



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OCT - 7 2011

Mr. Don Johnson
Executive Director
Autoline Industries Indiana LLC
P.O. Box 100
100 Commerce Street
Butler, IN 46721

NVS-212lh
PE11-033

Dear Mr. Johnson:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE11-033) to investigate allegations of failure of the service jacks on model year (MY) 2004 – 2007 Ford Freestar and Mercury Monterey vehicles manufactured by Ford Motor Company, and to request certain information.

After ODI opened its investigation with Ford, Ford informed ODI that the service jacks on the subject vehicles had been supplied to Ford by Dura Automotive Systems (Dura). ODI has since learned that Autoline acquired all or part of Dura in December 2007. On September 15, 2011 and October 5, 2011, ODI spoke with Autoline representatives regarding the investigation and the nature of the service jack failures that are being alleged. ODI advised that it would be sending this request. As discussed in that telephone conversation, the primary purpose of this letter is to ascertain whether or not the same design service jack Dura produced and supplied to Ford for its MY 2004 – 2007 Ford Freestar and Mercury Monterey, or other service jacks that are of the same or a substantially similar design type, were, or continue to be supplied to Ford or any other vehicle manufacturers. If so, ODI requests further details of those service jacks, including the companies they were sold to, the part numbers they were sold under, production dates and volumes, and how they are either similar or dissimilar to the Ford service jack.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject component(s):** Each unique design original equipment service jack(s) supplied to Ford for its model year 2004 – 2007 Ford Freestar and Mercury Monterey vehicles, and any service jacks that are of a substantially similar design lever, especially as concerns the design of the pivot points located where the jack screw contacts the jack arms, that were manufactured for sale or lease in the United States.
- **Autoline:** Autoline Industries Indiana LLC, Autoline Industries USA, Inc., Autoline Industries Limited, and Dura Automotive Systems Inc., all of their past and present.

officers and employees, whether assigned to their principal offices or any of its field or other locations, including all of their divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Autoline (including all business units and persons previously referred to), who are or, in or after 2002, were involved in any way with any of the following related to the alleged defect in the subject components:

- a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** Any buckling, separation, bending, fracture, collapse, or other failure of, or damage to, the subject component that occurs while it is in use.
 - **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including, but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Autoline, any other data compilations from which information can be obtained, translated if necessary, into a usable form and

any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by Autoline or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year (MY)," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Autoline has previously provided a document to ODI, Autoline may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Autoline's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. For each unique subject component design Autoline has manufactured (including each substantially similar component), state the following:
 - a. The part number and/or model number, and if applicable the serial number range;
 - b. The name, address, and phone number of the person or company the components were sold to;
 - c. The make, model, and model year of the vehicle the component was intended for;
 - d. The start and end (if applicable) dates the components were produced;
 - e. The number of components produced by calendar year and customer;
 - f. How each component is either similar to or different from the component produced for the MY 2004 – 2007 Ford Freestar and Mercury Monterey vehicles.
2. State the number of each of the following, received by Autoline, or of which Autoline is otherwise aware, which relate to, or may relate to, the alleged defect in the subject jacks:

- a. Consumer complaints, including complaints made by, or provided from the person(s) or company(ies) the subject components were sold to;
- b. Field reports, including field reports from the person(s) or company(ies) the subject components were sold to;
- c. Reports involving an injury or fatality, based on claims involving a death or injury, notices received alleging or proving that a death or injury was caused by a possible defect in a subject component, property damage claims, consumer complaints, or field reports;
- d. Property damage claims;
- e. Third-party arbitration proceedings where Autoline is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Autoline is or was a defendant or codefendant.

For subparts "a" through "d" state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same component or vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident are to be counted as a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Autoline's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "c through f" identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information, if available:
 - a. Autoline's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Jack part or identification number;
 - h. Incident date;
 - i. Report or claim date;
 - j. Whether property damage is alleged;
 - k. Number of alleged injuries, if any; and
 - l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Autoline used for organizing the documents.
5. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject jacks that have been conducted, are being conducted, are planned, or are being planned by, or for, Autoline. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
 - f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

6. Describe all modifications or changes made by, or on behalf of, Autoline in the design, material composition, manufacture, quality control, supply, warnings or instructions for the use of the subject component(s) that may impinge on or affect the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into components production and in vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - e. The part number (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and
 - h. The models and model years of vehicles affected by the modification.

Also, provide the above information for any modification or change that Autoline is aware of which may be incorporated into production within the next 120 days.

This letter is being sent to Autoline pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Autoline's failure to respond promptly and fully to this letter could subject Autoline to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49

U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$6,000 per day, with a maximum of \$16,375,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

If Autoline cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Autoline does not submit one or more requested documents or items of information in response to this information request, Autoline must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Autoline's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by November 7, 2011. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE11-033 in Autoline's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Autoline finds that it is unable to provide all of the information requested within the time allotted, Autoline must request an extension from me at (202) 366-0139 no later than five business days before the response due date. If Autoline is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Autoline then has available, even if an extension has been granted.

If Autoline claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Autoline must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. Autoline is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the word "CONFIDENTIAL" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6.

Please send email notification to Lawrence L. Hershman (larry.hershman@dot.gov) and to ODI_IRresponse@dot.gov when Autoline sends its response to this office and indicate whether there is confidential information as part of Autoline's response.

If you have any technical questions concerning this matter, please call Lawrence L. Hershman of my staff, at (202) 366-4929.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Scott Yon", with the word "for" written below it in a smaller, simpler font.

D. Scott Yon, Chief
Vehicle Integrity Division
Office of Defects Investigation