain. She required some respiratory therapy for atelectasis but improved quite steadily. She normalized her liver function studies completely. Her hemoglobin and hematocrit turned out to be quite stable and by hospital day 12 she was tolerating a PO diet without any difficulty. She had a psychologic evaluation which was quite good for her and she was able to be discharged to the care of her parents on the 24th of April and at that time had her central line removed prior to discharge with an occlusive dressing placed over it.

At the time of discharge she was eating, drinking, and eliminating spontaneously, had minimal pain and tenderness, and was feeling quite a bit better at that time. Follow up CT scans showed improvement of her liver laceration and she did not require any more blood after the initial transfusions the first 24 to 48 hours.

DISCHARGE SUMMARYDISCHARGE SUMMARY***
ORIGINAL