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1 IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT,
2 IN AND FOR DADE COUNTY, FLORIDA

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4 JOAN HALL-EDWARDS, individually and as personal
5 representative of the estate of Lance Crossman Hall,
6 Plaintiffs,

7

8 -vs- Case No. 99-9450-CA-22

9

10 FORD MOTOR COMPANY, a foreign corporation;
11 and DEEL CAR CORPORATION, a Florida corporation
12 d/b/a Deel Ford and/or an unknown Ford dealer,
13 Defendants.

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17 DEPONENT: JAMES MASON
18 DATE: Thursday, January 8, 2004
19 TIME: 1:20 p.m.
20 LOCATION: 1300 Penobscot Building
21 Detroit, Michigan
22 REPORTER: Cindy A. Boedy, CSR-4696

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3 GARY J. ROBINSON, as personal representative
4 of the estate of Christopher Michael Robinson,
5 deceased, and NATHEENA MUMFORD,

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7 Plaintiffs,

8

9 -vs- Case No. 01-21364-CA-(11)

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11 FORD MOTOR COMPANY, a foreign corporation;
12 and LEHMAN-REYF ASSOCIATES, L.L.C., d/b/a
13 Kendall Mitsubishi, a Florida corporation,
14 Defendants.

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APPEARANCES:

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Appearing on behalf of the Plaintiffs.

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By: Richard L. Denney
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Appearing on behalf of the
Robinson Plaintiff.

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ALSO PRESENT:

Andrew Winston, Video Operator

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Detroit, Michigan
Thursday, January 8, 2004
At or about 1:20 p.m.

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(Exhibit Nos. 1 & 2 marked.)

VIDEO OPERATOR: We are on the record. This is Tape 1 of the videotaped deposition of Mr. James Mason being taken at the offices of Smart-Detroit, 645 Griswold, Detroit, Michigan.

This is the matter of John (sic) Hall-Edwards, et al., versus Ford Motor Company, et al., Case No. 999450-CA-2--

MR. KASTER: Actually, it's Joan Hall-Edwards, but that's all right, not John.

VIDEO OPERATOR: -- in the circuit court of the 11th Judicial Circuit of Dade County, Florida.

My name is Andrew Winston, videographer representing Esquire Deposition Services.

If all attorneys present will introduce themselves for the record, the court reporter will swear in the witness.

MR. KASTER: Bruce Kaster on behalf of Joan Hall-Edwards and Gary Robinson.

1 MR. WALLIS: And Rand Wallis on behalf of

2 Ford Motor Company in the Joan Hall-Edwards lawsuit.
3 And, Bruce, just for the record, I know
4 you've noticed this in the Robinson -- or the Mumford
5 Robinson vs Ford matter, and on behalf of counsel for
6 Ford, which is not myself, in the Robinson matter, I
7 am entering an objection for them as to this
8 deposition as it pertains to the Robinson versus Ford
9 matter.

10 MR. DENNEY: And I'm Richard Denney here on
11 behalf of the plaintiffs in the Robinson case and
12 Hall-Edwards.

13 MR. KASTER: As soon as Mr. Mason gets wired
14 up there, do you want to swear him in?

15 THE WITNESS: Is that good enough?

16 JAMES MASON
17 was thereupon called as a witness herein and, after
18 having been first duly sworn to tell the truth, the
19 whole truth, and nothing but the truth, was examined
20 and testified as follows:

21 EXAMINATION

22 BY MR. KASTER:

23 Q. Would you state your full name, please, sir?

24 A. James L. Mason.

25 Q. Mr. Mason, let me start by showing you the notice of
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1 your deposition and amended notice of your deposition,
2 which I've marked as Exhibits 1 and 2, and ask you,
3 sir, if you have seen those before we started this
4 morning or this afternoon actually?

5 A. Yes, I have.

6 Q. I'm going to go ahead and attach those as the
7 plaintiffs' first two numbered exhibits. If you would
8 keep one of them, please, sir, because the attachments
9 are essentially the same. I may ask you some
10 questions about that here in a minute.

11 Mr. Mason, you are employed at Ford Motor
12 Company?

13 A. Yes, I am.

14 Q. And how long have you been so employed?

15 A. Just about thirty-three years.

16 Q. Are you aware that in the Hall-Edwards case in
17 response to interrogatories that I propounded in sworn
18 answers, Ford has identified you, and I quote, "Mr.
19 James Mason, a Ford design analysis engineer, is
20 generally knowledgeable regarding the design of the
21 component parts, systems, or assemblies relating to

22 the vehicle performance characteristics of the
23 Explorer"?

24 A. Yes.

25 Q. And is that accurate, sir?

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1 A. Yes.

2 Q. Pursuant to the notice of your deposition, what have
3 you brought with you today, sir?

4 A. I brought my file which has the photographs I took and
5 a copy of the complaint and a copy of the police
6 report and, I believe, a plaintiff's expert report.

7 Q. Okay. Would you open the notice of your deposition to
8 probably what would be about the third page, Schedule
9 A? Do you see that, sir?

10 A. Yes.

11 Q. Pursuant to Roman -- No. 1 under Schedule A, you
12 brought your entire file relating to this particular
13 case, Hall-Edwards?

14 A. Yes.

15 Q. You didn't bring anything in reference to Mumford
16 Robinson, did you, sir?

17 A. No, I did not.

18 Q. Have you done any investigation particular to Mumford
19 Robinson?

20 A. No, I have not.

21 Q. The next thing that you're asked for is all materials,
22 reports, documents, or other writings that you
23 reviewed, referred to, or relied on in this matter in
24 arriving at any opinions or conclusions, and it goes
25 on at some length, but let me just ask you, Did you

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1 bring anything particularly in response to Paragraph
2 2?

3 A. No.

4 Q. Paragraph 3 references any and all materials,
5 documents, reports, or other writings furnished to you
6 in this case by anyone, including other experts. I
7 would assume that's why you brought the report of the
8 experts that you've already told me about?

9 A. Yes.

10 Q. Did you bring anything else in reference to paragraph
11 No. 3?

12 A. No.

13 Q. Paragraph No. 4 asks for all reports you prepared or
14 furnished in this case. Are there any such reports?

15 A. No, there isn't.

16 Q. So you wouldn't be anything to bring for that?

17 A. No.

18 Q. The next is No. 6, any and all results of tests,
19 simulations, or experiments not mentioned above that
20 you, your agent, servants, or employees conducted in
21 this case. Are there any such tests?

22 A. No, there is not.

23 Q. Next is photographs, and you've brought those,
24 correct?

25 A. Yes, I brought my photographs.

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1 Q. The next is any handwritten or typewritten notes
2 prepared by you or anyone else on your behalf in this
3 case. Are there any such handwritten notes as part of
4 your file?

5 A. No.

6 Q. No. 9 refers to exemplars, models, drawings, et
7 cetera, that you would intend or contemplate using to
8 explain your testimony if you're called at trial. Do
9 you have anything in reference to 9?

10 A. No, I do not.

11 Q. Is there anything in your possession that's not here
12 today in reference to No. 9?

13 A. No.

14 Q. No. 10, your curriculum vitae and professional resume,
15 did you bring anything in response to that?

16 A. Yes, I do have a copy of that.

17 Q. No. 11, copies of all scientific or technical papers,
18 books, articles of any kind or nature regarding
19 steel-belted radial light truck or passenger tires
20 which you've been involved in. Do you have any such
21 thing?

22 A. No.

23 Q. All stud-- No. 12, all studies conducted by you that
24 support your opinions or conclusions. Did you bring
25 any studies that support your opinions or conclusions?

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1 A. No, I did not.

2 Q. Thirteen is all papers, publications, or articles
3 which support your opinions and conclusions. Did you
4 bring anything in response to No. 13?

5 A. No.

6 Q. Is there anything in response to No. 13 that's
7 available to you?

8 A. No.

9 Q. No. 14 is all publications, studies, or tests

10 conducted by you or relied upon by you concerning or
11 addressing vehicle handling. Did you bring anything
12 in response to No. 14?

13 A. No.

14 Q. And why not?

15 A. I don't have any.

16 Q. Have you made any effort to access any Ford
17 publications, studies, or tests concerning or
18 addressing vehicle handling?

19 A. No.

20 Q. No. 15 is all documentation of any type or nature
21 regarding ADAMS modeling of the Ford Explorer by
22 Bridgestone/Firestone or any other tire manufacturer.
23 Have you brought anything in response to 15?

24 A. No, I have not.

25 Q. Have you made any effort to determine whether there
0014

1 are any such documentation available at Ford?

2 A. No, I have not.

3 Q. No. 16, all documentation of any type or nature
4 regarding finite element analysis for the Ford
5 Explorer by Ford or any tire manufacturer including,
6 but not limited to, Bridgestone/Firestone. Did you
7 bring anything in response to 16?

8 A. No, I didn't, but that's very vague and general. It's
9 like asking for an FEA of the whole vehicle and you
10 don't really have an FEA of the whole vehicle; you
11 have FEAs of components, and there's a lot of
12 components.

13 Q. Did you bring any FEA information with you?

14 A. No, I did not.

15 Q. Did you make any effort to find any finite element
16 analysis for Ford Explorer in the areas in which you
17 have expertise?

18 A. No, I did not.

19 Q. Are you aware of whether any finite element analysis
20 was done in reference to any chassis components?

21 A. No, not specifically.

22 Q. Have you made any effort to find out?

23 A. No.

24 Q. Are you aware of whether Bridgestone/Firestone or any
25 other tire manufacturer undertook any type of finite

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1 element analysis in reference to either the tires on
2 the Explorer or the Explorer itself?

3 A. They may or may not. I don't know.

4 Q. Have you made any effort to find out?

5 A. No.

6 MR. WALLIS: Bruce, if I could, just for the
7 record, specifically with regard to 15 and 16 --

8 MR. KASTER: I couldn't hear you.

9 MR. WALLIS: With regard to 15 and 16 --

10 MR. KASTER: Yes, sir.

11 MR. WALLIS: -- Mr. Mason has been noticed
12 for deposition and is testifying as a fact witness as
13 to his knowledge. I think if you ask him his
14 knowledge of ADAMS and his knowledge of FEA, you've
15 already asked him some of those questions, but I
16 believe he did not have any involvement in ADAMS,
17 ADAMS modeling or ADAMS testing or any of the finite
18 element analysis. Obviously, the ADAMS has been
19 subject of a discovery response that some materials
20 have been produced.

21 FEA is currently a discovery response I
22 believe between myself, yourself, and Mr. Mavis. You
23 know, we'll be discussing those issues. So I just
24 wanted to let you know that with Jim, there is going
25 to be no testimony that he has personal knowledge of

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1 that concerns ADAMS or FEA, since you have the
2 opportunity to question him on that and he hasn't been
3 disclosed as being a corporate representative with
4 response to ADAMS or FEA.

5 MR. KASTER: I appreciate those comments,
6 Rand, but as far as I'm concerned, Ford and Mr. Mason
7 are in direct violation of the notice of the taking of
8 this deposition and that self-serving comments really
9 don't do anything to affect my belief in that regard,
10 and I'll take whatever action I think is appropriate
11 for failure to comply with the notice, but I
12 appreciate your position, and it's what I would
13 anticipate. Thank you.

14 MR. WALLIS: And I would further, I mean, I
15 can attach at the end of the deposition our objection
16 to your specific notice of deposition which sets out
17 our objections and the position which we have stated
18 previous on the record prior to this deposition today.

19 BY MR. KASTER:

20 Q. Mr. Mason, you have given depositions previously on
21 behalf of Ford, have you not, sir?

22 A. Yes, I have.

23 Q. And as I understand it, in the past you have given

24 perhaps three or four depositions a year?

25 A. Yes.

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1 Q. How long have you worked for Ford, sir?

2 A. Thirty-two years.

3 Q. And what is your present position?

4 A. I'm a design analysis engineer.

5 Q. As a design analysis engineer, you do engineering
6 support for the office of general counsel?

7 A. Yes.

8 Q. Tell us what the office of general counsel is, please,
9 sir.

10 A. The office of general counsel is the lawyers that work
11 for Ford Motor Company.

12 Q. And how long have you done engineering support for the
13 office of general counsel?

14 A. About six years.

15 Q. Prior to that, what did you do, sir?

16 A. I was a light truck chassis design engineer.

17 Q. As a light truck chassis design engineer, the
18 components that you were specifically involved in
19 would have been the front and rear suspension,
20 steering wheels, and tires?

21 A. Yes, that's correct.

22 Q. And how long were you in the chassis department, sir?

23 A. About fourteen years.

24 Q. And what positions did you hold there?

25 A. I was a supervisor of suspension.

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1 Q. From what period to what period, sir?

2 A. From -- It was about fourteen years.

3 Q. If my memory serves me correctly, you worked in the
4 light truck department from 1971 to 1997; is that
5 correct?

6 A. That's correct.

7 Q. Was all of that time in chassis department?

8 A. No, just fourteen years of that.

9 Q. Okay. You were directly involved in the development
10 of the Ford Explorer, sir?

11 A. I was involved in the design of it, yes.

12 Q. And --

13 MR. WALLIS: Objection, form.

14 BY MR. KASTER:

15 Q. That would include the -- what is known or referred to
16 by Ford as UN46?

17 A. Yes, that's correct.

18 Q. As the Ford representative here purported to have
19 general knowledge regarding the design of the
20 component parts, systems, or assemblies relating to
21 the vehicle performance characteristics of the
22 Explorer, does your experience in the chassis
23 department limit your ability to just the wheels,
24 steering, and suspension system, or are you able to
25 address all of the vehicle performance characteristics

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1 of the Explorer?

2 A. It limits to be pretty much to the design of the

3 components for those areas.

4 Q. Chassis complaints?

5 A. Yes.

6 Q. And who would we need who would be knowledgeable

7 concerning the other component parts, systems, or

8 assemblies relating to the vehicle performance

9 characteristics of the Explorer?

10 A. Probably someone from program management who

11 controlled the program or somebody from the

12 development test activity who ran the tests.

13 Q. Really wouldn't it require both?

14 A. Probably, yes.

15 Q. But even the areas outside of your direct control you

16 would have some ability to address if asked

17 questions?

18 MR. WALLIS: Objection, form.

19 THE WITNESS: I may have some knowledge.

20 BY MR. KASTER:

21 Q. But you're not the best person?

22 A. I may not be the best person.

23 Q. You've already told me you're not the best person

24 other than the chassis components we've talked about;

25 is that correct?

0020

1 A. Right.

2 Q. When did you first become involved in the Ford

3 Explorer design and development?

4 A. 1988.

5 Q. Were you involved in any proposals or recommendations

6 to modify chassis design that would affect the

7 stability index of the Explorer?

8 A. No.

9 Q. Tell us what is meant by the term "stability index."

10 A. Stability index is a ratio established by NHTSA, I

11 believe, which is $2 - t/2h$.

12 Q. What does the -- what did the letters stand for?
13 A. "T" is the tread width and "h" is the CG height.
14 Q. Let me send the little vehicle over for you and see if
15 you can use that and show on the camera what we're
16 talking about, sir.
17 A. The tread width is the distance between the tires.
18 Q. You're talking about the track width?
19 A. Same thing.
20 Q. I just want to make sure we're on the same language,
21 and I don't mean to be confrontational, Mr. Mason, but
22 if I say track width, is that the same thing when you
23 say tread width?
24 A. Yes, it is.
25 Q. Because the tire people often talk about tread width
0021
1 is just the width of the tire.
2 A. Okay.
3 Q. So can we say track width? Is that comfortable?
4 A. Sure.
5 Q. Okay. I'm sorry, go ahead. Track width?
6 A. And the CG is the center of the mass of the vehicle.
7 Q. And could you give us some indication of where that
8 might be or how one would determine that?
9 A. Well, it's a combination of three axes. There's a
10 vertical, a horizontal, and lateral point.
11 Q. Could you turn the vehicle?
12 A. It's coming somewhere in the middle of the vehicle.
13 Q. Could you turn the vehicle, the rear, toward the
14 camera like that and set it down, if you would, and do
15 the same thing you just did, Mr. Mason, so anybody who
16 looks at this will understand what you're trying to
17 help me with? Okay, go ahead. The center of gravity
18 is?
19 A. Center of gravity is the point in the three planes
20 where the center of the mass of the vehicle is.
21 There's a vertical axis, a horizontal axis, and a
22 longitudinal axis.
23 Q. Does Ford use the stability index in the design
24 testing or analysis of its vehicles?
25 MR. WALLIS: Objection, form.
0022
1 THE WITNESS: At the time the Explorer was
2 designed, no, they did not.
3 BY MR. KASTER:
4 Q. At the time that the Explorer was being developed, at
5 least your involvement in that, were you involved in

6 any proposals or recommendations to lower the center
7 of gravity on the Explorer?
8 A. No, I wasn't.
9 Q. Were you involved in any proposals or recommendations
10 to lower the vehicle height?
11 A. Yes.
12 Q. Tell me about that, please, sir.
13 A. There was a proposal to reduce the height of the
14 vehicle front and rear.
15 Q. And what was your involvement, sir?
16 A. Well, since I was responsible for the design release
17 of the components, I would have to exchange the spring
18 heights and jounce bumpers and exchange rates, spring
19 rates.
20 Q. I'm sorry, I didn't mean to interrupt you, Mr. Mason.
21 If I do interrupt you, let me know, and I will
22 apologize.
23 Who directed you to do that?
24 A. It would come through my management.
25 Q. And who would that be?
0023
1 A. That was Roger Stornant.
2 Q. Why were you directed to do that?
3 A. Wait a minute. You asked me if there was a proposal;
4 I said yes.
5 Q. Yes, sir.
6 A. You didn't ask me if I was directed to do that or if
7 we did it.
8 Q. All right. Well, let me ask you. Did you do it?
9 A. Yes.
10 Q. Why were you asked to do it?
11 A. I wasn't told why. We were just directed to do it.
12 Q. What was the purpose for doing it?
13 A. To lower the vehicle.
14 Q. Okay. Did that have any effect on the stability
15 index?
16 A. It probably did.
17 Q. Would it have a positive effect or a negative effect?
18 A. I don't know.
19 Q. Were you involved in any recommendations or proposals
20 to widen the track width on the Explorer during the
21 developmental stage?
22 A. No.
23 Q. Were you involved in any analysis or recommendations
24 or proposals to lower the roll center on the Explorer
25 during the developmental stage before it went into

0024

1 production?

2 A. No.

3 Q. Were you ever involved in any recommendations or
4 proposals to either widen the track width or lower the
5 roll center rate on the Explorer?

6 A. No, I was not.

7 Q. Have you read any of your prior depositions in
8 preparation for your testimony today, sir?

9 A. No, I haven't.

10 Q. Have you looked at any documents in reference to
11 preparation for your deposition today?

12 A. No, I haven't.

13 Q. Have you ever had an opportunity to read any of your
14 prior depositions in reference to Ford Explorers?

15 MR. WALLIS: Objection, form.

16 THE WITNESS: No, I don't believe I have.

17 BY MR. KASTER:

18 Q. When is the last time that you recall providing any
19 testimony in reference to a Ford Explorer?

20 A. Late last year.

21 Q. Late 2003?

22 A. Yes.

23 Q. And in what case was that, sir?

24 A. I believe it was Garcia.

25 Q. And prior to that?

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1 A. I gave a deposition in the Cho case, C-H-O.

2 Q. And where was that, sir?

3 A. That was in New York.

4 Q. Mr. Mason, let me hand you some Bates stamped
5 documents that we received from Ford starting with
6 XP41579 through XP41584 and ask you to take a look at
7 these, if you would, please, sir. And we can go off
8 the record while you do that. You may want to show it
9 to Mr. Wallis.

10 (Off the record at 1:40 p.m.)

11 (On the record at 1:48 p.m.)

12 BY MR. KASTER:

13 Q. Mr. Mason, you've had an opportunity to look over this
14 multipage document that I handed you?

15 A. Yes, I have.

16 Q. I'm going to come back to in a second, but let me ask
17 you, do you recall having testified in the, and I'll
18 spell, J-A-R-A-M-I-L-L-O vs Ford case that was pending
19 in Tacoma, Washington, and was tried in February of

20 last year?

21 A. Yes, I did. I'm sorry, I was deposed in that case; I
22 didn't testify.

23 Q. No, sir. You were deposed in that case. I thought
24 that's what I said.

25 A. I couldn't remember.

0026

1 Q. Having looked over the multipage document that I gave
2 you, let me ask you, have you seen that document
3 before?

4 A. No, I haven't.

5 Q. Never seen that in the past?

6 A. No, I don't believe so.

7 Q. Did you note the date on the document as you were
8 going through it?

9 A. I couldn't find a date on the document. Is there a
10 date on the document?

11 Q. That's why I was asking you.

12 A. I couldn't find a date.

13 Q. The date I see -- let me hand it back to you -- on one
14 page is a 6-15-89.

15 A. Yes, there is a draft date of 6-15-89.

16 Q. And during that period of time, you would have been
17 involved in the design of the chassis components that
18 we've already talked about for the Ford Explorer?

19 A. Yes.

20 Q. Now, this document on the first page references
21 average track width, CG height, which you'll have to
22 tell me what that means.

23 A. Center of gravity height.

24 Q. Center of gravity height.

25 And then under that it says stability index,

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1 does it not?

2 A. Yes.

3 Q. So when you told me earlier in the deposition that the
4 stability index was not something that Ford used
5 during the development of the Explorer, you were
6 mistaken?

7 MR. WALLIS: Objection, form.

8 THE WITNESS: I don't know how it was used in
9 the design. This is what it was. I don't know
10 whether they used that to design the vehicle or not.

11 This just states what it was for the vehicle.

12 BY MR. KASTER:

13 Q. May I see it again? Well, if it's a parameter, would

14 that not be something that Ford would be using? It
15 says parameter, average track width, center of gravity
16 height, and stability index. Are you telling me that
17 you don't think that's something that was used in the
18 design?

19 A. It's obviously something they looked at during the
20 design of the vehicle.

21 Q. Okay. So when you told me that it was not something
22 that Ford was looking at in the design of the
23 Explorer, you were mistaken?

24 MR. WALLIS: Objection, form.

25 THE WITNESS: I was not aware that it was

0028

1 used as a parameter in the design of the vehicle.

2 BY MR. KASTER:

3 Q. Even though --

4 A. We didn't say that we -- the stability index of this
5 vehicles has to be 1.0 and design around that, no.

6 Q. But clearly it was used, wasn't it?

7 MR. WALLIS: Objection, form.

8 THE WITNESS: It was developed in testing
9 evidently.

10 BY MR. KASTER:

11 Q. And you didn't know that until today?

12 A. No.

13 Q. And then on the third page it lists proposed UN46
14 chassis design modifications, and it lists four
15 things: lower the vehicle one-half inch, front and
16 rear; widen the track width two inches; lower the
17 front roll center two inches; and increase the roll
18 stiffness, does it not?

19 A. Yes, it does.

20 Q. So based on your prior testimony, you were not
21 involved and were not aware of a proposal to widen the
22 track width as a result of your efforts; is that
23 correct?

24 A. Right. I was not involved in any proposal to do that.

25 Q. And you weren't aware of it in your work as a chassis

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1 design engineer working on the Explorer in the 1989
2 time period?

3 A. No.

4 Q. Correct?

5 A. That's correct.

6 Q. Mr. Mason, I'm going to read you some questions and
7 answers from your sworn testimony in the, I'll say,

8 Jaramillo case that I asked you about that you
9 provided sworn testimony, deposition testimony, in a
10 case pending in Tacoma, Washington. And I'll read you
11 questions and answers, and after I'm finished, I have
12 a question for you, so I'd ask you just to listen
13 carefully, if you would, sir. Okay.

14 A. Sure.

15 Q. And I'm going to start on what is marked page 11 of
16 the transcript that I have from the trial also marked
17 page 1753 from the trial transcript.

18 You were asked by Mr. O'Neill:

19 I ask you first to look at Exhibit 18.

20 Are you familiar with that document?

21 And you answered: I'm familiar with the
22 front sheet, not necessarily the
23 attachments.

24 And he asked: Okay. So the
25 front sheet is something that says

0030

1 proposed UN chassis change, UN46
2 chassis. I'm sorry, I'll ask the
3 question again.

4 Okay. So the front sheet is
5 something that says proposed UN46
6 chassis, and you answered, Yes.

7 He says, Then there appears to
8 be a calendar for redesign timing, and
9 you say, Yes.

10 He says, Then the page marked
11 conclusions, and you say, Yes.

12 And he says, And finally a
13 page marked recommendations, and you
14 say, Yes.

15 And he says, how did you
16 become familiar with this document.

17 And you say, I think the first
18 two pages I put together for a meeting
19 and compiled input from other areas and
20 prepared the document for a meeting with
21 Mr. Stornant, S-T-O-R-N-A-N-T.

22 Who is Mr. Stornant?

23 Mr. Stornant was my manager.

24 And what was that meeting
25 about?

0031

1 Answer: I don't recall.

2 Question: Was it about
3 existing Ford Explorer UN46 project.
4 I don't know that I was even
5 in the meeting.
6 Question: Okay. This
7 document, Exhibit 18, it does have your
8 initials on it, doesn't it?
9 Answer: Yes, it does.
10 And it's dated June 15, '89.
11 Answer: Yes.
12 That would be June 15, '89.
13 Yes.
14 And also on the next page I
15 see your initials JLM as well.
16 Answer: Yes.
17 And the same date, June 15,
18 '89?
19 Answer: Yes.
20 Do you think that's a document
21 you probably prepared as well?
22 Answer: I think so.
23 Question: And was that part
24 of your job at times, to work out the
25 program timing and timing for proposed
0032 changes or alterations to a vehicle?
1 Answer: No, that was not my
2 job.
3 Question: Did you end up
4 doing it in this case?
5 Answer: This case I only
6 compiled the data for the meeting. I
7 did not determine the timing or the
8 information necessary that went into the
9 summary.
10 Question: Okay. Where did
11 you get that information?
12 Answer: I don't recall.
13 Question: Okay. You had to
14 get it from people within the
15 organization?
16 Right.
17 Question: Okay. At any rate,
18 this particular document, Exhibit 18, it
19 deals with proposed chassis design
20 modifications; is that correct?
21

22 Answer: Yes.
23 Question: And that was your
24 department, in fact. You were
25 supervising most of those areas; is that

0033

1 correct?

2 Answer: Some of them, yes.

3 Okay. And it gives four
4 proposals. First is to lower the
5 vehicle, correct?

6 Yes.

7 The second is to widen the
8 track two inches, correct?

9 Answer: Yes.

10 The third, lower the front
11 roll center two inches, correct.

12 Answer: Yes.

13 And the final one is to increase roll
14 stiffness, correct?

15 Answer: Yes.

16 Do you recall giving those answers to those
17 questions under oath in that case?

18 A. Yes, I do.

19 MR. WALLIS: Objection, form.

20 THE WITNESS: Yes, I do.

21 BY MR. KASTER:

22 Q. So indeed you did -- You were involved in proposals to
23 lower the vehicle, correct?

24 MR. WALLIS: Objection to form.

25 THE WITNESS: Well, actually, there wasn't

0034

1 any proposals at that time. Those were just a list of
2 brainstorming items that people had come up with that
3 was discussed in a meeting, and I put together the
4 agenda for the meeting.

5 BY MR. KASTER:

6 Q. Page 1755, Question, Line 17: Okay. And it gives
7 four proposals. The first one is to lower the
8 vehicle, correct? And you answered yes. Why did you
9 answer yes to that question then, and you're giving me
10 qualifications now, sir?

11 MR. WALLIS: Objection to form.

12 THE WITNESS: That's a proposal. Those are
13 proposals.

14 BY MR. KASTER:

15 Q. Okay. And that's what I just said.

16 You were involved in a proposal to lower the
17 vehicle, correct?

18 A. I don't -- at that time, those were just a list of
19 things to do. I don't know as anybody put together a
20 proposal or any actions towards lowering the vehicle.
21 There's a brainstorming list that was used in the
22 meeting.

23 Q. And in 1989, you put together a list of proposals, one
24 of which included to lower the vehicle; is that
25 correct?

0035

1 A. Yes.

2 Q. And another one was to widen the track two inches;
3 isn't that correct?

4 A. It was listed on the list of proposals, yes.

5 Q. And that -- and the next one was to lower the front
6 roll center two inches, correct?

7 A. Yes.

8 Q. And the final one was to increase roll stiffness,
9 correct?

10 A. Yes.

11 Q. When I showed you XP41581 and asked you if you were
12 involved in any of those areas, why did you tell me
13 you were not?

14 A. I told you I was involved in lowering the vehicle.

15 Q. But actually you were involved in all four, weren't
16 you?

17 MR. WALLIS: Objection, form.

18 THE WITNESS: There was no work done as far
19 as widening the track. That's just a thing that is
20 listed here. We didn't do any work towards lowering
21 -- widening the track of the vehicle.

22 BY MR. KASTER:

23 Q. But you put together a proposal to do that?

24 A. There was no proposal. It's the list of items.

25 Q. Why don't we go back to the questions that you were

0036

1 previously asked. You were asked, "And it gives four
2 proposals. The first, to lower the vehicle, correct?"

3 You answered, "Yes." Now are you telling me that
4 testimony was not correct in Jaramillo?

5 A. I'm sorry, read it again.

6 Q. "Question: Okay. And it gives four proposals. The
7 first one is to lower the vehicle, correct?" And you
8 answered, "Yes."

9 A. Yes.

10 Q. Now, may I see that document back, please? Is the
11 document that you just handed me the same document
12 that you put together for the meeting?

13 MR. WALLIS: Objection, form.

14 THE WITNESS: It's similar. I don't believe
15 it's the same document.

16 MR. KASTER: I'm going to mark the multipage
17 document we've been referring to as Plaintiffs'
18 Exhibit 3 of the deposition.

19 (Exhibit No. 3 marked.)

20 BY MR. KASTER:

21 Q. And ask you to look at the third page that has -- is
22 titled "Redesign Timing." Part of the document that
23 you put together addressed the redesign timing, didn't
24 it, sir?

25 A. Yes.

0037

1 Q. And tell the court what is meant by redesign timing,
2 if you would, please, Mr. Mason.

3 A. That's the timing required to make changes to the
4 components, to resource them or make -- get the
5 information to the supplier, and to get new components
6 in time for Job 1.

7 Q. And what is Job 1, sir?

8 A. That's when we start producing production vehicles.

9 Q. And what was Job 1 date for the Explorer, sir?

10 A. I don't recall the exact Job 1 date.

11 MR. WALLIS: Bruce, we had the discussion off
12 the record, but I just want to make it on the record
13 unless -- unless you otherwise state we're going to
14 assume when you say Explorer, you mean UN46 for the
15 record.

16 MR. KASTER: Yes, sir.

17 MR. WALLIS: Okay.

18 MR. KASTER: Well, you know, actually he's
19 been identified as a Ford design engineer generally
20 knowledgeable regarding the design component systems
21 or assemblies relating to the vehicle performance
22 characteristics of the Explorer. Doesn't say UN46, it
23 say the Explorer. And when I asked him that in the
24 beginning, he told me that he was the correct person
25 for that. Are you changing that now?

0038

1 MR. WALLIS: No, no, but the time -- okay.

2 MR. KASTER: My questions are all UN46.

3 MR. WALLIS: The timing of our discussion

4 right now you're talking about the UN46?
5 MR. KASTER: Yes. Yes, sir. And if I change
6 that, I will certainly tell the witness that.
7 MR. WALLIS: Okay.
8 BY MR. KASTER:
9 Q. Tell us what the first item on the timing list is, if
10 you would, please, sir.
11 A. Investigation.
12 Q. Okay. And under that?
13 A. Design.
14 Q. And next?
15 A. Prototype.
16 Q. And next?
17 A. Production tools.
18 Q. And next?
19 A. Development prove out.
20 Q. And the next one?
21 A. Durability.
22 Q. May I see it back, please, sir? I apologize for this,
23 but I only have one copy with me. And next to each of
24 the topics that you gave me, and it goes on with --
25 I'm sorry, I stopped you before, it was ISIR; is that
0039
1 correct?
2 A. Yes.
3 Q. And finally Job 1?
4 A. Yes.
5 Q. It gives the timing to investigate design and the rest
6 of the categories by months of the year?
7 A. Yes. I believe it's months.
8 Q. And that would have been in the --?
9 A. It's months or weeks, I'm not sure. It's months or
10 weeks. I'm not sure which.
11 Q. It says June, July, August, September.
12 A. It's months, okay.
13 Q. And that would have been in the calendar year that you
14 were addressing this in, 1989?
15 A. Actually, it's -- I think it's -- yes, it would be.
16 (Exhibit No. 4 marked.)
17 BY MR. KASTER:
18 Q. Yeah, all right. Now, let me return for a moment to
19 the question of stability index and show you a
20 document dated May 1 of 1987, which I'll mark as
21 Exhibit 4, with a Bates No. EXP40213, and ask you, if
22 you would, to read what it says under Roman Numeral
23 II, component proposals, on the first page, sir.

24 Component proposals, Roman Numeral II.

25 A. Okay. I'm reading from the document Exhibit 4?

0040

1 Q. Yes, sir.

2 A. It says component proposals to provide acceptable
3 stability index and limit handling of the UN46 and
4 improve step height. The following component
5 revisions to 4 X 4 and 4 X 2 UN46 are proposed.

6 Q. So that as early as 1987, the stability index was one
7 of the considerations in the design of the UN46?

8 MR. WALLIS: Objection, form.

9 THE WITNESS: Evidently it was discussed,
10 yes.

11 BY MR. KASTER:

12 Q. And -- But you were not aware of that despite your
13 involvement and your designation in this case that
14 stability index was one of the considerations in UN46
15 design and development?

16 A. No. I was not aware of the static (sic) index at that
17 time.

18 Q. When did you become -- Well, you weren't aware of it
19 when we started the deposition, were you, sir?

20 MR. WALLIS: Objection, form.

21 THE WITNESS: I've discussed it in other
22 cases, yes.

23 BY MR. KASTER:

24 Q. I thought you told me when I asked you whether the
25 stability index was part of the criteria or was

0041

1 consideration in the design of the UN46 that you told
2 me it was not?

3 A. I told you --

4 MR. WALLIS: Objection, form.

5 THE WITNESS: -- I didn't think it was.

6 BY MR. KASTER:

7 Q. And you wouldn't have provided sworn testimony to the
8 contrary in the past, would you, sir?

9 A. I believe I would have.

10 Q. I'm a little confused about that, so let me try it a
11 different way.

12 Before this deposition today, you were not
13 aware of the document in your hand, correct?

14 MR. WALLIS: Objection, form.

15 THE WITNESS: No, I was not.

16 BY MR. KASTER:

17 Q. And before this deposition today, you were not aware

18 that stability index was under the parameters as I
19 showed you in the UN46 status report Bates No.
20 XP41579, correct?

21 A. Not at the time this vehicle was designed.

22 Q. Yes, sir. And I asked you today whether stability
23 index was part of the consideration in the design of
24 the UN46, and you answered it was not, correct?

25 A. I answered I didn't believe it was; that's correct.

0042

1 Q. And now that I have shown you these documents, you
2 understand that it was a consideration?

3 A. Yes, it was being discussed.

4 Q. Let me refer you to page 1758 of the transcript of the
5 Jaramillo case, page 16 of your deposition -- of your
6 deposition testimony that was played by video to the
7 jury in that case and read you some questions and some
8 answers.

9 Line 9: You know that a
10 higher number means more stable,
11 correct?

12 Answer: That may be NHTSA's
13 definition, yes.

14 Question: But you were here
15 -- I'm sorry, let me start that again.

16 But you here were preparing a
17 document that talked about the effect of
18 stability index; isn't that true?

19 Answer: Yes.

20 Question: Lowering the
21 vehicle has an effect of .04; is that
22 correct?

23 Answer: That's what this
24 says, yes.

25 Do you recall giving those answers in that

0043

1 case?

2 A. Yes, I do.

3 MR. WALLIS: Objection, form.

4 BY MR. KASTER:

5 Q. So in 1989 when you prepared the document that you
6 were referring to in your sworn testimony, one of the
7 things that was in that document talked about the
8 effect of stability index, didn't it?

9 MR. WALLIS: Objection to form.

10 THE WITNESS: Yes, it did.

11 BY MR. KASTER:

12 Q. So you knew in 1989 when you were involved in the
13 design of the Explorer that one of the things that was
14 a consideration was the stability index, correct?

15 MR. WALLIS: Objection, form.

16 THE WITNESS: Well, that form was put
17 together -- that summary was put together by input
18 from other people and those numbers came from the
19 development activity, I would imagine. And so all I
20 did was compile the data for the meeting. I was not
21 involved in the stability index or discussions of
22 stability index.

23 BY MR. KASTER:

24 Q. Your initials were on the report?

25 A. Yes. I prepared it.

0044

1 Q. You prepared it. You would have read a report that
2 you put together and prepared, wouldn't you, sir?

3 A. Yes.

4 Q. And so you would have known if stability index was in
5 a report that you prepared for other people to read,
6 wouldn't you, sir?

7 A. Well, all I know is there was a number there for SI.
8 We put together the report for the meeting.

9 Q. So you knew in 1989 that stability index was one of
10 the considerations in the design of the Explorer.

11 MR. WALLIS: Objection, form.

12 THE WITNESS: I don't even know that I knew
13 what stability index was at the time.

14 BY MR. KASTER:

15 Q. Well, if it -- if you were asked -- you were preparing
16 a document that talked about the effect of stability
17 index, and you answered yes, you would have had to
18 know what you were talking about, wouldn't you, sir?

19 MR. WALLIS: Objection to form.

20 THE WITNESS: Not necessarily. I just put
21 together the data that was provided to me.

22 BY MR. KASTER:

23 Q. So it's your sworn testimony here today that you did
24 not know what stability index meant when the UN46
25 program was ongoing and the Explorer was being

0045

1 developed? Is that what you're telling me, sir?

2 A. That's true.

3 Q. I asked you if you'd been involved in any proposals or
4 recommendations to lower the center of gravity, and
5 you told me no. That wasn't a correct answer, was it,

6 sir?

7 MR. WALLIS: Objection, form.

8 THE WITNESS: No. I was not involved in any
9 proposals to lower the center of gravity.

10 BY MR. KASTER:

11 Q. I asked you, and I'll repeat it, were you involved in
12 any proposals or recommendations to lower center of
13 gravity? And as I understand your sworn testimony
14 from Jaramillo that we've read, you were involved in
15 putting together a report that had a proposal to
16 recommend lowering center of gravity, were you not?

17 A. There was a list of items. I was not involved in
18 developing a proposal to do that, no.

19 Q. I didn't ask you if you were involved in development.
20 I asked you, and I'll repeat the question that I've
21 asked you several times, I want you to listen very
22 carefully, were you involved in any proposal or
23 recommendation to lower center of gravity? The answer
24 to that is yes, you were, correct?

25 MR. WALLIS: Objection to form.

0046

1 THE WITNESS: I put together a list that had
2 that listed as an item on the list of items.

3 BY MR. KASTER:

4 Q. So you were involved in that proposal?

5 MR. WALLIS: Objection, form.

6 THE WITNESS: I was involved in preparing the
7 list.

8 BY MR. KASTER:

9 Q. And the list was a proposal?

10 A. A list of proposals, possible proposals.

11 Q. Does the list say possible proposals or --

12 A. No, it does not.

13 Q. Then I asked you were you involved in any proposal or
14 recommendation to widen the track width, and the
15 answer to that is yes, you were, correct?

16 A. No. I believe I said I was not.

17 Q. Well, let's go back to your testimony from Jaramillo.

18 Okay. It's Line 17, and it gives four proposals, the
19 first one is to lower the center -- lower the vehicle,
20 correct? And you said yes. The second is to widen
21 the track width two inches, correct? And you said
22 yes?

23 A. I said yes, that's what is on the list.

24 Q. All right. And you were involved in putting that
25 proposal to widen the track width together and that

0047

1 report went to other members of the design group,
2 correct?

3 MR. WALLIS: Objection, form.

4 THE WITNESS: These are a list of items to be
5 investigated. There was no proposal. There was a
6 list of items to be looked at.

7 BY MR. KASTER:

8 Q. We've talked about proposals several times, and I've
9 read this to you repeatedly where it says four
10 proposals and you answered yes. Are you telling me
11 now these weren't proposals? Are we going to go back
12 to that?

13 MR. WALLIS: Objection, form. Misstating
14 previous testimony.

15 THE WITNESS: No, these are proposed things
16 to consider.

17 BY MR. KASTER:

18 Q. Okay. And one of the four proposals was to widen the
19 track width two inches, correct?

20 A. Yes.

21 Q. So you were involved in a proposal to widen the track
22 width of the Explorer?

23 MR. WALLIS: Objection, form, asked and
24 answered.

25 THE WITNESS: I was involved in preparing the

0048

1 list in which it was listed.

2 BY MR. KASTER:

3 Q. That's an involvement, isn't it, sir?

4 A. Minor involvement, yes, maybe.

5 Q. Wait a minute now. I think I heard maybe. When you
6 put together that list of proposals, you were involved
7 in that proposal, were you not, sir?

8 MR. WALLIS: Objection, form. I think it's a
9 matter or semantics; it's just a matter of the items
10 to be investigated.

11 BY MR. KASTER:

12 Q. Were you involved or not involved?

13 A. I put together the list.

14 Q. So you were involved?

15 A. If that's considered involved, I was involved.

16 Q. Is there some difficulty you have with the term
17 "involved"?

18 MR. WALLIS: Objection, form.

19 THE WITNESS: No. I think maybe there's a

20 problem with proposals, what you consider a proposal
21 and what I consider a proposal.

22 BY MR. KASTER:

23 Q. No, sir. I'm reading directly from your prior sworn
24 testimony. That's not my word. You were asked
25 directly and you answered that already.

0049

1 A. Okay.

2 Q. Now, likewise, you were involved in a proposal to
3 lower the roll center.

4 A. In preparing the list, yes.

5 Q. And you were involved in a proposal to increase the
6 roll stiffness?

7 A. In preparing the list, yes.

8 Q. Now, what you know now, all of those things would have
9 affected the stability index, would they not?

10 A. I believe it says in that report the date it had an
11 effect on it, yes.

12 Q. I asked you a different question. What you know today
13 about stability index, widening the track width would
14 have improved the stability index, wouldn't it?

15 A. Yes. It would give you a higher number.

16 Q. Okay. And, likewise, if you lowered the center of
17 gravity, that would give you a higher number or a
18 better stability index, correct?

19 A. It should, yes.

20 Q. I didn't hear you.

21 A. It should, yes.

22 Q. And would increased roll stiffness also have a
23 positive effect on stability index?

24 A. No, I don't believe so.

25 Q. Well, let me hand you the document back where it shows

0050

1 the effect on the stability index would be the same as
2 lowering the vehicle. Take a look at that.

3 A. Okay. I guess it would then, according to this
4 document. I mean, I was not aware of that.

5 Q. Based on what you know today based on your thirty-some
6 years at Ford in design and testing and the experience
7 that you have, would not increasing the roll
8 resistance have a positive effect on the stability
9 index?

10 MR. WALLIS: Objection, form.

11 THE WITNESS: Yes, it could.

12 BY MR. KASTER:

13 Q. It would, wouldn't it?

14 MR. WALLIS: Objection, form.
15 THE WITNESS: According to the document, yes.
16 BY MR. KASTER:
17 Q. Well, I want to know without this document.
18 A. I don't know without that document whether it would or
19 not. I didn't think it did. That document says it
20 does. If it's a Ford document, it does, in that case.
21 Q. Did you have anything to do when you were in the
22 chassis department with increasing roll stiffness?
23 A. Yes.
24 Q. How does one increase roll stiffness?
25 A. Increasing the spring rates is one way.

0051

1 Q. And is there someone at Ford who would have more
2 knowledge of the effect of increasing roll stiffness
3 on the stability index than you would, sir?
4 A. Probably the development people, yes.
5 Q. But this was within your development, the chassis
6 department, wasn't it?
7 A. To design the parts, yes.
8 Q. And if you were part of preparing a report, at least
9 putting the proposals together, that reflected that
10 increasing roll stiffness would have possibly affected
11 the stability index, that's something that you would
12 have at least known at that time, wouldn't it be, sir?
13 A. I would only have been told what changes to make to do
14 it.
15 Q. Were the effects of the proposals in your report not
16 reflected in your report? Didn't it show what the
17 effects would be?
18 A. Yes, from development department or some other
19 department.
20 Q. So you would have been given the information when you
21 put the report together that lowering the vehicle
22 one-half inch would have a positive effect on the
23 stability index, widening the track two inches would
24 have a positive effect on the stability index, and
25 lowering the front roll center two inches would have a

0052

1 positive effect on the stability index, and increasing
2 roll resistance would have a positive effect on
3 stability index, correct?
4 A. That's what the report says, yes.
5 Q. And if you put this together, you would have had that
6 information.
7 A. No.

8 Q. You wouldn't have read what you put together?
9 A. I read it, yes, but that don't mean I would determine
10 how that was done.
11 Q. I didn't ask you if you determined how it was done. I
12 just asked if you had access to the information.
13 A. I had access to the information on that document.
14 Q. And you knew during the development of the Explorer
15 that the four proposals all had a positive effect on
16 the stability index?
17 A. According to that document, yes.
18 Q. Who asked you to put together the proposals that we've
19 been talking about on widening the track width and
20 lowering the vehicle height and increasing the
21 stability index?
22 A. Roger Stornant asked me to put together the summary.
23 Q. Excuse me?
24 A. Roger Stornant asked me to put together the summary.
25 Q. Were there any vehicle handling tests done prior to
0053
1 putting this proposal together?
2 A. I don't know.
3 Q. At that time -- Let me ask you a different question.
4 During the course of the development of the
5 Ford Explorer prior to June 15, 1989, were there any
6 stability testing or handling tests done of the
7 Explorer to your knowledge?
8 A. There may have been. It was not in my area.
9 Q. I asked to your knowledge.
10 A. There may have been. I don't know.
11 Q. You don't know.
12 Let me hand you what I will mark as Exhibit
13 No. 5 and ask you if you have ever seen this multipage
14 exhibit previously which starts with Bates No. F, as
15 in Foxtrot, alpha, alpha, bravo, 2389910 through 9920,
16 and we can go off the record while you take a look at
17 this, if you would, please, sir.
18 (Off the record at 2:22 p.m.)
19 (Exhibit No. 5 marked.)
20 (On the record at 2:32 p.m.)
21 BY MR. KASTER:
22 Q. Mr. Mason, is this a document that you have seen
23 previously?
24 A. I've seen it in other depositions, yes.
25 Q. That's what I meant. And what is it, sir, just
0054
1 briefly?

2 A. It appears to be a list of tests that were run by Ford
3 Motor Company.
4 Q. When? The date should be on the -- each page has a
5 date in the column of dates, I think, highlighted, I
6 believe.
7 A. Looks like most of them are in 1989.
8 Q. What's the month in 1989?
9 A. June. Oh, April. Starts at April.
10 Q. Starts in April of 1989?
11 A. Yes.
12 Q. And what type of test is it, sir?
13 A. These are J-turn tests.
14 Q. And what are J-turn tests, sir?
15 A. It's a test that Ford normally runs to determine the
16 ride and handling of the characteristics of a vehicle.
17 Q. This is an actual vehicle test as opposed to ADAMS
18 modeling where you do a computer model to determine
19 handling, correct?
20 A. I think they do it both ways now.
21 Q. Yes, sir. I meant they do it both ways. I was trying
22 to make a distinction. There is what's called the
23 ADAMS modeling, and the ADAMS modeling is a computer
24 model?
25 A. Yes.

0055

1 Q. And then there is the actual road test which is
2 reflected in the report in your hand, J-turn tests
3 where a vehicle is actually used.
4 A. Yes.
5 Q. Did you have access to any of the ADAMS modeling when
6 you were involved in the design of the Explorer before
7 it went into production?
8 A. No, I did not.
9 Q. And what about these stability-type tests that are
10 reflected in the document in your hand; did you have
11 access to those?
12 A. No, I didn't.
13 Q. Did you see the results of any of those during the
14 course of time that you were involved in the
15 development of the Explorer?
16 A. No, I did not.
17 Q. May I see the document, sir?
18 The testing reflects as we've talked about
19 the date, for example, the initial one's in April of
20 1989, and then it lists the type of vehicle that was
21 tested and various other information, and since we've

22 made this Exhibit 5, it will be in the record, and
23 you've noted that when you looked at it, didn't you,
24 sir?

25 A. Yes.

0056

1 Q. It's typical of Ford J-turn testing documentation,
2 isn't it, sir?

3 A. I don't know if it's typical or not. It looks like a
4 summary.

5 Q. But you've seen this before.

6 MR. WALLIS: Objection, form.

7 BY MR. KASTER:

8 Q. You've seen this documentation before in prior
9 depositions?

10 A. Yes.

11 Q. And so it's not something that's unusual from your
12 perspective?

13 A. What, that document?

14 Q. Yes, sir, and the form of the document. Is this a
15 typical form of Ford J-turn testing documentation?

16 A. No. That's a summary of tests that were run.

17 Q. Is it typical of summaries of tests that are run?

18 A. I don't know.

19 Q. In any event --

20 A. It's the first time I've ever seen a document like
21 that.

22 Q. Excuse me?

23 A. I've only seen a document like that once.

24 Q. When was that, sir?

25 A. In the deposition.

0057

1 Q. And which deposition was that, sir?

2 A. Probably Jaramillo.

3 Q. One of the things that it lists under "Test
4 Description" is the wheel lift. Did you note that,
5 sir?

6 A. Yes.

7 Q. And that's typical of stability index or accident
8 avoidance testing, isn't it, sir?

9 MR. WALLIS: Objection, form.

10 THE WITNESS: That's typical of vehicle
11 handling testing, J-turn testing.

12 BY MR. KASTER:

13 Q. And to have no wheel liftoff is a good thing, isn't
14 it?

15 A. Certainly.

16 Q. To have wheel liftoff can be a bad thing, can't it?
17 A. It can be.
18 Q. Why? What is negative about wheel lift?
19 A. Well, if you get too high or too many of them off the
20 ground, you can roll over.
21 Q. And that's one of the reasons that Ford does J-turn
22 testing is to see whether or not they get wheel lift?
23 A. That's one of the things they look at, yes.
24 Q. Now, the J-turn testing document that I gave you the
25 first page, the testing is for an '89 Bronco II Ford
0058

1 vehicle, correct?

2 A. Yes.

3 Q. And that was so there would be a comparison vehicle
4 with the UN46, correct?

5 A. I don't know if that's why it was run or not. It's
6 just a list of tests. It doesn't say why they were
7 run or in what sequence they were run.

8 MR. KASTER: Let's go off the record for just
9 a minute.

10 (Off the record at 2:37 p.m.)

11 (On the record at 2:39 p.m.)

12 BY MR. KASTER:

13 Q. Mr. Mason, do you recall that you gave sworn testimony
14 under oath in a case Boury -- I'll spell, B-O-U-R-Y --
15 vs Ford back in September of 1998 where you were
16 provided as a witness and were -- by Ford and were
17 examined by Mr. George Bellis (ph) of Chicago?

18 A. I remember the case, yes.

19 Q. And do you remember whether you addressed the
20 comparison of the Explorer with the 1989 Bronco II?

21 MR. WALLIS: Objection to form.

22 BY MR. KASTER:

23 Q Do you recall whether --

24 A. No, I don't remember.

25 Q. Let me read you from page 51 a question and an answer.

0059

1 A. Okay.

2 Q. Mr. Bellis asked you, "Why is the Bronco II being
3 discussed in this meeting relative to production of
4 UN46?" and you answered, "Because it was the current
5 production vehicle and it's the base line data being
6 taken in the assembly plant." Do you recall that?

7 A. I may have.

8 Q. Is that accurate?

9 A. Well --

10 MR. WALLIS: Objection to form.

11 THE WITNESS: I don't know what it's
12 referring to.

13 BY MR. KASTER:

14 Q. Let me read it again.

15 A. What's it referring? What base line data?

16 Q. I'm going to try and read you that. The first thing I
17 want to make sure is we're on the same page here that
18 Bronco II -- Why is the Bronco II being discussed in
19 this meeting relative to the production of the UN46?
20 Answer: Because it was the current production vehicle
21 and it's the base line for data being taken in the
22 assembly plant."

23 Let me ask you first of all, is that a
24 correct answer to that question?

25 MR. WALLIS: Objection to form.

0060

1 THE WITNESS: It may be, but I don't recall
2 what it was regard to, whether we're looking at a
3 chart or data or what.

4 BY MR. KASTER:

5 Q. What's a base line vehicle mean?

6 A. The base line is a reference point.

7 Q. And let me ask you if you understand that the 1989
8 Bronco II in the J-turn testing was done -- that
9 testing was done in comparison to the UN46 to provide
10 a base line comparison, some comparable vehicle to
11 compare the Explorer to.

12 MR. WALLIS: Objection to form.

13 THE WITNESS: No, I don't think it was used
14 as a base line. It was used as reference date,
15 because we had that vehicle and it was -- but it was
16 also -- also other competitive vehicles were used.

17 BY MR. KASTER:

18 Q. In the data that I gave you, it was just a Bronco II
19 and the UN46, correct, the test that Ford gave us?

20 A. I believe so.

21 Q. Well, one of the things --

22 A. On one of the other documents you showed me, it listed
23 like four or five different vehicles that they used
24 for reference.

25 Q. We're going to come back to that, but I just want to

0061

1 stick with this J-turn testing now. We're trying to
2 get through all of them if you just bear with me.

3 One of the concerns at the time the J-turn

4 testing was done at Ford was that the Explorer needed
5 to exceed the stability index of the Bronco II in
6 Consumer Union-type testing; is that correct?

7 MR. WALLIS: Objection, form.

8 THE WITNESS: From the documents you showed
9 me, that appears to have been an issue, yes.

10 BY MR. KASTER:

11 Q. Were you aware of that during the design and
12 development of the UN46 Explorer?

13 A. No, I wasn't.

14 Q. Well, one of the pages from Exhibit 3 is what you're
15 referring to, isn't it, sir, that reflects that
16 Consumer Union concern?

17 A. I think it was.

18 Q. Well, why don't you just read me the second bullet
19 point there, if you would, sir, and give me the Bates
20 numbers for the page first?

21 A. EXP41583.

22 What did you want me to read?

23 Q. That second bullet point.

24 A. Second one? There is a risk that testing by Consumers
25 Union will indicate that the UN46 is very similar to
0062

1 the Bronco II. The speed on the short course for
2 two-wheel lift are essentially the same as the Bronco
3 II.

4 Q. Now, that page from that document was part of the
5 proposal that you put together in the documents that
6 were referred to in your testimony in Jaramillo, isn't
7 it?

8 MR. WALLIS: Objection to form.

9 THE WITNESS: I don't know that it was.

10 BY MR. KASTER:

11 Q. Okay. Well, let me help you with that.

12 A. All I put together was the summary pages and the
13 timing. I don't know about the rest of this.

14 Q. I'm going to help you with that, because I've got your
15 sworn testimony from Jaramillo here, so let's go
16 through that.

17 Mr. O'Neill says to you on page 28 of the
18 portion of your testimony which is page 1770 of the
19 transcript, Let's go back to your document 18, and
20 that's the document we've been previously discussing.

21 A. Okay.

22 Q. And actually you said, This was part of it. The
23 conclusions and recommendations you didn't necessarily

24 recognize; is that correct.

25 You answered, Yes.

0063

1 I'm not too familiar with those two pages,
2 whether it's all one document or not.

3 And he said, Okay.

4 And you say, It does have the same date.

5 And he said, Okay. It does have the same
6 date; is that correct?

7 And you say, Yes.

8 He says, the same date as all these documents
9 we're looking at, it's actually got consecutive
10 numbers on the bottom, is that correct, put on by
11 Ford?

12 And you said, Yes, it does.

13 He said, Okay. We're looking at page -- and
14 he has 15226 -- and it talks about conclusion; is that
15 correct?

16 And you say, Yes.

17 Then he says, And the third bullet point down
18 says there is a risk that testing by Consumer Union
19 will indicate UN46 is very similar to Bronco II. Is
20 that what it says.

21 Yes, that's what it says.

22 Now let me just stop there. If that's
23 accurate, then the exhibit that he was referring to in
24 that testimony which had your initials on it had the
25 same conclusion, the same information that's on this

0064

1 document, correct?

2 MR. WALLIS: Objection to form.

3 BY MR. KASTER:

4 Q. Correct?

5 A. It was included in the same packet, yes.

6 Q. Okay. And under conclusions?

7 A. My initials was not on this page.

8 Q. Yes, sir, I understand.

9 A. It was only on the two first pages, I believe.

10 Q. Yes, sir. And I'm not arguing with you about that.

11 My point merely to you was in Exhibit 18 that you and
12 he discussed in your deposition, this was part of that
13 exhibit?

14 A. Yes.

15 Q. And it included what's called conclusions?

16 A. Yes.

17 Q. And that included there was a risk that testing by

18 Consumers Union would indicate that UN46 is very
19 similar to Bronco II, correct?

20 A. That's what it says, yes.

21 Q. You would have read as we've talked about before,
22 whatever it was that you submitted, whether you were
23 the person that came up with the data or not, correct?

24 A. Probably.

25 Q. So at the time that you submitted this in 1989, you
0065

1 would have read it?

2 A. I don't know that I saw this at the time.

3 Q. Okay.

4 A. All I saw was the two pages that I had my initials on.

5 Q. In any event, if it was part of the consecutive
6 numbers, you wouldn't dispute that it might have been
7 part of your report or what you put together?

8 A. I do not believe it was part of my report. It was
9 part of the meeting.

10 Q. Okay.

11 A. It may be part of the meeting. I'm not sure I was
12 even in the meeting. And that may be the packet for
13 the meeting. I wasn't familiar with this part of it.

14 Q. In any event, you don't remember today whether you
15 were aware that there was a concern about a risk that
16 Consumer Union testing would indicate that the
17 Explorer was very similar to the Bronco II, do you?

18 A. At this point in time. I don't know if they are
19 talking about a release-level Explorer here or an
20 early-level Explorer or -- this is not a production
21 Explorer. This is before production started.

22 Q. I have a different question for you. My question
23 simply is, As you sit here today, you don't remember
24 whether you knew about this concern or not, do you,
25 sir?

0066

1 A. No, I do not.

2 Q. But you do know from test data that you've seen today
3 and previously that Ford was comparing in J-turn
4 testing the 1989 Bronco II with the UN46 in 1989,
5 correct?

6 MR. WALLIS: Objection, form.

7 THE WITNESS: They were running comparable
8 tests.

9 BY MR. KASTER:

10 Q. And they were doing that before you put your report
11 together in June of 1989, correct?

12 A. That appears to be true, yes.

13 Q. And in the J-turn testing that we have, we do -- it
14 does show that there was wheel lift in some of the
15 J-turn testing that Ford conducted, doesn't it, sir?

16 A. Yes, it does.

17 Q. And the four items that are in the report as
18 proposals, including widening the track width and the
19 different items we've previously gone over, they would
20 have improved the stability index and reduced the
21 potential for wheel lift, wouldn't they, sir?

22 MR. WALLIS: Objection, form, asked and
23 answered.

24 THE WITNESS: They may have improved the
25 stability index. I don't know what they would have

0067

1 done to J-turn testing.

2 BY MR. KASTER:

3 Q. I didn't ask you about J-turn; I asked you about wheel
4 lift.

5 A. I don't know how it affected wheel lift.

6 Q. You don't know whether improving stability index would
7 affect wheel lift?

8 A. No. Stability is not the only thing in handling. I
9 mean, a lot of things affect vehicle handling.
10 Stability index is just the tread width over the CG
11 height ratio. That's just a number.

12 Q. Well, let me ask you a little different question.

13 Would widening the track width reduce the potential
14 for wheel lift?

15 A. It may. I don't know for sure. You'd have to test
16 it.

17 Q. Based on your 23 years' experience at Ford and the
18 work that you did there in the chassis department and
19 your knowledge in this area, widening track width
20 would generally reduce the potential for wheel lift,
21 wouldn't it, sir?

22 A. I would think so, but you'd have to look at a specific
23 situation and test it.

24 Q. I'm just talking about as an engineering principle at
25 this point. Can we agree as an engineering principle

0068

1 widening track width generally would reduce the
2 potential for wheel lift?

3 A. I don't know that.

4 Q. You don't know that as an engineering principle?

5 A. No.

6 Q. Why don't you show us on the exemplar vehicle that I
7 brought today what widening track width would be.
8 A. It means you'd make the wheels wider.
9 Q. Can you show me from the bottom of the vehicle and
10 point it toward the camera?
11 A. You'd move them further outboard.
12 Q. And you could do that simply by a mechanism like
13 reversing rims. That would widen the track width,
14 wouldn't it?
15 A. Yes. That's not a very good engineering way of doing
16 it, but you could do it that way.
17 Q. I'm just talking about how one would widen track
18 width. I'm just trying to explain,
19 A. That's one way of doing it, yes.
20 Q. You need to put wheel spacers on, that would widen
21 track width, correct?
22 A. Yes.
23 Q. And was the track width of the UN46 expanded by two
24 inches in accordance with the proposals that we've
25 been talking about before the Explorer went into
0069
1 production?
2 A. I don't know. You mean was there a test run like
3 that?
4 Q. No. Was the track width of the vehicle extended by
5 two inches in accordance with the proposal that you
6 have in the document in front of you before the
7 Explorer went into production?
8 A. No, it was not.
9 Q. And was it ever, from the time it went into production
10 till the present, was the track width of the Explorer
11 ever lengthened or widened by any distance? Two
12 inches? Four inches?
13 A. Not until 2002.
14 Q. What happened in 2002?
15 A. We did a new vehicle.
16 Q. And was the track width expanded?
17 A. It was a bigger vehicle, wider tread, longer wheel
18 base, and so forth.
19 Q. I just asked you about the track width.
20 A. Yes. It was lighter or --
21 Q. How much was it widened?
22 A. I don't know the exact number.
23 Q. One of the effects of widening the track width was to
24 enhance the stability of the vehicle, correct?
25 A. I don't know why it was done.

0070

1 Q. I didn't say why.

2 A. I wasn't involved in the program.

3 Q. Let me ask the question again. The effect -- I didn't
4 say why it was done. One of the effects of widening
5 the track width was to make the vehicle more stable.

6 A. I don't know.

7 MR. WALLIS: Objection, form.

8 THE WITNESS: I was not involved in the
9 program.

10 BY MR. KASTER:

11 Q. Wouldn't widening the track width generally make the
12 vehicle more stable? Didn't we already establish
13 that?

14 A. It may.

15 Q. It should, shouldn't it?

16 MR. WALLIS: Objection, form, asked and
17 answered.

18 BY MR. KASTER:

19 Q. If you don't change anything else, and all you do is
20 widen the track width two inches, that would increase
21 the stability index. We've already agreed on that,
22 correct?

23 A. Yes, right.

24 Q. If you didn't do anything else on the vehicle but
25 widen the track width two inches, that would increase

0071

1 the stability of the vehicle, wouldn't it?

2 MR. WALLIS: Objection, form.

3 THE WITNESS: It could. It could.

4 BY MR. KASTER:

5 Q. Could or would?

6 A. I don't know. You'd have to test it.

7 Q. Well, it should, shouldn't it?

8 A. You'd have to evaluate. That's what I said.

9 MR. WALLIS: Objection, form, asked and
10 answered.

11 BY MR. KASTER:

12 Q. You say should and I'm saying could. I want to see if
13 we can agree on this. It should increase it,
14 shouldn't it?

15 A. It should.

16 Q. Were Consumer Union tests run on the Explorer prior to
17 when it went into production?

18 A. I don't know.

19 Q. Let me read you from page 30 of your sworn testimony

20 in Jaramillo.

21 Question: Isn't it true that on the list
22 that we've looked at there is a lot of two-wheel lift
23 over on the right-hand side on the Consumer Union test
24 that Ford was running?

25 And you answered, There appeared to be some,
0072

1 yes.

2 Okay. In fact, on June 15, I counted 81
3 tests and 26 of them had two-wheel lift.

4 You answered, That might be so.

5 Okay. Do you want to look at the chart and
6 see if it looks right?

7 Well, yes, but like I say, Consumer Union
8 test was not a sign-off test.

9 So you were aware that Consumer Union test
10 was being run on the Explorer during developmental
11 stages, weren't you?

12 A. No, I wasn't. Not at the time. I didn't know what
13 testing was being run.

14 Q. Before today you were aware of it.

15 A. Before today, yes. Not at the time.

16 Q. So when I asked you if Consumer Union tests were being
17 run on the Explorer during developmental stage, you
18 knew before I asked you the question that those tests
19 were run?

20 A. I know now, yes.

21 Q. Well, it's not something I told you.

22 A. No, I know.

23 Q. You knew before I asked the question?

24 A. Yes. Not at the time it was being built or we'd be
25 designing the vehicle, I did not know.

0073

1 Q. I just meant before I asked you the question today.

2 A. I just wanted to make sure.

3 Q. All right.

4 And you were aware before today that there
5 was a lot of two-wheel lift as a result of the
6 Consumer Union test that Ford was running, correct?

7 A. I'm aware that there was some two-wheel lift in some
8 cases.

9 Q. And that you so testified in Jaramillo.

10 A. Yes.

11 Q. May I see the document again, please, sir? I think
12 it's 2 -- 3. Thank you.

13 So the concern that is referenced in the

14 conclusions of this document of 6-15-89 about the
15 Consumer Union test indicating the UN46 was very
16 similar to the Bronco II was based in part on Consumer
17 Union actual testing of the UN46, correct?

18 MR. WALLIS: Objection, form.

19 THE WITNESS: It could have been.

20 BY MR. KASTER:

21 Q. Well, you know now that UN-- the UN46 underwent
22 Consumer Union testing in addition to J-turn testing,
23 correct?

24 A. Yes.

25 Q. And you know that there was concern expressed in June
0074

1 of 1989 about the inability of the Explorer to exceed
2 the Bronco II in Consumer Union testing, correct?

3 A. Correct.

4 Q. So they must have been doing Consumer Union testing?

5 A. They must have been doing some testing, you're right.

6 Q. Tell me the difference between the Consumer Union test
7 and the J-turn test that Ford runs that's reflected on
8 Exhibit 4.

9 A. The J-turn is run at -- you'd bring a vehicle up to a
10 certain speed and you make a right-hand turn at a
11 certain wheel velocity. Consumer Union is you go
12 through a series of pylons, it's like a passing
13 maneuver, and the pylons are set at specific distances
14 apart.

15 Q. Now, as I understand it, the reason that the track
16 width was not widened two inches on the UN46 was
17 because the estimated time would have put that portion
18 of the proposals past Job 1, correct?

19 A. I don't know why the changes were not made.

20 Q. Well, let me ask you a different question then, and
21 we'll come back to that.

22 The estimated timing for widening the track
23 width in June of 1989 was 30 to 40 weeks, correct?

24 A. Yes.

25 Q. And that would have been past Job 1, wouldn't it?
0075

1 A. Yes, it would have.

2 Q. And you've already told me Job 1 is very significant?

3 MR. WALLIS: Objection, form.

4 BY MR. KASTER:

5 Q. Correct?

6 A. Yes.

7 Q. Job 1 for the Explorer was February 1990, correct?

8 A. Yes, I believe so.

9 Q. And so if the proposal to widen the track width and
10 increased stability index had been incorporated into
11 the Explorer, then Job 1 would not have been met and
12 the vehicle would not have gone into production in
13 February 1990, would it?

14 MR. WALLIS: Objection, form.

15 THE WITNESS: Not according to that summary
16 there.

17 BY MR. KASTER:

18 Q. And that's the same thing for the proposal to lower
19 the front roll center two inches. That would not have
20 been able to be accomplished and still meet Job 1,
21 correct?

22 MR. WALLIS: Objection, form.

23 THE WITNESS: Well, that was 20 -- that says
24 that's 20 weeks. I guess it's questionable whether
25 that could have been done or not.

0076

1 BY MR. KASTER:

2 Q. We just have to figure that out, won't we?

3 A. Yes.

4 Q. But in any event, lowering the roll center, that was
5 not done before Job 1, was it?

6 A. No, it wasn't.

7 Q. And we've already established widening the track width
8 was not done, correct?

9 A. That's correct.

10 Q. Correct?

11 A. Correct.

12 Q. Was there any concern expressed among Ford engineers
13 involved in the UN46 project concerning the effect of
14 tire size on stability index or handling?

15 A. Not that I was aware of, no.

16 Q. Well, let me ask you, prior to today, were you aware
17 -- are you aware of any concerns expressed by any of
18 the engineers at Ford concerning the effects of tire
19 size on stability or handling in the UN46 project?

20 A. Not that I'm aware of, no.

21 Q. And are you aware of whether tire size -- say, for
22 example, the difference between a 23570R15 and a
23 24570R15 and 22570R15 would have any effect on
24 handling or stability of a Ford Explorer?

25 A. Yes, it would have an effect on handling.

0077

1 Q. What about stability?

2 A. I'm not sure what stability is. I know what ride and
3 handling is.

4 Q. Okay. Well, tell me what handling is.

5 A. Handling is how a vehicle performs during maneuvers.
6 (Exhibit No. 6 marked.)

7 BY MR. KASTER:

8 Q. I'm going to show you another document that is marked
9 Plaintiffs' Exhibit 6 with a Bates number of E, as in
10 echo, X, as in X-ray, P, as in Phoenix, T, as in
11 tango, 0570 and 71 and ask you to take a look at that
12 document and tell me if you've seen that before, sir.

13 A. I've seen it in other depositions.

14 Q. This document dated 6-26-89 which includes
15 communications from your boss Mr. Stornant to Mr.
16 White in communications back, correct?

17 A. Yes.

18 Q. Let's start at the top of this document referencing
19 subject UN46 design revisions. Under that heading it
20 reflects it will be very hard to live without a
21 two-door for six months. You see that?

22 A. Yes.

23 Q. And then it goes on. "Is there any plan that gets us
24 there albeit with extraordinary effort from certain
25 activities? In other words, what would it take to

0078

1 make Job 1 for the two-door at 1991 1/2 as currently
2 planned?" Do you know what that means?

3 A. I believe it means that they are considering delaying
4 Job 1 for the two-door.

5 Q. Okay. And this would appear to be a copy of some
6 e-mails; is that correct?

7 A. Yes.

8 Q. So in order to put it in correct sequence, we would
9 really go to the end and then read up, correct?

10 A. Yes.

11 Q. Why don't you do that with me and go to the very --
12 the back where we have a memo from Mr. Stornant. Do
13 you see that?

14 A. Yes.

15 Q. That shows it's from Mr. Stornant, the original memo?

16 A. Yes.

17 Q. And so -- "And that reflects based on feedback to date
18 from various areas affected by the proposed changes,
19 I'm proposing the following strawman. I believe this
20 proposal will assure good performance in the CU test
21 and minimize any adverse public relations risk." Do

22 you see that?

23 A. Yes.

24 Q. Obviously, he's referring to the Consumer's Union test
25 that you and I have been talking about, correct?

0079

1 A. Yes.

2 Q. And before today, you had seen this document and had
3 testified in reference to this document, haven't you,
4 sir?

5 A. I've been asked about this document in previous
6 depositions, yes.

7 Q. And so this document would have told you that there
8 was some concern about good performance in the
9 Consumer's Union test during the development of the
10 UN46, wouldn't it?

11 A. By Mr. Stornant, yes.

12 Q. Who was your boss?

13 A. Yes.

14 Q. And then it says, "Job 1, release 4-door only with
15 base 225 AS tires including the design -- following
16 design modifications." And it lists two of those of
17 the four that we've talked about previously, doesn't
18 it?

19 A. Yes.

20 Q. And then it goes -- "Next, 1991 Job 1, add 235 AT/245
21 AS tires to the 4-door and release the 2-door with 225
22 AS tires coincident with incorporation of the
23 following revisions: lower the front roll center,
24 revise the wheelhouse," correct?

25 A. Yes.

0080

1 Q. And then "1991 1/2 Job 1, add 235 AT/P245 AS tires on
2 the 2-door coincident with incorporation of the
3 following design changes: widen the track and revise
4 FESM to accommodate wide track with large tires,"
5 correct?

6 A. That's correct.

7 Q. But you've already told me the widening of the track
8 was not accomplished in what, 2002?

9 A. That's correct.

10 Q. Do you know why there was a delay in the release of
11 tires other than the 225 size?

12 A. Why they were proposing a delay?

13 Q. Yes, sir.

14 A. No, I do not.

15 Q. Prior to today, have you ever been advised that

16 Firestone did ADAMS modeling on the Explorer before it
17 was put into production?

18 A. I don't recall whether I do or not.

19 Q. Does the name Figliomeni mean anything to you?

20 A. No.

21 Q. Would it be typical for a tire supplier such as
22 Firestone to conduct ADAMS modeling for the signoff on
23 a vehicle such as an Explorer?

24 A. I don't know.

25 Q. If ADAMS modeling showed that the 235 tire was more
0081

1 prone to wheel lift than the 225 tire, would it not be
2 appropriate to opt for the 225 size to reduce that
3 potential for wheel lift?

4 A. We did have 225 size.

5 Q. Yes, sir. And I'm not trying to argue with you. I'm
6 trying to make a point that I thought was very easy.

7 MR. KASTER: Would you read that back?

8 (Court reporter read back previous question.)

9 THE WITNESS: Well, you'd have to opt for the
10 225. 225 is the base tire.

11 BY MR. KASTER:

12 Q. Yes, sir.

13 A. And you're saying restrict it only to the 225.

14 Q. No, sir, I'm not doing that. Let me make this as
15 simple as I can.

16 You have two tire sizes. Let's say one is a
17 225 and the other is a 245, and you do ADAMS modeling,
18 J-turn testing, Consumer's Union testing, and you find
19 that the 245 is more prone to result in two-wheel lift
20 in all of those tests than the 225. The 225 you get
21 no two-wheel lift. Then is it not appropriate to use
22 the 225 as a base tire for the vehicle?

23 A. Yes.

24 Q. And then if modifications need to be made in the
25 design of the vehicle and the suspension or track

0082

1 width or whatever to accommodate the larger size tire
2 to reduce the potential for liftoff, then that would
3 be a logical thing to do, correct?

4 A. I guess so.

5 Q. I mean, you would agree with me, wouldn't you, as an
6 engineer, someone with experience at Ford?

7 MR. WALLIS: Objection, form.

8 THE WITNESS: I guess you'd have to look at
9 the test results and analyze it and see whether you

10 think it's a reasonable decision or not.

11 BY MR. KASTER:

12 Q. Let me ask you just simply, if the test results showed
13 that in the J-turn testing, Consumer Union testing,
14 and the ADAMS modeling that the 225 tire did not have
15 two-wheel lift and that larger sizes did have
16 two-wheel lift, if you accept that as accurate, then
17 would it not be appropriate to make whatever
18 modifications were necessary in the tire or the
19 vehicle to reduce the potential for two-wheel lift
20 before you release that tire with the vehicle?

21 MR. WALLIS: Objection, form.

22 THE WITNESS: Yes, that would be reasonable.

23 MR. KASTER: I don't need that now. I mean,
24 I'll put it in if you want me to.

25 Let me go ahead and mark as --

0083

1 MR. WALLIS: Seven? Are we at 7?

2 MR. KASTER: -- next Exhibit No. 7 a
3 document, UN46 analysis E, as in echo, X, as in X-ray,
4 P, as in Phoenix, T, as in tango, 0716, and I don't
5 really need you to comment on this, sir. I'm just
6 going to make it the next numbered exhibit.

7 (Exhibit Nos. 7 & 8 marked.)

8 BY MR. KASTER:

9 Q. Let me show you another document that I've marked as
10 Exhibit 8; it's a two-page document from January 11,
11 1989, from Mr. M. L. Hanssen (sic) to F. J. Figliomeni
12 with a handwritten note in the upper right-hand corner
13 with Mr. Stornant's name and Mr. Campbell's, and ask
14 you if this is something you've seen previously, sir.

15 Have you had an opportunity to look at that,
16 sir?

17 A. Yes.

18 Q. Is that a document you've seen previously in reference
19 to litigation?

20 A. I believe I have once.

21 Q. Would you mind returning it back to me, sir?

22 Could you read the note up in the right
23 corner to Mr. Stornant and Mr. Campbell? Were you
24 able to read that, the note dated January 26, '89?

25 A. It says this is the plan we, in parentheses, Amnon,

0084

1 myself, F/S, agreed to pursue Bronco II and UN46. We
2 need confirmation of vehicles from a Dave Wotton.

3 This needs to -- this needs to -- something completed

4 as soon as possible.
5 Q. Thank you. This document reflects the Bronco II ADAMS
6 modeling showed a simulation design to show jacking
7 and track narrowing. Can you tell me what is meant by
8 jacking and track narrowing?
9 A. Well, in some suspensions, as the vehicle rises, the
10 wheels tuck under. And if you do a reverse maneuver,
11 the opposite wheel will also tuck under, so it kind of
12 jacks the vehicle up.
13 Q. And from a vehicle limit stability standpoint, this is
14 not desirable?
15 A. Well, all vehicles do it somewhat. That's why you --
16 that's why you have returnability in your steering,
17 because whenever you turn your vehicle, it raises the
18 front of the vehicle somewhat. Some are more than
19 others.
20 Q. The reason I ask you that question, I was reading down
21 here in the document where it says, "From a vehicle
22 limit stability standpoint, this is not particularly
23 desirable." And so I assume that that was Ford's
24 position. Did you disagree with that?
25 A. It is someone's position, yes.

0085

1 Q. Do you disagree with that?
2 MR. WALLIS: Objection to form.
3 THE WITNESS: I don't know one way or the
4 other.
5 BY MR. KASTER:
6 Q. Do you think this jacking and track narrowing is
7 desirable?
8 A. It happens in all vehicles.
9 Q. So you think it's a desirable thing?
10 A. It's not a bad thing. It's a matter of degree.
11 Q. I see. So at a certain point it becomes undesirable,
12 but as long as it doesn't exceed that point, it's
13 acceptable?
14 A. It can, yes.
15 Q. Was it -- From a vehicle limit stability standpoint,
16 was it not desirable in the Bronco II ADAMS modeling?
17 A. I don't know.
18 Q. What is vehicle limit stability?
19 A. I don't know.
20 (Exhibit Nos. 9 & 10 marked.)
21 BY MR. KASTER:
22 Q. Let me show you a document that I have marked as
23 Exhibit 9, a multipage document starting with Bates

24 No. EXP31012 through 13, and I'm going to give you
25 several and let you look at those and then we can take
0086

1 a little break. One I've marked as Exhibit 10, Bates
2 No. EXPT0569; and Exhibit 11, EXP10626; and finally
3 Exhibit 12, RGRV1663 through 64. And all I want to
4 ask you initially if you take a quick look at those
5 and tell me whether these are documents you've seen
6 previously. And before I ask you any questions about
7 them, I'll give you time to look over them to a
8 greater extent, but I just want to see if those are
9 things that look familiar to you. And we can go off
10 the record while you do that.

11 (Exhibit Nos. 11-15 marked.)

12 (Off the record at 3:21 p.m.)

13 BY MR. KASTER:

14 Q. While we were off the record, Mr. Mason, you had an
15 opportunity to review some of the documents I
16 previously marked 11 through 15, and I want to ask you
17 about some of those now, all right?

18 A. Okay.

19 Q. One of them I didn't actually give you yet was 15.
20 And I want to ask you a quick question before I hand
21 you that one. Were you aware at any time in 1989 that
22 your boss, Mr. Stornant, expressed any reservations
23 concerning tire size for the Explorer before it went
24 into production?

25 A. Yeah, based on that previous e-mail you showed me, he
0087

1 expressed some reservations, yes.

2 Q. I didn't ask the question very well.

3 Prior to today, were you aware of any
4 concerns expressed by Mr. Stornant concerning tire
5 size for the Explorer before it went into production?

6 A. No, not that I'm aware of.

7 Q. But part of your responsibility is you told me in the
8 beginning in the chassis department included several
9 areas, and those areas, if I remember correctly and if
10 my notes are correct, would have included steering,
11 suspension, wheels and tires, correct?

12 A. That's correct.

13 Q. So would you not have expected if there was some
14 concern about tire size and its effect on vehicle
15 handling or stability or for any other reason that
16 that would have been brought to your attention?

17 MR. WALLIS: Objection, form.

18 THE WITNESS: That would have been between
19 him and the development activity.

20 BY MR. KASTER:

21 Q. Even though you were in the chassis department and
22 responsible for steering, suspension, and wheels and
23 tires?

24 A. That's correct.

25 Q. Exhibit 15 reflects, among other things, and I quote,
0088

1 Our tests indicate a high confidence of passing CU
2 with P225 and less confidence on the P235. And I just
3 hand you this document and ask you first if it's
4 something you think you've seen before without going
5 into any great detail?

6 A. I don't recall one way or the other.

7 Q. You don't recall whether you've seen it in depositions
8 or whether you saw it at the time that it was issued
9 back in --

10 A. I don't recall --

11 Q. -- September of '89?

12 A. -- either way.

13 Q. Okay. Can you tell us briefly what is meant by twin
14 I-beam suspension and compare that with what's known
15 as SLA, single long arm suspension?

16 A. With the twin I-beam, you have one long suspension arm
17 with a trailing arm and a spring above it. With an
18 SLA, you have two control arms, an upper and a lower.

19 Q. During your involvement with the Explorer, were you
20 aware of whether there was any consideration for
21 replacing the twin I-beam with the SLA?

22 A. I'm sorry, ask the question again.

23 Q. During the time that you were involved with the
24 Explorer during its development and your participation
25 with the chassis group, were you aware of any

0089

1 considerations by Ford to replace the twin I-beam with
2 the single long arm?

3 A. Not during my involvement with the Explorer, no.

4 Q. Prior to today and the reading of documents here
5 today, were you aware of any consideration for
6 replacing the twin I-beam with an SLA, single long
7 arm?

8 A. Yeah, there was some consideration of replacing it
9 later on.

10 Q. What do you mean by "later on"?

11 A. Not for Job 1 for the Explorer, but after the Explorer

12 was into production they looked at alternatives.
13 Q. And that would have been -- would it have been in that
14 1990 time frame still?

15 A. I don't know exactly when it was.

16 Q. Were you aware of that before you read the documents
17 today?

18 A. No, I guess not. Well, I'll take that back. I was --
19 well, yeah, I was aware after the program -- after the
20 program was launched, I moved on to a different
21 program.

22 Q. Yes, sir. We're going to come to that later.

23 A. So there was some -- about the time I left, there was
24 some talk of SLA-type suspension.

25 Q. So you knew still when you had some involvement with
0090

1 the Explorer that that was a consideration?

2 MR. WALLIS: Objection, form.

3 THE WITNESS: Later in the program, yes.

4 BY MR. KASTER:

5 Q. And the documents that we've shown you today show you
6 that that occurred -- at least by 1990 there was a
7 discussion of the Trotman paper for twin I-beam
8 replacement; is that correct?

9 A. I believe so.

10 Q. Let me give you back 11, dated 9-18-89, and ask you
11 does that not reflect discussions for revising the
12 Ranger and UN46 suspension due to out-of-date
13 performance of the twin I-beam? And I highlighted
14 that for you, sir.

15 A. Yes. There was -- said there was some discussion
16 relative to drift and pull, tire wear, and clear
17 vision.

18 Q. That would have been before Job 1?

19 A. This -- yes.

20 Q. Let me show you Exhibit 12 that I've handed you
21 previously, dated October 10th, 1989, and ask you if
22 that again doesn't reference the feasibility of
23 replacing the twin I-beam in the Ranger and Explorer
24 with SLA, and I've highlighted those again for you,
25 sir.

0091

1 A. Yes, this is relative to a workhorse vehicle.

2 Q. Yes, sir. My point merely being that in 1989 there
3 was already discussion of replacing the twin I-beam
4 with SLA?

5 A. By some people, yes.

6 Q. And -- but as I understand it, you were aware of those
7 discussions but were not directly involved?

8 A. Yes.

9 Q. And you would have been aware of that then prior to
10 moving out of the Explorer program into the next
11 program that you got involved in?

12 A. Probably, it's about the same time.

13 Q. Well, as the person that was -- the chassis group that
14 would have included suspension, that's clearly
15 something they would have been talking to you about,
16 wouldn't they?

17 A. Well, if it was being done by advance people or a
18 cobbleton (ph) prototype, it could have been done by
19 anybody. It wouldn't have been done in my shop.

20 Q. Would it have been suspension? Is this part of
21 suspension as you're --

22 A. Yes.

23 Q. But you don't think that anyone came to you and
24 specifically discussed prior to Job 1 replacing the
25 twin I-beam with SLA?

0092

1 A. No, I don't believe so. No, I don't believe so.

2 Q. I want to show you the next document, 9. It's not in
3 sequence, but the next one I handed you dated October
4 16, '89. And if I understand 1C correctly, it
5 reflects the Bronco II and the UN46 both exhibit high
6 levels of front suspension jacking, and ask you if I'm
7 not correct in my reading of 1C from Exhibit 9.

8 A. Yes. That's what it says.

9 Q. You've told me previously that jacking is not
10 necessarily a bad thing, but that high levels of
11 jacking can be a bad thing, correct?

12 A. It can be, yes.

13 MR. WALLIS: Bruce, for Exhibit 9, you've got
14 a number of pages there. Some of them they are not
15 consecutively Bates stamped. Is it your belief that
16 that's a complete document?

17 MR. KASTER: Yes, sir.

18 MR. WALLIS: Okay.

19 MR. KASTER: Yes, sir. It's numbered
20 consecutively. Why Ford Bates stamped them the way
21 they did, I don't know, but it's my firm understanding
22 that that's a composite exhibit, and I believe if you
23 look at it, it's consistent, but that's the best I can
24 tell you.

25 MR. WALLIS: Okay.

0093

1 BY MR. KASTER:

2 Q. And jacking -- severe jacking narrows track width,
3 correct?

4 A. It can, yes.

5 Q. That's one of the effects of a severe jacking?

6 A. Yes.

7 Q. And narrowing track width can decrease vehicle
8 stability, correct?

9 A. It can affect handling, yes.

10 Q. And could that affect -- can the in-- decrease track
11 width increase the potential for vehicle to roll over?

12 A. It could.

13 Q. So that would be one of the concerns from severe
14 jacking, correct?

15 A. That would be a concern of severe jacking, yes.

16 Q. And no one brought to your attention when you were
17 involved in the design of the Explorer including the
18 suspension, any concerns about severe jacking of the
19 UN46, did they, sir?

20 A. No. I mean, this was just someone's opinion of what
21 is severe jacking. I don't know what they mean by
22 severe jacking.

23 Q. Well, can I have it back again, sir? This seems to be
24 signed by Kenneth Van Gorden (sic) and concurring D.
25 S. Starr. Do you know who Kenneth Van Gorden (sic)

0094

1 is?

2 A. No, I don't.

3 Q. Says he's a research engineer in development -- says
4 NVH and handling analysis, NVH in advanced technology
5 department. What would that mean? What would NVH
6 mean?

7 A. Noise, vibration, and harshness.

8 Q. I'm sorry?

9 A. Noise, vibration, and harshness.

10 Q. What would handling analysis mean?

11 A. Handling evaluation, I imagine.

12 Q. Vehicle handling?

13 A. Yes.

14 Q. And this gentleman was a research engineer apparently
15 in the advanced technology department and one of his
16 areas was of handling analysis, according to the
17 document?

18 A. I guess so. I don't know. I don't know him.

19 Q. Would he let you see it again? Do you think maybe I

20 misread it?

21 A. Well --

22 Q. Page shows the authors of the document.

23 A. Yes. It says he's a research engineer in developing
24 and handling analysis.

25 Q. Can I see the document again, please?

0095

1 A. Sure.

2 Q. And this is co-authored by another research engineer
3 with development of NVH and handling analysis, Mr. D.
4 S. Starr. Do you know him, sir?

5 A. I don't know him. I'm familiar with his name.

6 Q. You're not here to tell us that you think that you
7 have more expertise in determining what the effects of
8 high levels of suspension jacking are than these two
9 research engineers for Ford, are you, sir?

10 A. No. I don't know what they would consider high levels
11 is all. I don't know what their numbers are, what
12 they are talking about.

13 Q. You wouldn't --

14 A. That's what they say; that is their opinion.

15 Q. You wouldn't dispute what is set forth by two research
16 engineers who have particular areas of expertise in
17 handling analysis as far as their determination of the
18 effects of suspension jacking or what amounts to high
19 levels of suspension jacking, would you, sir?

20 MR. WALLIS: Objection, form.

21 THE WITNESS: I guess I wouldn't comment
22 either way.

23 BY MR. KASTER:

24 Q. My question is, Do you think you're qualified to
25 dispute what they have in their report?

0096

1 A. No. I don't know what they have in their report is
2 all I'm saying.

3 Q. Well, you know that it reflects that the Bronco II and
4 the UN46 both exhibit high levels of front suspension
5 jacking. You know that?

6 A. That's what it says, yes.

7 Q. And you're not in a position to dispute what they
8 found, are you, sir?

9 A. I guess not.

10 Q. Did anybody give this report to you when you were
11 involved in the suspension of the UN46?

12 A. No. I never saw that report.

13 Q. Who is Trotman, T-R-O-T-M-A-N? Who is Mr. Trotman?

14 A. He was the member of Ford management.

15 Q. Would he be high-level person?

16 A. Yes.

17 Q. Be above you?

18 A. Yes.

19 Q. And are you familiar with his paper for twin I-beam
20 replacement?

21 A. No.

22 Q. Obviously it was written sometime before this report
23 in March of 1990, because it referred to in that
24 report, correct? Correct?

25 A. Yes.

0097

1 Q. But you don't know the date of Mr. Trotman's paper?

2 A. No.

3 Q. And you've never seen it?

4 A. No, I don't believe so.

5 Q. One of the recommendations in this particular report
6 is the program should be initiated to determine the
7 earliest implementation of an SLA front suspension
8 based on the Aerostar. I assume that the Aerostar
9 must have had an SLA back in 1990?

10 A. Yes, it did.

11 Q. And do you know if a program was initiated to replace
12 the twin I-beam in the Explorer subsequent to March
13 26, 1990, with an SLA?

14 A. I don't think there was anything at that time, no.
15 There wasn't a program initiated.

16 Q. So this recommendation that a program be initiated to
17 determine the earliest implementation of an SLA
18 suspension for the Explorer as far as you know was not
19 undertaken at that time?

20 A. Well, I think I read in one of those earlier papers it
21 said that if we did an SLA, it couldn't be done before
22 1998 or something like that, so somebody looked at the
23 time and said it would be a long time before we could
24 do it.

25 Q. You don't know one way or the other, though, do you,

0098

1 sir?

2 A. No.

3 Q. But my question simply to you is that as far as you
4 know, there was no program initiated to determine the
5 earliest implementation of an SLA front suspension for
6 the 19-- for the Ranger or the Explorer in 1990, '91,
7 '92 period?

8 A. Not that I'm aware of, no.
9 Q. How high up was Mr. Trotman?
10 A. I don't know. He may have been a vice president. I
11 don't know.
12 Q. The document I showed you, Exhibit 10, dated July 6,
13 1989, that reflects in part at this time only the
14 P225/70R15 all-season tires approved for Job 1. You
15 remember reading that, don't you, sir?
16 A. Yes.
17 Q. Then it goes on to say, However, all activity should
18 continue to protect for the 235/75 all-terrain tire,
19 introduction of the 245/70R15 tire may be
20 significantly delayed; however, all activities should
21 protect for possible Job 1 introduction. And I take
22 it by that, all activities should protect for possible
23 introduction, they mean by wheel well size and that
24 kind of thing, so that if a bigger tire is introduced,
25 it will fit on the vehicle?

0099

1 A. No, I don't think all development testing had been
2 completed. It had been completed on the 225, so they
3 said go ahead and release the 225.
4 Q. My question wasn't very well said. Let me try again.
5 The terminology to protect for the 235 and
6 245 means to design the vehicle in such a way that if
7 you want to use those tires, they will fit on the
8 vehicle?
9 A. Or don't do anything that would prohibit you from
10 using those.
11 Q. Do you know why the all-season tire in the 245 was
12 going to be significantly delayed?
13 A. I -- I don't know. It would be determined by
14 development testing and so forth.
15 Q. And you already told me that you were not aware of the
16 ADAMS modeling by Firestone before today?
17 A. That's right.
18 Q. In the Exhibit No. 14, there's some terminology I
19 wonder if you might help me with. Mr. Houston in a
20 memo to Mr. Stornant says, and I quote, "In the event
21 you take a poll, my vote would be to change the cycle
22 plan for the UN46 vehicle to replace the current front
23 suspension at the earliest possible opportunity." Do
24 you know what is meant by "cycle plan"?
25 A. Yes. All of our vehicles are planned for model years.

0100

1 Cycle plan is what year you plan changes for your

2 vehicles.

3 Q. And this is -- this series of memos dated in September
4 of 1989 would have been reference in the cycle plan
5 starting with the introduction of the Explorer?

6 A. Or from thereon.

7 Q. Then he goes on, "I believe that this would positively
8 position the vehicle to be immune from criticism
9 arising from allegations regarding limit handling
10 maneuvers." Do you know what's meant by "limit
11 handling maneuvers"?

12 A. No, I don't. I don't know what he's referring to. He
13 was not in engineering. I don't know where his --
14 what his job was.

15 Q. But he was sending this to your boss?

16 A. Yes.

17 Q. Then he goes on to say, "This would also keep the
18 vehicle free from any public relations or competitive
19 attack while NHTSA makes up its mind on what stability
20 test might be appropriate." Did you read this when I
21 handed it over to you a little while ago?

22 A. Yes, I did.

23 Q. Were you aware of this communication prior to today?

24 A. No, I wasn't.

25 Q. When you were in the process of developing the
0101

1 Explorer, no one told you about the concerns that Mr.
2 Houston expressed to Mr. Stornant?

3 A. No.

4 Q. Then Mr. White reflects in this e-mail that's going
5 between Mr. Houston and Mr. White and Mr. Stornant --
6 probably ought to stop. Who is Mr. White?

7 A. Mr. White was, I believe, the chief engineer. He was
8 Mr. Stornant's boss.

9 Q. In the UN46 program and others?

10 A. Yes.

11 Q. Correct?

12 A. Yes.

13 Q. Mr. White says, There's a discussion starting to --
14 there is a discussion starting to revise the Ranger
15 and UN46 suspension due to out-of-date performance of
16 the twin I-beam. Did you see that when I handed you
17 the document?

18 A. I saw that in there, yes.

19 Q. Did anybody tell you at any time during your work on
20 the suspension of the UN46, or for that matter the
21 Ranger, that as early as 1989, Mr. White was

22 expressing or anyone was expressing concern about the
23 out-of-date performance of the twin I-beam?

24 A. No.

25 Q. Today is the first day you learned of that?

0102

1 MR. WALLIS: Objection, form.

2 THE WITNESS: I've never heard that before.

3 BY MR. KASTER:

4 Q. And when was the twin I-beam finally replaced on the
5 Explorer to go to an SLA?

6 A. In 1995.

7 Q. And what's on the Explorers today, the 2003s?

8 A. It has SLA suspension. It's different.

9 Q. Is the SLA subject to the same degree of jacking that
10 the twin I-beam would be under same circumstances?

11 A. I -- I don't know for sure or I've never run any
12 comparisons, but ...

13 Q. I see. Do you know what they talk about when they
14 talk about the out-of-date performance of the twin
15 I-beam?

16 A. No, I don't.

17 Q. You're not aware if that references the Bronco II and
18 the UN46, for example, exhibiting high levels of front
19 suspension jacking with the twin I-beam?

20 MR. WALLIS: Objection, form.

21 THE WITNESS: I'm sorry. What was the
22 question?

23 BY MR. KASTER:

24 Q. This concerns about the out-of-date performance of the
25 twin I-beam. You're not aware of whether that's

0103

1 referencing the high levels of front suspension
2 jacking that were referenced in the reports of the
3 research engineers, Mr. Van Gorder and Mr. Starr?

4 A. No.

5 MR. WALLIS: Can we take a break? The
6 witness didn't get a break the last time.

7 MR. KASTER: I'm sorry, certainly. And as I
8 said before we started, Mr. Mason, anytime you need a
9 break, sir, you just need to tell me.

10 THE WITNESS: Okay.

11 (Off the record at 3:59 p.m.)

12 (On the record at 4:09 p.m.)

13 BY MR. KASTER:

14 Q. Mr. Mason, during the course of your deposition today,
15 we made reference to several vehicles other than the

16 Explorer and the UN46 program that you apparently had
17 some familiarity with, including the Aerostar and the
18 Ranger; and I want to ask you a couple questions about
19 that.

20 As I understand it, when you left the UN46
21 program with direct hands-on responsibility when it
22 went -- after it went into production, then you went
23 to the Ranger program?

24 A. Yes.

25 Q. And how long did you stay with the Ranger program?

0104

1 A. I don't remember.

2 Q. Are we talking about a period of years or months or
3 ...

4 A. Maybe a year or two or a year and a half, something
5 like that.

6 Q. Was that in the chassis department again?

7 A. Yes.

8 Q. Doing the same thing you had been doing with the
9 Explorer?

10 A. Yes.

11 Q. And then you had some involvement with the Aerostar as
12 I understand it?

13 A. A little bit, yes, minor.

14 Q. What was your involvement with the Aerostar?

15 A. I think there was just some minor suspension changes.

16 I think they revised one of the rear -- one of the
17 control arms from a casting to a forging or a
18 stamping, something like that. It was minor.

19 Q. Was that before the Explorer or after? Where did that
20 fit just in the period of time? I don't need dates.

21 A. I think it was after, but it was a minor thing. It
22 wasn't a big program.

23 Q. Well, I noticed that you had been deposed in an
24 Aerostar case. Apparently you were a Ford
25 representative in an Aerostar case in the past?

0105

1 A. Yes.

2 Q. And how was it that you had knowledge of the Aerostar
3 beyond that brief encounter you had with the
4 suspension system or involvement with the suspension
5 system?

6 A. Well, it's all done in the same department. It was
7 all done in the same department, light truck chassis
8 design.

9 Q. So you had more knowledge of the Aerostar than just

10 the hands-on participation that you've told me about
11 with the one alteration that you were involved in?

12 MR. WALLIS: Objection, form.

13 THE WITNESS: As far -- I don't know what you
14 mean, more involvement.

15 BY MR. KASTER:

16 Q. I said you have more knowledge of the Aerostar than
17 just your limited involvement that you've told me
18 about. Obviously, if you were deposed in an Aerostar
19 case, you must have something other than that one
20 little ...

21 MR. WALLIS: Objection, form.

22 THE WITNESS: I think the deposition I did in
23 an Aerostar case was on the rear lift gate cylinder.

24 BY MR. KASTER:

25 Q. Oh, really? You weren't involved in the design of
0106

1 that, were you?

2 A. No.

3 Q. Any other vehicles other than the Aerostar, the
4 Ranger, and the Explorer that you've had any
5 involvement in the design of on behalf of Ford?

6 A. Yes. I worked on the F series pickup, and I worked on
7 the Expedition Navigator.

8 Q. Now, when would you have been involved in the F series
9 in the sequence of Explorer to Ranger? We know we
10 went from Explorer/Ranger. Was the F series after
11 that?

12 A. Yes.

13 Q. Okay. And the Expedition, was that before or after
14 the F series?

15 A. That was after.

16 Q. And you've given testimony in Expedition cases as
17 well?

18 A. Yes, I have.

19 Q. And have you given cases -- depositions in F series
20 cases?

21 A. I don't believe so.

22 Q. Any other Ford vehicles that you were involved in the
23 design or development of other than those vehicles?

24 A. That's most of it, the main programs.

25 Q. Excuse me?

0107

1 A. That's the main programs.

2 Q. But you do have some ongoing knowledge of the Explorer
3 program after you left with hands-on experience in the

4 chassis department?
5 A. Not so much hands-on. I'm aware of what -- some of
6 the changes that happened after, after that.
7 Q. And apparently your responsibility with the Aerostar
8 was around 1990?
9 A. That could be. I don't remember.
10 Q. I was just looking at one of your prior depositions.
11 I can help you with that. It's from the Mason -- I
12 mean, sorry, from the Boury case that I referenced
13 earlier, and I'll read you the page if you want me to.
14 A. That's okay.
15 Q. That sounds about right, doesn't it, 1990?
16 A. That could be, yes.
17 Q. Let me just find the page so we don't have any
18 confusion about that later. Would it be fair to say
19 that you're generally familiar with the suspension
20 system on all these vehicles that you've been involved
21 in directly?
22 MR. WALLIS: Objection, form.
23 THE WITNESS: Yeah, I'm generally familiar
24 with the type of suspension they are.
25 BY MR. KASTER:

0108

1 Q. The report that we started talking about earlier
2 today, the report in 1989 that you put the proposals
3 together, that report had a chart of -- or a timetable
4 as part of that report, didn't it, sir?
5 A. Yes.
6 Q. And do you know where that timetable came from?
7 A. Well, it was input from the different activities as to
8 what the timing would be for -- to make changes or
9 investigations.
10 Q. Did you put that together?
11 A. I compiled the data, yes.
12 Q. And where did you get the data, sir?
13 A. Well, it would have to come from development from the
14 timing people, from purchasing, different activities.
15 Q. I might have asked you this, and I apologize if I'm
16 repeating myself, but I'm looking at my notes here, I
17 don't think I asked you. Who is your supervisor in
18 the design analysis department?
19 A. Richard Ruth.
20 Q. I'm sorry?
21 A. Richard Ruth, R-U-T-H.
22 Q. Who is Richard's supervisor?
23 A. Brian Garrity.

24 Q. Who is Brian's supervisor?

25 A. Sue Chiske.

0109

1 Q. And do you know who Sue Chiske reports to?

2 A. No, I don't.

3 Q. Are any of those people in the OGC, any of the people
4 you just listed there?

5 A. No.

6 Q. You told me when we first started today that the
7 design analysis engineers do engineering support work
8 for OGC?

9 A. Yes, that's true.

10 Q. Do you interact personally with anybody at OGC?

11 A. Yes.

12 Q. Who would you interact with?

13 A. Well, it depends on -- we interact with the attorney
14 who is responsible for the case.

15 Q. I see. And that would depend -- does it change every
16 case? Like in this case there is a different attorney
17 you're dealing with at OGC than in other cases you're
18 involved in?

19 A. Yes.

20 Q. Would you pull out your file reference for this case,
21 please.

22 First I'd like to ask you, what do you
23 understand that your role is to be in reference to
24 your examination of the vehicle?

25 A. My role is just to record data about the vehicle, the

0110

1 vehicle, the condition, and record the information.

2 Q. Then what do you do with that data?

3 A. I provide it to OGC and to local counsel.

4 Q. Do you understand that you have any role in attempting
5 to correlate the data that you have found with the
6 accident reconstruction?

7 A. Only if I'm requested to do so.

8 Q. Have you been requested to do so?

9 A. No, I have not.

10 Q. Do you anticipate that you'll be rendering any
11 opinions at the trial in reference to the specific
12 accident in this case and the occurrence of the
13 accident, accident reconstruction, anything like that?

14 A. No. It's my understanding I will not be.

15 Q. Do you have an understanding that you'll be testifying
16 at trial in any capacity?

17 A. Not that I know of, no.

18 Q. So you've accumulated this data and then you make it
19 available to whoever the appropriate expert is on
20 behalf of Ford in order to help them?

21 MR. WALLIS: Objection, form.

22 THE WITNESS: I make it available to local
23 counsel, and they do with it -- however they want to
24 use it.

25 BY MR. KASTER:

0111

1 Q. Have you made it available to anybody other than local
2 counsel?

3 A. No.

4 Q. May I see your file, please, sir?

5 MR. KASTER: And we might as well go off the
6 record while I do this just so we don't all sit cocked
7 and ready.

8 (Off the record at 4:20 p.m.)

9 (On the record at 4:23 p.m.)

10 BY MR. KASTER:

11 Q. Mr. Mason, I think you'd probably agree with me that a
12 very substantial part of your file is communications
13 from Rand Willis giving you deposition notices,
14 correct?

15 A. That's correct.

16 Q. There's also the letter from Mr. Courtney to Mr.
17 Wallis dated July 7, 2000, with the report from Mel
18 Richardson?

19 A. That's correct.

20 Q. And as I understand from an off-the-record discussion,
21 you don't intend and are not prepared and will not
22 render any opinions, case-specific opinions, in this
23 case; is that correct?

24 A. That's correct.

25 Q. As a matter of fact, you don't have any opinion

0112

1 testimony that you're here to offer today on behalf of
2 Ford; is that correct?

3 A. That's correct.

4 Q. You're really here to give us information about, as
5 the answer to interrogatory says, the Ford Explorer?

6 A. Yes.

7 Q. I notice that they sent you a communication that the
8 trial was continued. Since you're not coming to
9 trial, why do you care? I mean --

10 A. It will affect my deposition, I think.

11 Q. No. The judge has granted a motion to continue trial;

12 therefore, the trial will not commence. You don't
13 really care whether it commences or not.

14 A. So consequently my deposition was delayed.

15 Q. Well, it didn't really address that, so I just thought
16 it was probably a mistake.

17 This is a design analysis letterhead fax to
18 Michelle Hopey (ph), but there isn't anything here.

19 Do you know what was contained in that fax?

20 A. Yeah, a copy of one of my depositions.

21 Q. Okay. Copy of one of your previous depositions?

22 A. Yes.

23 Q. In another case?

24 A. Yes.

25 Q. Do you know which one?

0113

1 A. Garcia.

2 (Exhibit No. 16 marked.)

3 BY MR. KASTER:

4 Q. Okay. And then I've numbered your CV as Exhibit 16.

5 I'll just go ahead and put that in. That's a current
6 curriculum vitae?

7 A. Yes.

8 Q. Then I also see there's a February 16, 2000,
9 communication, to A-I-D-A-R-O-L-D. Who is Al Darold?

10 A. Darold.

11 Q. Darold.

12 A. He was my previous supervisor.

13 Q. I see. And this is from Peter Tassie of OGC?

14 A. Yes.

15 Q. And is Mr. Tassie the person you're dealing with in
16 this case?

17 A. Yes.

18 MR. KASTER: Do you want to look at this
19 before I look at it?

20 BY MR. KASTER:

21 Q. That's really, other than your photographs, everything
22 in your file, Mr. Mason?

23 A. Yes.

24 Q. And as I understand it, Mr. Wallis has agreed to
25 provide me with laser copies of your photographs.

0114

1 A. Yes.

2 MR. WALLIS: That's correct.

3 BY MR. KASTER:

4 Q. Wait. There is one other thing buried down in here,
5 probably of no significance. Handwritten note that I

6 can't decipher and I don't think is probably very
7 important.
8 Let me ask you this, if I could, please, sir.
9 Are you still a full-time employee of Ford?
10 A. Yes, I am.
11 Q. And your office is where?
12 A. In Parklane Towers in Dearborn.
13 Q. And where is your residence, sir?
14 A. In Bloomfield Hills. Bloomfield Hills, Michigan.
15 Q. Do you have a street address?
16 A. Yes.
17 Q. What is that, sir?
18 A. 7101 Cathedral Drive.
19 Q. Do you have any immediate plans to retire from Ford,
20 sir?
21 A. Not that I know of.
22 MR. WALLIS: The only thing I'm removing,
23 Bruce, is a letter. It's actually our initial letter
24 from Ford; that's to the law firm.
25 MR. KASTER: I saw what that was and did not
0115
1 read it. Once I saw it, I thought I better stop.
2 You're asserting privilege on that?
3 MR. WALLIS: Yes.
4 MR. KASTER: Can you just give me the dates
5 so we can have a privilege log here?
6 MR. WALLIS: It's a February 16, 2000, letter
7 from Frank -- from Peter Tassie to Frank McDonald.
8 MR. KASTER: And as I've told you, I did not
9 read it.
10 MR. WALLIS: Right.
11 MR. KASTER: Once I saw what it was, that's
12 why I handed you the packet.
13 MR. WALLIS: It's no big deal, but I figure
14 -- I feel I should retain privilege on that.
15 MR. KASTER: And I'm not suggesting you waive
16 the privilege by letting me look at this. I just want
17 to make it all clear.
18 MR. WALLIS: There's other materials I
19 believe you've already received that would be, first,
20 the complaint in there, and then I believe there's
21 warranty and recall information. It's normally
22 produced.
23 MR. KASTER: Rather than wade through all
24 this, why don't I just make this a composite exhibit,
25 and then I can look through it later. I don't look --

0116

1 appear to be anything particularly significant. I
2 will just make it 17 and that will speed things up. I
3 know you've got a plane to catch.

4 (Exhibit No. 17 marked.)

5 MR. KASTER: I'll return your file to you,
6 sir, at least the bulk of it. I don't have any
7 questions in reference to any of that. Thank you.

8 MR. WALLIS: There are -- Bruce, there are
9 materials that Mr. Mason would have either generated
10 or participated in in his role as a design analysis
11 engineer answering questions either from OGC or
12 myself, and we would be asserting privilege, work
13 product privilege on those.

14 MR. KASTER: Well, let me get clear on that,
15 because I'm glad you are candid enough to be
16 forthright with that.

17 There's things that Mr. Mason has sent to
18 you?

19 MR. WALLIS: There are communications between
20 either Mr. Mason and myself or OGC and myself or OGC
21 and Mr. Mason in his role as a design engineer that's
22 not related to any opinions, obviously, because he's
23 not expressing any opinions in this case that are
24 case-specific opinions, but those would be
25 communications that he would have participated in in

0117

1 his role as a design analysis engineer and interfacing
2 between the lawyers in the engineering community at
3 Ford.

4 MR. KASTER: How many letters that are
5 communication are we talking about?

6 MR. WALLIS: I don't know. I can get you a
7 privilege log for it.

8 MR. KASTER: Will you do that?

9 MR. WALLIS: And I will do that, yes.

10 BY MR. KASTER:

11 Q. Mr. Mason, you're familiar with what Mr. Wallis is
12 talking about?

13 A. Yes.

14 Q. Can you tell me approximately how many pieces of
15 communication we're talking about here?

16 A. I don't know. Maybe fifteen pieces of paper.

17 Q. And I don't want to know -- I mean, I want to know,
18 but I'm not going to ask you what's in those
19 communications, but I need to understand the nature of

20 the communications. You're communicating to Mr.
21 Tassie? Is that the situation?

22 A. Or it's a local counsel.

23 Q. I'm not asking about local counsel now. I'm just
24 starting out with Mr. Tassie. OGC, is that the person
25 you would --

0118

1 A. Yes.

2 Q. These communications to him?

3 A. Yes.

4 Q. How many communications are there between you and Pete
5 Tassie?

6 A. I have no idea.

7 Q. Somewhere between one and fifteen approximately?

8 A. Yes.

9 Q. And they address this case?

10 A. Yes.

11 Q. And they address your analysis of the vehicle in this
12 case?

13 A. Not specifically, no.

14 Q. They address your design of the Explorer in this case?

15 A. No, I don't believe so.

16 Q. And you also have communications between you and Mr.
17 Wallis?

18 A. Right.

19 Q. And the communication between you and Mr. Wallis, you
20 don't know the number of those either?

21 A. No. They would be included in the fifteen.

22 Q. Did they address anything in reference to the vehicle
23 in this case?

24 A. I think there was one in there --

25 Q. Don't tell me what it said. Just tell me if it

0119

1 addresses the vehicle.

2 A. It was kind of a generic question about the vehicle,
3 not this vehicle specifically.

4 MR. KASTER: I'll need to see a privilege log
5 of that. How long will it take for me to get that?

6 MR. WALLIS: No, I mean, I imagine I can have
7 it to you by the beginning of next week.

8 MR. KASTER: I'm very close to winding up,
9 but I want to take just a moment, and I will suggest
10 that we stay on the record, unless you all need a
11 break, for me to confer briefly with my co-counsel
12 before I ask the last few questions that I have, if
13 that's acceptable to everyone.

14 MR. WALLIS: That's fine.
15 MR. DENNEY: Can I show these to him for a
16 second?

17 MR. WALLIS: Sure.

18 MR. KASTER: That's one thing I want to do.

19 BY MR. KASTER:

20 Q. There's a couple of these photographs that I want to
21 ask you about briefly that you took of the subject
22 vehicle, and I'm going to start -- I haven't really
23 marked these yet, I'll mark them if necessary, but I'm
24 going to start with one I have a little tab on that
25 shows the passenger -- looks like right front

0120

1 passenger seat belt latched, and that's a photograph
2 you took, sir?

3 A. Yes, it is.

4 Q. And the -- there appears to be, if I'm not mistaken,
5 some residue. It looks like blood on the seat belt.

6 Do you recall that, sir?

7 A. On the belt itself?

8 Q. On the mechanism or belt.

9 A. If you're talking about the buckle itself?

10 Q. Yes, sir.

11 A. That's rust.

12 Q. You don't remember any blood on either the seat belt
13 or the buckle?

14 A. I don't recall.

15 Q. In any event, the seat belt was buckled when you
16 examined it?

17 MR. WALLIS: Objection, form.

18 THE WITNESS: Can I see the other pictures?

19 BY MR. KASTER:

20 Q. I can show you all of them. Looking at that one --

21 A. The one before and after this one is all.

22 Q. Let me see if I can do that. It would be one -- let
23 me just hand you the whole stack, and they show the
24 same thing but different angles, I think.

25 A. Yes, it was buckled.

0121

1 Q. From your examination of the vehicle, it was apparent
2 that the right front passenger buckle belt was
3 buckled; is that correct?

4 A. Can I see the pictures?

5 Q. Yes, sir. No, the ones I just gave you. I thought we
6 just covered that. I'm not trying to give you a trick
7 there. It was buckled.

8 A. Well, this is the left front.
9 Q. I'm sorry, I thought I gave you the right front.
10 Okay. Left front is buckled. Let me give you the
11 right front. I apologize. I thought I'd given you
12 that one. Probably ought to just give you all your
13 photographs, and that way you can do it instead of me
14 fumbling through all them.
15 A. You're doing great.
16 Q. Here's your rubber band back. Let me hand them to you
17 and ask you if you didn't find that the right front
18 seat belt was buckled.
19 A. Yes.
20 Q. And you don't have any reason to believe that the seat
21 belt wasn't buckled at the time of the accident, do
22 you, sir?
23 A. No, I don't.
24 Q. And the right -- did the doors come open on the
25 vehicle? Can you tell from your photographs whether
0122

1 the doors were open during the course of the accident?

2 MR. WALLIS: Objection, form.

3 BY MR. KASTER:

4 Q. I'm really interested in the -- starting with the
5 right front passenger door.

6 A. I can't tell.

7 Q. Can you tell whether the window -- right passenger
8 window was broken out?

9 A. It appears to be.

10 Q. Do you know what the term "window glazing" is?

11 A. Yes.

12 Q. And the model Explorer you're looking at there is a
13 19, what, '96?

14 A. I believe it's a '96.

15 Q. That vehicle did not have glazed windows for the side
16 windows, did it?

17 A. No, it did not.

18 Q. Are you aware of any of the testing or analysis of
19 window glazing or the effects of window glazing in
20 rollover accidents at Ford?

21 MR. WALLIS: Objection to form.

22 THE WITNESS: No.

23 BY MR. KASTER:

24 Q. Do you recall whether there was any consideration for
25 lowering the engine in the Explorer at any time from
0123

1 the time that you were involved in the development

2 program up until 2002?
3 A. It was discussed; however, that would not be my area,
4 because that's powertrain.
5 Q. I understand that, but I just asked if you were aware
6 that that was a consideration.
7 A. I heard of it, yes.
8 Q. And you were also aware that it was not done because
9 -- that the cost factor was the thing that prohibited
10 the engine from being lowered in the Explorer, right?
11 A. I don't know exactly why it wasn't lowered; however,
12 it's a minor part in the whole CG of the vehicle.
13 Q. Yes, sir. I'm just trying to get to this point that I
14 haven't covered yet, and I'm looking at your prior
15 sworn testimony; that's why I asked you that. So let
16 me read you what you were asked and what you answered,
17 all right?
18 You were asked in the deposition you gave in
19 the Jaramillo case, I probably said that wrong.
20 Question: And they say a decision to retain
21 the carryover engine position minimizes the effect on
22 other vehicle systems' cooling linkage and powertrain
23 but does not take advantage of the fact that the
24 engine could be lowered with an SLA-type suspension.
25 Answer: Yes, that's what it says.
0124
1 Question: One of the difficulties moving the
2 engine position would be you would have to link up the
3 transmission differently, the powertrain, various
4 coolants, and everything else.
5 You said, Yes.
6 Question: And that would increase the cost
7 all over the car; is that true?
8 And you said, It could, yes.
9 Then he said, Okay. And they say here that
10 the decision not to lower the engine with the SLA
11 suspension was driven by early implementation and by
12 program cost. Is that what it says?
13 And you said -- you answered, That's what it
14 says, yes.
15 Do you recall that exchange?
16 MR. WALLIS: Objection.
17 THE WITNESS: Evidently I was reading from
18 some document.
19 BY MR. KASTER:
20 Q. Yes, sir. I know that. I'm not saying you weren't,
21 but do you recall that exchange?

22 A. Vaguely, yes.

23 Q. Well, in any event, you learned in that deposition
24 from a document that you and Mr. O'Neill were
25 referring to that the decision not to lower the engine

0125

1 with the SLA suspension was driven by early
2 implementation and by program cost according to the
3 document that you were reading.

4 MR. WALLIS: Objection, form.

5 BY MR. KASTER:

6 Q. Correct?

7 A. Sure.

8 Q. But you were not aware of it before that depo, right?

9 A. At the time, no.

10 Q. And, obviously, you didn't remember that from the
11 deposition?

12 A. That's right.

13 Q. Is that correct?

14 A. That's correct.

15 Q. But you would agree with us that lowering the engine
16 would cost additional money, correct; is that correct?

17 A. Yes. That's correct.

18 Q. And apparently that was one of the considerations in
19 not doing it based on documents you've seen
20 previously, correct?

21 A. Yes.

22 Q. I want to try and before we leave just briefly
23 summarize some of the things that we've covered here
24 today and make sure I've got it accurate; and if I'm
25 not accurate, you tell me, all right?

0126

1 A. Okay.

2 Q. During the -- your involvement in the development of
3 the Explorer and your involvement in the design of the
4 chassis and components that we've talked about
5 including the suspension, the -- let me make sure I
6 get this right -- the wheels and tires and the
7 steering, you did not have access to or information
8 regarding the ADAMS J-turn results for Job 1, correct?

9 A. That's correct.

10 Q. And you did not have Arizona Proving Ground tests?

11 A. That's correct.

12 MR. WALLIS: Objection, to form.

13 BY MR. KASTER:

14 Q. And you did not have analysis of suspension jacking of
15 the twin I-beam suspension that we've referred to?

16 A. No.

17 MR. WALLIS: Objection to form.

18 BY MR. KASTER:

19 Q. Correct?

20 A. That's correct.

21 Q. And you did not have any information regarding failure
22 of the 235 tires in testing on the Arizona Proving
23 Grounds and ADAMS test where there was two-wheel
24 liftoff, correct?

25 MR. WALLIS: That's correct.

0127

1 MR. WALLIS: Objection, form.

2 BY MR. KASTER:

3 Q. And you were not aware until today that Mr. Figliomeni
4 of Firestone did the ADAMS modeling for the signoff on
5 the Explorer, correct?

6 MR. WALLIS: Objection, form.

7 THE WITNESS: That's correct.

8 MR. KASTER: I think that's all I've got.

9 BY MR. KASTER:

10 Q. Let me ask you, before today, were you aware that
11 ADAMS was used for the final signoff on the J-turn
12 testing instead of the actual tests themselves?

13 MR. WALLIS: Objection, form.

14 THE WITNESS: In 1989?

15 BY MR. KASTER:

16 Q. Well, I'll ask you several questions. Have you ever
17 been advised by Ford, anyone at Ford, supervisors or
18 anyone else, that ADAMS modeling was used for the
19 signoff on the Explorer rather than any type of
20 vehicle handling test, J-turn, CU, or any other actual

21 --

22 A. No, I have not.

23 MR. WALLIS: Objection, form.

24 THE WITNESS: No, I have not.

25 BY MR. KASTER:

0128

1 Q. Okay. And no one told you at the time the vehicle was
2 to be developed or anytime before today that the
3 J-turn ADAMS analysis showed two-wheel liftoff with
4 the 235 tire?

5 MR. WALLIS: Objection, form.

6 THE WITNESS: No, they did not.

7 BY MR. KASTER:

8 Q. Did you know when you were involved in the design of
9 the Explorer that Ford was doing Consumer Union tests

10 at the Arizona Proving Grounds?

11 A. I wasn't aware what testing was going on, no.

12 Q. So you've already told me you weren't aware of the

13 results of those tests, but you weren't even aware

14 they were doing those tests until later?

15 A. Right.

16 Q. And you weren't aware that senior engineers at Ford

17 had recommended SLA before Job 1 on the UN46, were

18 you?

19 A. No.

20 Q. You weren't aware of that when you were working on the

21 design, correct?

22 A. That's correct.

23 Q. And you weren't aware of it as far as you can recall

24 until we brought it to your attention today.

25 MR. WALLIS: Objection, form.

0129

1 THE WITNESS: At that time, yes.

2 BY MR. KASTER:

3 Q. Let me make sure I'm clear on this.

4 Before I brought it to your attention today,

5 you don't recall that you were ever aware that senior

6 engineers at Ford had recommended the SLA before Job 1

7 on UN46?

8 A. That's correct.

9 Q. And you weren't aware that senior management at Ford

10 had considered the twin I-beam to have been

11 undesirable because of the jacking phenomenon, were

12 you?

13 A. No.

14 Q. That was -- before today, you weren't aware of it?

15 A. That's correct.

16 Q. What we have done is to take the questions I just

17 asked you and make them exhibits, so let me show you

18 Exhibit 18 where I've gone through or we've gone

19 through and summarized this, so just ask you to look

20 at that, if you would, sir. I want you to read it and

21 make sure it's accurate.

22 MR. KASTER: And that's Exhibit 18.

23 MR. WALLIS: You're going to mark that as an

24 exhibit? Okay. Then I'm going to want my objections

25 that have been made on the record to the questions

0130

1 that you have posed noted for the record.

2 MR. KASTER: Yes, sir, and have no problem

3 with that.

4 MR. WALLIS: Okay.
5 (Exhibit Nos. 18 & 19 marked.)
6 THE WITNESS: Do you want to see this?
7 BY MR. KASTER:
8 Q. While Mr. Wallis is looking at it, did you have a
9 chance to read it?
10 A. Yes.
11 Q. And does it accurately reflect our discussion just
12 now?
13 A. Yes.
14 Q. And let me -- while he's looking at that, let me just
15 let you look at 19, and then I think we're done, and
16 we can get him out of here if he needs to make a
17 plane; or if he wants to ask you questions, we'll hang
18 around.
19 MR. WALLIS: And just so the record is clear,
20 these are not -- these two exhibits, Exhibit No. 18
21 and 19, are by no means exhibits that the witness has
22 prepared or that Ford Motor Company prepared. You all
23 prepared these today sitting in this deposition.
24 MR. KASTER: Just right now when we were on
25 the break.
0131
1 MR. DENNEY: They are a summary of the
2 testimony that he just gave.
3 BY MR. KASTER:
4 Q. Does 19 appear to be accurate as well, sir?
5 A. Yes.
6 Q. Would you initial both of these for me, sir?
7 MR. WALLIS: Why is he initialing them?
8 MR. KASTER: I just want his initials on it.
9 MR. DENNEY: Won't be any question when I get
10 to transcript of the record which one he's looking at.
11 MR. WALLIS: No, no. He's not going to
12 initial those, because then you are going to fax them
13 all over the country and have Jim Mason's initials on
14 those, and it's going to be represented as being from
15 Jim Mason.
16 MR. KASTER: That isn't what I intended to
17 do. You're instructing him not to initial it?
18 MR. WALLIS: That's correct.
19 BY MR. KASTER:
20 Q. Would you date it, please, sir?
21 MR. WALLIS: No, you can date it, Bruce.
22 THE WITNESS: You can date it.
23 MR. WALLIS: You can date it.

24 MR. KASTER: You instructed him not to date
25 it?

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1 MR. WALLIS: Yes.

2 MR. KASTER: I think that's all the questions
3 we have, Rand, unless you've got questions.

4 MR. WALLIS: Yeah, I do. I need Exhibit 3.
5 I guess it's over there somewhere. This is 4 and I
6 think 1 and 2.

7 MR. KASTER: I don't have any exhibits here.

8 MR. WALLIS: We can go off the record for
9 right now.

10 (Off the record at 4:49 p.m.)

11 MR. KASTER: I've completed all of my
12 questioning at this time, and I'm going to turn the
13 witness over to Mr. Denney to ask questions in the
14 Mumford Robinson case, but I understand that Ford has
15 an objection to that, and as I understand it, Rand,
16 you're not going to allow him to ask any questions for
17 Mumford Robinson today?

18 MR. WALLIS: That's correct, given the fact
19 I'm not attorney of record in Mumford Robinson.

20 MR. KASTER: I understand. Well, you're here
21 on behalf of Ford.

22 MR. WALLIS: Right, in the Hall-Edwards case.

23 MR. KASTER: Right. Well, we're prepared to
24 go forward in Mumford Robinson and ask questions or
25 we're prepared to come back another day. If you'll

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1 allow him to ask questions in Mumford Robinson, we'll
2 take care of that today. If you won't, then, you
3 know, we won't -- obviously we can't, and we'll stop
4 now, and we'll come back and do Mumford Robinson
5 another time.

6 MR. WALLIS: Well, his deposition I am here
7 to defend his deposition in the Hall-Edwards case.
8 The objection has been put on the record that I was
9 asked to put on the record by attorneys in the Mumford
10 Robinson case that the deposition notice as it
11 concerns Mumford Robinson is improper, so I'll leave
12 it for the attorneys in the Mumford Robinson case to
13 fight about the properness or improperness of the
14 deposition notice as it concerns Robinson for Mr.
15 Mason today.

16 MR. KASTER: I guess I have a different
17 question for you, Rand.

18 MR. WALLIS: Okay.
19 MR. KASTER: Would you be agreeable to allow
20 Mr. Denney now to ask questions in Mumford Robinson?
21 MR. WALLIS: No.
22 MR. KASTER: Would you instruct the witness
23 not to answer those questions?
24 MR. WALLIS: As it concerns the Mumford
25 Robinson case, yes.

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1 MR. KASTER: That's all I needed.
2 MR. DENNEY: Why don't you -- Rand, why don't
3 you put that instruction in the record. What I don't
4 want is for them to ever say to a judge that I didn't
5 ask the questions.
6 MR. WALLIS: When you had a chance.
7 MR. DENNEY: When I had a chance.
8 MR. WALLIS: Okay.
9 MR. DENNEY: So will you go ahead and tell
10 Mr. Mason not to answer my questions about that?
11 MR. WALLIS: Sure. We have been on the
12 record, right?
13 So I would be instructing Mr. Mason as it
14 concerns any questions that have been -- will be asked
15 of him in the Mumford Robinson case, I would instruct
16 him not to answer those based upon instructions given
17 to me by counsel at Ford or for Ford in the Mumford
18 Robinson case.
19 MR. DENNEY: Thank you. I'll be back to
20 Dearborn a lot. I'll be back up in Michigan in other
21 cases or in the future when we can do it. I just
22 wanted to be sure that I wasn't waiving any way my
23 opportunity to do that at another time.
24 MR. WALLIS: Okay.
25 MR. DENNEY: Rand, I've tried to put these in

0135

1 order for you in the meantime.
2 MR. WALLIS: I don't have many questions.
3 MR. KASTER: Are we on the video? Let's go
4 back on the video.
5 (Back on video record at 4:53 p.m.)
6 EXAMINATION
7 BY MR. WALLIS:
8 Q. Mr. Mason, I have just a few question as follow-up to
9 some of the questions Mr. Kaster has asked of you on
10 direct examination.
11 You've talked about you spent 14 years I

12 believe as a supervisor in suspension or light truck
13 chassis and suspension; is that correct?
14 A. That's correct.
15 Q. And at the time you were in that position, can you
16 give me an idea of how many employees you would have
17 supervised?
18 A. Probably between eight and twelve.
19 Q. And those employees below you that you would have
20 supervised, what kind of -- what kind of activities
21 and job functions would they have been performing?
22 A. They have responsibility for the design of the
23 components. They direct the draftsmen and the people
24 to make the drawings, they order parts for prototype
25 builds and so forth.

0136

1 Q. And during that period in time, that's what you're
2 building, you're building prototypes; is that correct?
3 A. Yes.
4 Q. And then would you and that particular department be
5 responsible for the testing of the prototype hardware
6 that you're designing?
7 A. We'd be responsible for testing the individual
8 component tests but not the total vehicle.
9 Q. Okay. And would that testing of the total vehicle
10 such as Mr. Kaster has talked about -- dynamic
11 testing, vehicle testing, on-track testing, ADAMS
12 testing -- those functions would be performed by other
13 parts of Ford Motor Company; is that correct?
14 A. That's correct.
15 Q. Okay, all right. And above you you've talked that you
16 reported to somebody as well?
17 A. Yes.
18 Q. And in that fourteen-year period when you were in
19 light truck, who did you report to?
20 A. It varied.
21 Q. Okay.
22 A. During the design of the Explorer, though, it was
23 Roger Stornant.
24 Q. And Mr. Stornant then reported to other persons,
25 correct?

0137

1 A. Yes.
2 Q. Okay, all right. And there's been discussion about
3 the document Exhibit No. 3, and it's been your
4 testimony that that document, which is a six-page
5 document, you specifically recall putting together the

6 information that would have been the proposed UN46
7 chassis design modification document, correct?

8 A. Yes, that's correct.

9 Q. There's been a lot of discussion about that. And then
10 the redesign timing document, you would have put that
11 document together, correct?

12 A. Yes.

13 Q. Based upon information you received from other people
14 within Ford Motor Company?

15 A. That's correct.

16 Q. Okay, all right. And are those the only two pages of
17 that Exhibit No. 3 that you, yourself, remember
18 putting together?

19 A. Those are the only documents that I recognize.

20 Q. Okay, all right. And at this point in time when this
21 document was put together, I believe there was a date
22 in there?

23 A. It's on the bottom.

24 MR. KASTER: June of 1989, I think.

25 BY MR. WALLIS:

0138

1 Q. June 15th of 1989. What -- Roughly in that time
2 period, what -- where was the UN46 in terms of
3 development and production?

4 A. At that time, the vehicle would be probably 80 to 90
5 percent complete.

6 Q. Okay. So there still would have been changes being
7 made to the vehicle, and would it have still been
8 considered to be a prototype?

9 A. Yes.

10 Q. Okay. All right. Is there -- Are there portions of
11 this document, Exhibit No. 3, that in reviewing that
12 document allow you or shed any light on the fact that
13 Ford Motor Company was investigating how exactly to
14 come about at the final design of the UN46 Explorer?

15 MR. KASTER: Objection to the form.

16 THE WITNESS: Yes, because in their
17 conclusions, they made recommendations of things to be
18 done.

19 BY MR. WALLIS:

20 Q. Okay. And following -- Based upon that document and
21 the fact that you put the information together on the
22 two pages that you've already talked about today
23 including the proposals or recommendations for
24 proposed changes, would it have been the standard
25 procedure at Ford Motor Company in designing

0139

1 automobiles that once those proposals were made that
2 from that point forward people would go out and
3 investigate those proposals?

4 A. Yes, that's true.

5 MR. KASTER: Object to form.

6 THE WITNESS: In fact, the first item on the
7 timing is an investigation period to investigate the
8 proposals.

9 BY MR. WALLIS:

10 Q. All right. Mr. Kaster talked about Job 1 date and
11 there's been a lot of discussion about Job 1 date and
12 delaying Job 1 date and two of the four proposals did
13 not delay Job 1 date. Is the delaying of a Job 1 date
14 in the production of any automobile the sole
15 determining factor as to whether or not you implement
16 a change?

17 A. No, no, it isn't.

18 Q. Okay. Have you been at Ford Motor Company aware of
19 times when Job 1 dates have been delayed?

20 A. Yes, I have.

21 MR. KASTER: Object to the form.

22 BY MR. WALLIS:

23 Q. Do you know if Job 1 delay -- if the Job 1 date was
24 delayed for the UN46?

25 A. I don't believe it was.

0140

1 Q. This document, Exhibit No. 5, I believe that was the
2 spreadsheet of testing -- track testing that was done.
3 Is it all APG, that would be --

4 A. Yes.

5 Q. Do you have an understanding as to what the
6 abbreviation APG means?

7 A. Yes, that's Arizona Proving Grounds.

8 Q. Okay. And you got a number of tests there, and a
9 multiple-page document. The vehicles that are being
10 tested there, there's reference to a Bronco II,
11 correct?

12 A. Yes.

13 Q. There's reference to UN46, correct?

14 A. Yes.

15 Q. Okay. And a number -- Are there different kinds of
16 UN46s that are being tested at Arizona Proving
17 Grounds?

18 A. Yes. All different configurations.

19 Q. And the date of that testing was in '89, correct?

20 A. Yes.

21 Q. The Bronco II vehicle that was being tested in '89,
22 would that have been a production vehicle?

23 A. No, it would not. It had to be a prototype.

24 Q. All right.

25 A. There are other vehicles on there also. There's a
0141

1 Nissan Pathfinder and Ford Rangers.

2 Q. The Pathfinder and the Ford Ranger, would those have
3 been production vehicles?

4 A. The Nissan Pathfinder would have been.

5 Q. Okay. And the 46, UN46 vehicles that were being
6 tested, would those have been production or prototype?

7 A. They had to be prototypes as were the Rangers.

8 Q. Mr. Mason, have you -- you've been with the company
9 over thirty years, correct?

10 A. Yes, that's correct.

11 Q. And during that time you've had the opportunity to not
12 only help in the manufacturing -- the design and the
13 development and the manufacturing of automobiles,
14 you've also had the opportunity to drive those
15 vehicles, correct?

16 A. That's correct.

17 Q. Okay. You've driven those vehicles both for work and
18 for your own personal use?

19 A. Yes, I have.

20 Q. All right. Has that included the UN46 vehicle?

21 A. Yes.

22 Q. The subsequent edition of the 46, the UN105, have you
23 also used that vehicle both in your work and also
24 personally as a personal vehicle?

25 A. Yes. We had a '91 Explorer, and my daughter has a '96
0142

1 Explorer right now, and my son has a Mountaineer.

2 Q. So you have a son and daughter, correct?

3 A. I have four daughters and a son.

4 Q. Four daughters and a son? Son the youngest one?

5 A. No.

6 Q. Okay. Do you have any grandkids?

7 A. Yes.

8 Q. Okay. Have you on occasion had the opportunity to
9 transport your family in UN46 Explorers?

10 A. Certainly.

11 Q. Have you ever been concerned as to the safety of the
12 UN46 when transporting your family for personal use?

13 A. Not at all.

14 Q. How about with the UN105, have you had any concerns?

15 A. Not at all, no.

16 Q. In addition to discussion of the Job 1 date, there's
17 also been talk of cost in your deposition today and
18 cost being a factor in design changes that are made.
19 Is cost the only -- or the determining factor that
20 Ford Motor Company uses to decide whether or not to
21 implement a design change?

22 A. Oh, definitely not. It's just one factor. There's a
23 lot of other factors to consider.

24 Q. The only other thing that I would want to do is attach
25 as an exhibit -- and it can be whatever the last -- I

0143

1 don't know what the last one is you're at.

2 MR. KASTER: Nineteen is the last one.

3 MR. WALLIS: So No. 20, would that be it?

4 MR. KASTER: What are you going to attach?

5 MR. WALLIS: I'm going to attach the
6 objections to the notice of taking deposition.

7 MR. KASTER: I have no problem with that.
8 Could I see Exhibit 3? I got a couple quick things
9 for him before we get out of here.

10 (Exhibit No. 20 marked.)

11 REEXAMINATION

12 BY MR. KASTER:

13 Q. While I'm looking at this, Mr. Mason, have you ever
14 had a tread belt separation on a rear tire on an
15 Explorer while it was driving in excess of 70 miles an
16 hour?

17 A. No, I haven't.

18 Q. Have you ever had a situation in excess of 70 miles an
19 hour where the vehicle went off the road and you had
20 to come back on the road at that speed?

21 A. I don't recall.

22 Q. Have you ever had an emergency maneuver where you've
23 had to quickly change lanes with a steering input of
24 over 180 degrees at miles -- at speeds of 175 miles an
25 hour -- I mean 75 miles an hour?

0144

1 A. I don't know. I have no way of recording them.

2 Q. Now, the investigation period that was on the redesign
3 timing list was -- it says June-July looks like, 14
4 June to 12 July; is that correct?

5 A. It looks correct.

6 Q. That was about a month then?

7 A. Yes. So that means probably these numbers on the

8 previous page were estimates by people, not
9 necessarily facts.
10 Q. You don't know?
11 A. I don't know. There hasn't been an investigation, so
12 they are probably estimates.
13 Q. We just have to rely on what the document says,
14 correct?
15 A. Fine.
16 Q. We don't want to start speculating about what it
17 means, do we?
18 A. Right.
19 Q. Am I correct?
20 A. You're correct.
21 Q. One of the considerations as far as chassis revisions
22 was to utilize the chassis divisions that were
23 possible without delaying Job 1, correct?
24 MR. WALLIS: Objection, form.
25 THE WITNESS: Well, it was a consideration,

0145

1 yes.
2 BY MR. KASTER:
3 Q. In fact, one of the bullet reports on the documents
4 that you put together reflected, and I quote, Utilize
5 as many of the chassis revisions as possible without
6 delaying Job 1, end of quote.
7 MR. WALLIS: Objection, form.
8 BY MR. KASTER:
9 Q. I'm looking at your sworn deposition testimony from
10 Jaramillo, and I'll read it to if you want me to.
11 A. That's referring to a document, the document.
12 Q. It is referring to the document, and I'll read it to
13 you if you want me to.
14 A. What document?
15 Q. The document that you prepared, Exhibit -- what they
16 would call Exhibit 18 throughout this deposition, and
17 I'll go back to page 28, and he starts talking about
18 Exhibit 18, the document that you put together, and he
19 goes on to page 31 where he says, "And if you look at
20 the next page, there are some recommendations," and
21 you say, "Yes." He says in the first bullet, quote,
22 Utilize as many of the chassis revisions as possible
23 without delaying Job 1, quote. And he says, "Is that
24 what it says?" And your answer is, "That's what it
25 says."

0146

1 Would that testimony have been true and

2 accurate when you gave it?
3 A. I assume it was. I don't know what the document is
4 they are referring to.
5 Q. I will represent to you it refers to document Exhibit
6 No. 18 which is the document that you put together
7 with your initials on it according to your sworn
8 testimony.
9 MR. WALLIS: Objection, form.
10 BY MR. KASTER:
11 Q. There are two documents dated June 15, 1989, one of
12 them with your initials and one without. The one with
13 your initials, according to your sworn testimony.
14 And, I'll read it to you again, "If you look at the
15 next page there is some recommendations, correct?"
16 "Yes." And the first bullet, "Utilize as many of the
17 chassis revisions as possible without delaying Job 1.
18 Is that what it says?" And your answer, "That's what
19 it says." You would have given truthful testimony,
20 wouldn't you, sir?
21 A. Yes.
22 MR. WALLIS: Objection, form.
23 BY MR. KASTER:
24 Q. I'm reading from page 31 of the trans--
25 A. I'm only aware of the two documents that had my name
0147
1 on it, and neither one of them had that recommendation
2 you've shown me.
3 Q. That's all I've shown you today, because I don't have
4 all the documents, Mr. Mason. I'm reading from your
5 sworn testimony. You would have told the truth,
6 wouldn't you?
7 A. Certainly.
8 MR. WALLIS: Objection to form.
9 BY MR. KASTER:
10 Q. May I see 13 again or do I have it? Did I give it
11 back to you?
12 MR. WALLIS: That's 3.
13 MR. KASTER: I'm sorry, could I see 3? I
14 need to see all the exhibits quickly before we shut
15 down here. I think we've got them all. Thank you. I
16 guess we're done.
17 MR. WALLIS: I don't have any questions.
18 He'll read. We'll read.
19 MR. KASTER: Okay.
20 (Deposition concluded at 5:11 p.m.)
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6 WITNESS VERIFICATION

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I, JAMES MASON, having read the foregoing transcript of my deposition consisting of my testimony, do hereby attest to the correctness of the transcript.

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19 NAME

20 _____

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22 DATE

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CERTIFICATE OF NOTARY
STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

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14

I, Cindy A. Boedy, do hereby certify the witness, whose attached testimony was taken in the above matter, was first duly sworn to tell the truth; the testimony contained herein was recorded by me stenographically and later reduced to typewritten form under my supervision, and is a true and complete transcript of the testimony given by the witness.

I further certify that I am not connected by blood or by marriage with any of the parties, their attorney or agents; and that I am not interested

15 directly, indirectly, or financially in the matter of
16 controversy.

17 In witness whereof, I have hereunto set my hand
18 this day in Troy, Michigan, County of Oakland, State
19 of Michigan.

20 -----
21 Cindy A. Boedy, CSR 4696
22 Certified shorthand Reporter
23 Notary Public, Oakland County, MI
24 My commission expires 10-4-07
25