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FORD MOTOR COMPANY'S RECALL OF CERTAIN FIRESTONE TIRES

JOINT HEARING

BEFORE THE

SUBCOMMITTEES ON
COMMERCE, TRADE, AND CONSUMER PROTECTION

AND

OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

JUNE 19, 2001

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FORD MOTOR COMPANY'S RECALL OF CERTAIN FIRESTONE TIRES

TUESDAY, JUNE 19, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON COMMERCE, TRADE AND
CONSUMER PROTECTION, JOINT WITH
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
Washington, DC.

The subcommittees met, pursuant to notice, at 10:35 a.m., in room 2123, Rayburn House Office Building, Hon. Cliff Stearns (chairman of the Subcommittee on Commerce, Trade, and Consumer Protection) presiding.

Members present Subcommittee on Commerce, Trade, and Consumer Protection: Representatives Stearns, Upton, Deal, Whitfield, Shimkus, Bryant, Pitts, Terry, Tauzin (ex officio), Towns, Capps, Doyle, Harman, Markey, Gordon, Deutsch, and Dingell (ex officio).

Members present Subcommittee on Oversight and Investigations: Representatives Greenwood, Stearns, Burr, Whitfield, Tauzin (ex officio), Deutsch, Stupak, Strickland, and Dingell (ex officio).

Also present: Representative Sawyer.

Staff present: Thomas DiLenge, majority counsel; Kelly Zerzan, majority counsel; Ann Washington, majority counsel; Jennifer Safavian, majority counsel; Will Carty, legislative clerk; Peter Kielty, legislative clerk; Edith Holleman, micority Counsel; M. Bruce Gwinn, minority professional staff member; and Christopher H. Knaver, minority investigator.

Mr. STEARNS. Good morning. The joint committees will come to order. Welcome to the joint Commerce, Trade, and Consumer Protection Subcommittee and Oversight and Investigations Subcommittee, hearings to discuss the issue of Ford's recall of certain Firestone tires.

I welcome all of our distinguished witnesses, including Mr. Nasser, the President and CEO of Ford Motor Company; and Mr. Lampe, President and CEO of Bridgestone/Firestone, Incorporated; and the Honorable Michael Jackson, Deputy Secretary of the Department of Transportation.

It has only been 8 months since the committee last visited the issue of tires. Last September, we held hearings on Firestone's recall of its Wilderness ATX and ATX II and certain Wilderness tires due to their excessive propensity to detread in high rates of speed.

This year our committee examines the tire issue again. Although this hearing does not present such clear cut facts, we are confronted with a most unusual situation, where one company is re-

calling the product of another company. The day after Firestone rejected Ford's request to recall additional tires and declared its decision to end its relationship with Ford, a historic American corporate partnership dating back 100 years, Ford Motor Company decided to voluntarily recall all Firestone Wilderness AT tires on all of its vehicles, encompassing a total of 13 million tires at a cost of nearly $3 billion.

Why a recall? What prompted this replacement program? Ford tells us that this significant action was warranted based on increasing tire claim rates for certain Firestone Wilderness AT tires and on Ford's own laboratory testing. Firestone, on the other hand, tells us that the Firestone Wilderness AT tire performed similar to competitors in its own testing, and that some of the tires being replaced by Ford have little to no tire claims. Further, Firestone publicly questions the stability of the Ford Explorer, the vehicle in which most of the tire claims have taken place.

To prove their case, both companies have conducted tests, performed experiments and hired experts. Both companies have loaded us with charts, statistics and diagrams. Unfortunately, when asked the same questions, the companies respond with two different answers. The information presented by both Ford around Firestone is typically contradictory and incompatible. But the one conclusion that cannot be questioned is that there is an increase in consumer confusion. The position of Ford and Firestone necessarily reflects their different vantage points, influenced by shareholders' profits, motives and litigation considerations.

My point is this: We cannot rely solely on Ford and Firestone to provide us with all this information, and we can't expect the American consumer to do the detailed and lengthy analysis that is necessary to reach a conclusion.

That is specifically why we have a government agency dedicated to automobile safety, namely the National Highway Traffic Safety Administration, or NHTSA. Pursuant to statute, NHTSA's mandate is to carry out safety programs under the National Traffic and Motor Vehicle Safety Act of 1996 and the Highway Safety Act of 1966. Specifically NHTSA is responsible for, among other things, reducing deaths, injuries and economic losses resulting from motor vehicle crashes by setting and enforcing safety performance standards and investigating safety defects in motor vehicles.

Therefore, we must look to the agency expert in these issues for guidance, and we are fortunate to have honorable Michael Jackson, Deputy Secretary of the Department of Transportation, here to testify, accompanied by NHTSA personnel. However, it is my understanding that while NHTSA has been investigating these tire issues since last year, the agency has not reached any final result and will not be providing us today with any firm conclusions. In fact, NHTSA's investigation is not expected to conclude until later this summer, but meanwhile, there are a number of outstanding safety issues. What is the proper failure rate for tires? Is there a baseline upon which all tires should be judged, what are what other factors should we be relying on to determine whether tires are strong and stable? In other words, what is safe? And just as important, is NHTSA prepared to implement the law passed by this committee in response to the Ford Firestone problem, the

TREAD Act? Under the TREAD Act, truckloads of information will soon be deposited on NHTSA's doorstep. Is the agency prepared to utilize this information to effectively protect the driving public?

All of these questions deserve answers, and I hope NHTSA is prepared to offer conclusions soon. American citizens pay taxes for government services. NHTSA provides a service and NHTSA's customers, the U.S. taxpayers, are not getting the answers they paid for.

Unfortunately, in the absence of NHTSA's independent analysis to analyze the Ford and Firestone positions, many parties will pay a price. The effect of this voluntary recall has far-reaching ramifications well beyond the parties involved. Not only does this recall affect Ford and Firestone, but the recall also affects car manufacturers whose customers will question the safety of Firestone Wilderness AT tires on their own vehicles. And the recall affects other tire companies who must change production patterns to make replacement tires for Ford's vehicles.

Caught in the middle is the consumer, who is questioning whether Firestone tires are safe and whether the Ford Explorer is stable? But in debating this issue, it is all too easy to focus on the individual parts and miss the big picture. We are here to protect the American consumer from both detreaded tires and allegation from unfounded fears arising from conflicting information. This hearing is designed to produce information that the customer can use to best educate him or herself.

I thank the chairman of the Oversight Investigation Subcommittee, Chairman Greenwood, for jointly hosting this hearing, and I look forward to hearing from our witnesses. At this, the ranking member—acting ranking member—for an opening statement, Mr. Dingell, the ranking member of the full committee.

Mr. DINGELL. Mr. Chairman, I thank you for your kindness in recognizing me, and I want to thank you for this important hearing. This is the second time in a year that the committee is considering safety problems involving Firestone tires. Last year, the Ford Motor Company determined from information it requested and received from Firestone that there were an unusually high number of claims, fatalities and injuries resulting from——

Mr. STEARNS. Mr. Dingell, is your microphone on?

Mr. DINGELL. As best I can determine, Mr. Chairman.

Mr. STEARNS. I am just having a little trouble hearing, that is all.

Mr. DINGELL. Should I get closer?

Mr. STEARNS. Yes. There you go.

Mr. DINGELL. At Ford's insistence, Firestone then recalled 6.5 million tires, including all ATX tires produced for the Explorers. In addition, Ford found that the claims were so high for other Explorer tires that Firestone produced in Decatur, Illinois that Firestone also had to recall 15-inch Wilderness AT tires produced for Ford at that plant.

With new information it received from Firestone on May 11 of this year, Ford determined that last year's recall did not take care of the problem. Instead, there are rapidly growing number of Firestone claims involving Explorer tires that are not recalled last year. The data received in May show that there have been 110 tread sep-

aration claims involving Firestone's Wilderness AT tires compared with only 27 claims in the data provided to Ford last August. During this same period of time, crash claims have gone from 0 to 20, moreover, claims from 0 to 11, injury claims from 0 to 22 and fatality claims from 0 to 7.

Seeing in this new data the same safety concerns and trends that caused last year's recall, Ford announced on May 22nd its Firestone tire replacement program. This is not a recall, because Ford did not make the tires. Under this replacement program, Ford will either replace or reimburse vehicle owners for the replacement of 13 million Firestone tires. Ford estimates that it will take 9 months, as much as $3 billion to complete the Firestone tire replacement program.

Ford's action has sparked a lot of finger pointing, but the public rightly wants to know whether the tires on their vehicles are safe, and they are entitled to know that. Are the tread separations Ford has identified unique to Firestone tires, or do other tires have similar problems?

Is Firestone continuing to produce tires that endanger the public safety? Are there particular Firestone manufacturing facilities that are producing bad tires? Should tread separation be viewed as a foreseeable event, as some have suggested? Unfortunately, the one best able to answer these and other important questions has yet to be heard from. The National Highway Traffic Safety Administration began its investigation of the 47 million ATX, ATX II and Wilderness tires manufactured by Firestone more than a year ago. It has yet to complete its testing and analysis. It is probably months away from issuing its report and findings.

At this time, NHTSA's task is made more difficult by the fact that it has no permanent or even acting administrator, something which must be cured quickly. The administration needs to give its attention to getting control of this agency and having it complete its work in an efficient and timely manner. Both Ford and Firestone have provided huge quantities of information to the committee and NHTSA. Particularly instructive is the data on the performance of Firestone and Goodyear tires when about an equal number of tires from each manufacturer were put on Explorers in model years 1995, 1996 and 1997.

Through the end of last year, data for these model years that Ford received from Firestone reveals that there have been 1,183 claims involving tread separations on the Firestone tires, and only two claims involving tread area problems on Goodyear tires. Furthermore, the two Goodyear tire claims were for property damage only. No deaths injuries or lawsuits were involved. And according to Goodyear, these claims may have involved nothing more serious than a puncture, rather than total tread separations that have occurred on Firestone tires.

Goodyear says its tires hold up as well on the Explorer as on other vehicles. From 1996 through the year 2000, Goodyear says 87.7 million of its tires have been used on SUVs other than Explorers, light trucks, minivans and station wagons. And during that time, Goodyear has had no tread separation claims involving deaths, injuries or lawsuits.

However, the data tells quite a different story for the Firestone tire. Tread separation claims involving the Firestone tire on the Explorer have continued to grow. Ford's analysis of the data it received from Firestone in May shows that in the fifth year of use, the 16-inch Wilderness AT tire produced at Firestone's Wilson, North Carolina plant has an extremely high tread separation rate of 450 claims per million tires.

So why is there such a big difference in the claims rates for Goodyear and Firestone tires? It has been suggested that Ford shipped many more Explorers equipped with Firestone tires to hot-weather States than did Explorers equipped with Goodyear tires. Sounds possible, but it doesn't appear to be true. In model years 1995 through 1997, Ford says it shipped 95,000 Explorers with Firestone tires and 85,000 Explorers with Goodyear tires to hot weather states, Arizona, Florida, Louisiana, Mississippi, Nevada and Texas. Although most tread separation claims have come from hot weather States, not a single one of these claims involve death, injury or a lawsuit attributable to a Goodyear tire on the Explorer vehicle.

It has also been suggested that there is something unique about the Explorer that causes tread separation. Again, Firestone's own claims suggest otherwise. There has been a substantial number of tread separations that have occurred on Firestone tires, like those used on the Explorer when these tires have been installed as aftermarket tires on other non-Explorer SUVs, including the Toyota Forerunner, the Nissan Pathfinder and the Mitsubishi Montero, and on the Isuzu Rodeo.

Ford's analysis has raised questions about Firestone's manufacturing quality control. The peel strength of the rubber Firestone used to make its tires and the durability of its tires all were found to vary from plant to plant.

Perhaps most importantly, the amount of rubber in the critical wedge area of Firestone's 15 and 16 Wilderness tires was found to vary by plant. Of the plants most recently producing tires for Ford, the wedge rubber was smallest at Wilson, North Carolina plants and thickest at the Aiken, South Carolina plant. Firestone's Joliette, Canada plant ranked somewhere between the other two. However, all Firestone plants produce tires with less rubber in the wedge stone area than Goodyear.

In conclusion, Mr. Chairman, given the information it had, I find no problem with Ford having taken the action it did. In fact, for Ford not to have replaced these tires would have raised serious questions in the mind, I think, of the public, that proper safety and other concerns of customers were being served.

Again, I thank you, Mr. Chairman, for holding this hearing, and I look forward to hearing the statements of the witnesses.

[The prepared statement of Hon. John D. Dingell follows:]

PREPARED STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. Chairman, I want to thank you for holding this important hearing.

This is the second time within a year that the Committee is considering safety problems involving Firestone tires. Last year, Ford Motor Company determined from information it requested and received from Firestone that there were an unusually high number of claims, fatalities, and injuries resulting from tread separa-

tions of certain Firestone tires on the Explorer vehicle. At Ford's insistence, Firestone then recalled 6.5 million tires, including all ATX tires Firestone produced for the Explorer. In addition, Ford found that claims were so high for other Explorer tires Firestone produced at Decatur, Illinois, that Firestone also had to recall the 15-inch Wilderness AT tire produced for Ford at that plant.

With new information it received from Firestone on May 11th of this year, Ford determined that last year's recall did not take care of the problem. Instead, there are a rapidly growing number of Firestone claims involving Explorer tires that were not recalled last year. The new data received in May show there have been 110 tread separation claims involving Firestone's Wilderness AT tires compared to only 27 claims in the data provided to Ford last August. During this same period of time, crash claims have gone from zero to 20; rollover claims from zero to 11; injury claims from zero to 22; and fatality claims from zero to seven.

Seeing in this new data the same safety concerns and trends that led to last year's recall, Ford announced on May 22nd its "Firestone Tire Replacement Program." This is not a recall, because Ford did not make the tires. Under this replacement program, Ford will either replace or reimburse vehicle owners for the replacement of 13 million Firestone tires. Ford estimates it will take nine months and as much as $3 billion to complete the Firestone tire replacement program.

Ford's action has sparked a lot of finger pointing, but the public rightly wants to know whether the tires on their vehicles are safe. Are the tread separations Ford has identified unique to Firestone tires, or do other tires have similar problems? Is Firestone continuing to produce tires that endanger the public's safety? Are there particular Firestone manufacturing facilities that are producing bad tires? Should tread separation be viewed as a "foreseeable" event, as some have suggested?

Unfortunately, the one best able to answer these and other important questions has yet to be heard from. The National Highway Traffic Safety Administration (NHTSA) began its investigation of about 47 million ATX, ATXII, and Wilderness tires manufactured by Firestone more than a year ago. It has yet to complete its testing and analysis, and is probably months away from issuing its report and findings. At this time, NHTSA's task is made even more difficult by the fact that it has no permanent, or even acting, administrator. The Administration needs to give its attention to getting control of this agency and having it complete its work in an efficient and timely manner.

Both Ford and Firestone have provided huge quantities of information to the Committee and to NHTSA. Particularly instructive is data on the performance of the Firestone and Goodyear tires when about equal numbers of tires from each manufacturer were put on Explorers in model years 1995, 1996, and 1997. Through the end of last year, data for these model years that Ford received from Firestone reveals there have been 1,183 claims involving tread separations on the Firestone tires and only two claims involving tread area problems on the Goodyear tires. Furthermore, the two Goodyear claims were for property damage only. No deaths, injuries, or lawsuits were involved. And according to Goodyear, these two claims may have involved nothing more serious than a puncture rather than the total tread separations that have occurred on Firestone tires.

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So, why is there such a big difference in the claims rates for Goodyear and Firestone tires? It has been suggested that Ford shipped many more Explorers equipped with Firestone tires to hot weather states, than it did Explorers equipped with Goodyear tires. Sounds possible, but it appears not to be true.

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wise. There has been a substantial number of tread separations that have occurred on Firestone tires like those used on the Explorer, when those tires have been installed as "aftermarket" tires on other non-Explorer SUV's, including the Toyota 4 Runner, the Nissan Pathfinder, the Mitsubishi Montero, and the Isuzu Rodeo.

Ford's analysis has also raised questions about Firestone's manufacturing quality control. The peel strength of the rubber Firestone used to make its tires and the durability of its tires all were found to vary from plant to plant. Perhaps, most importantly, the amount of rubber in the critical wedge area of Firestone's 15- and 16-inch Wilderness AT tire was found to vary by plant. Of the plants most recently producing tires for Ford, the wedge rubber was smallest at the Wilson, North Carolina, plant and thickest at the Aiken, South Carolina, plant. Firestone's Joliette, Canada, plant ranked in between the other two. However, all Firestone plants produced tires with less rubber in the wedge area than Goodyear.

In conclusion, Mr. Chairman, given the information it had, I find no problem with Ford having taken the action it did. In fact, for Ford not to have replaced these tires, would raise far more serious questions in my mind about their commitment to public safety and the customers they serve.

Again, I want to thank you, Mr. Chairman, for holding this hearing, and I look forward to hearing the statements of the witnesses.

Mr. STEARNS. I thank my colleague. And now for an opening statement, the distinguished chairman of the Subcommittee on Oversight and Investigations.

Mr. GREENWOOD. Thank you, Mr. Chairman. We are here today because 203 people have died in automobile accidents involving certain Firestone tires, mostly fitted on Ford Explorers. To date, no one has provided the American people with a definitive answer as to why those deaths occurred. A number of months ago, both Ford Motor Company and the Bridgestone Firestone, Inc. company agreed to a recall of more than 6.5 million tires. And at that time, both companies told the American public and this Congress that the first recall was adequate in scope and did not need to include any additional Wilderness AT tires.

As recently as December of last year, after what both manufacturers described as extensive testing and analysis, the companies issued root cause findings, once again concluding that no further recall of the Wilderness AT was required.

That, of course, was good news for America's consumers, and these two companies, since they had been replacing many of the recalled tires with the same product from plant—plants other than Firestone's Decatur facility, whose products had been judged to be unsafe.

Now nearly 6 months later, Ford has come forward to say that it does indeed have a safety concern about additional Wilderness AT tires, particularly the 15 and 16-inch tires that were use primarily on the Ford Explorer, and that were used as replacement tires during last year's recall. It argues that the new claims data provided by Firestone in May of this year show an increasing trend in claims, accidents and injuries involving these two tire lines.

Ford also says that its laboratory testing of these tires and competitor tire lines reveals significant differences in durability that further support its recall action.

We are now told that on the strength of these discoveries and after $30 million in testing, the Ford Motor Company felt compelled to recall roughly 13 million Firestone Wilderness AT tires from its vehicles, a $3 billion business decision that has set off a fire storm of charges and countercharges between these two companies.

Just last month, Bridgestone/Firestone announced that it was severing its nearly 100-year-old history with the Ford Motor Company.

Clearly, the stakes are high for both of these companies. Industry analysts are already openly suggesting that Ford replace the name Explorer with a new brand name, even though this product is the best-selling sport utility vehicle on the market. Nor is Firestone immune from this kind of treatment. Some in the industry are busy suggesting that the venerable brand name of Firestone be retired.

But if the stakes are high for these two companies, they are even higher for America's consumers. These events have raised much broader questions about the safety in general, their safety in general, tire safety in general, the relationship of tires to their vehicle systems and possible design flaws in the rollover of compact SUVs.

Even more important, for our purposes, the fallout of these events has led to increased concern about the role of the National Highway Traffic Safety Administration, NHTSA plays in ensuring the safety of cars, trucks and automotive products.

Last year, we learned how NHTSA initially failed to investigate seriously the claims surrounding this issue but subsequently leaped into the fray by issuing a consumer advisory last Labor Day weekend, which focused on a long list of other Firestone tire lines.

NHTSA took this action, we are told, because claims rates on these products had reached the threshold of 12.6 claims per million tires produced. Whether this claim rate was about normal or a clear indication of a safety concern were several of the factors that NHTSA failed to establish before announcing this advisory. More disturbing, still, it is our own understanding that NHTSA is now in possession of data showing claims rates of a similar or greater value on other tire lines, including those from both Firestone and other tire manufacturers, and yet remains silent on the potential or perceived risk, if any, to consumers of those products.

This inability of the Federal agency charged with protecting consumers to get the facts and to get them first has allowed the situation to deteriorate into the public relations equivalent of a shouting match between these two manufacturers, and the role of honest broker, which is precisely the mission of NHTSA, has been surrendered to two very threatened firms, whose data, even if correct, appears to have been manipulated in the way that makes their individual conclusions highly suspect.

The committee's review of the actual Ford tests raises important questions about whether comparable tests were, in fact, run. For example, it appears Ford left off its peal strength chart, the results from some of Firestone's newer tires, which scored higher than comparable Michelin tires and much closer to the tested Goodyear tires, and nearly all of the Firestone tires Ford tested had been used, either on road—on road or as spares. In hot States, while the Michelin Goodyear tires tested were either all new or of uncertain prior use.

These differences certainly raise questions about the methodology and possibly the results as well. Similar questions arise with respect to the largest testing procedure utilized by Ford, its rig tests, in which it placed a tire on the laboratory wheel and ran it at varying speeds, air pressures, loads and ambient temperatures.

The way these rig test results were presented to the committee could be considered as misleading, given that Ford disaggregated the Firestone results by plant, while aggregating three Goodyear plants into one plotted column, while also aggregating the 16 and 15-inch tire results, which made the percentage of the overall failure rate of Goodyear products much smaller, while allowing the difference between the two sets of tires to appear more stark. Combined with the differences in how the tests themselves were conducted, the aggregation issue becomes even more problematic.

Firestone, too, has its own set of findings based on questionable assumptions and parameters. For example, Firestone has been very vocal lately in claiming that the Explorer is more than twice as likely as other SUVs to roll over, following a tire failure. Yet, when we asked for the actual data underlying the statistic and the confidence bounds associated with it, we learn that Firestone included all other SUVs, regardless of whether they were truly comparable in size to the Explorer. We also found that the two State data bases that Firestone relied on to contain a very small sample size of accidents that fit Firestone's queries, leading to a large—to large ranges in possible statistical outcomes.

Indeed, the data could just as easily be read to find only a minimal and questionable increase in rollover associated with the Explorer, not the dramatic twice as likely Firestone touts publicly. In making these observations, I am not suggesting that either company intentionally set out to mislead this committee or the American public, but we would be derelict in our duty if we did not keep in mind that in the heat of this very public and high-stake battle, both companies may be expected to produce their analyses in ways that strengthen their own positions.

It is for that reason that until credible tests are done, the American consumer will not know the full truth of this matter and this brings us again to NHTSA.

As Chairman Tauzin previously observed, there are serious questions about whether NHTSA's current testing program will prove any more fruitful than Ford's or Firestone's in ultimately answering the many unanswered questions that remain. And that is totally unacceptable.

Our role here is not to advance the interests of one company over another or one product over another. Our role is to protect the interests of America's consumers. NHTSA is our agent in this enterprise, and they must do the hard work to help us find honest answers. In that regard, allow me to give some useful advice to the folks from NHTSA, which also may be appropriate for the management teams at Ford and Firestone. "Failure is the opportunity to begin again more intelligently." The man who said that knew something about success and failure and automobiles. He was Henry Ford. Thank you, Mr. Chairman.

Mr. STEARNS. I thank my colleague. The ranking member of the Subcommittee on Oversight and Investigations, Mr. Deutsch.

Mr. DEUTSCH. Thank you, Mr. Chairman, for holding this hearing. The tragedy that brings us here today is one of the worst in auto safety history. As of yesterday, 203 people have died in the United States because the tread has separated on a Firestone tire. Most of those tires were on the Ford Explorers. Dozens more have

been—dozens more have died in other countries and hundreds have sustained permanent injuries.

To put this into perspective, when Firestone recalled the Firestone 500 tire in 1978, 34 people have died. In my State of Florida, one of the hot States in which the tire has failed most often, more than 28 people have died, almost as many as in the Firestone 500 recall, and more than 130 have been injured. Who is responsible? Firestone has already admitted responsibility, but Firestone has said that Ford should share responsibility, because the Explorer design causes excessive rollovers. Ford says it is the tire alone. Over the past few weeks, we have all been subjected to dueling statistics provided by Ford and Firestone. Unfortunately, we cannot resolve these disputes here.

However, in Florida, our attorney general is leading an investigation of both Ford and Firestone for all 50 State attorney generals. The primary allegation is that Firestone engineered a bad tire in part because Ford kept demanding changes in the tire to make the Explorer more stable, while maintaining the rolling resistance and fuel economy of other tires.

The tire pressure was lowered and the weight of the tire was reduced by removing material, but the design of the vehicle was not changed. As part of its new safety campaign, Ford is now courting Goodyear tires. It is important to note that the Explorer was previously equipped with Goodyear tires from 1995 to 1997. In documents submitted for the record, however, Ford terminated its relationship with Goodyear due to cost concerns.

Florida's attorney general is also concerned that the companies did not disclose the tire failure problems in other countries to U.S. regulators and the American public. When the Firestone tires began to fail in Venezuela and Saudi Arabia in 1997 and 1998, we learned in the earlier hearings, that both Ford and Firestone kept the American consumer from knowing about the defective tires which were recalled in those countries.

Communications documenting these disclosure problems were included in the record of our hearing last fall, and a few additional ones have been submitted for the record today. We will hear a lot of conflicting evidence today, but who are we and the American people to believe? Last fall, the committee was told that the defective ATX tire came from only one Firestone plant in Decatur, Illinois, but that all ATX tires and Wilderness AT tires made in Decatur would be recalled. We were told the Wilderness ATs not made in Decatur were safe.

However, in December of 2000 in deposition, Ford's chief quality control officer stated that none of the Wilderness 15-inch ATs were robust tires that could be expected to perform under variations in inflation, pressures, load and speed. At the same time, both companies issued root cause analysis suggesting that the defective tires came only from one plant, despite the fact that all the tires used identical engineering and materials. But Firestone's experts found belt edge cracks in tires from all plants, and Ford indicated tire design was a problem.

By January, auto safety advocates were calling for a broad recall. Today we are being told the same by Ford, while Firestone also blames the Explorer's design. And what has the National Highway

Transportation Safety Administration been doing while this debate is going on? We are still waiting for its own analysis, which I hope will be completed before the end of the hot season. Unfortunately, in most cases, excessive accidents, injuries, lawsuits and consumer's responses have removed questionable vehicles from the road, not the Federal agency charged with protecting motorists and passengers.

I want to add a few comments about the stability of sports utility vehicles, including the Explorer. SUVs, by definition, have a rollover problem. SUV manufacturers work to engineer against this propensity, but the consumer should have access to reliable and objective rollover data. I would like to encourage NHTSA to move quickly, and with the rollover consumer information effort we mandated in the TREAD Act, so the public can make informed vehicle choices.

Thank you, Mr. Chairman.

Mr. STEARNS. I thank my colleague.

Now we will recognize for an opening statement the chairman of the full committee, the gentleman from Louisiana, Mr. Tauzin.

Chairman TAUZIN. Chairman Stearns and Chairman Greenwood, I want to thank you both and the ranking members for this hearing today, because it represents one of the most important hearings, I think, in our Congressional season. It continues this extraordinary inquiry that our investigators are making and that hopefully NHTSA will complete soon on the question of why 203 Americans had to lose their lives on the highways, when Ford and Firestone, and apparently many people in our Federal agency, knew for years that there were problems with Firestone tires on Explorers and very little was done until very recently to get those tires off the highways.

As you know, we conducted two hearings last year after Ford and Firestone jointly then announced the recall of more than 6 million of those tires, fitted primarily on the popular Ford Explorer. It was partly in response to those hearings that Chairman Upton and this committee held that Congress passed the TREAD Act last October. That Act requires NHTSA to start collecting information on claims and lawsuits, and more importantly, not to wait till the body count accelerates, but to do extensive testing to ensure that design and preproduction phases of tire production give us information as to whether tires should ever be put on the marketplace in the first place.

Now, it is against that backdrop that we are here today, because we are faced with a most extraordinary circumstance today. Normally NHTSA issues a mandatory recall on NHTSA's data, convinces a manufacturer to do a voluntary recall. Today, Ford has announced essentially a recall, a replacement of another company's products. That is extraordinary and unusual, and because it involves 13 million Firestone tires, it again raises some rather unique questions for this committee and for our safety agency. First of all, what is the foundation for Ford's decision for this most unprecedented action? Before Ford announced the action, we were given a briefing by Mr. Nasser of Ford Motor Company and a chance to ask several questions regarding this extraordinary announcement.

As Mr. Greenwood has pointed out, we were told that this announcement resulted from the fact that Ford, on its own, essentially, conducted extensive testing in using updated data from NHTSA to determine that these 13 million tires should be replaced. But Ford also told us then that the Ford—that Ford tests were conducted in very comparable tests with other tires. Our investigators have learned something quite different, and we need an explanation of that today.

First of all, is the Ford recall or replacement overly broad? We know that many Wilderness AT tires are being recalled that have not been tested by Ford at all. It includes Wilderness AT tires that have fueled any claims casting suspicion, frankly, on the entire line of tires that other automobile manufacturers have used and continue to use as original equipment on their SUVs and light trucks, and that, by the way, includes GM and Toyota.

If indeed these tires should be recalled by Ford, should they be replaced by these other auto manufacturers? Second, the confusion gets even worse when you consider, as our investigators have discovered, that some of the tires Ford is recalling have a better claims history than those that Ford has chosen as replacement tires.

Let me say that again. Ford is going to replace these recalled tires with tires that have a worse claims history than some of the tires that are coming off the Explorers. For example, our investigators have learned that one of the tires that is going to be used in the replacement has a claims rate of 124 claims per million tires, well in excess of the five claims per million that Ford says is a benchmark used in this recall. Are we going to be replacing worse tires for the tires that come off these cars?

I want to say here something that is important for this committee and its work. Our investigators have uncovered a great deal of information about these claims and the claims ratios and this particular tire that is going to be used as a replacement. We are going to turn that information over to NHTSA following this hearing, and we are going to ask NHTSA to come back to us within 30 days to tell us whether this data is significant enough that Americans ought to know that the tires that they are going to have to replace and be used as replacement tires do have, in fact, a worse claims data than others. Is that significant? And does that make a difference for the safety of American families?

Our problem, of course, is that we don't know yet today, and so we will give that information to NHTSA and ask NHTSA to come back with—to us within 30 days that we might be able to inform the American public. Ford, as a private company, of course, has the right to replace any parts of their vehicles, including the tires. But in the absence of an agreement from either Firestone or NHTSA, the public surely must be confused today. It is the job of NHTSA to come up with some consistent standards for when tires pose an unreasonable safety risk to the consumer, and when one company says that they ought to come off but they don't come off other company's vehicles and when replacement tires are called for that may have a different, in fact, a worse record than the tires that are coming off, that confusion in the American public is unacceptable.

Firestone, too, has failed to answer some pretty basic questions about the particular tires in question here. Ford and NHTSA have both focused their attention on two of the Wilderness AT tire lines used primarily on the Ford Explorer, and while the claims rates on these two tire lines are not as high as the levels of last year's recall, they are still much higher than most of Firestone's other tire lines, whether they are Wilderness or otherwise. And as NHTSA's latest claims data shows, more complaints of accidents and injuries on these nonrecalled tires are coming in, yet Firestone would tell us to be content with the fact that the injury totals experienced on these previously unrecalled tires are not as bad as the first. I am not sure that is a good standard by which we ought to make safety judgments here.

Firestone's also attempted to shift the focus from its tires to the Explorer itself. We have consistently said from the beginning of this controversy last year that all potentially relevant issues needed to be explored by NHTSA, including those related to how vehicles and tires interact as a system, and NHTSA is committed to doing just that, and we have asked NHTSA, in fact, to make more headway than they have so far.

But the review of the vehicle system issue should never replace the primary focus on the critical event itself, which is the tire tread separation, without which the vehicle stability issues wouldn't come up. Firestone can't avoid legitimate scrutiny of its tires by passing the buck on to the Explorer. NHTSA needs to fully explore all these relevant issues and in a much more timely manner. We need some answers soon, and the public should not have to suffer through additional weeks or months of dueling charts and flying accusations and more hearings.

And finally, I want to discuss an issue that I raised with Mr. Nasser in our conversation several weeks ago. We all know that Ford used Goodyear tires for the Explorer for several years in the mid 1990's, in addition to the Firestone tires that were used and recalled. We also know that these Goodyear tires have had less than a handful of claims relating to tread separations on these Explorers. The obvious question is, why did Ford stop using Goodyear tires on the Explorer in model 1998 and return to sole sourcing Firestone tires that have since been recalled?

Last year, the committee released Ford documents suggesting that despite test data that show the Goodyear tire performing better than the Firestone tire, Ford, nonetheless, dropped Goodyear as the supplier for the Explorer, because Goodyear may have been uncompetitive in terms of costs. The committee recently received additional documentation from Goodyear that clearly confirms this point that Ford dropped Goodyear because Goodyear refused to drop its price to be more competitive with Firestone. And as Ford testifies today about how its recent test results and claims analysis show superior Goodyear performance, we should all keep that bit of history in mind.

Mr. Chairman, we won't have all the answers today. Part of what we do today is shed light on this Ford decision and on some of the claims made by both Ford and Firestone. NHTSA needs to ride in to the rescue here and clear up this confusion very rapidly. In the letter we will send to the agency, we will ask you to respond in 30

days, Mr. Jackson, and our private conversations, I know you told me you intend to do that. We look forward to it. Thank you, sir.

[The prepared statement of Hon. W.J. "Billy" Tauzin follows:]

PREPARED STATEMENT OF HON. W.J. "BILLY" TAUZIN, CHAIRMAN, COMMITTEE ON ENERGY AND COMMERCE

Thank you, Mr. Chairman, and I want to thank both you and Chairman Greenwood for holding this joint Subcommittee hearing today, on this topic of great importance to the American people.

Last year, I co-chaired two hearings on this same topic, after Ford and Firestone jointly announced a recall of more than six million tires fitted mostly on the popular Ford Explorer. At those hearings, a lot of questions were raised about the thoroughness and timeliness of the internal responses of these two companies, as well as the government's safety regulators—all of whom had knowledge of potential problems with these tires for years before taking any action to get them off of U.S. highways. Those hearings also raised a lot of questions about the thoroughness of the testing done by Ford and Firestone prior to putting these tires on these vehicles in the first place, as well as the quality of Federal tire testing standards that were pathetically weak and had not been updated since the 1960s.

Partly in response to those hearings, this Committee and the Congress passed the TREAD Act last October, which required NHTSA to start collecting information on claims and lawsuits filed against manufacturers of automobiles and tires in an effort to better identify problems before they become bigger ones. But the Act also said, in effect, "let's not wait for the body count to start to conduct a post-mortem." Let's focus on ensuring adequate testing of tires in the design and pre-production phase, so as to improve our confidence in tires before we start driving our families around on them.

Against that backdrop, we are here today to discuss the extraordinary and costly action recently taken by Ford on its own to essentially recall as a precaution all Firestone Wilderness AT tires on Ford vehicles, despite the protests of Firestone and the inaction of NHTSA. Consistent with the spirit of the TREAD Act, Ford has focused on updated claims data it and NHTSA received from Firestone, as well as laboratory tests it has conducted on the tires at issue. Ford's action certainly is unique in modern business history, in that it involves the recall of another company's product. By its very nature, then, it raises a host of questions that warrant fuller exploration by this Committee.

One of those questions is the foundation for such an unprecedented action. Before Ford publicly announced its decision several weeks ago, Mr. Nasser came to speak with several of this Committee's Members, including me, to discuss his planned action. When he explained the differences Ford's tests were finding between the Firestone and Goodyear tires, one of the first things I asked him was whether the tests were run in a comparable fashion. He said yes, but as Mr. Greenwood has pointed out in his opening remarks, the findings from the Committee's review of Ford's test data and methodology certainly call into doubt whether these tests were run as comparably as both Mr. Nasser and I would have hoped and expected.

Moreover, taking the Ford test results at face value, they certainly do not support the breadth of the recall now underway, for that recall includes many Wilderness AT tires lines that Ford has not tested at all. The recall also includes Wilderness AT tire lines that have few, if any, claims—casting suspicion on an entire line of tires that other automobile manufacturers have used and continue to use as original equipment on their SUVs and light trucks, including GM and Toyota. While I certainly understand's Ford interest in making this recall as easy as possible for its customers, I am concerned that its inclusion of all these tire lines may actually serve to confuse consumers even more.

This potential for confusion is even greater, given that consumers will soon learn—as our investigators have discovered—that some of the tires Ford is recalling have a better claims history than those Ford has chosen as replacement tires. Consumers also will soon learn—as our investigators have discovered—that there are other tires on Ford vehicles that have higher claims rates than the Wilderness ATs, but are not being recalled as part of this action.

In short, the question that neither Ford nor NHTSA has been able to answer to date is, what should the baseline for action be here? We're going to hear a lot of talk today about claims rates, wedge dimensions, peel strengths, temperature profiles, and other technical issues. But the bottom line is that, right now, we are dealing in a world of subjectivity and relativity, where we might be able to say that one

tire performs better or has different characteristics than another, but not whether the latter tire is in any way defective.

Ford, as a private company, need not have to prove a tire defective before deciding it wants to take all of them off its vehicles. But in the absence of agreement from either Firestone or NHTSA, the public surely must be confused. It is the job of NHTSA to come up with some consistent standards for when tires pose an unreasonable safety risk to consumer. And we must act quickly to reduce the confusion swirling around this issue before the American public starts to simply tune it out.

Firestone, too, has failed to answer some pretty basic questions about the particular tires most in question here. Ford and NHTSA have both focused their attention on two of the Wilderness AT tire lines used primarily on the Ford Explorer. While the claims rates on these two tire lines are not as high as the levels of last year's recall, they are still much higher than most of Firestone's other tire lines, whether Wilderness or otherwise. As NHTSA's latest data release shows, more complaints of accidents and injuries on these non-recalled tires are coming in.

Yet Firestone would have us be content to know that, in their opinion, these tires won't reach the claims or injury totals experienced by the previously recalled tires—as if THAT should be the benchmark we should all use in judging consumer safety. Well I, for one, am not willing to take that option either. Surely, there must be something about these particular tires that warrants closer inspection.

Firestone also has attempted to shift the focus from its tires to the Explorer itself. I have consistently said from the beginning of this controversy last year that all potentially relevant issues need to be explored by NHTSA, including those related to how the vehicle and the tire interact as a system. And NHTSA committed to doing just that when it was before the Congress last year—although it has made little headway in the meantime. But the review of vehicle system issues should never displace the primary focus on the critical event itself—the tire tread separation, without which the vehicle stability issues would not arise. Firestone cannot avoid legitimate scrutiny of its tires by playing pass the buck to the Explorer.

NHTSA needs to fully explore all of the relevant issues, and in a much more timely manner. The public should not have to suffer through additional weeks or months of dueling charts and flying accusations.

Finally, I want to discuss one other issue that I raised with Mr. Nasser in our conversation several weeks ago. We all know that Ford used Goodyear for the Explorer tire for several years in the mid-1990s, in addition to the Firestone tires that have been recalled. We also know that those Goodyear tires have had less than a handful of claims relating to tread separation on Explorers. The obvious question is, why did Ford stop using Goodyear tires on the Explorer in Model Year 1998, and return to sole-sourcing Firestone tires?

Last year, the Committee released Ford documents suggesting that, despite test data that showed the Goodyear tire performing better than the Firestone tire, Ford nonetheless dropped Goodyear as a supplier for the Explorer because Goodyear may have been uncompetitive in terms of cost. The Committee recently received additional documentation from Goodyear that clearly confirms this point—that Ford dropped Goodyear because Goodyear refused to drop its price to be more competitive with Firestone. As Ford testifies today about how its recent test results and claims analyses show superior Goodyear performance, we all should keep that bit of history in mind.

I want to thank all of our witnesses today, and thank both Chairman Stearns and Chairman Greenwood for hosting today's hearing.

Mr. STEARNS. I thank the distinguished chairman.

On our list, we have Ms. Harman for an opening statement. And let me remind the members the procedure is for a joint hearing, for the members other than the ranking and the full chairman, to limit their opening statements to 3 minutes. So we would be most appreciative.

Ms. HARMAN. Thank you, Mr. Chairman, and I commend you for holding this hearing, and welcome our witnesses.

I hail from California, where the blame game is in full frenzy for the energy crisis, and where SUVs are a way of life, even when they never go off road. 203 people have died because of tire failures, 203 people have died, and it is critically important that the heads of the companies who manufacture the vehicles and the tires involved in their deaths are here voluntarily and that we are here,

too. The blame game won't bring those people back, and it won't make cars or tires safer.

Actions the executives here take can make people safer. Actions that NHTSA takes can make people safer. Actions we take can make people safer. That is our job to protect the health and welfare of our constituents. The blame game stops here. And this hearing is about how we are going to go forward with safer cars and safer tires. I yield back the remainder of my time.

Mr. STEARNS. I thank my colleague.

The gentleman from Georgia, Mr. Deal.

Mr. DEAL. Thank you, Mr. Chairman. I agree with what Ms. Harman has just said. We find ourselves in multifaceted positions from time to time as Members of Congress in listening to the opening statements thus far, certainly a number of very important issues have been raised. However, I have the feeling that we are about to engage in a plaintiff's trial lawyer discovery frenzy today of finger pointing. I am not particularly interested in that aspect, because I do not view that necessarily as a role for Congress to engage in.

But as Ms. Harman said, our primary purpose is public safety. So to that end, all of us will be interested in hearing what has been done to correct problems if problems did, in fact, exist, and what, if anything, needs to be done in the oversight responsibility that Congress has delegated to NHTSA in carrying out that role, and does anything from a legislative standpoint need to be done further in keeping with what we have previously done in the last Congress with the TREAD Act? Those are the kinds of inquiries that I view as relevant to the matter that is before this committee today. I yield back the balance of my time, Mr. Chairman.

Mr. STEARNS. He yields back the balance of his time. Mrs. Capps is recognized for an opening statement.

Mrs. CAPPS. Thank you, Mr. Chairman. I would like to say that I am pleased that we are holding this hearing today, but I am not. I am not, because of the original circumstances that have brought us here today, tragedy. As we all know, over 200 people have died in car accidents because of faulty tires, faulty car design or maybe some combination of both. Hundreds more have been injured. The lives of the families and friends of these people have been upended, and we are here today to try to sort through the facts that have caused this damage.

But I am also not pleased because today's hearings will likely be a continuation of the charges and countercharges between two legendary American companies. Ford has now offered to replace all of Firestone Wilderness AT tires. The company says they are doing this out of concern for their customer's safety. Firestone questions the motives of Ford and produces studies that claim its tires are not the reason behind the rollovers that have caused the deaths of so many people.

So Ford produces studies that show its Explorers are safe. Both sides have experts supporting them, and today's Washington Post has a story about the lobbying efforts that are going on so each side can get out its story.

Maybe there is nothing wrong with this, but I don't know if it is actually getting us much closer to the truth. So today's hearing

will likely be a continuation in this battling of charges and countercharges, each side producing credible studies to make its point. Quite frankly, I am not sure who to believe, and I will not make any statements that call in question the legitimacy of either side. But I am sure of one thing. I want us to get to the truth of this matter. I want American consumers to know that when they get behind the wheel of their car, they can know that that car and all its parts are as safe as they can be, that there have been no corners cut, no edges shaved. That, after all, is one of the jobs of our government, to make sure that the market works and produces safe products.

In this case, we clearly need a judge, someone who can look at the technical claims that companies are making and make some sense of them. That judge is supposed to be the Federal Government, specifically the National Highway Traffic and Safety Administration. So I will be interested to hear from NHTSA, and I will continue to push them to get to the bottom of this matter.

American consumers are depending on them and on us. Thank you. I yield back the balance of my time.

Mr. STEARNS. I thank my colleague.

Mr. Shimkus, opening statement?

Mr. SHIMKUS. Thank you, Mr. Chairman, and I will be brief. We want to welcome our two CEOs and the director of NHTSA here, two great companies that we are in conflict with today. Basic business MBA says the CEO's job is to maximize shareholder wealth. We all know that you do that by protecting public safety, because it is not good business to impinge on public safety. No one would take that risk. But as everyone agrees on both sides of the aisle, we are searching for some certainty, legal certainty. We talk about that in all lines of the business that we do here on the commerce committee, legal certainty on who is doing what and how to resolve this. We did pass the TREAD Act last year in response initially, and unfortunately, haven't had much time to get the full impact of the TREAD Act, along with the additional dollars needed to affect that law, and we're already back in front of this committee.

My questions will be directed to both the CEOs and to NHTSA as to what should NHTSA do, Ford Motor Company? What should NHTSA do, Firestone? And NHTSA, what do you think you should do, and what resources do you need to get it done? You can tell there is a lot of frustration up here. We did not want to be here less than a year after the last hearing, and we hope that we can get to some conclusions so we are not here again in the next couple of months. Thank you, Mr. Chairman I thank the gentleman for yielding.

Mr. STEARNS. I thank the gentleman.

The gentleman from Massachusetts, Mr. Markey, is recognized for an opening statement.

Mr. MARKEY. Thank you, Mr. Chairman, very much. This is an unprecedented hearing before this committee. We have two corporations, each of which has leveled a blistering, scalding indictment of the other company. Obviously we need answers. We have a corporate schoolyard brawl that has broken out here. We need an impartial referee to determine who was right and who was wrong on each one of the allegations. This hearing is not going to deter-

mine that. We need NHTSA, the independent agency, to play the role of referee, calling each one of the shots on each one of these issues in a way that ascertains the truth for the American people.

Now, it is true, and today the President has designated his nominee to be the head of NHTSA. We haven't had anyone running NHTSA for the last several months there was a Presidential designee. This, in the aftermath of this committee and the Congress passing a law last year which gave a very serious homework assignment to NHTSA. Now, NHTSA tells us that they are at least a month away from finishing their information. In addition, we have to know how much progress they have made in implementing the TREAD Act, implementing the law which we passed last year.

After all, that is the only way in which the safety recommendations and requirements which we passed into law last year are going to be put on the books, and the public will be protected and every subsequent year in because of those additional safety protections. So I wish that there was an urgency in this administration that would have designated a new head of highway safety back 5 months ago.

That would help us to know who is right and who is wrong in every one of these issues. Obviously, the very viability of at least one of these companies is going to be determined by the answers to those questions. We know that there is a toxic cocktail that is created when Ford Explorers and Firestone tires are put together. That warning is out there now to the public. Ford is now saying that it is more than the 6 million tires. Now an additional 13 million Ford—Firestone tires that put their vehicles at risk.

But we do know this as well: Even as the information has been made available to Ford over the last several years, they continue to increase the weight of their SUVs, knowing that there is a direct correlation between the weight of these vehicles and their propensity to roll over and to endanger American families. And so, Mr. Chairman, we couldn't have a more important hearing, but everything that happens today is merely preliminary to the ultimate decisions made by NHTSA as to who is right and who is wrong, and I hope that we can get a confirmation on the President's appointee and a quick resolution of these issues for the sake of the public, because we know these accidents occur on hot summer days on long rides, and that is where we are in America today, with the American public at greatest risk for the next several months without the answers which every one of these families deserve.

Mr. STEARNS. I thank my colleague.

The gentleman from Nebraska, Mr. Terry, is recognized for an opening statement.

Mr. TERRY. Thank you all. I will be succinct, and my focus here is going to be on my own government agency and their tardiness in supporting the process and supplying us with data. The reason why I want to focus on them is because I am going to work from a basic assumption, that there is self-motivation involved in both Firestone and Ford's testing. There is a billion dollars at stake here in lawsuits. There are trials strategy taking place, and as layman up here in most of the public, we could read the data, the summaries of the testing and we can see—well, I won't say it is fairly convincing. The oversteer of the Ford Explorer that Firestone has

provided us, likewise the peal strength and the other data that Ford has supplied us about the Firestone—Firestone tires, the data that they have accumulated.

When you read the summaries, to us they all are convincing, but keep—what keeps popping in my mind is that there is a lot of dollars at stake here in lawsuits. Each in a trial strategy have the ability, and it is pretty typical trial strategy to try and bring somebody else in as a defendant and share the blame.

So what we need is reliable independent data that we can rely on that can shift through the new answers that some of my colleagues might have brought out in their opening statements of just the little things that you can tweak, the type of vehicles that are used, the age of the tires that are used that can tweak the outcome, can tweak the data to where layman wouldn't notice. That is why we rely on NHTSA, and so I think that is where I am going to focus upon today, and the hard questions will be asked.

It will be good questions for Firestone and Ford as well, but we need that independent body, the American public needs that independent body, and we haven't been able to provide that. I yield back the balance of my time.

Mr. STEARNS. The gentleman yields back the balance of his time. Thank you.

Mr. Strickland, is recognized for his opening statement.

Mr. STRICKLAND. Mr. Sawyer is——

Mr. STEARNS. Mr. Sawyer is not on either subcommittee, but we certainly invited him to participate, and we are under the customary procedure allowing him to do his opening statement after the members of both subcommittees have spoken first.

Mr. STRICKLAND. Thank you, Mr. Chairman.

Mr. STEARNS. So you are recognized.

Mr. STRICKLAND. Thank you, sir. I'll just take a few moments.

Sitting here, I listened to my colleagues and I've concluded what I frequently conclude when I attend these kinds of meetings and that is, where do we as Members of Congress go for the truth? How can we take the information that is provided to us, sort through it, determine credibility and reliability, and then make an informed decision?

And I think that's what we must, at least in part, depend upon our witnesses today to provide for us and to us. But ultimately I think we do need this objective judgment from the Federal agency that's responsible for providing us with these kinds of data.

I am more than a distant observer, I guess. I drive a Ford Explorer with Wilderness AT tires, and I have a district where it takes me about 5 hours to drive from end to end, and I plan to do that throughout the coming summer months. So I hope we reach some conclusions today so that I, and my constituents especially, can face the summer months feeling some degree of confidence.

I yield back.

Mr. STEARNS. The gentleman yields back. The gentleman from Tennessee, Mr. Gordon, is recognized for an opening statement.

Mr. GORDON. Thank you, Mr. Chairman. I think we're at the point of opening statements, where there is the cliche, "Everything's been said, just everyone hasn't said it." so I will just make a quick observation.

When I was practicing law in a small town, Murfreesboro, Tennessee, I think I discovered what we're going to find out today. Mr. Tauzin and Mr. Greenwood particularly did a good job—and Mr. Deutsch—of laying forth a lot of serious questions that we need to have answers to.

A month of hearings won't bring answers to all those, so as has been said, we need to move forward and hear from NHTSA, because I think we are going to find out what I found in Murfreesboro, that you can take the two or three witnesses seeing the same accident or a dog bite and they're going to come back with different views. Whether it was the direction, or their angle for seeing the accident, whether it is an internal prejudice, they simply bring back different views. So, hopefully, NHTSA will get its act together shortly and do a more thorough investigation.

So what I want to do in my time is really ask the same questions of all three witnesses, to try to set up a benchmark, so we can move forward. And thank you again.

Mr. STEARNS. The gentleman yields back the balance of his time.

Mr. Stupak is recognized for an opening statement.

Mr. STUPAK. Thank you, Mr. Chairman. Mr. Chairman, more of a parliamentary inquiry if I may. As I was coming flying out here today I went through Detroit. I grabbed the Detroit Free Press because it talks about new tires, new worries. And on the majority side, we've had some discussion this morning in opening statements about the replacement tires having a worse safety record than the Firestones.

My question is directed to the Chair: Are we going to see that information? Is it going to be part of this hearing? Can we see it?

My friend, Mr. Strickland, and I both have a Ford Explorer. After last year's hearing, I replaced my tires, so I want to make sure if I replaced them, I replaced them with good tires; and I think we're misleading the American public if we say we replaced them with worse tires. But we are not getting the data.

Mr. STEARNS. Will the gentleman yield?

Mr. STUPAK. Sure.

Mr. STEARNS. I think as we go through this hearing there is a nuance here between safety and claims reporting and what this claims reporting means versus actual safety. So I think what they're alluding to is the claims reporting, which is not necessarily a clear proportionate with the safety.

But I think your concern is welcome and I think one of the reasons that we had this hearing is because both members and the consumers want to understand the nuances between this claim data and what it means. And so when we move forward, I think some of the questions that you have might allude to that fact.

Mr. STUPAK. I see the chairman is here. Maybe he may have that information.

Will that be provided to all of us, Mr. Chairman, the information you brought up about some tires have worse safety records than the ones that are being——

Mr. STEARNS. It's not a safety record. We are talking about just claims data, which is not a safety record.

Chairman TAUZIN. Would the gentleman yield?

Mr. STUPAK. Can we have that data?

Chairman TAUZIN. Will the gentleman yield? Some of the data is apparently NHTSA's data. Some of it has been provided to us on a confidential basis from other tire manufacturers, and frankly, we don't know how valid this information is. NHTSA has not looked at it to see whether this information that's privately supplied to us is validated yet.

At a meeting right before this hearing I asked Mr. Jackson if we supplied him with this information immediately following this hearing, again because it is confidentially supplied to our investigators—first, supply it to NHTSA, would they within 30 days be able to give us, as quickly as possible, information as to whether or not that information we received is, No. 1, valid, and No. 2, whether or not it's consequential information that consumers need to know immediately, if in fact the Ford criteria for this recall are valid.

Mr. DINGELL. Would the gentleman yield to me?

The question, I think, that has to be answered is, are we comparing apples and oranges. I would note that some of the information that shows that the new tires from Firestone are safer than other manufacturers comes from a plant where there is no history of manufacturing of those tires at that plant, and as a result, there is no record of failures of tires coming from that plant.

Now, is that not so?

Chairman TAUZIN. Would the gentleman yield?

Mr. STEARNS. The gentleman's time has expired.

Mr. STUPAK. I ask for unanimous consent for 2 additional minutes with the colloquy going.

Chairman TAUZIN. I would say to my friend that there are several questions we do not know the answer to, and that is, one, whether, first of all, we think the data we are getting is valid. But we need to have that verified by NHTSA. If, in fact, a tire that is going to be replaced by Ford is going to be replaced with a tire that has a much worse claims record than a tire being replaced, is that information significant enough for Ford perhaps to make a different decision or for consumers to make a different decision? That's a question that we are going to ask NHTSA at the end of this hearing.

The gentleman is correct, there's a lot of claims data that goes to NHTSA. Some of it goes to the individual tire companies; and we need to know whether or not we have duplicate numbers, how valid is it, and how significant are those numbers before we ask NHTSA to release them to the public, I think.

Mr. STUPAK. I want to reclaim my time here.

Whether it's claims data or safety claims, if we have information, I hope that it can be shared with all members of the committee, because I can wait for Ford. Like I said, I replaced my own tires on my Explorer, and when you have an accident, it's an accident—they don't call it "safety data" or "claims data," it's an accident for the people out there.

And I think the purpose of these hearings is to clarify this stuff for the American people, and all we are doing is confusing them by saying we have new tires and new worries, but yet we are not sharing this information with the American public.

So I hope by the end of the day we could get that information, and someone on the majority side—that we have plaintiff trial law-

yers discovery. Well, being a plaintiff trial lawyer, I certainly hope we do because plaintiff trial lawyers usually increase public safety and get to the truth of the matter.

Chairman TAUZIN. Will my friend yield again?

Mr. STUPAK. Sure.

Chairman TAUZIN. I hope you understand that is precisely the reason why I'm asking that the committee request NHTSA to clarify this information for us rapidly. I don't want us to be party to releasing bad information to the American public which causes them either distress, worry or to make a bad decision.

One of the reasons for this hearing today is to examine Ford, its decision in that light, as Ford ordered a recall. Has it recalled tires that other companies should recall? And the information we've discovered leads us to some new confusing areas.

I think it's critical that before we confuse the public with this information that we get it verified by NHTSA, and more importantly, that they indicate the significance of these numbers to us so that we can make a proper report to the American public without further confusion.

Mr. STUPAK. Well, Mr. Chairman, as I said before you came in, someone's already released the information. It's already confusing the public when you have the headlines "New Tires, New Worry." so I think we have to get that squared away as soon as we can.

Mr. STEARNS. The gentleman's time has expired.

The gentleman Mr. Sawyer, who is not a member of either subcommittee, but is welcome to provide an opening statement.

Mr. SAWYER. Thank you very much, Mr. Chairman, for the hearing and for the chance to take part in this way. I am from Akron, Ohio, and although we haven't built a passenger car tire in Akron for 22 years, it remains a center of research and development, production technology, command and control in this global industry for more than a century.

It is matter of personal concern that we resolve questions of continuing safety in this important industry to people all over my district. In that sense, understanding these tragedies is rightfully this committee's work; reducing their likelihood in the future is our purpose. And so while there are many things that have been said today, I'd like to return to three fundamental points that I made a year ago.

What I said last year I feel just as strongly about today. That is this: You cannot evaluate tire performance separately from the vehicle on which it is equipped. Nor is a vehicle performance evaluation complete without the tire. In one sense, a tire may be the single most important component of a vehicle in translating that vehicle's design characteristics into actual performance on the road.

The tire and vehicle work together in determining acceleration, braking, cornering, comfort and, most important, safety and do it through four very small contact patches with the road. In that sense, the question that we have to answer is how the vehicle and its tires function together.

Second, let me just say that I'm deeply troubled by the underlying notion that tires are never supposed to fail. I remind all of us that the tire remains the only piece of equipment on the vehicle that has a backup. This is not by chance. Tires are complex, they're

highly engineered products that operate in one of the most extraordinarily violent environments of any product that we use in our daily lives and they wear out. They are consumable products.

Third, typically tires contain more than scores of different design elements of rubber, steel, polyester, chemicals, carbon black, depending upon their application in design of the tire. Many tires are designed for specific vehicles, for specific performance; consequently, tires perform differently depending on the type and design of the vehicle on which they're mounted and how and where that vehicle is used.

With this in mind, it is clear it would be a serious mistake, in my judgment, to try to set one standard for tire performance for the tire industry. Each tire design and application, it seems to me, must be evaluated in its own setting. When tires do fail through road use, damage or abuse, or misapplication to the wrong vehicle, or wearing out at the end of its useful life, or as the result of a design or manufacturing flaw, NHTSA's got to have the appropriate data so that it can evaluate the tire in its appropriate vehicular environment. That's the best way to protect consumers.

When Congress passed the TREAD Act last year, it took a major step in making sure this happens by requiring an early warning system, one that works—actually two that work: one, to use performance statistics through the reporting of data to identify problems early in the life of a design.

We heard a number of different dimensions that have reporting data. Comparability is another one, to make sure that you're getting the same data from different corporate settings.

The second is an early warning device to warn the vehicle's operator with accuracy when his vehicle's tires begin to lose pressure.

I know that NHTSA's working diligently on the regulations to implement the act in this provision, and I look forward to hearing them and the witnesses in this process.

Mr. Chairman, I thank you very much for your indulgence.

Mr. STEARNS. I thank the gentleman.

[Additional statements submitted for the record follow:]

PREPARED STATEMENT OF HON. MICHAEL BILIRAKIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, thank you for calling this hearing today to examine the reason and ramifications for the Ford Motor Company's recent recall of additional Firestone tires.

This issue touches many of our constituents. I have heard from many individuals in my district who have expressed concerns about tire and vehicle safety. It is terrible that the increased attention to this issue comes as a result of tragic accidents and highway fatalities. I hope that this situation can help improve public awareness of the need to monitor tire pressure and engage in regular vehicle maintenance.

Many consumers, including Members of Congress, are confused by the various data coming from both Ford and Bridgestone/Firestone. Are the Firestone tires the cause of the problem, or is it a result of the design of the Explorer? Whose data should the public believe? What is the proper role of the National Highway Traffic Safety Administration (NHTSA) in making these determinations?

I hope that this hearing gives the respective parties a chance to highlight their findings and provide answers to these Subcommittees on issues that greatly impact American consumers. I am particularly interested to know if there is any documentation or claims for accidents that have occurred in an Explorer with non-Firestone tires. Has NHTSA conducted the necessary testing to ascertain whether these problems are limited to the Firestone Wilderness AT line, or have they received claims for similar Explorer accidents with competitors' tires?

Mr. Chairman, with the summer in full swing, many families are piling into sport utility vehicles (SUVs) and heading out for summer vacations. In order to ensure the greatest protection for the safety of those families, it is incumbent on us to obtain the most accurate and comprehensive information possible. We must also increase our efforts to raise public awareness of tire and vehicle safety issues, so that every driver realizes the importance of proper vehicle maintenance, including gauging tire pressure.

I look forward to the testimony from our witnesses. Thank you, Mr. Chairman, for holding this important hearing.

PREPARED STATEMENT OF HON. BARBARA CUBIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Thank you, Mr. Chairman. I believe it is important today to convene this hearing to disseminate information to the American consumer—especially those that own Ford vehicles or any vehicle with Firestone tires.

Not wanting to speak for other members of the subcommittee, I'd like to make an initial statement to our witnesses today from Ford and Firestone: please stop playing this juvenile blame game; please stop publishing graphs and charts that only support one side of the story; and by all means please stop sacrificing the safety of American families at the alter of public relations.

We know that different tires seem to react differently to certain conditions. We also know that automobiles, especially SUVs, tend to react differently than passenger vehicles in certain conditions. When you put those two very uncertain situations together we seem to get a very tenuous outcome.

In a situation such as this we tend to look to the companies to resolve the problem to ensure that their customers' safety is protected. We don't seem to have that in this case. Maybe if the companies get past pointing fingers at each other they'll begin concentrating on the safety aspects.

Until then, it is very important that the National Highway Traffic Safety Administration (NHTSA) be a leader in answering many of the outstanding questions surrounding what has become an absolute debacle.

I'm pleased to read in Mr. Jackson's testimony that NHTSA's testing may be completed as early as next week.

However, I'm concerned that any delay in getting accurate information out to the public will jeopardize the lives and safety of our families.

Additionally, many local businesses are dependent on selling these goods and services. Timely, accurate information is critical to ensure confidence in both Ford and Firestone products.

I look forward to hearing from the witnesses. I yield back my time.

PREPARED STATEMENT OF HON. ED BRYANT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Chairman Stearns, Chairman Greenwood, I thank you for holding this joint hearing today on an issue of obviously great importance.

I, like others on the committee, have interests on both sides of this issue, having constituents that are directly involved with both Firestone and Ford. As I prepared for this hearing over the last weekend, I met with Ford dealers in my district, and in Tennessee we have the headquarters of Firestone as well as a number of Firestone distributors and dealers.

After the recall of the 15-inch Firestone ATX and Decatur Wilderness AT tires last year, and now after the discussions surrounding Ford Motor Company's "replacement program," I think that the American people frankly aren't real sure what to make of the situation.

Ford says this is a tire problem and Firestone says it is the Explorer. Last year we learned that there was indeed something that went wrong at the Decatur plant to make so many Firestone ATX tires fail.

Obviously, there is not the same consensus today.

Firestone's studies indicate that the Firestone AT tires on vehicles other than the Ford Explorer have not had the same problems with tread separation as the tires on the Ford Explorer.

But, then Ford points out that the reliability of Goodyear tires on the Explorer is evidence that the Explorer is not to blame.

Ultimately the reason we are here today, and the reason we are not leaving this to the courts and solely NHTSA (the regulators whose job it is to do these things) is that we are trying to move quickly and determine what safety concerns are out

there. We need to make sure that folks in NHTSA are doing their job, but the bottom line is that we are trying to protect the consumers' interests.

This hearing is a great opportunity for Congress to sift through the studies and statistics conducted by both parties, and try to reconcile the information so we can better understand what is going on here.

It is indeed a shame that such a long working relationship between these two companies has been severed. I encourage the two parties to try and work together and be forthright with the American people. The interests we are looking out for today is that of the consumer, and I hope that this hearing helps to better inform the consumer of the safety of both the Firestone Wilderness AT tire and the Ford Explorer.

Again, I thank the two chairmen for having this hearing, and I also thank the members of the panels for coming today—Mr. Nasser, Mr. Lampe, Secretary Jackson, Mr. Shelton, and Mr. Weinstein—thank for bringing your cases before us today.

PREPARED STATEMENT OF HON. EDOLPHUS "ED" TOWNS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Thank you, Mr. Chairman for convening this timely hearing on Ford's replacement of Firestone's Wilderness AT tires. I would also like to thank today's scheduled witnesses for appearing: Jacques Nasser of Ford, John Lampe of Firestone as well as the representatives from NHTSA. I do not expect that we will reach any conclusions today, but I hope that by bringing the parties together we will provide the American people with the information necessary to make more informed decisions. We are here because of the more than 2100 tread separations of Firestone ATX and at tires that have resulted in the deaths of over 200 people. One of the goals of the Consumer Protection Committee—as the name suggests—is to protect consumers. When over 200 people die as a result of a similar cause it is time to examine the problem more closely.

Last year, Firestone recalled 6.5 million tires after confronting the accident and fatality reports with Ford and NHTSA which indicated that there was a problem directly linked to Firestone's 15" inch ATX tires and Wilderness AT tires produced at its decatur manufacturing facility. The number of accidents and fatalities linked to the Firestone tires in question clearly indicated that something needed to be done to address a worsening situation. Ford and Firestone largely worked together and took responsibility for the problem. At the time, all parties committed to continue looking for the root cause of the tread separation problem. In addition, questions were raised regarding whether or not the initial recall was broad enough. To date, we have heard from Ford and Firestone regarding their findings. We have yet to hear the findings from the National Highway Transportation and Safety Administration's (NHTSA) study of the recalled tires, Firestone's Wilderness AT tires and possibly some aspect of the Ford Explorer.

Last year's recalled tires had claim rates of 363 per million to 41 per million. The tires currently in question have claims rates which have roughly doubled from their previous levels to the most recent available statistics—from the september 2000 to December 2000 reporting period—of 19.3 and 17.4 per million. While this increase is significant it is two to twenty times smaller than the claims rates of the previously recalled tires. Ford maintains that they had to act because the claims trends suggested increasing tire problems and a potential increasing risk to consumer safety. Ford should be lauded for their extraordinary efforts to safeguard consumers. However, it is very difficult to analyze the basis for Ford's decision without any baseline standards from NHTSA.

Firestone for their part has been cooperating with NHTSA as well. I do not believe that anyone is served by the chart wars that we have seen from both Ford and Firestone over the past several weeks. I would urge both parties to continue cooperating with NHTSA and allow NHTSA to do the job that it is supposed to do. In addition, I point out that the battle of self-serving statistics has only brought into doubt the creditability of both sides in this dispute. Currently, the biggest problem facing the American people regarding this matter is the lack of any information from an independent third party. Again, I urge NHTSA to release their conclusions as soon as possible. In addition, I would ask NHTSA to answer the following questions:

It is nearly impossible to judge the value of the information provided by the two sides of this dispute without any definitive baseline information to clarify the companies' competing claims from NHTSA. Does NHTSA have baseline information regarding the number of claims per million for tires?

What can be done to make NHTSA's information more user friendly?

Does the lack of an Administrator for NHTSA hamper its ability to serve the American people?

How will NHTSA be able to deal with the vast amounts of additional data it is scheduled to receive under the Tread Act, if NHTSA has its hands full with the information that it already receives?

Does NHTSA need additional resources to do its job more effectively?

Mr. STEARNS. Now we'll have the first panel; I think we have completed our opening statements. But before we do, I would like to ask unanimous consent of the subcommittee to place into the record documents that are both from the minority and the majority side; and without objection, it's so ordered.

We welcome Mr. Jacques Nasser, the President and Chief Executive Officer of Ford Motor Company. And let me just say that we appreciate your patience in coming here; and at this point, it's customary, Mr. Nasser, to swear you in, and I think we're going to have Mr. Greenwood swear you in.

Mr. GREENWOOD. Good morning, Mr. Nasser. You're aware that this committee is holding—this joint committee is holding an investigative hearing and as is our custom, we take our testimony—witnesses give their testimony under oath. Do you have any problem in testifying under oath?

Mr. NASSER. No.

Mr. GREENWOOD. You are entitled also to have counsel. Do you wish to be represented by counsel during your testimony?

Mr. NASSER. No, I don't.

Mr. GREENWOOD. In that case, if you will raise your right hand, I will swear you in.

[Witness sworn.]

Mr. GREENWOOD. You're now under oath and may testify.

Mr. STEARNS. As I was saying, Mr. Nasser, we want to thank you for coming here and to recognize that you came to us early to speak with us about this controversy. And we appreciate your willingness to come forward in talking to us, and we give you the floor.

TESTIMONY OF JACQUES NASSER, PRESIDENT AND CHIEF EXECUTIVE OFFICER, FORD MOTOR COMPANY

Mr. NASSER. Thank you very much, Chairman Stearns.

Mr. STEARNS. You might have to put that a little closer to you. That's a little better. Thank you, sir.

Mr. NASSER. Chairman Stearns and Chairman Greenwood, Congressman Dingell and members of the committee, at the outset I'd like to express on behalf of the women and men of Ford Motor Company our sincerest sympathies to those families who have lost loved ones in these tragic accidents.

Today, as we've already seen, the committee is going to be battered with competing data and competing analyses, research and statistics, charts and graphs, experts and opinions, all striving to settle the disagreements surrounding our decision to replace 13 million tires on Ford vehicles. I'm here to explain the reasons behind our decision and to answer any questions the committee may have about the actions that we have taken to protect the safety of our customers.

As mentioned earlier, last year Firestone recalled about 6.5 million tires, primarily on Ford vehicles; and at that time, I pledged

to this committee that Ford would implement an early warning system to help identify potential tire problems.

We promised our customers and all of you that we would use the lessons learned, combined with the aid of new technology, to keep our customers safe; and Ford Motor Company supported passage of the TREAD Act, which in many ways encouraged the very same vigilence.

Public awareness of tire safety has intensified since last year, and our expectations within the Ford Motor Company of tire performance has also changed. In many ways, maybe in all ways, the bar has been raised.

Without question, detecting the possibilities of a future tire defect carries much greater weight than it ever did before. We've also moved from seeking remedies for bad tires to identifying and eliminating faulty tires before the safety of customers is compromised.

Last summer, field data and government data revealed highly elevated tread separation rates on Firestone ATX and certain Firestone Wilderness AT tires. Those tires were recalled even before we knew why they were failing.

Clearly, we needed to learn more to be able to prevent this from happening again, so we started digging deeper and deeper, and we began the most intensive scientific investigation in Ford Motor Company's history. Hundreds of engineers and scientists looked at the tires; then they looked at the tires together with the vehicle, and they also looked at the vehicle itself.

Our lab tests and real-world data, including Firestone's own claims data, indicated that many of the remaining Firestone Wilderness AT tires will experience elevated failure rates, particularly as they age. The data convinced us to act now and to act on behalf of the people who drive our vehicles.

We must admit that we're dealing with very early warning signals, but they're warnings that we have taken very seriously, and we could not ignore them. We believe that this issue will grow into a more serious problem, particularly as the tires wear and age, and in short, without this action, our customer safety would have been at risk.

So on May 22, we announced our tire replacement program, and thanks to the dedication of our dealers and employees and the cooperation of the other tire companies, we're moving ahead swiftly. About 2 million tires are now in the pipeline, and we have replaced about 1 million tires as of this morning.

I'd like to thank the many dealers and thousands of UAW workers who are in Washington today to show support for their company and for our actions. It means a great deal to us.

Let me talk about the Explorer, and let's get to the heart of the issue. The Ford Explorer is and always has been a safe vehicle. The criticism from Firestone challenging the Explorer's safety is not based on fact. Real-world data that is compiled by the Department of Transportation shows that the Explorer is among the safest SUVs on the market. And let's go through that data.

The Explorer is 27 percent safer than passenger cars. The Explorer is safer than comparable SUVs in all crash types, front, side, rear and roll-over. The Explorer is involved in 19 percent fewer accidents of all types than the typical sports utility vehicle.

From another angle, the Explorer has scored four or five stars in government frontal and side-crash tests. Explorer has also received the second highest ranking from the Insurance Institute for Highway Safety in its frontal offset crash tests; and just one other SUV got a better rating, while four received lower ratings.

When you stand back from it all, in all, no other sport utility vehicle has such a strong combination of field and testing performance. Those are the facts, not the headlines.

In addition, we have closely examined the relationship between sport utility vehicles, as was mentioned earlier, and tires. We performed hundreds of tests with the Explorer and competitive sport utility vehicles, and this exhaustive analysis filled millions of pages of information which we have shared with NHTSA, we have shared with Firestone and we have shared with this committee. That book to my left is a summary of that data and it shows that the Explorer is a superbly designed vehicle and is a safety leader.

Last month, Chairman Tauzin asked NHTSA to review the performance of the Explorer compared to other sport utility vehicles. We agree that there is much misinformation and some confusion about the safety of these vehicles. So we welcome and we encourage NHTSA's review and analysis of all the data on Explorer and peer vehicles, and we will fully cooperate in this effort.

We're also very confident of the outcome because the Explorer has 10 years of real-world safety data and that doesn't mislead.

And there's more, probably the clearest demonstration yet that this is a problem with the tires and not with the vehicle; and this is the real-world performance of two groups of Explorers totaling more than 1 million vehicles manufactured over a 3-year period. Everything about these two groups of Explorers was exactly the same except that half the Explorers used Goodyear tires and the other half used Firestone tires. We gave both tire manufacturers the same performance criteria and both sets of tires had the same recommended tire pressure.

This is the only real-world comparison that is truly apples to apples, and the results are very clear. There were 1,183 tread separations on the Firestone tires; there were two on the Goodyear tires. The only variable was the tire. Everything else was the same—the same drivers, the same vehicles, same parts of the country, same roads, same driving conditions, same loads and the same tire pressure.

So it bears repeating, this is a tire issue and only a tire issue.

I've heard some of the comments made earlier this morning, and I want to make it clear that we do not get any satisfaction from this dispute with Firestone, but we cannot and we will not let them decide when or how the Ford Motor Company will act to protect our customers' safety. Our customers count on Ford to place their safety and interests above all else, and we do.

One year ago, I came before this committee to discuss the recall of Firestone tires, and at that time, you asked what we could do to assure the public that this type of safety calamity would not happen again. I pledged to you and to our customers that we would be vigilant in our efforts to identify the problems and to identify them early and to fix them.

So I'm very proud of the Ford Motor Company's strong commitment to safety, and I am grateful for the Secretary's recognition of that commitment. And as I said last year, this is a tire problem, not a vehicle problem. And the government confirmed last year that this is a tire problem.

Although we're back before your committee again this year to discuss an even larger recall, this still remains a tire problem. Our goal is to make sure that it does not become a safety problem for the public.

Thank you for your attention, and I'll be pleased to answer any questions.

[The prepared statement of Jacques Nasser follows:]

PREPARED STATEMENT OF JACQUES NASSER, FORD MOTOR COMPANY

Good morning Mr. Chairman, Congressman Dingell and members of the committee. I am Jacques Nasser, President and CEO of Ford Motor Company. I am here today to explain the reasons behind our decision to replace 13 million Firestone tires on Ford vehicles. I am also here to answer any questions the committee may have on the steps we have taken to protect the safety of our customers.

For nearly 100 years, our Company has thrived because we have been responsive to our customers and our communities around the world. In all the actions we have taken, we have been guided first and foremost by our commitment to safety. We have also been driven by facts—real world performance data, as well as laboratory analyses. We have shared all the data and analyses openly, and have worked with NHTSA and with Firestone to better understand the causes of the tread separation problem with Firestone ATX and Wilderness AT tires.

Why We Are Replacing the Tires

On May 22nd of this year, Ford announced that we would replace all Wilderness AT tires used on Ford vehicles because of concerns about the performance of the tires as they age, creating unnecessary risks for our customers. While some of the tires being replaced do not show a substantial failure risk, we are replacing all Wilderness AT tires to avoid any confusion for our customers and eliminate any doubt about the quality of their tires.

Last summer, while the data indicated elevated rates of tread separation on the 6.5 Million ATX and Decatur-built Wilderness AT tires (Exhibit 1), which resulted in the Firestone recall, we did not have enough information to understand why the tires were failing.

Immediately after the recall, we assembled a team of technical experts to find the causes of the tread separation problem. The purpose of the investigation was simple: we had to be certain that the tires on our vehicles were as safe as possible for our customers. The "Tire Team", as it became known, spent more than 100,000 person-hours analyzing real-world data, investigating accidents, testing tires and vehicles, running computer simulations and studying tire designs. Our Tire Team worked closely with NHTSA every step of the way. We also shared our data and analysis with Firestone and Dr. Sanjay Govindjee, who conducted an independent investigation at Firestone's request.

As part of that intensive work we developed a laboratory test to duplicate the failure mode experienced in the field. We developed better statistical analysis of claims data that allowed prediction of trends in failure rates. We worked with NHTSA to understand failure rates in competitive tires. And we did detailed engineering analyses of failed tires to give us an understanding of real-world failure mechanisms. Our findings proved consistent with the findings of Dr. Sanjay Govindjee.

We reached the following conclusions based on our data and analyses:

- Firestone's Wilderness AT tires experience higher rates of tread separations than other tires, including the Goodyear tires used on the Explorer.
- Firestone's ATX and Wilderness AT tires fitted to Ford vehicles have temperature characteristics, wedge design characteristics and rubber properties, including peel strength, that demonstrate they are more sensitive than other tires to the stresses caused by ordinary use. This correlates with their significantly higher failure rates in the field.
- Firestone's ATX and Wilderness AT tires have different designs, constructions and performance characteristics depending upon when and where they were manu-

factured. The Goodyear tires used on Explorers do not exhibit this degree of variability.

- Firestone's Wilderness AT 16" tires with a recommended inflation pressure of 30 psi perform about the same on the Explorer as the 15" tires with a recommended inflation pressure of 26 psi from the same Firestone plant.

Based on our laboratory testing and results, we were able to make predictions that could be confirmed by real-world data. Then, on May 11th of this year we received the latest claims data from Firestone which showed a rising trend in failure rates for Wilderness AT tires, further validating our analyses and predictive model. With these pieces of the puzzle coming together, we felt we had sufficient information to take action in the best interest of our customers (Exhibit 2).

Last summer the elevated levels of tire failures on the recalled tires sent a very strong signal. What we learned since then allowed us to analyze failure trends more precisely. So, while claims alone today do not present as strong a signal as last August, our model suggests that the rate of failures is increasing significantly as the tires age, a risk that we cannot ask our customers to accept.

We really had only two choices—wait until more failures proved conclusively there is a growing problem, or act now on the basis of our analyses and the data available. With hot weather driving conditions approaching, we knew the risk of tread separations would increase. As a result, in the interest of the safety of our customers, we could not wait.

Progress to Date

In the first week of June, after reviewing our proposed customer letter with NHTSA, we notified millions of customers of our analysis and the details of our replacement program. At the same time, we were qualifying tires as fit for replacement through our testing processes. We have, so far, identified approximately 60 types of replacement tires. We also reviewed the list with NHTSA to ascertain that there were no pending concerns with the qualified tires.

To build the pipeline of replacement tires, we entered into discussion with tire manufacturers. So far, an additional 2 million tires have been made available, and we have taken 2-3 down weeks at several of our plants to help fill the supply pipeline and give the tire manufacturers time to ramp up production. The desire to quickly increase replacement tire production was another reason we felt we had to announce the replacement program as soon as possible.

We are qualifying tires based on the new testing procedures developed by the Tire Team. In addition, the tire manufacturers are providing claims data from the early warning system developed as a result of the TREAD Act. These data, together with our predictive models, give us confidence that the replacement tires will meet the needs of our customers.

The Explorer is a Safe Vehicle

The data tell us that the problem is with the tires and not the vehicle. There are about 3 million Goodyear tires that were built to the exact same Ford specifications and were put on Explorers during 1995-1997 (and as replacements for these vehicles in subsequent years). These tires are performing almost flawlessly, having generated only 2 tread separation claims. At the same time, a similar number of Explorers built at the same assembly plants but equipped with Firestone tires have experienced 1183 tread separations (Exhibit 3), with the same type of customer and the same geographical/climatic distribution of vehicles (Exhibit 4). The difference in tire failure rates therefore cannot be attributed to the Explorer.

It has been alleged that the reason Goodyear tires had few tread separations is that they are a "B" graded tire according to the Uniform Tire Quality Grading Standards (UTQGS), while the Wilderness AT has a "C" rating. In fact, millions of tires on GM and Toyota vehicles, for example, are "C" rated, but have not had tread separation problems.

Another charge is that the Explorer had insufficient load reserve—or margin of safety—for the tires. The field data show, however, that there is no correlation between load reserve and tread separation claims on these vehicles. Goodyear tires had the same load reserve at 26 psi yet had no tread separation problem. Furthermore, the Firestone 16" Wilderness AT tires, which are specified at 30 psi, had elevated claims even with 300 pounds more load reserve. Lastly, the Explorer's load reserve is similar to other SUVs.

There have also been allegations that Explorer is causing the tire "problem" since Ford Ranger is fitted with the same tire, yet experienced fewer tread separations. The only time the same size tire was used on the Ranger and Explorer was as an option on the four-wheel drive model of the Ranger. The vast majority of these vehicles were sold in northern climates where four-wheel drive is in high demand. When

Decatur-built Wilderness AT tires (these were recalled by Firestone last August) were placed on 4x4 Ranger pickup trucks in the hot states, they failed at statistically similar rates as the tires on the Explorer.

The Wilderness AT tires used as original equipment on the Explorer are also installed as aftermarket tires on a wide variety of non-Ford vehicles and these vehicles have experienced a significant number of tread separations, some resulting in accidents. There are a total of 167 non-Ford claims of tread separation and 66 of these are on competitive SUVs. These claims include claims for tread separations on tires not included in last year's recall. The total number of Wilderness tires used as aftermarket replacements on competitive vehicles is not known, but is believed to be relatively small, suggesting an elevated failure rate, comparable to that experienced by original equipment Firestone tires on the Explorer (Exhibit 5). In addition, there are 236 claims on Ford vehicles that are not Explorers on these same tires, again suggesting that the problem is with the tires.

In spite of this strong statistical evidence that this is a Firestone tire problem, we were not satisfied to stop at an investigation of the tires alone. As a designer and manufacturer of vehicles for almost 100 years, Ford used its knowledge of vehicle engineering to do an unblinking review of tire-vehicle interaction. All through this process we shared our findings with NHTSA and Firestone.

We conducted 4 major analyses in our safety investigation that focused specifically on the vehicle. We looked at whether the Explorer design could cause an elevated rate of tread separation claims, and we found that this was not the case: we were able to reproduce the tire failure mode in the laboratory, independent of the Explorer, confirming the field data on Firestone and Goodyear tires.

We looked at whether the Explorer behaved differently, compared to peer vehicles, *during* a tread separation. In all, we tested 24 different vehicles in 60 tread separation tests and more than 1000 vehicle dynamics tests and hundreds of computer simulations; the data we generated confirmed that the Explorer behaves similarly to other SUVs. We looked at whether Explorer behaved differently *after* a tread separation, and the data show that its performance falls within the range of other vehicles in its class. And we looked at the crashworthiness of the Explorer, and again found that it was comparable or better than peer vehicles. Overall, the Explorer performed similarly to other SUVs before, during and after a tread separation.

Importantly, the results obtained in thousands of hours in the laboratory and on the test track are confirmed by 10 years of real world performance.

The analysis of government data show that the Explorer is among the safest of the comparable SUVs (Exhibit 6):

- The Explorer is 17% safer than the typical comparable SUV in all types of fatal crashes (Exhibit 7).
- The Explorer is 19% safer than the typical comparable SUV in fatal rollover accidents (Exhibit 7).
- The Explorer is safer than the typical comparable SUV in all crash types—front, side, rear and rollover crashes.
- The Explorer is involved in 19% fewer accidents of all types (fatal and non-fatal) than the typical comparable SUV (Exhibit 8).

Explorers have successfully traveled enormous distances in the last 11 years. More than 4 million Explorers have been sold, and over 3.5 million of these are still in service. Explorer drivers have collectively driven the equivalent of more than 13 million years. Explorers have been driven more than 150 billion miles.

Insurance data also show the Explorer has a strong safety record. Data published by the Highway Loss Data Institute (HLDI) show that the Explorer in all its derivatives (such as model type—2 door versus 4 door and 2 wheel drive versus 4 wheel drive) has an injury loss claims record better than the average car, ranging up to 32 percent better.

Explorer has a fine record in government and consumer testing:

- Explorer has scored 4 or 5 stars (the highest rating) in government NCAP frontal and side crash tests.
- Explorer is similar to competitive SUVs in the government's experimental rollover resistance rating, based on the static stability factor (SSF).
- Explorer received the second-highest rating from the Insurance Institute for Highway Safety (IIHS) in its frontal offset crash tests. Just one SUV got a better rating, while four received lower ratings.

All in all, no other SUV has such a strong combination of field and testing performance.

Analysis of Firestone tire claims data also confirms that the accident and the rollover risk for the Explorer when a tread separation occurs is comparable to other SUVs (Exhibit 9). Since tread separation accidents are still relatively rare events,

the sample size of the data is quite small and the confidence interval is wide. We will continue to share our analysis with NHTSA and Congress to confirm our understanding. However, nothing in the data that we have analyzed supports recent accusations that the Explorer is behaving atypically among SUVs. The Explorer is as safe as other SUVs before, during and after a tread separation.

A recent analysis conducted by Dennis Guenther at the request of Firestone purports to show deficiency in the safety of the Explorer on the basis that it does not have enough "understeer margin" to prevent oversteer in the linear range when it suffers a tread separation at the rear. We strongly disagree with the statements made by Firestone regarding this study. The Firestone test is unreliable because it did not test enough vehicles or conditions to support their conclusions.

- It used too few models (only 2 compared to Ford's 15 SUV tests).
- It has test repeatability and data reduction issues.
- It tested only on one road surface.
- It did not test the actual event of tread separation.
- It did not test under the demanding circumstances in which tread separations occur in the real world.
- Its results are inconsistent with real-world accident data.

Firestone's allegations would imply that not only Explorer, but 12 other vehicles we tested made by the world's leading motor vehicle manufacturers also do not meet Guenther's understeer criteria (see table below). This illustrates the absurdity of Firestone's position.

Vehicles That Show Linear Range Oversteer with a Rear Tread Removed

(All vehicles tested fully loaded)

2001 BMW X5 4x4	2001 Honda Odyssey	1996 Chevrolet Blazer4x2
1995 Isuzu Rodeo 4x2	2001 Chevrolet TrailBlazer 4x2	2001 Jeep Liberty 4x4
2001 Dodge Durango 4x4	1995 Nissan Pathfinder 4x2	2001 Honda Accord
2000 Toyota 4-Runner 4x4	2001 Honda CRV 4x4	1994 Toyota 4-Runner 4x2

The Explorer, like all its peers and every vehicle made, has handling characteristics which are optimized for safety with four treaded tires. According to our test results, its handling and steering characteristics are remarkably close to those chosen by BMW and Mercedes Benz, as well as the most recent entries from Jeep, Dodge, and even the new TrailBlazer has less understeer than the Explorer. These characteristics help the driver to achieve safe operation in all foreseeable circumstances.

Even the two vehicles that meet Firestone's understeer criteria have experienced rollover accidents after a tread separation on Firestone tires in the real world.

Finally, we will not accept that a tread separation is a "normal foreseeable event" that manufacturers must accommodate through vehicle design as asserted by Firestone. No vehicle we have tested can deal with a tread separation well enough to avoid a small but significant risk of loss of control with a treadless rear tire. As indicated in Exhibits 10 and 11, other tire manufacturers such as Continental and Goodyear do not accept that tread separation is a normal or common occurrence that should be part of the vehicle design requirements.

NHTSA's data show that other tire manufacturers have demonstrated that it is possible with current technology to design tires that do not separate. We know the best way to prevent accidents caused by tread separations is to prevent tread separations and that is why we are replacing the Firestone Wilderness AT tires on our vehicles.

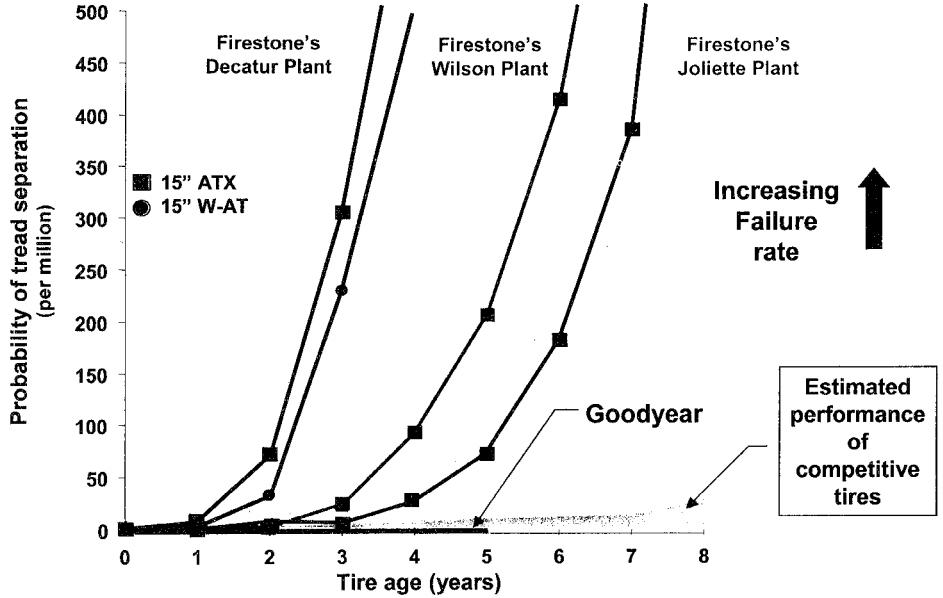
Conclusion

In summary, we have been guided throughout by our number one priority, the safety of our customers.

Ironically, last summer we were criticized by some for acting too slowly. Now, we are being criticized for acting too swiftly. In both cases, we have been driven by the facts and analyses available. We have shared data continuously with NHTSA, Congress, and Firestone. I assure the committee that the decision that we took to replace these Firestone Wilderness AT tires was not taken lightly. The cost of the replacement program is about 3 billion dollars. We feel this expenditure is necessary to protect the safety of those who have put their trust in us. And, we will make that decision any time that the safety of our customers is at risk.

EXHIBIT 1

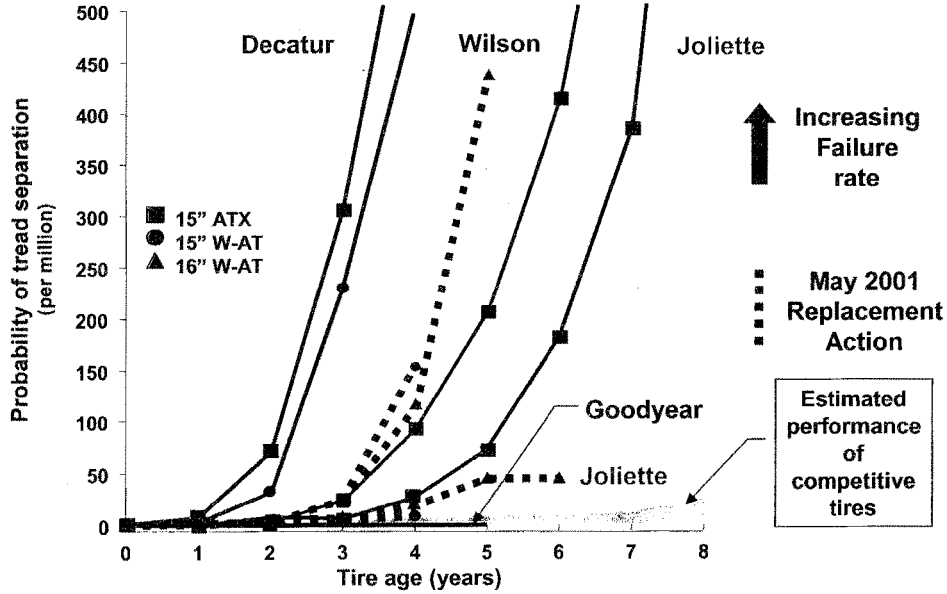
Recalled (August 2000) Firestone ATX and Wilderness AT Tires' Failure Rates Increase Dramatically With Age



Source: Goodyear and Firestone tire claims data; competitive tire claims rate inferred from Government and supplier data.

EXHIBIT 2

Firestone Wilderness AT Tires in Ford's Replacement Program Also Show Failure Rates Increase Dramatically With Age

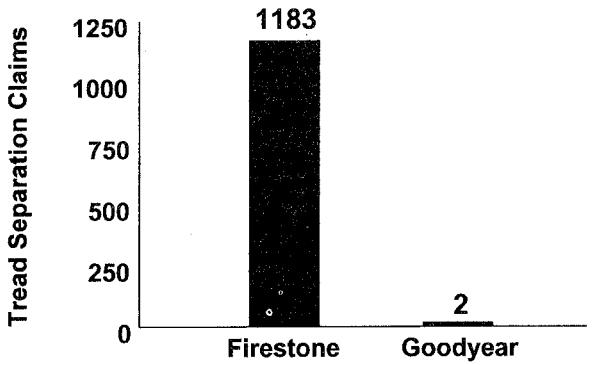


Source: Goodyear and Firestone tire claims data; competitive tire claims rate inferred from Government and supplier data.

EXHIBIT 3

The Tire Is the Issue, Not the Vehicle

Comparison in tread separations claims on roughly 3 million Goodyear tires and 3 million Firestone tires. All of these tires were used on 1995-97 Explorers. The vehicle is the same but the tire performance has been substantially different.



Source: Firestone and Goodyear claims data;
Firestone claims include 877 ATX II claims, 220 Decatur Wilderness AT claims, and 86 Wilderness AT claims from other plants which are now being replaced.

EXHIBIT 4

Goodyear vs. Firestone Explorer Shipments to Selected Hot States 1995-1997 Model Year

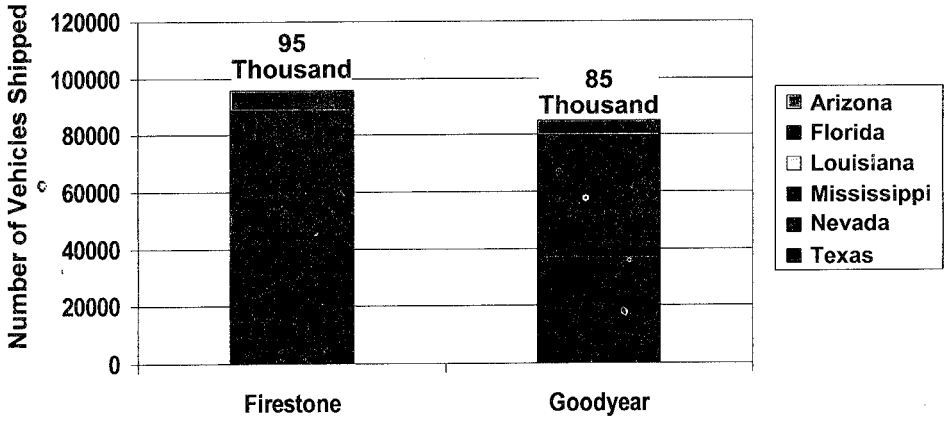
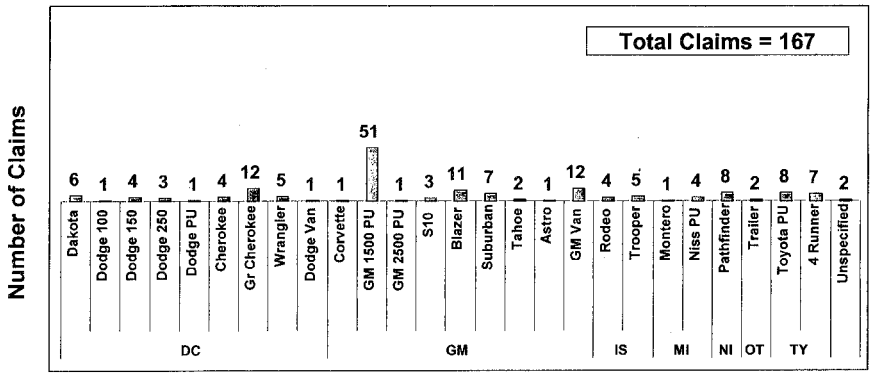


EXHIBIT 5

"Explorer" Firestone Tires Installed as Aftermarket Tires on Other Vehicles Also Have Experienced Tread Separation Incidents (According to Latest Firestone Claims Data)

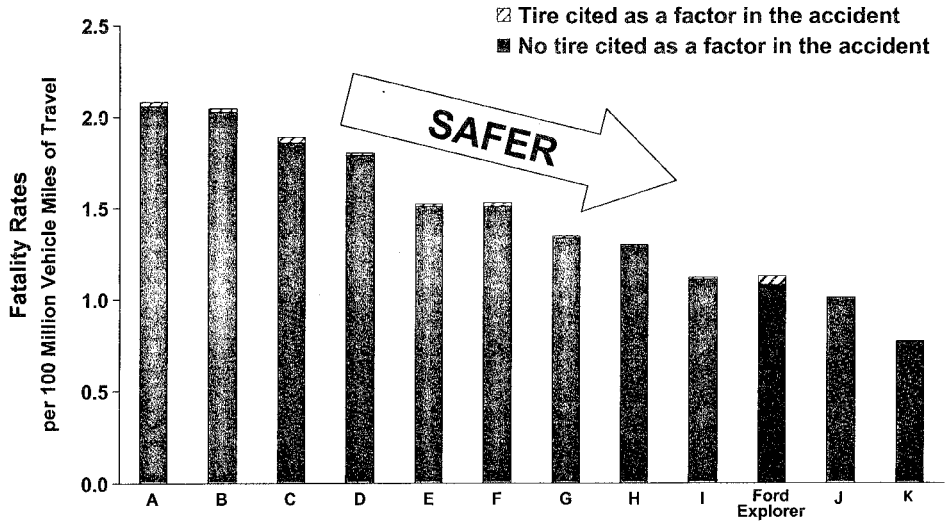


These tires were sold as original equipment only on Ford vehicles. The number placed as aftermarket on these competitive non-Ford vehicles is not known, but is believed to be small.

Source: Firestone Claims Data Through December 2000

EXHIBIT 6

Explorer is Among the Safest Compact SUVs

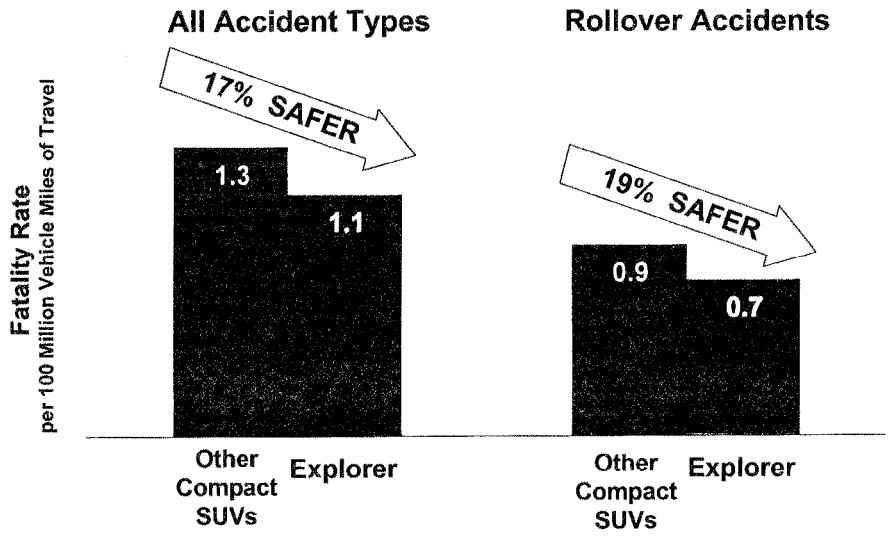


VEHICLES INCLUDE: Chevrolet S10/T10 Blazer, GMC S15/T15 Jimmy/Envoy, Honda Passport, Isuzu Rodeo, Isuzu Trooper, Jeep Cherokee, Jeep Grand Cherokee, Mitsubishi Montero, Nissan Pathfinder, Oldsmobile Bravada, Toyota 4Runner

Source: Ford analysis of U. S. Department of Transportation 1991-99 FARS accident data (latest available).

EXHIBIT 7

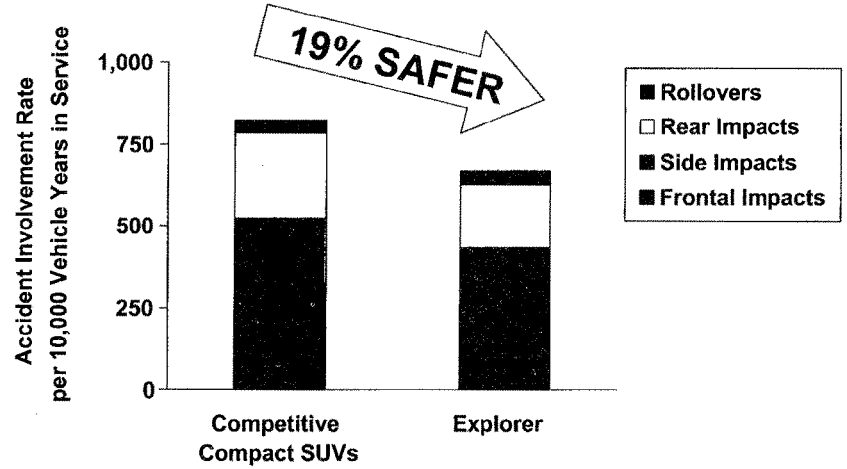
Explorer Is Safer Than Other SUVs In All Accident Types, and Rollovers Specifically



Source: Ford analysis U.S. Department of Transportation 1991-99 FARS accident data (latest available).

EXHIBIT 8

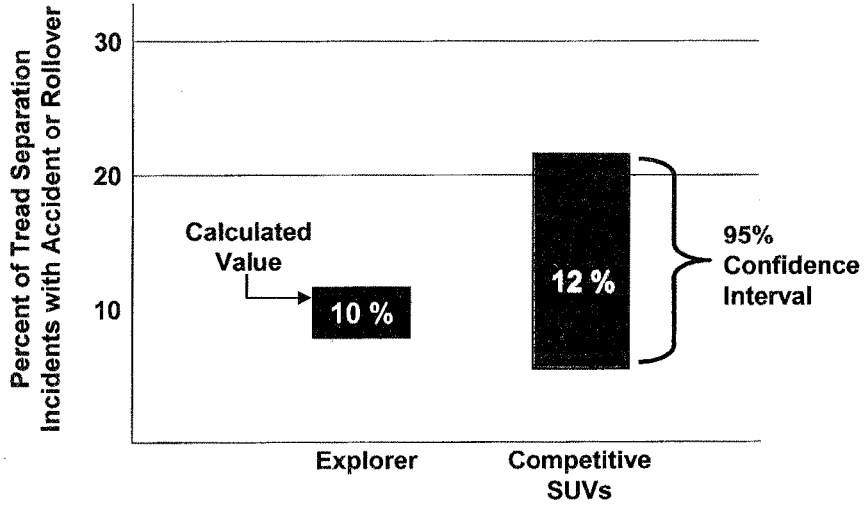
Explorers Are in Accidents Less Often Than Competitive SUVs



Source: Ford analysis of U.S. Department of Transportation 1991-99 NASS/GES accident data (latest available).

EXHIBIT 9

Explorers and Other SUVs Have Similar Rates of Accident or Rollover Following a Tread Separation on Firestone Tires



Source: Firestone claims data obtained July, 2000; subsequent Firestone claims data provided to Ford contains very limited competitive information.

Continental

EXHIBIT 10

Continental Aktiengesellschaft

Mr. Carlos Mazzorin
Group Vice President
Global Purchasing & South America
Ford Motor Company
One American Road
Dearborn, Michigan 48126-2798

Hanover, June 14th, 2001

Dear Carlos,

Regarding our recent phone conversation, I would like to summarize my opinion as follows:

At Continental, we accept that it is our role to design and manufacture tires that meet the exacting quality and vehicle load specifications of our original equipment customers. In designing their vehicles, our customers may justifiably rely on the quality and performance of our product.

We do not accept that tread/belt separations are a normal or common occurrence and that tire failures as a result of tread/belt separations are to be expected. Original equipment manufacturers and their customers may assume that their tires will not experience tread/belt separations and failures, if properly maintained, not abused and not damaged by road hazards.

Please do not hesitate to contact me anytime with questions or further information.

Sincerely,

Stephan Kessel

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Supervisory Board:
Hubertus von Grünberg

Registered Office: Hannover
Registered Court: Amtsgericht
Hannover HRB 3527

Executive Board:
Stephan Kessel,
Chairman
Bernd Frangenberg
Klaus Friedland
Hans-Joachim Nikolin
Manfred Wennemer
Wolfgang Ziebart

Accounts at:
Landeszentralbank
Hannover
Account No. 250 080 85
Bankcode 250 500 00
Post office Hannover
Account No. 194-301
Bankcode 250 100 30

EXHIBIT 11

The Goodyear Tire & Rubber Company

Akron, Ohio 44316-0001

VICE PRESIDENT
ORIGINAL EQUIPMENT
NORTH AMERICAN TIRES

June 14, 2001

Mr Carlos E Mazzorin
Group Vice President, Global Purchasing & South America
Ford Motor Company
One American Road
PO Box 1899
Dearborn, Mi 48121-1899

Dear Carlos,

As the largest supplier of original equipment tires in the industry, Goodyear has unparalleled experience in providing high quality tires that meet the wide range of performance requirements from our auto-manufacturing customers. As a company we have systems and processes in place, including dedicated resources, to deal with the exacting requirements of meeting vehicle load and performance specifications necessary to assure that only the highest quality products reach consumers.

Regarding your specific inquiry related to Goodyear's experience in the testing of vehicles under tread separation conditions, there are no manufacturers that currently require, or have even raised the subject of, testing under this type of condition for stability in their vehicle systems' procedures.

While the phenomena of tread separation is a rare occurrence for tires, everyone needs to understand that it is a condition that can occur through misuse, abuse, overloading or severe under-inflation, and accidental road hazard.

Sincerely,

Bryan L Kinnamon, Vice President
Original Equipment
North American Tires

kmj

blk061401c

Mr. STEARNS. Mr. Nasser, thank you very much.

Before we start, I just want to caution the audience that we have to have an aisle between the different rows of chairs. So if you can't find a seat, certainly open up that aisle, so that from the fire marshal's standpoint, we can move about.

Mr. Nasser, we certainly welcome the UAW employees here. You'll be happy to know that a lot of the Ford dealerships have also called us, so we're getting a lot of participation from Ford, and we like to hear from our constituents.

I'm going to open up and when I'm in a similar situation, like yourself, I always say, I am open for hospitable questions. So that's where you are today. And I want you to know that this committee is intent, while some of these questions might be pointed, that the purpose is with our not having the knowledge you have, or NHTSA. We are struggling, as Mr. Strickland said, to understand what these claims data mean.

Is it operator error? Or is it possibly just a case of a malfunction of—a one-time malfunction? Or is there a consistency here from an engineering standpoint that we need to correct?

So if you will bear with us as we go through this, we'll be asking some questions, hopefully just to try and educate us as well as the public.

On the issue of Ford's temperature test—I'm from Florida where there's a lot of heat. After reviewing your data, I wonder whether these temperature tests were truly a valid comparison of the Firestone tire. As I understand it, you tested a total of 40 tires of varying sizes. Out of these 40 tires, 33 were Firestone tires.

Could you explain how these tests, when a majority were Firestone tires, are a valid comparison of the other tires; and also, since most of us have a lot of questions here, it would be very helpful if you could be concise in your answers so that we could just move quickly through.

Mr. NASSER. We did have exhaustive tests of tires, both old tires and new tires, and we analyzed field data of 146 cases. We conducted extensive vehicle on-road testing, including 24 different vehicles, and we tested——

Mr. STEARNS. Mr. Nasser, as I understand, those were not, the 146, temperature tests. The temperature tests you did, at least from my notes, were on 40 tires, of which 33 were Firestone tires; is that correct?

Mr. NASSER. That is correct.

Mr. STEARNS. Okay. So we are not talking about 146.

Mr. NASSER. Ford's testing was consistent. I heard earlier that we were testing old tires versus new tires. That is not true. We tested old Goodyear tires versus old Firestone tires. And the reason we had to test only Goodyear is because they were the only tires that were fitted previously on Firestone—on Explorer, other than Firestone tires.

And we did test new Goodyear versus new Firestone versus new Michelins, and also new General/Continental tires. So in our view—and we've shared all this data—we think the testing was valid, indicative of what we'd expect tires to go through, and we think it was a fair test between the brands.

Mr. STEARNS. The only thing that I first felt when I heard that out of the 40, 33 were Firestone, you would think that you would have more Goodyear, or at least there'd be a more disparate representation.

So—I mean, that's what I'm trying to get at because it's that decision on your part, on that test dealing with temperature, which is—I am from Florida—is a very important test. I am trying to understand how you could make a decision under that kind of statistic where you had—33 were Firestone out of 40.

Mr. NASSER. Every test that we did went through data, statistical analysis, in terms of its significance; and we will share that data with you. And if you—if you look at it, we believe is it statistically significant.

Mr. STEARNS. Okay. Let me move on to another area that all of us were a little concerned about, and it's dealing with the ratings on these tires.

I don't think my wife when she goes to look at a tire knows whether it's a C-rated or B-rated; and frankly, at this stage of my life, I am not looking at it either. But you supplied this committee with charts showing that the Firestone Wilderness AT 15-inch tire runs hotter than the Goodyear Wrangler RTS 15-inch tire. The Firestone tires you tested had a C rating, whereas all the other tires you tested had a B rating.

Because Ford designed the specifications, you sat there and said, "These are the specs that you must abide by, Subcontractor."

Was there any real surprise that the Firestone tires tested hotter than the Goodyear tires, just based upon that rating; and is that C and B meaningful?

Mr. NASSER. Well, the first thing is, we do not specify a B- or C-graded tire, and neither does any other manufacturer. We don't specify a temperature grade. We've got performance specifications that are the same.

Mr. STEARNS. Well, let me ask you this, Mr. Nasser.

Is there a difference between a C and B rating on a tire? Does it have any meaningful difference?

Mr. NASSER. There may be some difference. We don't believe is it anything significant in terms of tread separation.

Mr. STEARNS. Okay.

Mr. NASSER. And by the way, I should add——

Mr. STEARNS. Yes?

Mr. NASSER. [continuing] that many of our competitors, including Toyota and General Motors, use C-grade tires on sport utility vehicles.

Mr. STEARNS. Well, just the data we had from General Motors, they indicate it should be a B-rated tire. You know, that's just one competitor.

Mr. NASSER. They use C-rated tires, and interestingly enough, Firestone did not mark the tires with a temperature grade until we believed, sometime in 1999 or the year 2000, and on at least two occasions, in 1995 and in 1999, we were told by Firestone that the tires were B-class tires.

Mr. STEARNS. We have a couple of charts here that we have put together, our staff, based upon the information you gave us. That one the staff is just putting up will show that the General Grabber

AT tire, based upon the information you gave us, has a higher rating than the Wilderness AT; and that the Wilderness AT, relative to the General GS 60 and the other tires, is, you know, a little higher. But it's not so significantly higher to, in our minds, understand why such a major recall decision would be made.

And so I am saying, this is a graph we've put together from your information.

Mr. NASSER. You know, I go back to the initial discussion. We can peal this data, piece by piece. We can look at temperature, we can look at peel strength, we can look at all different types of things. In the end, you've got to look at field data.

One particular element, an attribute of a tire doesn't tell the complete story, and that's part of the confusion that we're getting in the marketplace, and that's part of the reason Congressman Stupak highlighted that headline in the press.

You cannot take one particular aspect of a tire. You must look at the overall performance, and that's what we did.

Mr. STEARNS. I thank you. My time has expired.

The gentleman, my colleague from Florida, Mr. Deutsch.

Mr. DEUTSCH. Thank you, Mr. Chairman.

And thank you, Mr. Nasser, for your testimony.

I'd like to focus a little bit on the chairman of the full committee, and really, I appreciate his effort. And this—really part of our job in just trying to inform consumers a bit more, and as has been discussed, by the end of this hearing, I don't think we'll get to the final answers, but I think we can provide that function reasonably well.

Obviously, you know, you express the condolences—I think all of us do—of the deaths that occurred from the Firestone tire failures. Most of these failures, as you well know, were also on Ford Explorers. From a consumer perspective, I think hearing your answer to this question is helpful.

Why is the Explorer so difficult to control when there is tire—when there is tread separation?

Mr. NASSER. That's your question?

Mr. DEUTSCH. Yeah.

Mr. NASSER. All vehicles have, the Explorer does not handle any differently than any other sport utility vehicle. It's in the middle of the pack, and we have testing that will support that.

Most vehicles do not handle very well when you lose a tread. Vehicles are not designed and specified and set up so that they can handle tread separation easily, although you would have to say that even with—even from Firestone's own data, 90 percent of the Explorers do not roll over even when there is a catastrophic tread separation.

Mr. DEUTSCH. Let me follow up.

Mr. NASSER. So I'm not sure, what is the thrust of your question.

Mr. DEUTSCH. Well, the thrust, I guess, is——

Mr. NASSER. If the thrust of the question is for manufacturers to design vehicles that would handle tread separation, I think that would be a losing proposition for our customers.

Mr. DEUTSCH. Let me just refer to a memo from Donald Tandy of Car Engineering, which is in the packet we've submitted for the record. Mr. Tandy was a frequent expert witness for Ford, says

that the driver of an Explorer died when the tread separated because the driver did not steer the vehicle in a controlled way.

Mr. Tandy has given this testimony in numerous lawsuits. Last year he told the committee staff how simple it was to handle a tread separation at highway speeds, and we have videos of Mr. Tandy's demonstrations.

Is it still your position that the average driver is different from Mr. Tandy, who's testified for Ford, and should be able to drive safely on the shoulder and stop a vehicle in this situation?

Mr. NASSER. Our contention is that tread separations should be a very, very unlikely event; and different—different drivers will react in a different way. So I am not trying to predict how drivers will react because they will react in a very different fashion.

Mr. DEUTSCH. Well, let me just repeat the question. Is it the position of Ford Motor Company that an average driver of a Ford Explorer ought to be able to drive safely to the shoulder and stop a vehicle without an incident when there's tread separation?

Mr. NASSER. That is true. But it also—I should say that the Explorer doesn't handle or behave any differently than a typical sport utility vehicle in that situation.

Mr. DEUTSCH. So I guess I am trying to understand if that is a catastrophic thing that we can't plan for, or deal with; or is it something that if it occurs, you ought to a be able to drive to the shoulder of the road and not die.

Mr. NASSER. In most cases, you should be able to drive to the side of the road and based on all the data that we have, including the Firestone data, nine times out of ten, that does happen.

Mr. DEUTSCH. Okay. And is that the case in the 203 people who died? There were 2,000 incidents and only 10 percent——

Mr. NASSER. Mr. Deutsch, we feel very sad about those 203 people. That's why we are moving to replace 13 million tires. That's exactly what we're doing. We don't want to be sitting here talking about further tragic deaths and accidents and having esoteric discussions about the behavior of a vehicle when a tread separation occurs.

Mr. DEUTSCH. Okay. And again I guess I am just trying to focus, from a consumer perspective in terms of driving a Ford Explorer. Is that Mr. Tandy, who my understanding is your lead expert in terms of the court case that is involved in this, then his testimony is correct or not correct?

Mr. NASSER. I have to look at his testimony in detail. I haven't done that. I am answering your question in the spirit it was asked.

The Explorer handles in a typical fashion, as other SUVs nine times out of ten, based on the data Firestone provided.

Mr. DEUTSCH. Let me in the final question in a deposition on Thomas Bogaman, Ford's quality control officer, taken on December 21st, Mr. Bogaman testified that it was his opinion that all Firestone Wilderness AT 15-inch tires were not, and I will quote, "robust against variations in inflation pressure and in operating condition, load and speed" close quote. If Mr. Bogaman knew that last December, why didn't Ford recall the Wilderness tires at that time?

Mr. NASSER. It's Mr. Tom Baughman. He is an engineer with Ford, and he's a very competent engineer. In that particular in-

stance, as an example, we don't agree with his conclusion; and that's not a problem for us. You know, we have a company where we encourage people to develop theories and knock them down and look at data; and if you look at the data, it isn't supported by his——

Mr. STEARNS. The time of the gentleman has expired.

The chairman of the Oversight and Investigations Committee, Mr. Greenwood, is recognized.

Mr. GREENWOOD. Good morning, Mr. Nasser. I don't envy you.

You have a very difficult challenge on your hands to—I believed you and took you at your word when you sat with me and members of the committee 4 weeks ago and told us that you felt a strong obligation to your consumers to protect their safety; and they think you're doing that. And I think it's obviously understandable that you have a obligation to your stockholders and your employees to do what's right for the company at the same time. But I do want to get to this comparison.

One of the questions that's plagued us as we looked at this is this question of which tires one would choose to recall and which tires one would use to replace them, and the confusing sets of data that I'm sure you needed to rely on to some extent and were confronted with.

If you compare the Firestone Wilderness AT and the Goodyear P235/75R15 tires, the committee's prepared a chart that sets forth the percentage of tires that had belt leaving belt at each plant; and that chart is available to your left. So according to this chart, which was prepared using data supplied by Ford, the Goodyear Lawton plant has a very similar belt-leaving-belt percentage, as do the Firestone Wilson and Joliette plans.

Can you follow that there, sir?

Mr. NASSER. Yes.

Mr. GREENWOOD. Okay.

However, the Firestone Aiken plant has had no tires tested with belt leaving belt.

So the question is, how could Ford—how did Ford decide to replace Firestone tires with no tread separation from its own tests with a Goodyear Wrangler RTS tire that has tread separation?

Mr. NASSER. Mr. Chairman, this was one of the toughest decisions for us, because we're generally data driven. We look at it and we try and decide strictly on data; and in this case, we had to go a little bit further. And I'd like to just take you through the thinking and the rationale behind the parameters of the tire recall, the 13-million-tires recall; and they really fall into four categories, and they're different, and that's why I say this is complex.

The first one is, we looked at field data and we saw the field data increasing, real-world data, what was going on in the field. And when we looked at that, it was very clear that the Wilson plant tires were a risk.

In addition to that, we looked at statistical analysis, what we call a hazard plot, which looks at the prediction of aging of these tires over time. And that showed rising trends for Wilson and Joliette. So at this point we had Wilson because of field data, we had Wilson and Joliette because of field data and our statistical prediction of aging.

We then went through our lag tests where we looked at peel strength, wedge width and also temperature, and that showed risk of failure for Wilson, Joliette and also Decatur. So now we had almost all the population of these tires.

We were left with the Aiken plant. Aiken is a new plant. It's very automated. Its manufacturing and quality variability is the best of the Firestone plants. Based on everything that we've seen, is it a world-class plant. But our customers' confidence in all of these Wilderness AT tires, we knew just wouldn't be there.

So when we sat back from it all, we didn't want our customers to be crawling under their vehicles looking for Aiken manufacturing. We didn't want them to be sitting here a year from now, because we didn't have a lot of experience on Aiken. Aiken's a new plant, the tires maybe haven't been out there long enough.

So we made a judgment call on Aiken, and your data is probably right there. Aiken would fall within the category of a pretty good tire.

Mr. GREENWOOD. Did you do a similar analysis of the Goodyear tires that would have shown that there are Goodyear Wrangler RTS tires with tread separation?

Mr. NASSER. We did, we did—all very similar analysis on Goodyear. But in the final analysis, all of the testing and all of the hypotheses doesn't really mean anything unless you can correlate it to real-world data, field data. And in the case of Goodyear, we went back to the field and, guess what, the tires performed well with customers.

Mr. GREENWOOD. Okay. Let me go to another question here.

Ford has emphasized the rig test results, asserting that it could not fail a Goodyear tire at less than 26 pounds of air pressure, or anywhere from 40 to 42 percent of Firestone's Wilderness AT tires, depending on the plant, failed at such lower pressures. What Ford didn't tell us, however, was that several of the Goodyear tires failed at exactly 26 psi.

Ford also didn't tell us that it did not test any 16-inch Goodyear tires at less than 26 psi during its rig tests, yet it included the 16-inch test results in its various presentations to this committee. And even though it did test a small number of 15-inch Goodyear tires at low inflation pressures, without failure, almost half of those Goodyear tires were new tires as compared to the Firestone tires tested at those same pressures, 85 percent of which had been designated by Ford as "old" because they had been used on vehicles for more than one summer.

Do you really think that these tests were comparable?

Mr. NASSER. First of all, we always go back to the field data. Second, we do believe those tests were comparable because we tested old versus old and new versus new in every case.

Mr. GREENWOOD. If I can interrupt you, sir, we're trying to make a separation here between the field testing and the rig testing because you've presented data from both sources.

If you look at that chart there, you see that when it came to testing the Firestone tires, 85 percent of the tires you tested were old tires; then you went over to do similar rig testing on the Goodyears. Only 54 percent of those were old tires. So I am not sure how you call that a comparable test.

Mr. NASSER. We can debate the e-percentages all you like. Those percentages are probably meaningless, frankly, because in the end you have a sample size that is—statistically gives you confidence, and we think it does, and doesn't represent an apples-to-apples comparison, and we think it does. Those percentages could——

Mr. GREENWOOD. In all due respect, sir, to some extent you've got old apples versus new apples, and that is significant.

Mr. NASSER. I don't know whether that is true or not. We tested old versus old and new versus new, and if you've got data that shows we came to conclusions by comparing old to new and new to old, please show us that data.

Mr. GREENWOOD. My time has expired.

Mr. STEARNS. The time of the gentleman has expired.

The ranking member of the full committee, Mr. Dingell, from Michigan is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, thank you.

Mr. Nasser, I think these questions will be susceptible to yes or no answers. Does Ford tell its tire suppliers, like Firestone, what materials must be used to build a tire for a Ford vehicle?

Mr. NASSER. No.

Mr. DINGELL. Does Ford specify how wide the wedge rubber between the belts on the tires should be?

Mr. NASSER. No.

Mr. DINGELL. What about the skim stock for the tire does Ford dictate that this tire compound should be of one kind or another to its tire suppliers.

Mr. NASSER. No.

Mr. DINGELL. Does Ford tell its tire suppliers how many body plies or steel belts should be in a tire?

Mr. NASSER. No.

Mr. DINGELL. Mr. Nasser, with regard to the Firestone ATX and Wilderness AT tires that have been recalled over the last year, did Firestone make all these decisions regarding engineering and construction of the tires?

Mr. NASSER. Yes.

Mr. DINGELL. Mr. Nasser, why doesn't Ford indicate in its specifications for the construction of tires?

Mr. NASSER. Well, no other manufacturer does that. The tire manufacturers are the experts on producing the tire, the design and manufacture of the tire. And the way we specify tires, we believe is consistent with other automotive companies; and the way we specify tires for Firestone is the same way we specify tires for Goodyear and the other companies.

Mr. DINGELL. So Ford requirements are performance specifications, not engineering, construction standards?

Mr. NASSER. That is right.

Mr. DINGELL. And you gave the same to all the manufacturers for the same vehicle; is that correct?

Mr. NASSER. That's true.

Mr. DINGELL. Now, Mr. Nasser, what sort of requirements does Ford identify in its performance specifications?

Mr. NASSER. We look at a whole list of different specifications which include speed ratings and handling, wet weather conditions,

snow conditions and probably four or five other characteristics that relate to the tire and the way it relates to the vehicle.

Mr. DINGELL. So the performance specifications Ford gave Firestone for Wilderness AT tires were essentially identical to specifications you provided to Goodyear and other manufacturers when they supply tires for the Explorer; is that correct?

Mr. NASSER. Congressman, I looked at the specification sheets for Firestone and Goodyear recently, dating all the way back as many years as we could go, and they are identical.

Mr. DINGELL. I would ask unanimous consent that those be put in the record; and I'll submit them to the committee, Mr. Chairman.

So both Firestone and Goodyear built these tires for Ford based on the same information and specifications; is that correct?

Mr. NASSER. Yes.

Mr. DINGELL. And so even though two suppliers built tires for Ford Explorers based on the same performance standards, we see that the result was different. Firestone tires had over 1,100 tread separations and Goodyear tires had only two; is that right?

Mr. NASSER. Yes.

Mr. DINGELL. And the number of tires manufactured by both of these was not startlingly different; they were within a few percentages of the total number of tires, of equal parts of the——

Mr. NASSER. Millions of tires on similar vehicles, and these vehicles operated in very similar geographic conditions.

Mr. DINGELL. Now, Mr. Nasser, it's been said that Ford shifted from Goodyear to Firestone because Firestone would give you a better price. Did that change the performance specifications of the tires, the requirements for safety of the tire on the vehicle?

Mr. NASSER. No, it didn't, and——

Mr. DINGELL. Should it have?

Mr. NASSER. Absolutely not.

Mr. DINGELL. Thank you.

Mr. Chairman, I yield back the balance of my time.

Mr. STEARNS. The gentleman yields back the balance of his time; and the distinguished chairman of the full Energy and Commerce Committee, the gentleman from Louisiana, Mr. Tauzin, is recognized.

Chairman TAUZIN. Thank you, Mr. Chairman.

Mr. Nasser, let me first start by frankly thanking you and Ford Motor Company for doing what the TREAD Act intended, and that is taking time and money and spending it on extensive testing, rather than relying upon body counts to make a decision as to whether a product is safe for the road. And, frankly, I hope in 30 days to be able to express similar thanks to NHTSA.

I am going to reserve judgment until I see how good a job they have done with dollars and the new authority we've provided under the TREAD Act, so I'll wait and see.

But having said that, let me also acknowledge that Ford has an absolute right to replace any part of, you know, the product line that you want to replace, in your opinion, for the safety of your customers. I think you have every right to do that; and frankly, I again want to applaud you for making a very expensive decision to

do that, because you believe it's in the interest of your consumers' safety.

But having said that, we're still left with a great deal of confusion as to some of the decisions you made, and why, and what implications it has for the consuming public, particularly people who are using the same tires on other vehicles made by other companies. And that's why we're getting into these questions of how comparable were these tests, and how broad your recall was, and what implications it has for the consuming public and for other companies.

You've heard, I think, one of the members make the point that this massive recall has the potential of severely rocking the solvency and the future of the Firestone company itself. It is so massive and implies so much about confidence in the Firestone product that, obviously, questions arise as to why so massive a recall; and so I'm going to ask you a few questions about that.

First of all, is it true that you have recalled some lines of Wilderness AT tires that Ford never even tested?

Mr. NASSER. I don't know whether that's true, but I—I wouldn't doubt that because we looked at a broad range of tires; and as I said, in the end, it became a question of what is right for our customers.

Chairman TAUZIN. Well, here's our problem: You see, we've identified four other lines that you've recalled, one a Wilderness tire, P215/72R15, that is not only used on the Ford Ranger, but it's used on the Isuzu Rodeo and on a Mazda vehicle; and you have not—according to our information, you have not run any tests on those tires, on that line of Wilderness tires.

You've also recalled a tire that is used on—another tire used on a Mazda on which you've made no tests.

There's a third line of Wilderness tires that is used on General Motors products—Suburbans, for example, and Blazers, Sierras, Yukons—that you have recalled and run no test.

Mr. NASSER. Mr. Chairman, they're different tires.

Chairman TAUZIN. They're the tire that you recalled; the P265/75R/16 has been recalled.

Mr. NASSER. They are different tires.

Chairman TAUZIN. How—how are they different?

Mr. NASSER. They are different tires. I can tell you that, and you can believe me or you can have it checked. They are different tires.

Chairman TAUZIN. Well, are the Wilderness tires used on Isuzu and Mazda different tires?

Mr. NASSER. Mazda is part of the Ford Motor Company, so I'm not sure about that specific tire.

Chairman TAUZIN. You understand that they're the same tire, and in addition, we have another one, Wilderness AT1/P265/75R15, that's also used on a Mazda that you've recalled.

Mr. NASSER. Mr. Chairman, we didn't test every single tire ever made in the history of this world. We didn't. We had to stop. It was a question of, do we keep testing, do we keep studying, do we keep reviewing; or do we go out there and act in the interests of our customers?

And, yes, we are guilty; we decided to go out there and be nimble and act for our customers. I took——

Chairman TAUZIN. But you—Mr. Nasser, I have got a limited amount of time.

The problem we have, sir, in understanding this recall and shedding light on it is that tire lines are being recalled, and your company has provided our committee with no data indicating the basis upon which these particular lines are being recalled.

Can you——

Mr. NASSER. Mr. Chairman——

Chairman TAUZIN. If I ask you for this on the record, would you agree to supply to us any data you have that indicates why these tire lines were recalled?

Mr. NASSER. If we have the data, we'll supply it to you. If we don't have the data, and you want us to test it, we'll go and test it; but in the absence of that, we acted for the safety of our customers.

Chairman TAUZIN. I am not questioning your motives.

Mr. NASSER. But I am not sure where the question is heading.

Chairman TAUZIN. The question is simply that if these tires are being used on other vehicles——

Mr. NASSER. They're different tires except for the case of Mazda.

Chairman TAUZIN. Mr. Nasser, in some cases, they're the same tire; and if they're being recalled only on the Ford vehicle, but not on the other vehicle, what—what—how much confusion does that create for the consumers on the other vehicle?

Mr. NASSER. Mr. Chairman, we are recalling the Mazda vehicles.

Chairman TAUZIN. All right.

Second, you're replacing some of these recalled tires with tires manufactured by other companies, other than Firestone, and you have heard some of the conversations we have had regarding this. We're giving this information to NHTSA, but our investigators tell us that one of those tires, one of the replacement tires, has a claims rate of 124 per million, way in excess of the 5 per million that you indicated to us was the benchmark for this recall.

How can you justify replacing a tire that fails 5 out of a million with one that has a claims failure rate of 124 out of a million; and are we going to be in another cycle of recall later on?

Mr. NASSER. Well, we can't justify it, and if the facts are right, the first time we heard about it is when we read about it in the newspaper this morning. Every tire that we put on the replacement list was looked at and reviewed by NHTSA. We wanted to see whether there was any indication of that data.

There is one tire——

Chairman TAUZIN. Mr. Nasser, let me stop you there. NHTSA will testify later today that your company did, in fact, ask if there was any data on these replacement tires that indicated that they were the subject of a safety investigation.

Mr. NASSER. Right.

Chairman TAUZIN. NHTSA will testify they did not approve the replacement tire lists that you submitted, and I just want to put that on the record.

Mr. NASSER. Okay, I agree with that. I didn't say——

Chairman TAUZIN. But my question is, if NHTSA determines in the next 30 days that some of these replacement tires that you have on your Web site as authorized replacement tires for the Fire-

stones you're taking off do, in fact, have a safety concern or a worse safety record than the Firestone tire you're taking off, what do you plan to do about that?

Mr. NASSER. Mr. Chairman, we shouldn't be waiting 30 days if that data is accurate; we should be acting in 30 minutes. I think it's a question of determining, is the data that you have, that no one else seems to have, if you have it and it's accurate, we'll act on it; if it isn't, then we'll continue.

Chairman TAUZIN. If I can have 1 additional minute, Mr. Chairman.

Mr. STEARNS. Without objection.

Chairman TAUZIN. The third question is one I told you I would ask you on the record, and I need an answer to it. You said the real-world test, regardless of all these tests—and we can debate how accurately and comparably they were done, or how comparably Firestone's test of your vehicle was done—the real-world test was when Goodyear tires were actually put on Fords, and they performed better than Firestone tires in the mid-90's.

But the evidence, the evidence you just submitted to us, was apparently a message to Gary Hagan of Goodyear in 1998, and I'll read it to you.

"Though Goodyear has previously reviewed the price level, your quote for 100 percent of the tire volume, which is the same as the current price, based on today's 68 percent supply"—apparently you were using 68 percent Goodyear tires up until this point that—"your quote for 100 percent sole sourcing is not competitive. As you're aware, we're investigating a single-sourcing of the tire based on your uncompetitive price. Goodyear cannot be sourced on this fit."

The conclusion we reach is that in 1998 you switched back to sole-sourcing Firestones solely because of price differentials with Goodyear; is that correct?

Mr. NASSER. I wish we'd stayed with the Goodyear tires, Mr. Chairman, in retrospect.

But I'd have to say no, because during the same period, the answer to your direct question—if you look at the same period, that same year and the year following that—Goodyear's percentage of Ford tires, tires used on Ford vehicles, actually went up; and it went up because during that period we wanted to balance tire sourcing between the companies. Goodyear went from 20 percent, 22 percent of total supply to about 35 percent on an overall basis.

Now, that doesn't get to your specific question.

Chairman TAUZIN. Could you get to it for me? Why did Ford start buying Goodyear tires in 1996 and stop buying them in 1998 for the Explorer, when you now know that Goodyear was much better?

Mr. NASSER. Goodyear is much better, and the reason primarily was driven by—and we did it on many other components, other than tires, that is, to have a single design source for major components, because you don't want to go engineering, validating, testing multiple sources.

I would like to say, however, based on your question, that decision was made in 1994, I believe. Between 1994 and 1997, Goodyear reduced the price of their tires greater than Firestone reduced

the price of their tires; and the difference between Goodyear tire costs and Firestone tire costs by 1997 was 10 cents a tire, and I don't think we would get down to making major sourcing decisions that would compromise any vehicle attribute over 10 cents.

Chairman TAUZIN. Thank you, Mr. Chairman.

Mr. STEARNS. The time of the gentleman has expired.

Mr. Strickland is recognized for 5 minutes.

Mr. STRICKLAND. Thank you, Mr. Chairman.

Mr. Nasser, we're not talking about a recall, are we? Isn't this something other than a recall that we're discussing here?

Mr. NASSER. You know, that's a good question, because in almost every sense this is a recall. We call it a replacement program for a number of reasons.

The first reason is not all of the tires obviously have a safety defect. Second, traditionally the tire company would institute and manage the recall. And I think, third, we wanted to move quickly. We're handling everything else from a customer viewpoint as if it were a recall.

Mr. STRICKLAND. Another question. Is it possible that the recall is as large and massive as it is, not only related to safety concerns but because as a company, you're concerned about consumer confidence?

Mr. NASSER. When I described the four steps that we went through in terms of determining the scope of the recall, the Aiken tires in particular—and I think one other Firestone tire—would fall in the realm of a world class tire. So I would classify that as a customer quality assurance action.

Mr. STRICKLAND. I asked that question based on my own experience, because I had tires that weren't recalled during the first recall, and lots of my constituents would walk out, look at my tires and say, why are you driving on those tires, you should get those replaced; and I would explain to them that they weren't a part of the initial recall.

But I assume—and this is—this is an assumption that I am making, but I have assumed that from a company standpoint, you want to make sure that your customers have a high level of confidence in the product that you're getting—that they're getting from you. I direct that question to you, because there have been questions raised here this morning about why you're doing this, and several people have said, you've got a right to do it, you know——

Mr. NASSER. I'll say to you, we have no doubt about why we're doing it. We're doing it in the interest of our customers' safety and peace of mind. It is as simple as that, and, you know, you hear a lot of reports about how difficult a decision this is and maybe there are other factors behind it. It's straightforward, very straightforward. That is the type of company we are. We are doing it because we believe strongly that it's what our customers would want the Ford Motor Company to do.

Mr. STRICKLAND. In one of your answers to Mr. Dingell, you indicated that you have a performance standard which you require of the manufacturers of the tires you use. There have been questions raised about why you went to Firestone as a sole source, and implications raised that you did that in order to save money. But if in fact you have the same performance standards, it seems to me that

it just makes sense to go to the company that can provide a product for the cheapest price, if the performance standards are identical and have not been compromised. Is that correct?

Mr. NASSER. It is. And I should say, you know, we're perhaps painting everything in a very negative sense here. Firestone and Ford had a very long history, and Firestone produced incredibly good tires over a long, long period, and during that period when—in the early nineties when the sourcing decisions between Firestone and Goodyear were being undertaken by the company, Firestone ranked as the No. 1 quality tire supply. So there was no question at that point of Firestone's quality and their commitment to high standards.

Mr. STRICKLAND. This action is costing Ford a great deal of money.

Mr. NASSER. It is.

Mr. STRICKLAND. And that is a burden that's being borne directly by Ford Motor Company, without any assistance from Firestone, the supplier of the tires. Right?

Mr. NASSER. It wasn't even a consideration for us as to who should pay this, and our primary concern was we needed to move quickly. And I am sure in hindsight we'll go back and there will be some little bits and pieces that we didn't do absolutely perfectly right, but I'd settle for that, because we wanted to move quickly to safeguard the safety of our customers. And we didn't really waste a lot of time sitting back saying, well, I wonder who will pay for all of this.

Mr. STRICKLAND. One final quick question. Are you somewhat puzzled at the reaction that you're receiving some—from some of us?

Mr. NASSER. Not anymore, I'm not.

Mr. STRICKLAND. I yield back, Mr. Chairman.

Mr. GREENWOOD. The Chair thanks the gentleman and recognizes for 5 minutes the gentleman, Mr. Deal.

Mr. DEAL. Thank you, Mr. Chairman.

Mr. Nasser, in your opening statement, you made a great deal about the difference between the Firestone tires' performance and the Goodyear tire performance and the failure of Firestones in excess of 1,100 versus 2 failures by Goodyear. When did that information first become known to Ford?

Mr. NASSER. We started to look at that information during last year's 6.5 million recall. Up to that point, even the 1183, although it sounds like a high number, you know, when you're dealing with millions and millions of tires, it really wasn't very evident to us. So it was during the investigation of last year's recall.

Mr. DEAL. So not until 2000 did these statistics begin to attract any attention?

Mr. NASSER. I'm sure they were around, both in the company and in the tire companies as well, but they didn't raise the awareness to a point where it was alarming to us.

Mr. DEAL. And your statement that you have to look at field data as the best basis for making any decision—now, when these Firestone tires were selected, you had no field data at that time, did you?

Mr. NASSER. If you recall, one of the provisions of the TREAD Act that was passed last year by Congress was that field data would become readily available on a prompt basis so that we could look at it and that—it was transparent to everyone, not only to the tire companies.

Mr. DEAL. But you first of all had no field data when the tires were selected. What field data did you attempt to compile between the years these tires were first put in place and 2000 of last year when these statistics became available and knowledgeable on your part?

Mr. NASSER. I don't understand the question. I'm sorry.

Mr. DEAL. Did Ford conduct any tests or maintain any records of field data during the time these tires were first selected, which had no history, and 2000? Did you maintain any records?

Mr. NASSER. I don't know the specific answer to that question. I'll get to you on it.

Mr. DEAL. So if the chairman's date of 1998 is correct when you switched to Firestone as the sole source and dropped the Goodyear tires which in 2000 you learned had been performing very, very well, you indicated that it obviously was not on a price factor, because Goodyear had reduced their prices greater than Firestone between 1994 and 1997, you said.

Mr. NASSER. Congressman, I should say that the decision to drop the Goodyear tires on Explorers was actually made before we fitted the first Goodyear tire on an Explorer. So there wasn't any field data available anywhere.

Mr. DEAL. So it was—so when you say that——

Mr. NASSER. We dropped the tire before it was even sourced on the Explorer. We made the decision to source Goodyear, and we made the decision to desource Goodyear on Explorer before the first Goodyear tire was actually installed on an Explorer.

Mr. DEAL. So it appears to me, Mr. Nasser, you've made two conflicting statements. On the one hand you said that you make decisions based on field data, which you now say you had none. Second, you said you did not make a decision based on price, since you said there was only a 10 cents difference. Then if you did not make it on field data and you did not make it on price, on what basis did you make the decision?

Mr. NASSER. Oh, no. I didn't say that at all.

Mr. DEAL. Which part did you not say?

Mr. NASSER. Let me go back, because your question came at me from 10 different questions and I couldn't handle 10 different directions. Let me tell you exactly what we did.

Mr. DEAL. Yes, sir.

Mr. NASSER. We were—we made a decision to source Goodyear tires, because there was a corporate decision to increase the level of Goodyear tires overall, and Goodyear went from 20-odd percent to 30-odd percent of our total tire sourcing. That happened.

At the same time, we were sourcing an added plant for the Explorer. The Explorer was produced in one plant. It was going to two plants. So we went out, and we asked Goodyear and Firestone for sourcing on that tire for that plant. Goodyear won the contract.

Mr. DEAL. On what basis?

Mr. NASSER. They won the—the specifications are the same, and there wasn't any field data, because we didn't have any Goodyears on Explorers. So the tire performance specifications were the same, and Goodyear and Firestone's prices were about the same at that point. As a matter of fact, the initial Goodyear quote was actually below Firestone.

Subsequent to that, a decision was made that we would single source tires on a particular vehicle, because you didn't want to go through the inefficiency of duplicate engineering and testing on one vehicle with two different tires. If you look at most of our vehicles, they have got a single source of tires. We asked both Goodyear and Firestone to quote on getting 100 percent of the tires. Goodyear wanted a price increase. Firestone did not. So we sourced it to Firestone. It's as simple as that.

During the period when Goodyear was still supplying tires, which was after this decision of desourcing was made, Goodyear continued to reduce the cost and the price of their tire, to the point where in 1997 there was only 10 cents difference between a Goodyear tire and a Firestone tire.

Mr. DEAL. But the decision to go with Firestone and drop Goodyear as a source for the Explorer was made the following year of 1998.

Mr. NASSER. It was made in December 1994 for a 1998 model.

Mr. DEAL. All right, and——

Mr. NASSER. I think that clears it up. It was made in December 1994.

Mr. DEAL. And you had field data at that time, did you not?

Mr. NASSER. We did not. In December 1994, we did not have any—as far as I'm aware, we didn't have any field data, because we hadn't even fitted a Goodyear tire.

Mr. DEAL. So your best source of field data, you had none in any of these decisions, then?

Mr. NASSER. It's difficult to have field data when there are no tires in the field.

Mr. DEAL. So you had no field data?

Mr. NASSER. On Goodyear. That's right.

Mr. DEAL. What about Firestone?

Mr. NASSER. I don't think we had field data on Firestone then. I'll get back to you on that particular question. But I'm not sure where you're heading.

Mr. GREENWOOD. The time of the gentleman has expired. The chairman recognizes for 5 minutes the gentleman, Mr. Gordon.

Mr. GORDON. Thank you, Mr. Chairman. Just a quick first observation after listening to that exchange and some of the others. First, Mr. Nasser, let me welcome you. I'm sure there are other places you would like to be.

Mr. NASSER. Oh, I truly love it here every year.

Mr. GORDON. After listening to these last exchanges, it seemed to me like the easy answer would just be to say that these last replacements were really image- and market-driven, not data-driven, and you have a right to put whatever tire, radio or antenna on your automobile or vehicle that you want, as long as it is——

Mr. NASSER. That may be the easy way, but it wouldn't be the truth.

Mr. GORDON. It wouldn't be?

Mr. NASSER. The truth is that it's a mixture of data and field and predictive analysis and customer assurance. That's——

Mr. GORDON. Customer assurance marketing?

Mr. NASSER. Customer assurance is the confidence—it goes back to the Congressman's question. People have lost confidence in these tires.

Mr. GORDON. I would like to get on—I mean, again, I think you can put whatever tire you want on there. I mean, you know, it's your business. Just don't—as long as safety isn't compromised. And you spend a lot of money on TV, this is just another way to do marketing, and, you know, that's your business.

I think a lot of the discussion that we've had——

Mr. NASSER. Excuse me——

Mr. GORDON. I only have 5 minutes, but I——

Mr. NASSER. You're putting words in my mouth and that's not what I said.

Mr. GORDON. I don't mean to. That is what I said. I think a lot of the problem that we have is sort of a—your basic apples and apples or apples and orange type comparisons. And that's why I want to ask you and the other witnesses two questions, and they will be the same questions so that we have a benchmark.

The first is, it's my understanding that the same Firestone tires used on the Ford Explorer are also used as original equipment on the Ford Rangers. These same tires are evidently used on two other popular SUVs, the Toyota 4-Runner, as well as the Jeep Grand Cherokee. Claims data shows that the owners of vehicles other than Explorers have virtually no problems with tread separation, leading to rollovers. The question, then, is what does this suggest about the Explorer's design or handling characteristics and their contribution to the problem?

Mr. NASSER. The competitive tires that you mentioned—you mentioned Toyota—and what other tire?

Mr. GORDON. The same—the Wilderness AT are designed I think for General Motors as well as Toyota.

Mr. NASSER. They are different tires.

Mr. GORDON. And the—are they different tires than are on the Ford Ranger?

Mr. NASSER. No. They're the same tires.

Mr. GORDON. Are they the same tire as the Toyota 4-Runner and the same tire as the Jeep Grand Cherokee?

Mr. NASSER. No, they are different tires.

Mr. GORDON. How are they different?

Mr. NASSER. The treads are different—you'd have to ask the tire manufacturers, but they are different tire.

Mr. GORDON. Okay, but is it the same tire as the Ford Rangers?

Mr. NASSER. Yes.

Mr. GORDON. Yet you're not having problems with Ford Rangers?

Mr. NASSER. We're recalling the Ford Rangers.

Mr. GORDON. But is that—did you have the problems——

Mr. NASSER. I think the incidence level is about the same in terms of the tread separation. I don't think there's any significant difference, but I'd have to get back to you on that.

Mr. GORDON. So if they—well, let me just—so I'll ask you this. If these are the same tires on the Ford Rangers, the Toyota 4-Runner and the Jeep Grand Cherokee, and they're not having problems and you are having problems, is that a problem?

Mr. NASSER. I just said that they're not the same.

Mr. GORDON. What, they're not—and I——

Mr. NASSER. You want me to answer a hypothetical question?

Mr. GORDON. If they were the same, that would be a problem, wouldn't it? Would you like to address that, if they were the same, at a later date?

Mr. NASSER. Absolutely. If they were the same, I'd look at it, yeah.

Mr. GORDON. I'll get to my second question. One year ago, Ford initiated an almost identical replacement problem in Venezuela to replace Firestone——

Mr. NASSER. By the way, Congressman, if I may——

Mr. GORDON. I don't want to lose my time here.

Mr. NASSER. The Ranger/Explorer comparison is very interesting, and we address it in our written statement.

Mr. GORDON. Sir, I really don't want to be discourteous. It's just that I won't have a chance to ask my question. If I can get that in, then I think you should have the full right to respond what you'd like and I'd like to learn more about that.

One year ago, Ford initiated an almost identical replacement program in Venezuela to replace Firestone tires with other brands. Even though Explorers are now using other brands of tires in Venezuela, it's my understanding that the Explorer rollovers have continued at a high enough rate to cause the head of the country's consumer protection agency to suggest banning sales of Explorers. Why has the replacement of Firestone tires in Venezuela not brought an end to this problem, and will the replacement of Firestone tires on Explorers end the problem in the United States?

Mr. NASSER. The Explorer is not suffering levels of rollover in Venezuela that are different than other competitive SUVs. If you look at the percentage of rollovers that the Explorer has in Venezuela, it's about 8 or 9 percent, which is Explorers' market share in that market.

Mr. GORDON. Has that changed since you changed the tires? Has that ratio changed?

Mr. NASSER. I'm referring to the Goodyear tires on Explorer. If you go through the data—and I lived in Venezuela for 3 years, so I know—I know a lot about that market and the data that is in that market. If you go through that data and look at the statistics that relate to Explorer, you'll find vehicles there that Fiestas, that are pick-up trucks, that are cars. You'll find fender bender-type accidents in there. These are not data that when you go through them and filter them, clearly that will show an Explorer problem following the replacement of the Firestone tires——

Mr. GORDON. But with your data, have you determined that there is a difference in the rollover situation between the Firestones and the replacement tires in Venezuela?

Mr. NASSER. The Goodyear tires are performing much better, yes.

Mr. GREENWOOD. The gentleman's time has expired.

Mr. GORDON. I would like to ask permission for him to respond to my last question, which was asked before the time was up.

Mr. GREENWOOD. Without objection.

Mr. GORDON. Which was, will the replacement of Firestone tires on the Explorer end the problem in the United States?

Mr. NASSER. Will the——

Mr. GORDON. Will the replacement of Firestone tires on the Explorer end the problem in the United States?

Mr. NASSER. Oh, man. I mean, last year we were very confident about all the data that we had, and this year we're taking all of the tires off the road, so—all of the Wilderness AT tires off the road. And if anything, as you suggested earlier, we may have overreached because of the need to instill some confidence back in the marketplace. So I am hoping we've done that.

Mr. GREENWOOD. The time of the gentleman has expired.

Mr. GORDON. Thanks for your patience.

Mr. GREENWOOD. Mr. Nasser, I would just like to point out to you from data that Ford supplied to us, a chart that reads Explorer and Ranger tread separation in rollover comparison 1993 through 2001 model years, the number of claims for Ford Explorer was 299. The number of claims for the Ranger was apparently 3. Well, let me compare 1997 to 2001 in those cases. It's 299 versus 3. So there does seem to be a significant number. I don't know if that represents the percentage of vehicles on the road, but it seems to—the claims rate is a 47 rates of claims per million with the Explorer versus only 4. There seems to be a tenfold difference between the Ranger and the Explorer, and I would ask unanimous consent for a minute of time so you might respond to that, since it seems to be quite different than the answer you responded to Mr. Gordon.

Mr. NASSER. No. It is very much consistent. Ranger is having a problem. That is why we have recalled and replaced these tires. The Ranger 4x4 is the vehicle that has the tires that are also on the Explorer. The—and the Ranger 4x4 with the Explorer tires is a very small percentage of Ranger. So the sample size are small. And that in itself isn't the issue.

The other issue is that because they're 4x4 models, they tend to be in the North, not in the South. And in addition to that, it has used—it's used Decatur tires on the 4x4. So you've got a mish-mash of different geographies, low installation rates on the 4x4 model, and a different plant because of the heavy use of the——

Mr. GREENWOOD. I won't—sir, I won't question those facts as you've just laid them out. I don't believe we need to take this any further than we need to, but I think you did respond to Mr. Gordon that the claims rates are similar——

Mr. NASSER. They are similar when you adjust to an apples-to-apples comparison.

Mr. GREENWOOD. Well, you may have to. That may be a fairer answer, that when you adjust out for climate and so forth, that they're similar. I don't have data on that.

The Chair recognizes for 5 minutes Mr. Shimkus.

Mr. SHIMKUS. Thank you, Mr. Chairman. One thing that we need is a historical perspective, which I know we don't have the ability to do, to check tires and manufacturers of vehicles in the sixties and the eighties. We all mourn the loss of life and wrecks and stuff.

In comparison to the sixties or the seventies, are we better off or are we worse? I would submit we're probably better off. We're just a lot more stringent with information and getting data out to the public, and that's part of the frustration.

Well, this is a very serious hearing, but for the sake of levity, I think most of our constituents would appreciate at least one time getting dealers to their knees, and because I want to apologize to the dealers who are sitting on the floor or kneeling, because we finally brought dealers to their knees, and it had to be in the Commerce Committee room. Usually they seem to get the upper hand of——

Mr. NASSER. They will come back. Don't worry.

Mr. SHIMKUS. That's right. You in your opening statement mentioned, Mr. Nasser, that the bar has been raised seeking remedies that are proactive and forward looking, because we're in a new paradigm of safety and looking at industry and the people you do business with. Mr. Dingell asked you some questions which I find very interesting, and talked about the standards of tires and the width, the skin stock, the body, the belt, and basically the response was—you set performance specs up for the industries to compete, and some of the types of performance specs were speed, handling, wet weather, snow.

My question is, is—do you have a performance spec on ride, how smooth the ride is?

Mr. NASSER. Yes. Yes, we do.

Mr. SHIMKUS. And that brings me to my question which deals with a statement you made just a few minutes ago, and that's why it's sometimes beneficial to hang around and hear the questions and answers. For 10 cents a tire, you know, you mentioned that it's worth 10 cents a tire to move forward on safety considerations—and my question is, what about $1.40, $1.40 a tire, which if you remember back to last year when we were sitting through these hearings, I raised the issue of the nylon caps are—and the fact on nylon caps help prevent tread separation. Why Mr. Dingell's questions were good for me, because they provided me, again, with the challenge between specifications and actual material, design and requirements to meet the specifications.

So I would ask, based upon the information that I have, that it's $1.40 per tire to provide a nylon cap, why in this new paradigm of the bar being lifted higher, seeking forward remedies, why not move from specs to some specific requirements to the people who are providing a major part of your product?

Mr. NASSER. To move from tire performance to actually specifying the——

Mr. SHIMKUS. Well, you have a specification that says ride; why not have a requirement that says nylon caps?

Mr. NASSER. Okay. You'd have to ask the tire experts specifically on nylon caps. It is interesting that based on what I know at least, nylon caps would not help tread separation to any great degree. I think nylon caps are mostly reserved for very high-speed driving, and you'll find them on the higher speed rating tires. But you'd have to get the tire experts on that.

Mr. SHIMKUS. But did you require nylon caps for the Explorers used in the Middle East and Venezuela?

Mr. NASSER. I don't know whether we specified it or the tire company specified it. But you just keep going back to the U.S. The Goodyear tires didn't have nylon caps. The majority—and maybe even all, but I certainly know that the majority of the volume sports utility vehicles in the U.S. have tires without nylon caps. So I don't think there is one silver bullet here, and there is a danger of trying to choose one solution or one improvement, without looking at the total benefit of handling and ride and stability.

Mr. SHIMKUS. And, again, I understand and appreciate the responsibility you have in providing jobs, providing a product and making sure it is as safe as possible, within the means of being able for consumers to purchase. This is just a follow-up to questions that I had asked last year on the nylon caps. We tried to get it inserted into the TREAD Act. We were unsuccessful, and we may try again in the future. I thank the gentleman for yielding.

Mr. GREENWOOD. The time of the gentleman has expired. The chairman recognizes for 5 minutes the gentleman, Mr. Stupak.

Mr. STUPAK. Thank you, Mr. Chairman. Mr. Nasser, last September when we were having the hearing, I asked the question on whether Ford would join with me in calling for a—and cooperating with a blue ribbon independent panel to perform a review of the AT, ATX Wilderness tires to determine the cause and proposed solutions. Is Ford still committed to its blue ribbon independent committee?

Mr. NASSER. Yes, we are.

Mr. STUPAK. Has Ford initiated or had any contact with NHTSA on trying to put together this committee?

Mr. NASSER. I know we're in contact with them. I don't know what the status is.

Mr. STUPAK. The information that you've testified to about the 1,083 separation of the Firestone tire, the field data, as you call it, versus 2 separations of the Goodyear tire, have you shared that data with Firestone?

Mr. NASSER. Yes, that data was available, as far as I know, last year, similar data. So it's——

Mr. STUPAK. Everybody has it.

Mr. NASSER. Yes.

Mr. STUPAK. Firestone had it, NHTSA has it, this committee has it, we all have it?

Mr. NASSER. Uh-huh.

Mr. STUPAK. The chairman in his statement—opening statement, stated that—there were words to this effect, that some of the non-Firestone replacement tires have property and injury claims greater than those nonrecalled Wilderness AT tires. I take it from the exchange that went on earlier, you don't have that information?

Mr. NASSER. We don't, but we're clearly, once we finish with the hearing, we'll get to look at that data and see how it impacts what we're doing.

Mr. STUPAK. You believe you'll get it right after the hearing, or do you think you're going to have to wait until after 30 days when NHTSA is done with it?

Mr. NASSER. I think we can get the basic data pretty quickly if it's available.

Mr. STUPAK. If you do, would you share it with the rest of this committee?

I'm sorry to have to put you through that——

Mr. DINGELL. We've had a lot of talk about this information or data or whatever it might be. I ask unanimous consent at this time that that data be inserted in the record at this point. All of it.

Mr. GREENWOOD. The Chair advises the gentleman that that request will be taken under consideration.

Mr. DINGELL. I believe I——

Mr. GREENWOOD. If I may continue——

Mr. DINGELL. I believe I'm entitled to have a——

Mr. GREENWOOD. Just a moment. I'll recognize the gentleman in a moment. What needs to be taken into consideration is that there are differences between the data that—raw data that's been provided to us by some of the tire manufacturers and NHTSA versus the computations that were done by our investigative staff.

Mr. DINGELL. Mr.——

Mr. GREENWOOD. And it is the work product that involves these computations that has been referenced and we are taking into consideration whether or not it—such computations should or should not be entered in the record.

Mr. DINGELL. Mr. Chairman, I have made a unanimous consent request. I will repeat it for the benefit of the Chair. And that is that all of the data referred to be inserted into the record at this particular point so that we can all know what we're talking about and so that the meaning of which has been referred to no less than three times this morning, we'll be able to see what is—what is done.

I would ask that in addition to that, the comments of all of the three major participants to these proceedings, Ford Motor, Firestone, and also NHTSA be included as soon as it can possibly be done. I'm entitled to have that unanimous consent request ruled upon or objected to.

Mr. DEAL. Mr. Chairman, based on the comments made by the chairman previously that some of the information was confidentially received, I would object to at this time.

Mr. DINGELL. Well, I will make——

Mr. GREENWOOD. The objection is heard to the gentleman's unanimous request.

Mr. DINGELL. I would request that the gentleman from Georgia tell us what it is he wants hidden.

Mr. DEAL. Mr. Chairman——

Mr. GREENWOOD. I recognize the gentleman from Georgia.

Mr. DEAL. As the ranking member heard the chairman state earlier, some of the information was obtained in confidence. I think it is the responsibility of this committee to honor the confidences that the chairman has requested be respected.

Mr. DINGELL. Well, then I will——

Mr. DEAL. It is on that basis that I make the objection.

Mr. DINGELL. Then I will make a further unanimous consent request, and that is that the press releases and documents related to the story—an article which appears in Yahoo News on today's date, June 19, entitled "House Queries Ford Replacement Tires," be

inserted in the record. I believe this is properly a part of the record, so that we can all know what we're talking about.

Mr. DEAL. Mr. Chairman?

Mr. GREENWOOD. Without objection.

[The information referred to follows:]

[Tuesday June 19, 2001—The New York Times]

HOUSE QUERIES FORD'S REPLACEMENT TIRES

By Nedra Pickler, Associated Press Writer

WASHINGTON (AP)—Ford Motor Co. may be replacing Firestone tires on its vehicles with other brands that have higher failure rates, according to an analysis by congressional investigators.

The House Commerce Committee unveiled the results of its five-month inquiry into the safety of America's tires at a hearing Tuesday.

Rep. Billy Tauzin, R-La., the committee chairman, said congressional investigators have analyzed the failure rates of replacement tires Ford is using—made by Michelin, Continental, Goodyear, General, BF Goodrich and Uniroyal—and found some fail more often than the Firestone Wilderness AT tires Ford recalled last month.

"Ford is going to replace these recall tires with tires that have a worse claims history than some of the tires that are coming off the Explorers," Tauzin said. "For example, our investigators have learned that one of the tires that is going to be used in the replacement has a claims rate of 124 per million tires, well in excess of the five claims per million that Ford says is the benchmark in this recall."

"Are we going to be replacing worse tires for the tires that come off these cars?" he asked.

Tauzin spokesman Ken Johnson also said the committee found that two additional Firestone tire models used on Ford vehicles—the Wilderness HT and the FR480—had higher rates of claims for property damage than the Wilderness AT.

Ford does not have access to the same information because tire makers keep their property damage claims rates confidential. The Commerce Committee has been collecting that information from the tire makers in the past several months.

Tauzin refused to make his data public yet, saying he wanted federal safety officials to analyze the information first.

"I don't want us to be a party to releasing bad information to the American public," he said.

But Rep. Bart Stupak, D-Mich., called on Tauzin to release the data immediately, considering he and other Americans replaced the Firestone tires on their Ford Explorers.

"I want to make sure if I replaced them, I replaced them with good tires," Stupak said. "I think we're misleading the American public if we say we're replacing them with worse tires, but yet we're not getting the data."

Ford officials said they asked the National Highway Traffic Safety Administration about the replacement tires they planned to use and the agency did not raise any safety concerns.

"We feel that the replacement tires are good tires," said Sue Cischke, Ford's vice president for environmental and safety engineering.

Cischke said Ford was aware of a higher claim rate on the FR480, but that only a relatively few of those tires are still on the road. She also said Ford was aware of a few claims involving the Wilderness HT, but said none involved accidents.

The Wilderness AT has been at the center of a nearly year-long debate over the safety of Firestone tires. Bridgestone/Firestone Inc.'s voluntary recall of 6.5 million tires last August included the 15-inch version of the Wilderness AT, made at its plant in Decatur, Ill.

The company insisted that other sizes of the tire made at other plants were safe. But last month Ford said it was concerned about safety and announced it would replace all 13 million Wilderness ATs still on its vehicles.

A day earlier, aware of the impending announcement, Bridgestone/Firestone ended its 96-year relationship with Ford.

The Wilderness AT has been standard equipment on the Ford Explorer, the world's best-selling sport utility vehicle. Many of the 203 fatal accidents among the thousands of crashes reported to the highway safety administration in the last year were rollovers of the Explorer that occurred after the tires failed.

Ford insists the problem is the result of flawed tires, but Bridgestone/Firestone says the design of the Explorer also is a factor.

Jacques Nasser, chief executive of Ford, blamed the problem on the tires. He said Bridgestone/Firestone's tests showing the Explorer as part of the problem were "unreliable" and "not based on facts."

"The Ford Explorer is and always will be a safe vehicle," Nasser insisted.

John Lampe, chief executive of Bridgestone/Firestone Inc., in turn said Ford's tests were "grossly unscientific and must be disregarded."

"We have had a growing and ultimately overwhelming conviction that tire design and manufacturing issues alone simply cannot account for what has been happening to the Explorer," Lampe said in his prepared statement.

Lawmakers called on NHTSA to quickly finish its investigation so people can know who to believe. "We have a corporate schoolyard brawl breaking out here," said Rep. Edward Markey, D-Mass. "We need an independent referee."

In announcing its recall last month, Ford officials said they were particularly concerned with the Wilderness AT tires built at Bridgestone/Firestone's plant in Wilson, N.C. The automaker said the 15-inch version built at that plant has 19 tread separation claims per million tires produced and the 16-inch version has 17 claims per million.

That is much lower than the 300 per million failures on some of the tires included in Bridgestone/Firestone's original recall.

About 2,000 United Auto Workers planned to drive around the Capitol and then rally Tuesday to show their confidence in the Explorer.

Mr. STUPAK. Mr. Chairman——

Mr. GREENWOOD. Is the gentleman, Mr. Stupak, reclaiming his time?

Mr. STUPAK. Yes, I'd like to reclaim my time and get a moment or two further. But I'd like to expand upon the motion. I guess I'd ask the unanimous request, then, of the committee to do this. If it's the data that is so confidential, then the thing that is not confidential would be the manufacturer name and the brand name of the tire. Would the majority staff at least tell us who is the manufacturer and the brand name of the title? So—I'll do one better than Yahoo News, Mr. Dingell, I'll do the Detroit Free Press—so we're not getting the questions, "New Tires, New Worries."

Now, we have a notice out from Ford to replace our tires. I did mine beforehand. My father-in-law for his Expedition just got his. Now, he's going down to make his replacement tires—to get them from Ford.

Now, if we have a brand and a manufacturer and a brand tire that is defective 124 times versus 5 times, as has been claimed by the majority, then at least tell the American people what the tire is, and the brand name, my father-in-law and others are not out replacing their tires with possibly worse tires which have a worse safety record.

So I'd ask unanimous consent that this committee at least tell us the manufacturer of the tire and the tire brand, and that way we don't have to worry about disclosing confidential data.

Mr. GREENWOOD. In response to the gentleman's inquiry, I would object and state my reasons as follows. In the first place, the gentleman needs to know that the minority staff has access to all of the same data as the gentleman—the minority staff has access to all the same data from NHTSA as our staff does. The majority—minority staff is——

Mr. STUPAK. This is not in NHTSA's hands, from all the testimony thus far. You're going to give it to NHTSA at the end of this hearing, and then we're going to get 30 days. So can we get it as part of this record? I mean, if we've got to wait for NHTSA, that will be 30 days later.

Mr. DINGELL. Mr. Chairman, I ask that under my rights as a member of this committee, under the rules of the House of Representatives, that the data compiled by the committee staff and the analysis of the committee staff be promptly made available to all members of the committee. The House rules provide that it is my right to have that made available to me. I ask that it be made available to me for——

Mr. GREENWOOD. Pursuant to the gentleman's——

Mr. DINGELL. I mean now, Mr. Chairman, not——

Mr. GREENWOOD. Pursuant to the gentleman's——

Mr. DINGELL. Not at the whim of the Chair or at some later time, but now.

I have requested the data. I ask the staff to come forward and present it to me.

Mr. GREENWOOD. Would the gentleman desist for a moment?

Mr. DINGELL. The House rules so provide. I speak as a member of the committee, requesting that the rules——

Mr. GREENWOOD. The gentleman's request is on the record. The Chair will consult with the attorneys and respond promptly.

Mr. DINGELL. I don't ask for consultation with the attorneys. I asked that the information be made available——

Mr. GREENWOOD. The Chair asks for—the Chair is asking for a consultation with his attorneys, and the Chair will respond to the gentleman's request promptly.

Mr. DINGELL. I will read the rule to the Chair, if that will be helpful.

Mr. GREENWOOD. The gentleman has stated the rule correctly, and the Chair recognizes the rule as stated. We'd ask that the gentleman politely desist for a moment.

Mr. DINGELL. I apologize to my good friend from Michigan for intruding into his time.

Mr. GREENWOOD. The gentleman from Michigan correctly states his rights under the rules of this committee and that he—the Chair will see to it that the staff presents to the gentleman, promptly, the——

Mr. DINGELL. Promptly?

Mr. GREENWOOD. Immediately.

Mr. DINGELL. Thank you.

Mr. GREENWOOD. The Chair would also ask this of the gentleman. I believe that the gentleman from Michigan was here when Mr. Tauzin stated his concerns about the release of this information and the implications that it might have, and would simply ask the gentleman from Michigan to make his own decision based on his own judgment and what the—the concerns expressed by the full chairman, as to whether or not the chairman chooses to divulge that information.

Mr. DINGELL. Well, I would simply note that the chairman of the full committee has made this observation and is so quoted in the press. I don't want to be a party to releasing bad information to the American public. However, I would note that that did appear on the news media already, and since we are going to let this hang out, I suggest it should all hang out.

Mr. GREENWOOD. I am advised by staff that the gentleman—gentleman's request will be responded to in the following fashion: The

material, the data submitted to the majority staff by the tire companies, will be copied promptly and submitted to the gentleman from Michigan as quickly as that can be mechanically done, which I would assume would be a matter of minutes.

Mr. DINGELL. And I am requesting that which is alluded to in the news article referred to by Mr. Stupak.

Mr. GREENWOOD. That is the data in question.

Mr. DINGELL. Thank you.

Mr. STUPAK. Mr. Chairman, I'll reclaim my time.

Mr. GREENWOOD. Your time has long since expired.

Mr. STUPAK. I realize that, but——

Mr. DEUTSCH. Mr. Chairman, I ask that you grant the gentleman an additional 2 minutes.

Mr. STUPAK. A point of clarification, if I may. While I understand that the information would be released to the gentleman from Michigan, Mr. Dingell, I take it it would be released to all members of this committee?

Mr. GREENWOOD. Certainly. Certainly.

Mr. STUPAK. And I also understand from the rules of this committee and also rules of the House, that if the information is deemed confidential by the committee, then it cannot be released publicly, whether it is Yahoo News or Detroit Free Press. Is that the ruling of the Chair?

Mr. GREENWOOD. That is my understanding of the rules, but it is also my understanding of the facts that no such data was released by the committee staff.

Mr. STUPAK. So for further clarification, the information we will be receiving, the data if you will, is that considered confidential information, not to be released publicly? Or—as turned over to each committee member, we can do—since it's part of the record, it then becomes a public record and can be released?

Mr. GREENWOOD. The—I am advised by counsel that there is no committee rule with respect to the release of confidential information. There are rules with respect to information that is obtained by subpoena. In some cases it is—requires a vote of the committee to release data acquired by subpoena. That does not describe the data in question.

Mr. DINGELL. That this data and information and papers did not fall into the hands of this committee pursuant to the subpoena process?

Mr. GREENWOOD. That is correct, which is why in fact no vote is required.

Mr. STUPAK. And, therefore, once released to members, it can be released publicly as part of this record?

Mr. DINGELL. I would call on the Chair, for a prohibition against this being released, to please inform the gentleman from Michigan, Mr. Stupak, or the gentleman from Michigan, Mr. Dingell, as to what the prohibitions are under the rules of members of this committee of discussing this information in other places, since it has already been discussed by the chairman of the committee.

Mr. GREENWOOD. The Chair will reiterate and hopefully summarize so we can get to the next line of inquiry. The data supplied to the committee by the—from the tire companies will be made available within minutes to the minority members. The minority

members have the right, of course, to release all of that information publicly. I have reiterated the admonition—expression of concern which this member believes is legitimate, that the use of that information—and would ask that the members use it responsibly, understanding—and hopefully before they make any decisions about releasing it, understanding what the data is and what the data is not.

Mr. DINGELL. Now, Mr. Chairman, that unanimous consent request and my demand for information included the committee staff analysis of this, which I am sure the Chair agrees is property of the entire committee and should be available to all members, including minority members.

Mr. STEARNS. Mr. Dingell, does that include all my notes, too?

Mr. DINGELL. Do you have notes? I'll tell you what. I promise to return your notes to you.

Mr. STEARNS. Can I get all your notes, too?

Mr. DINGELL. I haven't got any notes on this matter, but if I generate any, I will assure you that I will make——

Mr. STEARNS. Will the Chair allow me just unanimous consent to speak 1 minute on the subject?

Mr. DINGELL. What I requested, Mr. Chairman, just to make it very clear, is the staff analysis.

Mr. GREENWOOD. Yeah. I understand.

Mr. DINGELL. Staff analysis, not the notes of my dear friend from Florida, although I'm sure they're probably of greater merit than the staff.

Mr. STEARNS. Well, thank you very much, Mr. Chairman.

Mr. GREENWOOD. The Chair reiterates that the information that is available to the majority members of the committee will be made available to the minority members of the committee, and I would suggest that the gentleman from Michigan and the other members of the minority review that material when it is provided to you, which, as I said, will be promptly. If you have further questions as to whether or not it meets your demands, I would ask you to raise them at that time.

Mr. DINGELL. I will do so. Just to assist the Chair and the members of the committee, Mr. Tauzin is quoted in the press this morning as having said as follows: Representative Billy Tauzin, R., LA, the committee chairman, said congressional investigators have analyzed the failure rates of replacement tires Ford is using, including using those made by Michelin, Continental, Goodyear, General, BFGoodrich, and Uniroyal, and found some failed more often than the Firestone Wilderness AT tires Ford recalled last month.

I very specifically need that, because I am sure you can understand the importance of this information which has today fallen into the public domain.

Mr. GREENWOOD. As the gentleman knows, if the gentleman read it in the newspaper, it must be so.

The Chair recognizes——

Mr. STEARNS. Mr. Dingell, the only thing—I'd make two points. One is that when this information is given to you, as Mr. Stupak and I talked earlier, that a lot of this information—you have to understand one of the assumptions that make up this information.

And just to take this information and suddenly give it to the press without a full understanding—let me just finish.

Mr. DINGELL. I——

Mr. STEARNS. So I think the chairman is saying that each member has a fiduciary responsibility to decide if he's going to give it out, that he should know all the underlying assumptions.

My second point is, all the analysis that our staff has done on this side is revealed in the questions we have. Most of these questions provide the data, together with the charts. So the analysis that you're seeing from our staff is transparent with all these charts that we're bringing here.

So I just reiterate to the distinguished member from Michigan that what we're trying to do here in a bipartisan way is to make this information more available to the consumer so that the consumer can make a decision, and that's—we have no intent, no agenda, other than trying to make the consumer feel a certain level of confidence that he or she understands this information. So, you know, I think here we have a—perhaps a misunderstanding, if you don't realize that we're trying to provide you all the analysis, either through our questions or our charts.

Mr. DINGELL. Well, I want to thank the gentleman for that point, and I want to say that I am mightily reassured. I would also like to observe that I had not been given a copy of this analysis before and, as Mr. Stupak had to, I had to read about it in the press.

Mr. GREENWOOD. The gentleman from Michigan has made his request. The Chair has ruled, and the Chair now recognizes for 5 minutes the gentleman, Mr. Bryant——

Mr. TOWNS. Mr. Chairman——

Mr. GREENWOOD. Does the ranking member of the Oversight and Investigations Subcommittee seek to make a—raise a parliamentary question for——

Mr. TOWNS. Yes. I'd like to make a unanimous consent request. Mr. Stupak's time was really eaten into by other members. So if we can grant him 1 additional minute.

Mr. GREENWOOD. Without objections, the gentleman from—the gentleman, Mr. Stupak, is recognized for 1 minute for purposes of inquiry toward the—directed toward the witness.

Mr. STUPAK. Mr. Chairman, if I may use my 1 minute, I am done with inquiry. We've got what we want.

Mr. GREENWOOD. Then that is inconsistent with the gentleman's unanimous request——

Mr. STUPAK. But I asked unanimous consent——

Mr. GREENWOOD. Unanimous consent request.

Mr. STUPAK. I asked unanimous consent to keep the record clear—I told you I'd get back to my plaintiff trial lawyer days—and I ask that the record be clear that we enter in—unanimous consent, enter in the Detroit Free Press, June 19th, 2001 edition, Page 1 and Page 6-A.

Mr. GREENWOOD. Without objection.

Mr. STUPAK. Thank you.

[The information referred to follows:]

[Tuesday, June 19, 2001—Detroit Free Press]

COMMITTEE SPOKESMAN SAYS FORD REPLACES FIRESTONE TIRES WITH SUBSTANDARD ONES

By Jennifer Dixon

Ford Motor Co. has been replacing Firestone tires on its trucks and sport-utility vehicles with tires that, in some cases, have worse performance records, a spokesman for the House Energy and Commerce Committee said Monday.

And, while the Dearborn automaker is taking tires that have not had problems off its vehicles, it is leaving other poor-performing tires on some trucks, the spokesman said.

The chiefs of Ford and tire maker Bridgestone/Firestone Inc. are expected to be confronted with those findings, the work of committee investigators, when they testify before two Energy and Commerce subcommittees this morning in Washington, D.C.

The hearing is the second time in a year that Congress has looked at whether Firestone tires, Ford's popular sport-utility vehicle, the Explorer, or the combination of the two are responsible for hundreds of deaths and injuries.

Late Monday, the National Highway Traffic Safety Administration announced that it has now linked 203 U.S. deaths—up from 174—and more than 700 injuries to some of the 50 million Firestone ATX, ATX II and Wilderness AT tires that it has been investigating since last year. Many are on Ford vehicles.

Last August, Firestone recalled 14.4 million 15-inch tires, many of them on the Explorer, prompting the first set of hearings.

In May, Ford announced it would spend $3 billion to replace 13 million additional Firestone Wilderness AT tires on its vehicles.

Ken Johnson, a spokesman for the Energy and Commerce Committee, called the results of the congressional investigators' analysis of claims data troubling and puzzling.

He said they found three problems with Ford's replacement program and the Firestone recall:

Ford in some cases is replacing Firestone tires with brands that have worse track records.

At least two other Firestone tires, the 16-inch Wilderness HT and the 15-inch FR480, have much higher claims rates than the ATs that are being replaced. The 15-inch FR480 was used on the Explorer in the early- to mid-1990s, while the Wilderness HTs have been used since 1995 on the F150 pickup, the nation's best-selling vehicle.

Some of the Wilderness AT tires being replaced by Ford have never had a claim against them, yet are being replaced by brands "that have a spotty track record." Johnson said.

"I suspect this new information will generate a lot of interest among our members," Johnson said. "It's common sense: You don't replace a tire with another tire that has a worse track record."

Ken Zino, a spokesman for Ford, said the company tested replacement tires from other companies in the lab and on the road. He said NHTSA looked over its list of replacement tires and had no issue with those tires.

"We are as confident as anybody can be that this a good set of replacement tires," Zino said.

He said there are few FR480s left on the road, and that there have been only a handful of claims against the HT.

Jill Bratina, a spokeswoman for Nashville-based Bridgestone/Firestone, said the tires that Ford is replacing come from a "universe of tires performing at world-class levels."

She also pointed the finger, once again, at the Explorer.

"You can take every Firestone tire off the Explorer, and the rollovers will continue. We believe that there are serious safety concerns with the Explorer and you can't look at the tire in isolation."

In addition to quizzing Ford on its replacement program, committee members are expected to ask why it has taken NHTSA more than a year to conduct its analysis of Firestone tires.

An aide to a Republican member of the Energy and Commerce Committee said lawmakers would be asking "where is NHTSA" during today's hearings.

"Here we are, 12 months out, and we still don't know definitively that it's a tire problem," the aide said, speaking on condition of anonymity. "Where is that investigation?"

Tim Hurd, a NHTSA spokesman, said the investigation is continuing. Such investigations typically take a year to 18 months.

Perhaps in anticipation of congressional scrutiny, the White House announced Monday that President George W. Bush will nominate a North Carolina doctor who specializes in emergency medicine to lead the safety agency. NHTSA has been without an administrator since January.

Jeffrey Runge is assistant chairman of the department of emergency medicine at the Carolinas Medical Center in Charlotte and is an expert in motor vehicle injury care and prevention, according to the White House.

In a show of support for the vehicle that has been the best-selling sport-utility since its introduction in 1990, hundreds of Explorers driven by UAW members, rolled into Washington, D.C., on Monday.

Thousands of UAW members from Ford plants around the country are to receive up to eight hours a day in pay from Ford to rally behind the vehicle that has contributed more than any other Ford car or truck to their profit-sharing checks.

"We want to demonstrate to Congress and the public that we do build and assemble quality, safe vehicles," said UAW Vice President Ron Gettelfinger. "There are millions of miles of real world history to prove that fact."

Today, they are expected to drive in a convoy of 800 Explorers, with police escort, around the National Mall. They also plan to rally at a park near the Senate office buildings at 11:30 a.m.

Staff writer Ruby Bailey and Craig Linder of States News Service contributed to this report.

Mr. GREENWOOD. The Chair recognizes the gentleman, Mr. Bryant, for 5 minutes.

Mr. BRYANT. I thank the Chair, and I thank the witness for his patience with us, as all witnesses have to endure, it seems. And I think back, as I prepared for this hearing over the last weekend and the meeting with constituents, Ford dealers in my district, two of which are in Washington today, I think driving around the Capitol as I understand from reading the newspaper perhaps, but also in Tennessee we have the headquarters for Firestone as well as a number of Firestone distributors, dealers that sell the tires.

So, like I suppose everyone on this committee, we have interests on both sides, constituents that are directly involved, whether they are Firestone or Ford. And ultimately the reason we're all here and the reason we're not leaving this to the lawsuits and the many courts that will be involved in this at some future date, and that we're not leaving it solely to NHTSA, the regulators whose job it is to do these things, the reason we're not in this congressional committee leaving it to those groups now, is that we're trying to move quickly and determine what safety concerns there are out there, make sure that folks in NHTSA are doing their job, but mainly trying to protect the consumers' interests, I guess, is the bottom line.

And after our first hearing last September, I was here and heard different people testify on behalf of Ford and Firestone and NHTSA. We thought maybe this process was moving along toward cooperation and repairing this problem. I know there was a problem in the Firestone—I think it was the Decatur, Illinois plant—and there was a recall of those tires, and we assumed it was rectified and the American consumers were safe again.

And then we get into a situation where we start reading about finger pointing, and it—from an outsider's view, it doesn't appear that there's very much cooperation between Firestone and Ford. And every day it seems there's a different story, accusations being swapped and expert witnesses and statistics and so forth, charges being made.

And I'm just wondering, Mr. Nasser—I know specifically you said that you pledged to this Congress to cooperate and—with Firestone—help get to the bottom of this. And I just wonder, as I hear from Firestone people, that perhaps that was not—they couldn't get the information they needed from Ford. You told Mr. Stupak earlier that you had shared information with Firestone since that hearing. Where—very quickly, I guess, because I have a couple of other questions—where are we on that cooperation, or have we just all backed away and hired lawyers and hunkered down?

Mr. NASSER. I think that is a good question, and obviously if you—to read the press, you would believe that we are in a bitter feud. I don't think that's the case at all. We have a viewpoint about our customers, and we're trying to protect their safety. And I think Firestone would basically agree with that. They have a different viewpoint, and I think they're entitled to it.

We have had very good cooperation with Firestone since the last time we met. I think there have been something like 48 different meetings and interactions between the Ford tire team and technical people and scientists and the Firestone people. And there have been an incredible—millions and millions of pages of documents, that have verified the testing and the lab work and the rig testing and the field data between the two companies at a very high level in the company.

In addition to that, we set up a Web site where we basically deposit all of the data that we have. And it was interesting, before I came along here I said, I wonder how many times the Firestone company people have accessed that Web site, and they have accessed it over 40,000 times. So I would say the face-to-face interaction with Firestone has been great in terms of data exchange, and the signer interaction obviously has been very active as well. It is an emotional issue when you're dealing with customer safety. So we understand the emotion and passion around it.

Mr. BRYANT. And I appreciate your answer. You know, it is a shame that such a longstanding relationship of probably a hundred years is in jeopardy, and maybe well beyond that at this point. But, again, I know both companies are vitally—as you say, vitally interested in the consumers' safety. And I—I was struck as I moved about the district talking to my two dealers this weekend, at different ends of the district, with the chart that you've used that shows Firestone having 1,183 separations and Goodyear 2. And coming from a practice of law—and when I've used charts and put together information, you always have to look at the underlying data. And I bring that up not to question anyone's ethics or honesty in this, but I see another chart that conflicts with—I guess just really the backup chart to that in terms of the climate and where these Explorers were sent in relation to hot States. And I see Ford's as this, and I see one from Firestone that shows substantially different numbers that supposedly are based on information from Ford.

And now I just wonder, as we look at the first chart again, the underlying data, is that—is that really a reliable picture?

Now, we've talked today about context and things of this nature. I think back to the hearing, and we had, you know,—of the Decatur tires in there, the situation that Firestone has rectified, and that

is not really at issue here—you know, or the B grade tires versus the C grade tires issue, has that taken into consideration apparently the fact that apparently Goodyear has supplied B grade and Firestone C grade at the request of Ford? The climate issue, where more of the Firestone tires in the southern hot areas—which we all understand is very important in this issue—than the Goodyear tires on the Explorers? Because, again, there are different charts here, the recommendation I recall back from the last hearing that Ford seemed to make that—on psi inflation to the tire that was lower than what Firestone recommended for their tire and the tire safety, and these issues—well, I guess my bottom line on this—and I have some other questions I could ask. You can use statistics and experts—you know, I've seen it used in courts. And one says the sky is falling. The other says it is not.

In the end, what we're trying to do in this hearing is protect the American consumer. It seems to me it would be in the interest of both companies to come together—you're going to end up together in a courtroom, against some other folks, probably, that were injured in this—these—or the heirs of people that were killed in some of these accidents. So it seems to be in your interest to come together and work to get to the bottom of this so that we can be safe and confident that if we're driving Explorers around with Firestone tires, we're going to be safe and in other vehicles with those tires and other SUVs.

And I would just encourage you to do that, and I'm going to ask the same thing from Mr. Lampe when he comes in next. And I probably know him a little better than I know you, and I feel confident that he will do that, and Firestone has that interest, too. So I would ask that, and since I am being gaveled now, I will yield back the balance of my time.

Thank you.

Mr. GREENWOOD. Thank you. The gentleman's time has expired. The Chair recognizes the gentleman, Mr. Doyle, for 5 minutes for inquiry.

Mr. DOYLE. Thank you, Mr. Chairman. Mr. Nasser, welcome.

Mr. NASSER. Thank you.

Mr. DOYLE. I'm a new member to the committee, so I wasn't here last year when you appeared, but it's my understanding that back then, that obviously it's a fair statement to say that contrary to some of these statements last year at the committee hearing, that Firestone and Ford can't seem to agree on what the root causes of the tire problem is. That's—you don't agree with that? You don't agree on what, or—or you haven't been able to agree on what the root causes of this tire problem is?

Mr. NASSER. I would say generally that's an accurate statement.

Mr. DOYLE. Now, it's my understanding that last year, it was suggested that an outside consultant take a look at this, and it's my understanding that Firestone did hire an outside consultant to study the problem and that your study was done in-house. Is that correct?

Mr. NASSER. We did a study in-house, but also cooperated with the—are you talking about the Govindjee study——

Mr. DOYLE. Yes——

Mr. NASSER. [continuing] that Firestone undertook?

Mr. DOYLE. Yes.

Mr. NASSER. Yes, but there was cooperation between us on that study as well.

Mr. DOYLE. I see. But you also did a study and yours was done in-house?

Mr. NASSER. Yes.

Mr. DOYLE. But I did hear you say to Mr. Stupak that you're not opposed to this idea of an outside independent group studying this problem; a blue ribbon panel, as Mr. Stupak referred to it?

Mr. NASSER. Our preference, obviously—and this is what we said last time and this is what we concluded with Firestone in October of last year—is that we provide all the data to NHTSA, who are in the best position, we believe, and I think the committee believes, based on what I've heard earlier in the opening comments, to be able to make an independent review of all the data of the tires and of the vehicles and comparable peer SUVs.

Mr. DOYLE. So then you'd agree—I mean, the Congress and—or the American public is not going to be able to resolve your dispute here. I mean, some of us up here have the expertise to ask some questions and we know that statistics can be manipulated to either person's benefit. But we're not engineers up here. I guess that, you know, a lot of people back in my district and across America are wondering who's going to give them the definitive answer as to what the cause of this tire failure is, so that they can have confidence when they go out to buy an automobile or a tire and——

Mr. NASSER. We agree with the American public. That's why we stopped debating and we stopped talking and we stopped discussions and we acted. And that's what the 13 million Firestone tire replacement plan is all about.

Because we are sick and tired of debating and fighting on this issue. Our customers want it resolved and they want those tires off the road. And that's what we're doing. So I agree with you. You're absolutely right; let's stop this discussion and debating and analysis and finger-pointing, if that's what you want to call it, and act for the benefit of our customers. And that's what we did.

Mr. DOYLE. Thank you. Can you describe the difference for the committee—I am just—the difference in usage and engineering between Ford Explorers and Ford Rangers?

Mr. NASSER. Well one is a pick-up truck, and obviously it has different use than a sport utility vehicle which tends to be more of a passenger-type vehicle.

Mr. DOYLE. Now, do tire companies manufacture tires to different standards for SUVs and trucks or are they the same?

Mr. NASSER. In some cases they're the same. In some cases they're different. If where you are going is should we be using the same tire on a sport utility vehicle and a pick-up truck, in actual fact the specifications are adequate for both, and it's not uncommon in the industry to have a similar performance tire across different derivative fronts.

Mr. DOYLE. So it wouldn't have been uncommon to have the Firestone tire on the Ranger and on the Explorer?

Mr. NASSER. It's been that way for a long time.

Mr. DOYLE. Thank you very much. I yield back my time, Mr. Chairman.

Mr. GREENWOOD. Gentleman yields back the time. The Chair recognizes for 5 minutes for inquiry the gentleman, Mr. Terry.

Mr. TERRY. Thank you. I appreciate that opportunity.

Sir, if you could help me just kind of get down to the lowest common denominator here, I read through inches of material, and if you could help me in defining if defect—because we have heard testimony about tire pressure, load, heat variances, but specifically—and we've also heard a variety of testing, field testing that shows something is wrong, shows the belt is coming apart.

Now you have done a variety of advance testing, more field testing under controlled circumstances, laboratory testings. In a layman's way that we as laymen can understand, what has Ford determined to be the specific defect or defects of these Firestone tires?

Mr. NASSER. You can't summarize it with one defect, unfortunately.

Mr. TERRY. It's multiple.

Mr. NASSER. It is very complicated and it varies, and it isn't only tire design and temperature and wedge strength and peel strength but it's also variability in the design process, because it seems as if the design changed over a period of time and variability within the manufacturing process of the Firestone plants.

Mr. TERRY. That's interesting, because I was going to ask you to break it down into whether or not these defects that you found were part of design or manufacturing, and you're saying it's combination of both. Could you be specific about what type of design defects have been found by Ford that they believe lead to this problem and the manufacturing process as well?

Mr. NASSER. Well, it's difficult to be specific because it varied depending on the period of tire manufacturer. It really did vary year by year. In addition to that, what is very unusual is that when you look at the Firestone tire performance by plant, by Firestone plant, it varies dramatically. Which further indicates that the vehicle itself, the Explorer, is the same vehicle; yet there is tremendous variability depending on where the tire comes in from, and we know the Explorer is a superb vehicle and a very intelligent vehicle, but I don't think it can sit back and say this is a Decatur tire, I don't want to behave now; this is an Aiken tire, I will behave now. So there's just so much variability between plant and design and, we think, manufacturing process.

Mr. TERRY. Well, I guess that's what's at the heart of trying to figure out the scope of the recall, for want of a better word.

Mr. NASSER. Which is one of the reasons we, in the end, said, look, we can continue to study this for many, many more months and face the situation of increasing tragedy on the roads, or we can act now in the interests and the safety of our customers. And we decided to act. It wasn't an easy decision, yet it was easy once we really got down to the priority of protecting our customer.

Mr. TERRY. Thank you. I'll yield back. I yield to you, Mr. Bryant.

Mr. GREENWOOD. The gentleman yields time to Mr. Bryant.

Mr. BRYANT. Yes, Mr. Nasser, while you were mentioning that, it reminded me of a question I had in terms of what is being done to improve the tires. As I understand, the year 2001 Explorer is also being redesigned to some extent. Particularly, would you share

with this committee those redesigns, those improvements to safety as they pertain to the stability of the vehicle?

Mr. NASSER. Well, it's a 2002 Explore, and many of the gentlemen in the room today drove them for hundreds of miles across the country to be here with us this morning. We did take the opportunity to redesign the Explorer. It's a superb vehicle, the 2002 model. But it's got big shoes to fill because the Explorer—the previous Explorer had been around for 10-years, over 10 years, and it had one of the best safety records anywhere in the world for a sport utility vehicle. It was the top selling sport utility vehicle in the U.S.A., the top selling sport utility vehicle in the world.

But you get to a point after 10 years where you do need to take the opportunity to upgrade it substantially, and we did, and we upgraded it primarily to make the interior more efficient because we wanted to go to three-row seating and seven-passenger seating with the Explorer. We went to an independent rear suspension in the rear so that we could get better ride, but primarily to get better space sufficiency in the rear. And, you know, things have moved on over the years, and we've taken the opportunity to upgrade it in almost every respect.

Mr. GREENWOOD. Time of the gentleman has expired. The Chair recognizes the gentleman from Massachusetts, Mr. Markey, for 5 minutes.

Mr. MARKEY. Thank you, Mr. Chairman, very much. I'll begin by saying that while I know that there's still a dispute as to whether or not the minority, the Democrats, are going to receive access to the analysis that's been done by the majority as to these additional tires that may be endangering the American public, that the contention that is being made is that the information is still incomplete, and as a result can't be shared with us. But if the information is incomplete, then it shouldn't be used to scare the American public either. I think that at a point at which you had completed your analysis, you should have presented it both to us and to the American public, but to not use incomplete data.

Mr. GREENWOOD. If the gentleman will yield, it has not been the statement of the majority, of this Chair, or any other Members that the data is incomplete.

Mr. MARKEY. If the data is not incomplete, then we should receive the analysis. If the analysis is incomplete, then it should not be commented upon until it is complete. You can't have it both ways, and releasing it partially in terms of results that you think may ultimately be proven to be true in a way that scares the public but also damages companies and then say that it cannot, that same information cannot be given to the minority, to the Democrats, that so we can analyze it as well.

I thought we did a good job last year actually working together. In fact, the TREAD Act does include two amendments which I was successful in having the committee adopt. One was to have NHTSA establish a dynamic rollover consumer information program so that consumers were better informed about the likelihood of certain vehicles to roll over in particular situations, and NHTSA hopefully is in the midst of a very rapid rulemaking on that issue so that the public can get the information.

And second, I authored an amendment which requires NHTSA to develop an early warning system in vehicles to alert drivers when their tires are significantly underinflated, again more information for consumers so they can protect their own family. I hope that they're moving as well, NHTSA, rapidly toward putting those rules in place.

Mr. Nasser I'd like to discuss with you a little about the design and development of the Ford Explorer. Most vehicles are designed with something called understeer. Understeer means that your wheels turn less than how far you turn your steering wheel in the car. This is designed for stability reasons.

Firestone's outside expert found that the opposite phenomenon, oversteer, happens to a greater degree than on other similar vehicles when one of the tires detreads. In other words, Firestone says that a driver of a Ford Explorer is at greater risk because the car will oversteer, the wheels will turn further than the operator turns the steering wheel. This creates obvious instability and increases the likelihood of Explorer rollovers.

Second, Firestone alleges Ford cut safety corners on their tires by reducing recommended tire pressure for the Explorer.

And third, Firestone notes that one of the key factors in tire safety and design is the anticipated load placed on those tires. Firestone notes in its testimony that over time, Ford actually increased the weight of the Ford Explorer.

I'll quote from Firestone: In fact, through 1996, Ford continually added weight to the Explorer. In 1990 the 4x4 4000 Explorer increased from about 5,000 pounds to nearly 5,400 pounds in 1993 to well over 600 pounds in 1996. It is no surprise that a significant majority of claims that Firestone has received is on the heavier Explorers, unquote.

That's from Firestone. Did you ask for redesign of these tires when you increased the Explorer's weight? So if you could deal with those issues, the oversteer issue, the question of design, and also the question on the load placed upon the tires?

Mr. NASSER. We have looked at the study that Firestone commissioned on the handling of sport utility vehicles and we think that study is seriously flawed. We do not agree with it, and we think the sample for the testing was inadequate to draw any meaningful conclusions at all. They used 3 vehicles compared to 15 that we used. They tested a limited number of models. They only tested on one road surface. They did not test under actual event of tread separation. And the data is inconsistent with real world data.

We then looked at the criteria that they used. By the way—understeer, oversteer—in the end, you want a vehicle that's responsive and the Explorer is a very responsive vehicle. But we used the criteria that Firestone used in terms of vehicle handling, and we looked at 19 other vehicles. Twelve of the 19 vehicles would fall outside of the criteria that they established as a good handling vehicle. And the interesting thing is the more modern vehicles, the vehicles such as the new—they tested the old Chevy Blazer. You test the new Chevy Trailblazer, interestingly enough, it's very close to the old Explorer in terms of understeer or oversteer. So the bottom line is, from a handling viewpoint, Explorer performs ex-

tremely well and we think well balanced to not only handling but for accident avoidance.

Mr. GREENWOOD. Time of the gentleman has expired.

Mr. MARKEY. He did not answer my question.

Mr. NASSER. I'll answer.

Mr. MARKEY. Did you ask for a redesign of the tire when you increased the load inside of the Explorer that the tire had to carry? Did you ask Firestone to redesign the tire?

Mr. GREENWOOD. Would the gentleman request a unanimous consent for an additional 30 seconds?

Mr. MARKEY. I ask unanimous consent for an additional 30 seconds.

Mr. NASSER. It is insignificant, all that you're looking at that there——

Mr. MARKEY. You're saying the load increase was insignificant?

Mr. NASSER. The vehicle weight of the Explorer increase was insignificant. The data that you're looking at there is not apples to apples. What they did, if you go back and look at the Explorer, there are optional—there was optional equipment on the Explorer that was made standard. That optional equipment was heavily marked as options by our customers. So there wasn't a very large increase in weight at all insignificant.

Mr. MARKEY. Five thousand pounds to 5,600 pounds is more than a 10 percent increase in the weight of the vehicle.

Mr. NASSER. That does not take into account optional equipment. The 5,000 pounds on the 5,600 hundred pounds is standard equipment. If you add a typically equipped vehicle the difference is very small. We can share that data with you.

Mr. GREENWOOD. Chair recognizes the gentleman from Michigan, Mr. Upton.

Mr. UPTON. Thank you, Mr. Chairman. I am sorry I'm a little late. I caught a red-eye back from the other side of the country to come back this morning. And as you know, I was an author, I was the author of the TREAD Act, an act that looked at the many problems over the last couple of years, particularly as it related to the Firestone recall last year.

And I have a little story to relate. Part of it is from my Chairman, Billy Tauzin, who tells the tale that because of the hearings that we had last fall, a dear colleague of ours, Jack Field's wife, checked her tires and in fact there was a problem. She wouldn't have known about the situation unless she had checked.

My daughter's a Girl Scout. She just came back from a trip a couple of weeks ago caving, and we stopped at the house next door to—a neighbor's house, who was one of the Girl Scout leaders, and I saw he drives an Explorer, and I saw a pile of tires in his garage. These tires were not recalled, but they should have been, could have been; because in fact when you press down on this one, when they took them into the local gas station for inspection and wanted them rotated, thank goodness the mechanic said—and I think it's right here—press down on them, you can see that they're about ready to separate. These tires were never on the recall list, but thank God he checked them out. And the mechanic said, I think you ought to replace them, and he did.

That to me underscores your statement a little bit earlier that I heard about increasing—Ford not wanting to increase the tragedy or act, we would have seen with some of these Firestone tires on behalf of the consumer, your customer. And in all of the discussions we've had over the last couple of weeks, I believe that very strongly; that you in fact did realize that there were more tires on the road that should have been replaced, going far beyond what the recall did this last year. These tires might have taken the life of my daughter, might have taken the life of our colleague, Mr. Fields.

Thank goodness the work of this committee and the TREAD Act were able to expose a number of the flaws so that in fact we could take those tires away from folks who might have had a real tragedy in their home. And I want to thank you for Ford's action on replacing those.

This morning getting on the plane in Denver and coming back, I saw the story in USA Today. This afternoon I read the Post story about the Explorer probe, but considered some headline accident data under review, official to say. When did you find out about these charges that came out in the press today?

Mr. NASSER. Congressman, the charges relating to the tires or——

Mr. UPTON. The charges that in fact you were replacing tires with greater flaws than the one you had been—were on the tires themselves. Were you aware of this before today's hearing?

Mr. NASSER. We were not, and there's been considerable discussion on that.

Mr. UPTON. I'm sorry that I missed that because I literally just got off the plane and drove in from Dulles.

Mr. NASSER. Mr. Chairman, I think I'll leave it to you——

Mr. UPTON. Is there going to be ample time for you to be able to respond to that?

Mr. NASSER. Yes. Where we came out, Congressman, is that if that data is true, then we'd like to see it. And Chairman Tauzin said let's have 30 days to look at this. I said let's take 30 minutes, let's look at it, and if it's real we'll—we'll change the—the recall tires that we've got out there; and if it isn't, then let's not scare the American public. It's as simple as that.

Mr. UPTON. You know, this last weekend in Michigan, I chatted with all of my Ford dealers in West Michigan that I represent, and they felt that Ford was doing the right thing. They felt that the customers themselves coming in, they thought that there were adequate material that was being presented. There wasn't a panic like perhaps there had been before, and we had worked with a number of my constituents who are very fearful about driving on the tires that were being recalled last year. But I want to compliment you on what you have done and the challenges that you're undertaking.

I see my time has expired, so I would yield back. Thank you.

Mr. GREENWOOD. Time of the gentleman has expired. The Chair recognizes the gentleman, Mr. Sawyer, for 5 minutes.

Mr. SAWYER. Thank you, Mr. Chairman.

Mr. Nasser, the good part about this means you're close to the end. I want to touch on three points that are really more prospective than retrospective. It goes to the question of how we deal with this sort of problem in the future.

I agree with you when you say on page 13 of your statement that we, Ford, will not accept that a tread separation is a normal foreseeable event that manufacturers must accommodate through vehicle design, as asserted by Firestone. I agree with that. But I'm sure you would agree with me that there are many different causes of tire failure, some of which have nothing to do with design but have to do with road damage and abuse of various kinds. I am really concerned about unrealistic expectations of performance, not only for tires but for vehicles, anything that can be abused in a practical road situation. So when Ford went to NHTSA earlier in the year and in its presentation in March asserted, I quote, Explorers have a margin of safety, as designed, to accommodate to a reasonable level component failures including tread separation, I want to ask you what is a reasonable level?

Mr. NASSER. If you look at the market situation, real world field data, in 90 percent of examples, Explorers and other SUVs are very manageable with a tread separation incident, and in 10 percent they are not. And every one of those incidents is tragic, but that's the way it is. A tread separation is a catastrophic event and it is virtually impossible to design a vehicle around such a catastrophic event.

Mr. SAWYER. There are many different circumstances involving tire failure, however. As Goodyear, as you asserted in your testimony, wrote: While tire—tread separation is a rare occurrence for tires, everyone needs to understand that it is a condition that can occur through misuse, abuse, overloading, severe underinflation, accidental road hazard, and so forth.

Is that not a reasonable assumption—and I am trying to get at—here's what I'm trying to get at. We are going to ask NHTSA to put some standards on what we see as appropriate levels of concern that are raised by real world data. And you talk about what is a reasonable level that a vehicle and a tire together ought to be designed to in order to deal with component failures, including tread separation.

And I'm trying to get at a—at a very basic question; and that is, how do we measure that?

Mr. NASSER. I don't think we know at this point. And as I recall, NHTSA had until June of next year to work with the industry to develop these tire standards, and I think it will take that long to do it. It's complex and it's important.

Mr. SAWYER. I couldn't agree with you more, particularly at a time when we are seeing tire production techniques change, not only in this country but European manufacturers as well. I think we can probably foresee a time when much, much shorter production runs and much more careful tailoring of a tire to a vehicle will be the case. That will reduce the base on which failure rates will be calculated. Do you believe that that ought to be taken into account, where instead of talking about a million tire runs, we're talking about 25,000 tire runs?

Mr. NASSER. You'd have to ask a tire expert on that. I don't think so actually, when you look at some of the new manufacturing facilities—and we talked about Firestone's Aiken plant. That's a high-volume plant and it's able to produce what seems to be at this point at least very good tires.

Mr. SAWYER. In our last hearing—this is the final point, and then I just have a request to make of you—you talked about Ford's commitment to doing early warning. What I was talking about a moment ago is statistical early warning. It seemed to me that you were talking about direct pressure measurement early warning systems within the vehicle. It seems to me that some of your competitors are talking about using ABS-derived sensory information. That's secondary. I would hope that you could share information with this committee about what direction we ought to urge NHTSA to go.

Mr. NASSER. We will share that direction and specification. More than that, we're absolutely moving on it. We're incorporating inflation gauges in our vehicles, almost as we speak, and we'll lay out the plans that we've got in terms of the other technology that's coming into vehicles across the board.

Mr. GREENWOOD. Time of the gentleman has expired.

Mr. SAWYER. Could I make one request?

Mr. GREENWOOD. Does the gentleman have a unanimous consent request?

Mr. SAWYER. I would have a unanimous consent request. It—this is almost personal. It is personal. I have been driving your Mustang for the last 15 years and I have really enjoyed your vehicles. Could you get somebody in your company to tell me why, from my last Mustang 2 years ago, asking for the same car, my lease price went up 30 percent?

Thank you. Yield back, Mr. Chairman.

Mr. GREENWOOD. The Chair notes that the—it will now recognize the chairman of the full committee for a second round of questioning for this witness. Chair notes that under the rules of the committee, each member is thus entitled to a second round of questioning. No member is obligated to take a second round of questioning. I recognize the chairman for 5 minutes.

Chairman TAUZIN. I thank the Chair.

Mr. Nasser, let me get back to the question of replacement tires because it continues to plague us. Let me first put on the record that our committee requested by letter information from other tire manufacturers regarding claims data on their tires so that when we might do a comparative analysis—and copies of that letter was—those letters were sent to the minority. We also informed the minority that data had been received and it's available upon request. My information is it's been shared with the minority since that request. And so that information, the raw data we received, is available. NHTSA hasn't analyzed some of their claims data and forwarded it to us, which is available publicly, and that indicated there were some tires that were going to be used in the replacement program that had less than—a claims history that was less favorable than some of the tires that are being replaced. That's part of the record as well.

Staff analyzed the raw data, and it's the analysis of that raw data that forms the difference of opinion as to whether it ought to be made public until NHTSA has reviewed it. I have taken the view that we ought to at least give NHTSA a chance to review that analysis to make sure it is correct before we identify that that in-

formation is accurate to the American public, but we'll continue our discussions on that.

In that regard, Mr. Nasser, Ford did do some tests on the replacement tires as I understand, but again staff indicates to me that while Ford ran vehicle handling tests with some of the replacement tires and rig tests on most of the replacement tires, that the test parameters are very different from the test parameters that were set for the earlier tests with all the Firestone tires. Is that accurate?

Mr. NASSER. I don't know whether that's accurate or not.

Chairman TAUZIN. Well, we're told that, for example, that the rig test runs on the replacement tires were all conducted at 26 psi with a load of 1,500, with no variation in the test for speeds—which speed was a very important variation—but load and pressure were not varied while speed was varied, my understanding is. The bottom line is that our information is that the replacement tire tests were conducted under different parameters than the Firestone tire tests, and if that is so, how could Ford be sure that the tires you're going to replace these Firestone tires with are in fact better than the tires that you're recalling?

Mr. NASSER. We will sit down and discuss the different test parameters, but in the end we always go back to the field data, and that's why I was so concerned with your comment; because if the field data suggests that one of those tires doesn't meet our standards, then we'll act.

Chairman TAUZIN. Well then, the next question obviously is did Ford request the claims data from the other companies who manufacture these replacement tires?

Mr. NASSER. We have the claims data and we—and we asked NHTSA if they had any data that would suggest that any of these tires were inappropriate.

Chairman TAUZIN. Did you actually request them from other companies? You see, we did, and that is the raw data we're discussing. It—did you discuss the same data.

Mr. NASSER. I don't know what data you have, but we asked for data as well.

Chairman TAUZIN. From the other companies?

Mr. NASSER. Yes.

Chairman TAUZIN. All right. And then you also asked NHTSA, as I understand it, for whatever claims data they had on these replacement tires. Is that correct?

Mr. NASSER. No. We asked them whether they had any safety defect review on any of the tires that we selected.

Chairman TAUZIN. Okay. In regards to the claims data that you had on the replacement tires, can you share with us what your analysis told you?

Mr. NASSER. I don't have that with me, but we can share it with you. I'll file it after the meeting if you wish to see that.

Chairman TAUZIN. It would be very important if we could have that on the record. Let me explain what is going on here so everyone can know. We just went through a recall of Firestone tires last year. In many cases I was one of those Explorer owners who had to go through recall. I got Goodyear tires, but a lot of other owners got other Firestone tires. And now those Firestone tires are being

replaced in this new Ford recall or replacement program. And the concern expressed is are these owners going to be putting on another tire that they have to replace later on, because we find out later on that this new replacement tire turns out to have been maybe even worse than the tire that they're replacing. And so far at least, NHTSA tells us that may be true with some of the replacement tires.

The raw data we received under our analysis tells us that also may be true. That's why I'd like to get this verified by NHTSA, and if that's true and we present that to Ford, I'm asking in advance what will Ford's obligation be with that information?

Mr. NASSER. Well, if the information is valid and it's true, we would obviously react very quickly. While you were out of the room, I said we wouldn't wait for 30 days; if the data is accurate, we would revise the tires that we're replacing. That's a very serious situation, in fact, that is the—if that is the case.

Chairman TAUZIN. Thank you very much. I yield back, Mr. Chairman.

Mr. GREENWOOD. Chairman yields back. Chair recognizes the gentleman from Michigan.

Mr. DINGELL. I would seek recognition at this time for purposes of a colloquy with my friend, the chairman of the full committee.

Mr. GREENWOOD. The gentleman is recognized for 5 minutes.

Mr. DINGELL. I'll be as brief as I possibly can. Mr. Chairman, I understand your concerns about hurting some of the tire manufacturers, and I have no desire to do that, by untimely release of the raw data. I am troubled about two items which appeared in the paper this morning. And I'm referring—by error I said Yahoo—but in point of fact it is AP-U.S.

It says as follows: Representative Billy Tauzin, our Louisiana committee chairman, said congressional investigators have analyzed the failure rates of replacement tires Ford is using made by Michelin, Continental, Goodyear, General, B.F. Goodrich, and Uniroyal, and found that some fail more often than Firestone Wilderness AP tires Ford recalled last month.

It goes on to say: Ford is going to replace these recalled tires with tires that have a worse claims history than some of the tires that are coming off the Explorers, Tauzin said. For example, our investigators have learned that one of the tires that is going to be used in replacement has claims of 124 per million tires, well in excess of the 5 claims per million that Ford say is the benchmark in this recall.

It goes on then to say as follows: Tauzin spokesman Ken Johnson said the committee found two additional Firestone tire models used on Ford vehicles. The Wilderness HT and FR-480 had higher rates of claims for property damage than the Wilderness AT.

Then it goes on, skipping a paragraph, says—it says as follows: Tauzin refused to make his data public yet, saying he wanted Federal safety officials to analyze the information first.

Now, Mr. Chairman, with great respect and affection for you, I am not quite sure whether you are telling the committee here that these tires have, on the basis of careful analysis by the committee staff, a worse record of safety than those which—than the Firestone which they're replacing, or that you are not sure as to wheth-

er this data has been properly analyzed and we have the information.

I am very much troubled about this. I am willing, if we are making charges about this, of this character, to have the whole business made public and let the necessary Federal agencies, the Ford people, the Firestone people, or the manufacturers of the other tires to make whatever comments, so that this committee and the public at large may arrive at the necessary conclusions.

I think my major concern here, Mr. Chairman, is has there been a good-hearted analysis by the committee staff which relates to the comments that you have made earlier, or do we need further work by the committee staff?

Mr. GREENWOOD. Does the chairman wish to respond?

Chairman TAUZIN. If the gentleman would yield, first of all, I have no doubts about the numerical analysis done by the subcommittee staff. I think it's accurate and the numbers cited in that news story, although I didn't write the news story, I think are equally accurate.

If the gentleman would continue to yield, what we're concerned about is the significance of claims data as it relates to the safety of the replacement tires. And it is the significance of that claims data that I would very much appreciate a chance for NHTSA to comment on before we—before we claim or make the claim that this replacement tire is in fact a worse safety tire than the Firestone tire it will replace.

If I can continue for just a second?

Mr. DINGELL. I will be happy to continue yielding to my friend.

Chairman TAUZIN. The fact is that claims data is not the only data, as I understand it, that Mr. Nasser has used in the Ford analysis, and I don't believe it's the only data that NHTSA uses in its analysis. And while it's important data, its significance in relation to other data may be large or small, I don't know. And it's not out of concern so much for the companies and their tires as it is with putting out information that may or may not be significantly valuable in terms of saying don't put that tire on your car yet. And the reason we have raised the issue with Mr. Nasser and the reason I'd like NHTSA to further evaluate our own staff's analysis of this raw data is that, if in fact these numbers are significant, that NHTSA and our committee can properly advise the Ford Motor Company, so as Mr. Nasser has said, he would take immediate steps to make sure that in fact a tire that is in fact better is replacing a tire that's worse, rather than the reverse.

Mr. DINGELL. Well, I would simply observe what my good friend says is significant; if these data are insignificant, why are we making public statements? I would note here that the chairman of the committee said this morning. He said, "and found some to fail more often than the Firestone wilderness AT tires Ford recalled last month," referring to the analysis by committee investigators. And what I'm trying to establish is, everybody who's looking at a Ford vehicle, thinking about buying them, they're wondering whether this recall is in fact going to work. Ford is going to spend $3 billion to recall, and yet here our investigators are saying that these tires that are being replaced are less safe than those that are being pulled off the tire.

Chairman TAUZIN. Would the gentleman yield?

Mr. STEARNS [presiding]. The gentleman's time—time of the gentleman has expired.

Mr. DINGELL. I didn't know I was limited. I thought I was having a colloquy with my chairman.

Mr. STEARNS. Well, I'd like to——

Chairman TAUZIN. I would ask that the gentleman have an additional several minutes so we might finish.

Mr. DINGELL. With respect to my two very dear friends, the presiding officer of the committee, and my dear friend, the chairman of the committee, I have got to decide what I am going to do about the release of the documents which have been discussed by the staff of the committee and by my dear friend, the chairman of the committee.

Chairman TAUZIN. Would the gentleman yield?

Mr. DINGELL. Yes.

Chairman TAUZIN. Let me try again. The Chair has not said and cannot say whether these replacement tires are less safe or more safe than the Firestone tires that were replaced. What the Chair is concerned about is that Ford, in its evaluation of the Firestone tires that are the subject of the recall, indicated to us that a 5 claims rate per million tires was the benchmark upon which a decision was made to consider replacing the Firestone tires. It was one of the benchmark considerations.

What we have pointed out is that our information is that some of the replacement tires far exceed this benchmark. NHTSA has similarly pointed that out to this committee and the inquiry that if there are tires with higher than 5 per million failure rate claims records, is that a significant variation, so that in fact Ford may wish to consider using a different replacement tire if other indications are that that tire may not be safe.

Mr. DINGELL. Well, you know—and to reclaim my time, and again with great respect for you, Mr. Chairman, let me—let me just read that—it's remarkable what a fellow can learn by reading in the newspapers.

I note here and it says—I'm quoting this—and I give credit to AP-U.S., said—House Commerce Committee spokesman Ken Johnson said the congressional investigators will reveal the results of their analysis into failure rates of several tire brands during a hearing Tuesday. Johnson said the analysis would show that some of the replacement tires Ford is using fail more often than some of Firestone's Wilderness AT tires.

It goes on to say, and I'm skipping a paragraph or two here: Ford is working with Goodyear, Continental, and Michelin to get replacements. Johnson would not specify which of these tires had higher failure rates than the Wilderness AT, but said that it would be disclosed at the hearing.

And all I am trying to do is get disclosure and find this out. I know the Ford folks want to know it, and I am sure all the other replacement tire manufacturers want to know about it, too. And so either we have a staff analysis that says this, that's reliable; or we have a staff analysis which doesn't say this or is not reliable. I am trying to find out do we have a staff analysis which is reliable, do we have a staff analysis that tells the truth or do we not?

Mr. STEARNS. Time of the gentleman has expired.

Chairman TAUZIN. Could the gentleman have an additional 2 minutes? I think we need to clarify this, if you don't mind.

Mr. STEARNS. The Chair will give an additional 2 minutes to the gentleman from Michigan.

Mr. DINGELL. I thank the Chair, but I didn't know I was time limited. Now I'll be glad to yield to my friend, if he can clarify what I just read out of the daily press.

Chairman TAUZIN. Well—well, first of all, let me inform the gentleman that the staff analysis is on the claims data only, and the gentleman from Michigan can look at the raw data that has been supplied to him.

Mr. DINGELL. Well, I have requested both the data and the analysis, and I'm trying to find out what the worth of the analysis is.

Chairman TAUZIN. Would the gentleman yield? The gentleman has the raw data and can draw his own conclusions from it. Our staff has drawn the conclusion that the raw data indicates that some of these replacement tires have a claims history that is not as good as the tires that are being replaced.

Now, what I'm suggesting to the gentleman, however, is that that criteria alone may not mean that these are not good replacement tires. We don't know. And until NHTSA has a chance to review this data and comment to us, it is my view that this analysis by the staff identifying the particular tires would be premature, and if the gentleman wants to do an analysis and release his own analysis, he's perfectly all right to do so. He can do so on his own, without asking me to release data they would first like to have NHTSA review.

Mr. DINGELL. Under the rules, Mr. Chairman, I would note, first of all, every member of this committee is entitled to every paper in possession of the committee. I will be happy to cite the rule if the Chair wishes.

Chairman TAUZIN. If the gentleman would yield, we've satisfied that rule. We have, I think, accorded you all the raw data that was sent to the committee.

Mr. DINGELL. No, you've not satisfied that. I am asking for the analysis which has been widely discussed here in at least two instances in the press, and I am not going to waive that right. So I'm asking that the analysis be made available to us, and I hope that anybody who is listening to this colloquy between my two dear friends, the presiding officer of the subcommittee and my distinguished friend, the chairman of the full committee, will arrive at the rather unfortunate conclusion that the staff here has been pulling a long bow, and that in point of fact the information doesn't show these things, or that the chairman of the committee doesn't have confidence in it because he won't make it available to me and others so we can know in fact what this says.

Now, I'm going to insist on my rights to have this information made available to me, and I'm going to insist on my rights to have it made available in an unexpurgated fashion. I will assure the chairman of the committee that we will not release the data without appropriate notice to him and opportunity for him to discuss with me. But in the meantime it appears that perhaps what the chairman said should be read by the staff, so that the staff will un-

derstand that this data is, if such exists, is of rather limited value and doesn't prove——

Mr. STEARNS. Time of the gentleman has expired. I would say to the two distinguished gentlemen, we have talked about this earlier. We're talking about it again. What I suggest, the two gentlemen get together, and I think we have an interpretation of what the analysis has to—in other words, the analysis of the staff.

Chairman TAUZIN. Would the chairman recognize me briefly for a half minute?

Mr. STEARNS. Let me just finish to say that our analysis that our staff has done is the key of whether the chairman wants to, you know, whether that extends—to what extent, I don't know. And I don't know what the ruling is, but I would——

Chairman TAUZIN. Would the gentleman recognize me for 30 seconds?

Mr. STEARNS. Absolutely.

Chairman TAUZIN. I thank the chairman.

Mr. Dingell, with the understanding that you have just given me that we will discuss and there will be no release of this data until we've agreed, then I will be happy to share the analysis with the gentleman.

Mr. DINGELL. I told my beloved friend, I want the record clear, I told my beloved friend, the chairman of the committee, that I will not release it until I have discussed it with the chairman of the committee.

Chairman TAUZIN. That's fair. I'll accept that.

Mr. DINGELL. Very well. And I thank my good friend and I thank the presiding officer of the committee for his kindness to me, too, and I note that I'm not limited on time.

Mr. STEARNS. Mr. Nasser, what we have decided to do, so we are going to continue on ahead here, I think we are going to take another round. The chairman has offered this. I'm going to ask a short question. I ask members to keep it within 3 minutes.

Mr. Nasser has been very cordial and hospitable to stay here, so we're going to make a quick round here, and one question I have deals with a field experience chart. In the field experience chart that's prepared by NHTSA, not our staff—this is nothing to do with raw data, but NHTSA itself—the 1991-'94 model year Explorer is compared to the 1995-1999 model year Explorer. So you have two comparisons and two segmented years. It appears from this chart that the 1991-'94 model year Explorer had 50 rollovers. The rollover number jumped to 87 for 1995 to 1999.

I guess an obvious question is—this is NHTSA's information. They're saying that maybe there was a change of the suspension and things like this. But could you explain why the rollover number jumped to 87 for the 1995 to 1999 model year Explorer?

Mr. NASSER. If you look at the total sport utility vehicle population, the trend for the two periods that you mentioned there does show an increase in both periods. However, the Ford Explorer is one of the best sport utility vehicles. It was clearly superior in the earlier period than in the second period, and it became pretty much average, and we think there are many different reasons there. One of them is demographics. The number of younger people driving

Explorers in that second period we think increased because of the sports model and the two-door model.

Mr. STEARNS. NHTSA seems to indicate—well, their data shows that. And is it possible that if you changed the suspension for the 1995 to 1999 year Explorer, would that have any impact?

Mr. NASSER. We did change the suspension.

Mr. STEARNS. You did.

Mr. NASSER. We went to a more modern suspension system.

Mr. STEARNS. Okay.

Mr. NASSER. One that is much more in line with today's driving conditions.

Mr. STEARNS. Okay.

Mr. NASSER. Both are good; one's better. We don't see any correlation between those changes and the data that's represented here.

Mr. STEARNS. Okay. I am not going to go on with any more questions. I would just point out to you that the answer to the question being demographics might not be all there is, and I suggest that if you want to follow up with a written answer, I want to give you every opportunity to do that; because I think all of us that looked at this, including the staff, were trying to understand and extrapolate what that meant.

Mr. NASSER. We will do that.

Mr. STEARNS. Okay. I'm going to complete my time, and the gentleman from New York, Mr. Towns, is recognized.

Mr. TOWNS. Thank you very much, Mr. Chairman.

Mr. Nasser, some, including Firestone, have said Ford shipped more explorers with Firestone tires than with Goodyear tires to the hot weather States of Arizona, Nevada, Louisiana, Mississippi, Texas and Florida during moderate years 1995, 1996, and 1997. Furthermore, they have claimed that this is an explanation for the higher tread separation claim rates Firestone had than Goodyear had during this period.

Can you tell us how many Firestone-equipped Explorers versus how many Goodyear-equipped Explorers Ford shipped to these hot weather States during the three model years?

Mr. NASSER. Okay. If you include Arizona, Florida, Louisiana, Mississippi, Nevada and Texas, for the 1995 through 1997 model year, there were 95,000 Explorers with Firestone tires and there were 85,000 explorers with Goodyear tires. So, a fairly similar number of explorers in that geographic area.

Mr. TOWNS. And for the Goodyear-equipped Explorers, there were no tread separation claims at all involving injuries, deaths, or lawsuits during this time; is that correct?

Mr. NASSER. That's what we believe, yes.

Mr. TOWNS. But most of the tread separation claims have come from hot weather States; is that correct?

Mr. NASSER. The majority, yes.

Mr. TOWNS. We know there were 1,183 Firestone tread separation claims during this period. So a large share of these claims must have come from the hot weather States. What percentage of these Firestone claims would you estimate to have come from the hot weather States.

Mr. NASSER. I don't have that data with me, but we will provide to it you.

Mr. TOWNS. Mr. Chairman, I'd like to ask that the record stay open until we can receive that information.

Mr. STEARNS. By unanimous consent, so ordered.

Mr. TOWNS. And before I yield back, Mr. Chairman, I'd also like to request that we put a statement in the record from Congresswoman Eva Clayton from the State of North Carolina.

Mr. STEARNS. By unanimous consent.

[The prepared statement of Hon. Eva M. Clayton follows:]

PREPARED STATEMENT OF HON. EVA M. CLAYTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. Chairman, I appreciate the opportunity you have afforded me to share with you and your Committee my views on the issues of this important investigation. Ford and Firestone have suggested different causes of the high incidences of tread separations and vehicle rollovers. These causes have ranged from allegations of defective tires, to defective steering mechanisms to negligent consumer practices. Under these circumstances, it is impossible for the average consumer to ascertain the actual facts.

In the complex interplay between competing, often powerful forces in our society, disputes sometimes arise that require the mediating and ameliorating hand of the government to sort out in an independent manner the conflicting contentions, to evaluate inconsistent scientific supporting data, and to ascertain responsibility for unsafe products. The public depends on the government to serve this role fairly, fully and promptly. In the matter of the Ford-Firestone dispute, you have accepted this task.

The outcome of your investigation, and the similar investigation being conducted by the National Highway Transportation Safety Administration, will help to clarify for the public the actual facts in this controversy. Also, your investigation very likely will have a significant impact on consumer confidence, individual and corporate reputations and, most importantly, on consumer safety. Our citizens should be able to use cars and tires without fear of losing their lives or suffering injuries on our highways because these products are not made safely.

Firestone has a tire manufacturing plant in Wilson, NC, a small town in my district in eastern North Carolina. I have toured this plant and met some of the workers there. This plant employs more than 2,000 workers. These workers strive to produce tires that are safe and without defects. Many of them are involved in civic and community affairs in their communities. These workers, their families and several communities which depend upon their financial support, may be severely affected by the outcome of your investigation. Similarly, numerous other families and communities of workers of both Ford and Firestone in other parts of the country will anxiously await the outcome of your deliberations. We trust that your investigation will include a fair and comprehensive analysis of all relevant tire and vehicle safety issues. This is an important task and I am confident that you and your Committee will render a valuable and honorable service to the nation. Thank you.

Mr. TOWNS. Thank you. I yield back.

Mr. STEARNS. The gentleman from Michigan is recognized for 3 minutes.

Mr. UPTON. Thank you. Again I apologize for being a little bit late for the hearing. I just have a couple of questions as we examine this issue on the newspaper reports today. Did you ask NHTSA if other tires had a higher failure rate than the ones you were replacing with the Firestone?

Mr. NASSER. We asked NHTSA to review the proposed list of replacement tires to see if the Agency had any concerns in the past or any potential concerns in the future. And the list we gave NHTSA, they did not have any concerns.

Mr. UPTON. So NHTSA has, at least as of this moment, has not come back to you and said brand X has got a higher tire failure rate than the ones you replaced; is that correct?

Mr. NASSER. That's correct. The first we heard about it was in the press this morning.

Mr. UPTON. And have any of the tire companies whose tires you used to replace the bad Firestone—or the Firestone tires—have any of those companies come, shared with you evidence that in fact they have a higher failure rate than the ones that—Firestone tires that you were replacing?

Mr. NASSER. Not that I am aware of, and we certainly wouldn't include those tires if that was the case.

Mr. UPTON. Right, right. So until this morning you had—these newspaper reports came out—there was no evidence that the replacement tires that you were replacing on Ford customers' cars had a higher failure rate than the Firestone tires; is that right?

Mr. NASSER. That's correct.

Mr. UPTON. Thank you. Yield back.

Chairman TAUZIN. Would the gentleman yield?

Mr. UPTON. I'd be glad to yield.

Chairman TAUZIN. I thank the gentleman for yielding. I'd simply like to put in the record something I received today Mr. Nasser, which is my notice from the Ford Motor Company requesting information on my Explorer. And this, as I understand it, this is what is being sent out to customers across America.

Mr. NASSER. That's right.

Chairman TAUZIN. Which indicates not only the tires to be replaced but acceptable replacement tires; is that correct?

Mr. NASSER. Yes.

Chairman TAUZIN. And it's a fairly long document, but I thought it would be important to have it in the record.

Mr. STEARNS. By unanimous consent, so ordered a part of the record.

[The information referred to follows:]

Ford Motor Company

June 6, 2001

W. J. TAUZIN
426 LAFAYETTE ST
HOUMA, LA 70360-4370

Your Vehicle: 1993 Explorer
Your Vehicle Identification Number: 1FMDU34X4PUB82668

Firestone Wilderness AT Tire Program

Ford Motor Company has decided to replace all Firestone Wilderness AT tires (15-,16- and 17-inch) on Ford Motor Company products as a precautionary measure aimed at preventing potential tire failures from occurring in the future. The likelihood of tire failure in the near term is very low for owners of vehicles with newer tires. Our records indicate that your vehicle may have Firestone Wilderness AT tires as either original equipment or replacement tires.

Why we are replacing these tires.

This replacement program is both a voluntary and precautionary action. We made the decision to take this action after extensive examination of real-world data, laboratory and track testing, and consultations with the National Highway Traffic Safety Administration.

These efforts, in conjunction with our testing and statistical analyses, have revealed that Firestone Wilderness AT tires have a significantly lower failure rate than the tires recalled last summer and that the age of the tire has a considerable impact upon its performance. However, our analyses also indicated that some Firestone Wilderness AT tires, particularly older tires (over three years), have elevated failure rates compared to other tires.

These failures include possible tire tread separation, in which the outer steel belt and/or tread of the tire separates from and may become totally detached from the rest of the tire. Tire tread separation could potentially result in loss of vehicle control and/or a crash. Because Ford does not have sufficient confidence in the future performance of these tires as they age, we're acting now in the interest of your safety to maintain your continued trust and confidence.

How this program differs from last year's recall.

Last year (Summer 2000), Firestone implemented a safety recall to replace certain 15-inch Wilderness AT and Radial ATX tires due to elevated failure rates. At the time of the Firestone recall, Ford Motor Company established an early warning system and continued to analyze real-world data to help predict tire failures before they occur.

Recent real-world data from Firestone revealed that failure rates are beginning to increase for some of the Wilderness AT tires. We view these findings as early warning signs that we cannot ignore. That is why Ford Motor Company is now voluntarily replacing all 15-, 16- and 17-inch Firestone Wilderness AT tires on Ford vehicles as a preventive measure to ensure your safety.

Firestone Tires Included in This Program

ALL WILDERNESS AT TIRES (15", 16", 17")

Affected vehicles include:

Ford Expedition
Ford Explorer,
Explorer Sport &
Explorer Sport Trac
Ford F-Series
Ford Ranger
Ford Bronco
Mercury Mountaineer

Firestone Tires Not Included in This Program

Steeltex R4S & AT on:
Ford F-Series 250+
Ford Econoline
Ford Excursion

Affinity on:
Ford Taurus
Mercury Sable
Ford Crown Victoria

Wilderness HT on:
Ford Escape
Ford Explorer,
Explorer Sport &
Explorer Sport Trac
Ford Ranger
Ford F-150

Firehawk GTA on:
Ford Focus
Mercury Cougar

Firehawk LH on:
Lincoln LS

What we are asking you to do.

Before doing anything else, check the tires that are now on your vehicle, including the spare tire. If you have Firestone Wilderness AT tires, they should be replaced. If you DO NOT have Firestone Wilderness AT tires on your vehicle, ARE NOT seeking a refund, or have changed your address, please complete and mail the enclosed postcard.

To have your tires replaced, call your Ford or Mercury Dealer or authorized tire retailer (see contact information below to obtain authorized retailer list) and request a service date for the Firestone Wilderness AT Tire Replacement Program. If you have newer Firestone Wilderness AT tires (under three years), you may be put on a waiting list, as older Wilderness AT tires will be replaced first.

You can help to further minimize the potential for any type of tire failure by keeping tires properly inflated to the recommended pressure, avoiding overloading your vehicle, and observing posted speeds. For Firestone Wilderness AT 15-inch tires on Explorer and Mountaineer model vehicles, the recommended tire pressure is 30 psi.

What Ford Motor Company and your dealer (and authorized tire retailer) will do.

Your Ford or Mercury Dealer and certain authorized tire retailers will replace any Wilderness AT tires, including the spare tire, (15-, 16- and 17-inch) on your vehicle regardless of age, mileage, or whether they are original equipment tires or replacement tires free of charge.

For Tire Replacement After May 22, 2001:

If you have NOT had your tires replaced:

We recommend that you have your tires replaced at your local Ford or Mercury Dealer or authorized tire retailer with those tires indicated on the enclosed "Approved Wilderness AT Replacement Tires" list.

If you have tires replaced at non-authorized locations:

If you are (or were) unable to have your tires replaced at your Ford or Mercury Dealer or an authorized tire retailer, Ford will reimburse you:

Up to $110 for each 15-inch tire and up to $130 for each 16-inch or 17-inch tire. In order to receive reimbursement, you must go to your Ford or Mercury Dealer and provide them with:

1. Your original paid receipt.
2. The section of your replaced Firestone Wilderness AT tires that contains the DOT Code. Ask the tire dealer you purchased the tires from to cut this section of the tire from each tire replaced and provide it to you. The section must contain the entire DOT Code and be readable. Your replacement tire dealer should destroy and dispose of your removed tires and provide you with only the piece of tire with the DOT Code. The purpose of this requirement is to ensure that the replaced tires are rendered unusable and are removed from service.

Your Ford or Mercury Dealer will process and submit your refund request and forward your reimbursement check via mail.

If you had your tires replaced before May 22, 2001:

If you replaced the Wilderness AT tires on your vehicle between August 1, 2000, and May 22, 2001 (due to concerns raised by the Firestone recall of certain Wilderness AT tires announced last August), Ford will offer you a full refund with an original paid receipt.

To receive this refund, you may contact the Ford Tire Inquiry Hot Line at 1-866-300-1226 or Ford Motor Company at www.ford.com for the required reimbursement form.

If you have more concerns.

If you have trouble getting your tires replaced promptly and without charge, please contact your dealership's service manager for assistance.

If you have further questions or would like to receive an updated list of replacement tires or authorized tire retailers, please call us toll-free, 24 hours a day, seven days a week at 1-866-300-1226, or e-mail us at tireinquiry@ford.com. For the latest information on-line, go to www.ford.com.

We apologize for any inconvenience this may cause you and thank you for your attention to this important matter. Maintaining your safety, your satisfaction and your trust is our top priority.

Sincerely,

Ann O'Neill
Director
Vehicle Service and Programs

P.O. Box 1904, Dearborn, MI 48121

Approved Wilderness AT Replacement Tires

We strongly recommend you replace your tires with those indicated on this list. These tires have met our testing and analysis requirements and have excellent on-road performance records.

RANGER APPLICATIONS

The following tires are approved replacements for Wilderness AT on ALL Ranger size P215 / 75R15

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9002 15420750000	General	Grabber AT	100S	
AT	9001 137025783	Goodyear	Wrangler RT/S	100S S2	OWL TL

The following tires are approved replacements for Wilderness AT on ALL Ranger size P235 / 75R15

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9001 137406090	Goodyear	Wrangler RT/S	105S S2	OWLRPTL
AT	9001 137719568	Goodyear	Wrangler RT/S	105S S2	OWL TL
AS	9001 727699950	Goodyear	Wrangler HT	108XL	BSL TL
AS	9001 727699952	Goodyear	Wrangler HT	108XL	OWL
AT	9001 157770009	Goodyear	Wrangler GS-A	S2	OWL
AT	9001 137441043	Goodyear	Wrangler RT/S	108S X2	VSB
AT	9001 137719091	Goodyear	Wrangler RT/S	105S S2	BSLRPTL
AT	9001 410920176	Goodyear	Wrangler AT/S	108S	OWL
AT	9004 00754	Michelin	LTX A/T	105S	ORWL
AS	9004 29394	Michelin	LTX M/S	108S	ORWL
AT	9004 90897	BFGoodrich	Long Trail T/A	108S	ORWL
AS	9004 50605	Uniroyal	Laredo Nailgard	SL 105S	ROWL
AS	9002 15446930000	Continental	ContiTrac Radial AP	XL	OWL 1.25
AT	9002 15420890000	General	Grabber AT	105S	OWL 1.00
AS	9002 1542141000	General	Grabber AP	105S	SBL 1.25
AS	9002 15421390000	General	Grabber AP	XL	SBL 1.25
AS	9002 15421400000	General	Grabber AP	XL	OWL 1.25

The following tires are approved replacements for Wilderness AT on ALL Ranger size P265 / 75R15

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9001 137924568	Goodyear	Wrangler RT/S	S2	OWL TL
AT	9001 137753600	Goodyear	Wrangler RT/S	112S S2	BSL RP TL
AT	9002 15434550000	General	Grabber AP	SL	OWL 1.25

The following tires are approved replacements for Wilderness AT on ALL Ranger size P235 / 70R16

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9001 137407568	Goodyear	Wrangler RT/S	104S S2	OWL TL
AT	9004 50373	BFGoodrich	Radial Long Trail T/A	104S	ORWL
AT	9004 96489	BFGoodrich	Radial Long Trail T/A	104S	BSW
AS	9004 59257	Michelin	LTX M/S	104S	ORWL

The following tires are approved replacements for Wilderness AT on ALL Ranger size P245 / 75R16

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9001 137694076	Goodyear	Wrangler RT/S	109S S2	OWL
AT	9001 137217543	Goodyear	Wrangler RT/S	109S X2	OWL TL
AT	9004 59264	BFGoodrich	Radial Long Trail	109S	ORWL
AT	9004 50163	BFGoodrich	Radial Long Trail	109S	BSW

EXPLORER and MOUNTAINEER APPLICATIONS

The following tires are approved replacements for Wilderness AT on ALL Explorer and Mountaineer P235 / 75R15

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9001 137406090	Goodyear	Wrangler RT/S	105S S2	OWLRPTL
AT	9001 137719568	Goodyear	Wrangler RT/S	105S S2	OWL TL
AS	9001 727699950	Goodyear	Wrangler HT	108XL	BSL TL
AS	9001 727699952	Goodyear	Wrangler HT	108XL	OWL
AT	9001 157770009	Goodyear	Wrangler GS-A	S2	OWL
AT	9001 137441043	Goodyear	Wrangler RT/S	108S X2	VSB
AT	9001 137719091	Goodyear	Wrangler RT/S	105S S2	BSLRPTL
AT	9001 410920176	Goodyear	Wrangler AT/S	108S	OWL
AS	9004 29394	Michelin	LTX M/S	108S	ORWL
AS	9004 57653	Michelin	LTX M/S	108S	ORBL
AS	9004 26632	Michelin	LTX M/S	105S	ORWL
AT	9004 90897	BFGoodrich	Long Trail T/A	108S	ORWL
AS	9004 50605	Uniroyal	Laredo Nailgard	SL 105S	ROWL
AS	9004 58002	Uniroyal	Laredo Nailgard	XL 108S	ROWL
AS	9002 15446930000	Continental	ContiTrac Radial AP	XL	OWL 1.25
AT	9002 15420890000	General	Grabber AT	105S	OWL 1.00
AS	9002 1542141000	General	Grabber AP	105S	SBL 1.25
AS	9002 15421390000	General	Grabber AP	XL	SBL 1.25
AS	9002 15421400000	General	Grabber AP	XL	OWL 1.25

The following tires are approved replacements for Wilderness AT on ONLY Explorer and Mountaineer 1991 through 1994, 1998 through 2001 size P235 / 75R15

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9004 00754	Michelin	LTX A/T	105S	ORWL
AT	9004 36544	Michelin	LTX A/T	108S	ORWL

The following tires are approved replacements for Wilderness AT on ALL Explorer and Mountaineer P255 / 70R16

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AS	9001 132840072	Goodyear	Wrangler AP	109S S2	
AT	9001 137840568	Goodyear	Wrangler RT/S	109S S2	OWL TL
AS	9004 39992	Michelin	LTX M/S	109S	RWL
AS	9002 15459700000	General	Ameri*660 AS	109S	OWL 1.12
AS	9002 15459870000	General	Grabber AW	109S	OWL

The following tires are approved replacements for Wilderness AT on ONLY Explorer and Mountaineer 1995 through 1997 size P255 / 70R16

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AS	9004 67119	Michelin	Cross Terrain	109S	ORWL

EXPEDITION APPLICATIONS

The following tires are approved replacements for Wilderness AT on ALL Expedition P255 / 70R16

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AS	9001 132840072	Goodyear	Wrangler AP		
AT	9001 137840568	Goodyear	Wrangler RT/S	109S S2	OWL TL
AS	9004 67119	Michelin	Cross Terrain	109S	ORWL
AS	9002 15459870000	General	Grabber AW	109S	OWL
AS	9002 15459700000	General	Ameri*660 AS	109S	OWL 1.12

The following tires are approved replacements for Wilderness AT on ALL Expedition P265 / 70R17

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9001 137930039	Goodyear	Wrangler RT/S	113S S2	OWL
AT	9001 137930552	Goodyear	Wrangler RT/S	113S S2	OWL TL
AT	9004 79964	BFGoodrich	Radial Long Trail T/A	113S	ORWL

F-SERIES and BRONCO APPLICATIONS

The following tires are approved replacements for Wilderness AT on F-Series and Bronco P235 / 75R15

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9001 137058543	Goodyear	Wrangler RT/S	108S X2	OWL TL
AT	9001 137441043	Goodyear	Wrangler RT/S	108S X2	VSB
AT	9001 137441045	Goodyear	Wrangler RT/S	108S X2	Slanted OWL
AT	9001 137441542	Goodyear	Wrangler RT/S	108S X2	VSB
AT	9001 137441543	Goodyear	Wrangler RT/S	108S X2	Slanted OWL
AT	9001 137920783	Goodyear	Wrangler RT/S	108S X2	VSB
AS	9001 727699947	Goodyear	Wrangler HT	X2	BSL TL
AS	9001 727699950	Goodyear	Wrangler HT	108XL	BSL TL
AS	9001 727699951	Goodyear	Wrangler HT	X2	XNW TL
AS	9001 727699952	Goodyear	Wrangler HT	108XL	OWL
AS	9002 15421390000	General	Grabber AP	XL	SBL 1.25
AS	9002 15421400000	General	Grabber AP	XL	OWL 1.25
AS	9002 15434420000	General	Ameri*Way XT	108XL	OWL 1.00
AS	9002 15441280000	General	Ameri*Way XT	108XL	BSW
AS	9002 15446930000	Continental	ContiTrac Radial AP	108S	OWL
AS	9002 15458170000	Continental	ContiTrac Radial ST	108S	OWL
AS	9004 90897	BFGoodrich	Long Trail T/A	108S	ORWL

The following tires are approved replacements for Wilderness AT on 1997 F-Series P235 / 70R16

Tread Design	*Ford Part #*	*Manufacturer*	*Tire Brand*	*Speed/Load*	*Sidewall*
AT	9004 50373	BFGoodrich	Radial Long Trail T/A	104S	ORWL
AT	9004 96489	BFGoodrich	Radial Long Trail T/A	104S	BSW
AS	9002 15460150000	General	Ameri*550 AS	104S	OWL
AS	9002 15460160000	General	Ameri*550 AS	104S	BSW

Ford is continuing to test additional tires and will update the list as more tires are validated through our process. You can receive an updated list at your local dealer or at www.ford.com.

Mr. STEARNS. Gentleman yields back the balance of his time, and at this point the gentleman, Mr. Strickland, is not here. Mr. Gordon from Tennessee is recognized for 3 minutes.

Mr. GORDON. Mr. Nasser, I want to salute your patience and bladder. You've done a very good job of putting up with all of us today. I had to be short with you because I wanted to get my two questions in earlier. I just want to give you the opportunity, if you want to clarify or follow up on anything they might have asked you earlier.

Mr. NASSER. I'd just like to go back to the issue that was raised earlier on the replacement program. We clearly are very concerned. Our strategy isn't to replace bad tires with bad tires. That doesn't make any sense at all, and we would appreciate that information as quickly as possible. The worst thing that can happen here is that our customers are confused and don't know what to do.

And if we're not helping that situation, then we are not doing our jobs, and I take that responsibility very seriously. So we'd like to clear that up as quickly as we can, as soon as this hearing is finished.

Mr. GORDON. I guess if I have another moment, I'll just ask once again, just to be sure; you're saying that the tires on the Toyota 4-Runner and the Jeep Grand Cherokee are different ones than——

Mr. NASSER. They are different tires. We have had examples where the same tires have been placed on Toyotas and other vehicles as replacement tires, where the customer replaces the original equipment tire, once it's been worn, with one of these Wilderness tires. And the interesting thing is that the tread separation rate on those competitive vehicles is about the same as we're seeing on our vehicles.

Mr. GORDON. But it is the same tire on the Ford Ranger?

Mr. NASSER. On the Ford Ranger 4x4 model, it is the same tire.

Mr. GORDON. Thank you. And again, thank you for your patience.

Mr. STEARNS. The gentleman yields back the balance of his time. The gentleman, Mr. Stupak, is recognized for 5 minutes.

Mr. STUPAK. Thank you, Chairman. I don't mean to belabor this point more than we already have today, but I've sort of started. So I'd like to ask the Chair of the full committee, if you could give us some kind of inference of the statements that have been appeared in the press. I take it one of three ways. The tires that Ford's about to replace, the Firestone tires, are either more dangerous or they're less dangerous, or the majority doesn't have enough data to make that judgment. Could you help us clarify that a little bit?

Chairman TAUZIN. Will the gentleman yield?

Mr. STUPAK. Yes.

Chairman TAUZIN. We know at least in one category, one parameter, the question of claims data against the tire, that some of the replacement tires, according to NHTSA's information, have higher claims data rates than the tires that are being replaced. Do you.

Mr. STUPAK. Then is that claims data enough to make a judgment, or do you need more information?

Chairman TAUZIN. We need more information. Second—if the gentleman would yield?

Mr. STUPAK. Sure.

Chairman TAUZIN. According to the raw data we received from other tire companies who are on this list that I just put into the record, there are several tires that have claims data rates as high as 124 per million, which is a rather significant number if 5 per million is one of the benchmarks used in this replacement program. And, therefore, finding out how significant that claims data is, is fairly critical to the question you asked about safety.

Mr. STUPAK. So to answer the question, you need more information, because the claims data rate is not enough to make an analysis whether or not the tires being replaced are more dangerous or less dangerous?

Chairman TAUZIN. That is my opinion, and that is why I have asked NHTSA to immediately review this, to let us know that—and to let Ford Motor Company know so that they might have the benefit of that analysis.

Mr. STUPAK. Okay. But as I'm trying to clarify this here—because I agree with Mr. Nasser; I think we're all pretty much confused on what to do now. For those of us, like yourself, who own the Explorers or the Expedition, whatever it may be—again, I mean, what message are we trying to communicate here to the general public, to the American people? That we need more information, or what?

Chairman TAUZIN. What I'm trying to do is to make sure that since this is not a government recall—this is a corporate-sponsored replacement program—that we don't end up having a government recall that follows it to replace the tires all over again——

Mr. STUPAK. I agree.

Chairman TAUZIN. [continuing] because we've used the wrong replacement tires. So the message I'm trying to say—and hopefully NHTSA got it, and I think they did because we had some serious conversations before this hearing today—is that we need NHTSA immediately to assist both this committee and Mr. Nasser's company with this analysis of—so they can announce publicly whether any of the tires on the replacement list should be taken off the replacement list.

Mr. STUPAK. And if it's not a recall and if Ford is doing this replacement program, then I think it's only fair to give Ford, before they even leave here today, all your data and your data analysis, because this is not a recall, this is a replacement. They should have it so they're not back here doing another replacement.

Also, I guess if you're asking NHTSA to do it, what other information does NHTSA need to make a sound, total judgment on this incomplete information that's being publicly released?

Chairman TAUZIN. Will the gentleman yield?

Mr. STUPAK. Yes.

Chairman TAUZIN. That's the reason why I asked Mr. Nasser extensively, rather, what was requested by his own company and what testing was done on these replacement tires. But if he does not have the information, the raw data we have, we are more than happy to share it with him. And you have copies of it. We have copies of it. We'll make sure he has copies of it.

Mr. STUPAK. Okay. So the information we've seen in the media today, whether it's the Detroit Free Press or the——

Mr. STEARNS. The gentleman's time has expired.

Mr. STUPAK. If I can just finish. The message—we want to clarify or correct the information that these tires may not be more dangerous, that we need more information. So we should really correct that information; correct, Mr. Chairman?

Chairman TAUZIN. I'm looking at the AP report. The only quote contained in there that came from our committee spokesman was that there are brands that have actually higher claims rates. That's all we know. There is no—if the AP story went on to draw the conclusions—that's the AP writer. The only thing we know at this point, the only thing that was reported and that has come out in this hearing, is that there are tires that NHTSA has identified, and now that our own staff have identified, that have higher claims rate than 5 per million, and that obviously before those tires are replaced, put on cars as replacement for other tires, somebody, NHTSA, ought to give us some good information as to whether or not that claims data is significant enough to make a difference.

Mr. STEARNS. The gentleman's time has expired. Mr. Sawyer is recognized for 3 minutes.

Mr. SAWYER. Thank you, Mr. Chairman. I have a couple of questions, and they go to the question that—to the assertion that you made earlier, Mr. Nasser, to the effect that you cannot go out and test every tire on every vehicle. And I agree with that. That doesn't make any sense.

At the same time, in the letter that you've cited from Goodyear, they suggest that there's no desire, nor have manufacturers even raised the question of tire manufacturers doing similar kinds of testing of every tire on every vehicle. Should that be done? Or is generic testing to different protocols by different tire manufacturers sufficient to give you comfort into the future that the tires will perform as expected?

Mr. NASSER. I think it's a combination of both, and there does need to be much more communication, not only between the tire manufacturer and the automotive manufacturer, but also information that comes from the field. And I think that's what really drove the TREAD Act of last year. We support it. We welcome it. And—but whatever we do, it must be based on tires that have high quality levels and that have the technology that is appropriate for today's driving conditions.

Mr. SAWYER. That brings me to my second question. You've hit it squarely on the button. Earlier you had said that the exchange of information with regard to the changing weight of the vehicle and the suspension of the vehicle was not significant. It may have been; it may not have been. I'm not going to argue that today. But you also talked about the fact that a number of the tires that have exactly the same designation may not be the same tire, and the truth of the matter is that tires evolve over the life of a product as well.

Should there be requirements, protocols under NHTSA, for the exchange of information as products evolve in their design throughout their useful life?

Mr. NASSER. I strongly believe that if tire manufacturers change the design of a tire, then they should inform the vehicle manufacturer. As a matter of fact, with our purchase order we make it very

clear that any changes to the design of a tire should be communicated to the vehicle manufacturer.

Mr. SAWYER. Should the same thing apply to you in the other direction?

Mr. NASSER. I think it does, but I certainly think it should be in both ways. It should be a dialog, not one way.

Mr. SAWYER. Thank you.

Mr. STEARNS. My colleagues, I believe we have expired all the second round. So, Mr. Nasser, sincerely and on behalf of the full committee—subcommittee—both myself and Mr. Greenwood, we thank you sincerely for staying with us and your forthright answers. And now we'll move to panel No. 2. Thank you.

Mr. NASSER. Thank you very much.

Mr. STEARNS. Panel No. 2 is Mr. John Lampe, President and Chief Executive Officer, Bridgestone/Firestone. Mr. Lampe, you're welcome. Let me just say to my colleagues that—so we can continue to go on, I urge them to ask the questions. If perhaps you have desire for colloquy, that we could perhaps move that member to member, and we can continue on with the questions here so that we can get through to our third panel, which is also patiently waiting.

And so with that, Mr. Lampe, at your convenience, we'll welcome your opening statement.

You are aware that the committee is holding an investigative hearing, and in doing so has had the practice of taking testimony under oath. Do you have any objections to testifying under oath?

Mr. LAMPE. No, sir.

Mr. STEARNS. The Chair then advises you that under the rules of the House and the rules of the committee, you are entitled to be advised by counsel. Do you desire to be advised by counsel during your testimony today?

Mr. LAMPE. No, sir.

Mr. STEARNS. In that case, if you'd please raise your right hand, I'll swear you in.

[Witness sworn.]

Mr. STEARNS. You are now under oath. You may now give a 5-minute summary of your opening statement.

TESTIMONY OF JOHN LAMPE, PRESIDENT AND CHIEF EXECUTIVE OFFICER, BRIDGESTONE/FIRESTONE, INC.

Mr. LAMPE. Chairman Stearns, Chairman Tauzin, and distinguished committee members, I am John Lampe, and I am the CEO of Bridgestone/Firestone. First I'd like to thank you for holding this hearing and inviting me to testify, and I appreciate the very hard work on all these issues by the members of this committee, by the other members, and by their staffs.

Mr. Chairman, it's no secret that this year has been a struggle for us. We've learned a lot since we were here the last time, and some of it we've learned the hard way. But as a result, we're more responsive now to the American public, to our customers, to Congress, and to NHTSA. We're doing what's right. And our 45,000 employees are a great team. They're fully committed to making safe quality tires and to regaining the public's trust. Yes, we've

been hit hard, very hard, but I believe with all my heart we will make it.

But let's talk about our tires, and first let me assure you that the Firestone tires that are on the road today are completely safe, and our real world data proves that.

The 13 million tires that Ford is replacing have a claims rate of .0009 percent. That's 9 out of every 1 million tires. And most of these claims are on the Ford Explorer. The identical tire on the Ford—is on the Ford Ranger, and yet the tread separation claims on the Ranger, exact tire, is 8 times less than that of the same tire on the Explorer. And if that weren't enough, Wilderness AT tires on General Motor's vehicles have only 2 tread separation claims on 3.1 million tires that we've supplied General Motors. And these 2 claims were minor, minor property damage claims, did not result in accidents.

Also, several million of these tires that Ford is replacing under their program have never, ever had a claim. And the bottom line, replacing good tires with other tires, is a diversionary tactic and it won't increase or improve customer safety.

We've also conducted an extensive array of scientific tests comparing our tires to our competitor tires. And this testing supports the data we see from the real world. We perform peal tests to measure the amount of force it takes to tear apart the two steel belts. We conducted Society of Automotive Engineer high-speed tests, and we performed belt-edge temperature tests to see if the internal temperature of the tires are the same as those other tires in the marketplace. And these are just some of the tests we've performed. But in every test, the Wilderness AT tires performed within industry norms, oftentimes outperforming our rivals. Our testing confirms what we've been saying all along: Our tires are safe, and we have the tests. We have the real world data to prove it.

But now let's compare our testing to Ford's testing of the tires. We use standard industry testing procedures. Ford, on the other hand, did not; and what little they've shared with us reveals that Ford's testing of tires and our tires was, at best, unscientific; and, at worst, misleading. Ford took new Goodyear tires and compared them with old Firestone tires, some of which were 9 years old. But when you take and compare the same age of tires—Firestone tires versus the Goodyear tires from Ford's own data—we are as good as our competition, and in many cases better.

Ford talked about tire temperatures, and Ford ignored, though, the internal temperature of a tire, the temperature that is very important when looking at such things as tread separations. Ford chose to use surface temperatures. We don't know why. It has no correlation to internal temperature. And as the Wall Street Journal reported, Ford did not use the same inflation pressure and loads when testing Firestone tires against Goodyear tires. We heard two or three times this morning about apples to apples. I think we need an apples-to-apples comparison here as well.

And finally, Ford's protections of future Firestone tire failures are purely speculative. They're not based on real world data. Yes, with these hazard plots, you can make those lines go anywhere you want, based on the assumptions you use.

And next, Mr. Chairman, I must say—and this is not easy for me to say as well—but there is something wrong with the Ford Explorer. The testing and accident data we have submitted prove it. When I was here last year, I said to all of you that you could take all our tires off the Ford Explorer and the Ford Explorer would continue to roll over. And unfortunately, that's exactly what's happening.

But it didn't have to be this way. We at Firestone asked Ford to work with us so that we together could look at the tire—and we looked at the tire a lot, but at the vehicle as well, and the tire vehicle interaction. But Ford refused, and we had no choice. We had to go it alone. Ford left us no other option.

Mr. Chairman, these are the facts. The loss of a tread or air in a tire shouldn't cause a driver to lose control of his vehicle. The driver should be able to pull over, not roll over. Even Ford's own export—expert car engineering agrees with that. Dr. Dennis Gunther is considered to be one of the most highly regarded, renowned experts in vehicle dynamics, and he's worked with NHTSA before, and he's worked for some of the automobile companies. And he found that when a rear tire separates on some models of the Ford Explorer, the vehicle goes from a slight understeer—and you talked briefly about understeer, oversteer this morning—from a slight understeer to an oversteer condition, where the rear tires can spin out, just like you've experienced sometimes on ice. But the important thing, according to Dr. Gunther, it's both the transition, transition from understeer to oversteer, and the oversteer itself that often make it a dangerous situation for the average driver to be able to maintain directional control on the Explorer at normal highway speeds after a tire separation.

And the real world data supports Dr. Gunther's finding. The Florida traffic crash data base shows that for the 1994 through 2000 model year vehicles registered in Florida, the Explorer rolls over twice as much as all other SUVs in single-vehicle, nontire-related accidents.

Mr. Chairman, last year this committee asked us why we didn't do more when we had reports of tread separations coming out of Venezuela. Well, now there are new reports from the Venezuela Consumer Protection Agency that the Explorer continues to roll over with other brands of tires. In fact, since May of 2000, there have been 43 judicially—judicially confirmed, certified Explorer rollover crashes in Venezuela, and they've been on competitor tires. In the last 10 days alone, there have been four people that have been fatally injured in two separate Ford Explorer accidents in Venezuela on different brands of tires, not ours.

Surely these warning signs can't be ignored. As I've said before, I said it last year, Ford can replace all the Wilderness AT tires on our vehicle, but the Explorer will continue to roll over. We need to understand why. And I know you want to understand why. We owe it, I owe it, to the men and women who make our tires, to the stores and dealers who sell our tires, and we all owe it to the people on the roads and the highways that drive on our tires. No one cares more about safety than we do, and we're doing our part. We're taking responsibility for our tires. We did a massive recall,

and now we're doing what's right by asking the tough questions on the Ford Explorer.

One of our Nation's greatest industrial pioneers once said, don't find fault; find a remedy. Since the very beginning, Ford has only wanted to find fault, blaming our tires. We, on the other hand, have said that the vehicle tire interaction needs to be examined in order to find a remedy. And, by the way, that great man that said don't find fault, find a remedy, was also Henry Ford.

I truly wish I could say with pride that Ford is still one of our best customers, and I sincerely hope there comes a day when Bridgestone/Firestone can do business with Ford again, but that day won't come until we answer the tough questions on the Explorer.

I would like to commend Chairman Tauzin for urging NHTSA to examine the vehicle and the tire in a balanced way, because there are very hard questions to be answered. Why is the Explorer so much more likely to roll over in related crashes? If it's just a tire issue, why are Explorers continuing to roll over in Venezuela at high numbers, even after Ford replaced all the Firestone tires? Why is the Explorer harder to control than other SUVs after a rear-tire separation? And why do our tires perform so well on other vehicles?

Firestone will continue to work with the government to get the answers the American public deserves to these and the other tough questions. And I am glad to hear Mr. Nasser this morning and Ford agree in the same spirit to support NHTSA's investigation of their vehicles.

Thank you again for inviting me here to testify, and Chairman Stearns, using your words, I welcome the opportunity to answer reasonable questions.

[The prepared statement of John Lampe follows:]

PREPARED STATEMENT OF JOHN LAMPE, CHIEF EXECUTIVE OFFICER, BRIDGESTONE/FIRESTONE, INC.

I. INTRODUCTION

Chairman Stearns, Chairman Greenwood, Chairman Tauzin, and distinguished Committee Members, I am John Lampe, CEO and President of Bridgestone/Firestone, Inc. Thank you for inviting me to testify today. Since I appeared before this Committee on September 21, 2000, much has happened. Our team at Bridgestone/Firestone has been working vigorously to protect the safety and restore the trust of our customers by assuring and enhancing the quality and performance of our products. We have accomplished a great deal, and we have learned a great deal.

In my statement today, I would like to address the following four topics:

First, Firestone takes responsibility for the safety of its customers. We have devoted all available resources and energy to the August 9, 2000 recall. We conducted extensive research to determine the causes of tread separations and rollover crashes involving the Ford Explorer. We instituted targeted changes to improve our products and we have enhanced our ability to monitor the performance of our tires in the field.

Second, Firestone tires on the road today are safe. The recall of more of our tires is not necessary and will not increase customer safety. I will present data that prove our tires on the road today are every bit as safe as the comparable competitors' tires on the roads today.

Third, to find the whole truth regarding Ford Explorer rollover crashes, it is imperative that the Congress, the NHTSA, and the public examine the vehicle issues as well as tire issues. I have said from the outset that no research, analysis or remedy for tire-related Explorer rollover crashes can be complete without carefully addressing the contribution of vehicle characteristics. Today, I will present claims data that show that the same tire on vehicles other than the Ex-

plorer performs quite well and that the tread separation rate, while still low, is elevated when that tire is on the Explorer. I will also present test data that precisely identifies that characteristic of the Explorer which makes it extraordinarily prone to rollover crashes in the event of a tread separation, an event that can happen with any tire.

Finally, I want to take this public opportunity to make Firestone's recommendations as to how drivers can help protect themselves against the possibility of serious crashes like those that prompted the Committee to investigate this matter.

II. THE RECALL

Beginning on August 9, 2000, Firestone voluntarily recalled approximately 6.5 million P235/75R15 ATX and Decatur Wilderness AT tires fitted primarily on the Ford Explorer family of vehicles. Our concern for the safety of our customers was paramount, so we took this action before we knew what caused the increased rate of tread separation claims. I am proud of the fact that our recall campaign was carried out very rapidly. From the date we announced the recall through January 2, 2001, we replaced 92 percent of the tires. As of today, more than 6.3 million tires have been replaced, approximately 97 percent of the total number recalled. By any measure, this is an outstanding performance, and one which reflects well on every member of the Firestone team.

III. FIRESTONE TIRES ON THE ROAD TODAY ARE SAFE

On Monday, May 21, Firestone informed Ford Motor Company that it had no choice but to terminate its almost 100-year relationship and stop supplying tires to Ford. Firestone took this action because Ford simply refused to examine with Firestone what, if any, role the Ford Explorer had in the increased rate of tread separation claims and the subsequent rollovers that led to the catastrophic accidents. In fact, in October 2000 I sent a letter to Mr. Nasser asking his cooperation into an investigation of both the vehicle and the tire. Regrettably, Ford refused to jointly investigate the vehicle.

On May 22, Ford announced it would unilaterally recall all Wilderness AT tires fitted on Ford vehicles. We believe strongly that Ford's action is motivated by a desire to divert attention from safety concerns of the Explorer. The data from both testing and actual experience on the highways simply do not support Ford's decision. Our tires on the road today are safe, and we do not intend to participate in Ford's unnecessary and deceptively motivated action.

Ford has claimed that Wilderness AT tires have higher rates of tread separation than competitive tires. Ford would not share with us complete test data or actual claims data on competitors' tires. The data Ford did share with us shows that Ford used grossly unscientific procedures in its testing. As a result, we have done our own testing that I will summarize for you.

First, we tested "peel force," the amount of force needed to tear the two steel belts from a tire. We compared our tire with three major competitors' tires that have also been fitted to the Ford Explorer either as original equipment or a replacement tire. As this chart (#1) shows, our tires out-performed two of the three competitors' tires in this test. The results were similar when we subjected the tires to high temperatures to simulate hot climate driving. (Chart #2)

Second, we conducted SAE high speed tests in which tires are intentionally run to the point of failure on a machine that pushes tires beyond their limits. Once again, the Wilderness AT outperformed several rivals and performed well within industry norms. (Chart #3)

Third, we performed vehicle tests where our tires were run on a test track mounted on a range of compact SUVs. With this test we measured the belt-edge temperature of each tire on each vehicle after identical test cycles. (Chart #4) This test clearly shows that our tires were most heavily loaded on the Explorer. Additionally, other tests were performed on the 1997 Ford Explorer with a variety of competitor tires. The belt edge temperatures were measured and clearly show that damaging temperature increases at lower inflation pressures were greatest on the Explorer (Chart #5). These tests again revealed that the Wilderness AT is an excellent performer, better than many rival products, and well within industry norms. But these tests also further suggest an Explorer issue.

In contrast, Ford's "rig" testing is grossly unscientific and must be disregarded. First, to test our tires, Ford used aged spare tires compared with new tires from our competitors. Indeed, some of the Firestone tires tested were nine years old. It is well known that tires naturally degrade over time, regardless of whether they are used on vehicles. The rubber in tires begins to degrade as soon as it leaves the plant. When you factor out the old Firestone tires that Ford tested, and just com-

pare our new tires with the competitors' new tires, even Ford's results show that our tires are as good as the competition! Second, Ford used surface temperature testing as opposed to internal temperature testing, the latter of which is needed to detect thermal conditions related to belt separation. No respected organization measures the surface temperature of tires to determine the likelihood of belt separation. Given these examples, it is no surprise that Ford refused to share all of its data with Firestone.

Now let's look at real world performance. A comparison of Wilderness AT performance tires fitted on the Explorer and other vehicles shows that tread separations with our tire happen disproportionately on the Explorer. We sold the same tires to Ford, designed and built to the identical specifications, for both the Explorer and the Ranger pickup truck. Claims for tread separation on the Explorer were as much as eight times greater in number than on the Ranger. (Chart #6)

These results are for the same tires on two different Ford vehicles. In fact, at the time of shipment, we do not know which of our individual tires sent to Ford are to be mounted on which vehicle. The fact that the very same tire performs so differently on these two vehicles is proof positive that there is something at work here other than a tire issue. Again, it is no wonder why Ford refused to give us production data for the Ranger for nearly six months. As soon as we received the required data from Ford this spring, *the data convinced us that something about the Explorer must account for the high number of tire failures and subsequent rollover accidents.*

Real world claims data provide further evidence of the Explorer's extraordinary history of tread separation claims. For example, our ATX tires sold as original equipment on the Explorer were also sold as replacement tires for a broad range of similar vehicles from other manufacturers. Over seven years, there were six times as many tread separation claims for the Ford Explorer, within the replacement tire population that included other vehicles, than there were for other vehicles (claims per 100,000 tires). (Chart #7) Again, the very same tire failed at a greatly higher rate on the Explorer.

Ford also claims that its successful experience with Goodyear tires on the Explorer proves the need for its further recall of Wilderness tires. Once again, Ford has misused data to produce a conclusion that supports its false statements. For example, it directly compares Firestone and Goodyear claims without mentioning that a greater number of Firestone-equipped Explorers were shipped to hot weather states where the tires were pushed to extremes and tread separation occurred. (Chart #8) Ford states that there were only two claims for tread separation on Goodyear tires. News reports alone tell us there have been at least 13 incidents involving tread separations of Goodyear and other manufacturers' tires followed by Explorer rollover crashes. But we don't have to rely on news reports alone. Ford's own internal document—identified as Document 54 in last fall's hearing—states that Ford knew of the possibility of at least 10 tread separations on Goodyear tires (Attachment 1) and physical evidence of these separations is readily available (Attachment 2). In fact, while Ford would have you believe that tread separations are proof of defect, and that only Firestone tires experience tread separations, the reality is quite different. (Attachments 3 and 3A) All tire manufacturers, including Goodyear, acknowledge that tires are not indestructible, that tread separations are the most common form of a tire disablement and that a tread separation is not evidence of a defect.

Ford has also attempted to cloud the issue of the durability of our tires by making unsubstantiated allegations regarding construction. But again, whether is the thickness of the wedge material at the belt edge (Chart #9) or claims about our materials, the data shows our tires are as good or better than the competition.

Ford's comparison of Firestone to Goodyear is further flawed by the inclusion of claims associated with the 6.5 million tires recalled by Firestone last year. Ford's use of claims on those tires to characterize tires on the road today is patently false and misleading.

The rationale and data put forward by Ford to explain its current recall of Wilderness AT tires is unsupported by test data, by real world experience, and by Ford's own statements about the tires. Ford's selective use of data, biased test procedures and contradictory statements show that its recall is at best a poorly documented public relations exercise designed to protect the image of a profitable product that represents approximately ⅓ of every profit dollar—the Explorer. *I am deeply concerned that this campaign at Ford is also an attempt to scapegoat our tires by falsely alarming consumers about their safety. In the process, Ford may be hiding from consumers, regulators, and Congress some very real safety problems of their vehicle which should be addressed honestly and seriously.*

Mr. Chairman, the extensive testing data and the voluminous record of real world performance of our tires shows that they are safe. There is no need for a recall of

those tires. However, there is a need for industry and government to work together honestly to continue to improve safety for the motoring public.

IV. THE VEHICLE

The tire and the vehicle must be regarded as a system. We have consistently urged Congress, the NHTSA, and Ford to look at this phenomenon in a balanced way—that is, to look at both the tire and the vehicle. Indeed, on October 23, 2000, I wrote Mr. Nasser a letter asking his support for a joint investigation into both the tire and the vehicle. However, Ford has refused to work with us to examine the vehicle and tire as a system. They have steadfastly urged Congress, the NHTSA, and the American public to consider this strictly a tire issue and not a vehicle issue.

We have had a growing and ultimately overwhelming conviction that tire design and manufacturing issues alone simply cannot account for what has been happening with the Explorer. There is no doubt that tire failures have become relatively rare in the past few decades. Still, cars and trucks are equipped with spare tires, jacks and lug wrenches precisely because when a tire fails, for whatever reason, auto manufacturers contemplate you will be alive to change your tire when you need to. We must ask ourselves why are tire failures on the Ford Explorer all too often not a benign event, but often a catastrophic one? Why is it that, if a rear tire separates on an Explorer, the driver often loses control and crashes? *We couldn't help but think that this should not be happening; a driver should be able to pull over, not roll over.*

Since Ford was unwilling to participate in a joint analysis of its product, we were forced to conduct our own research into the role of the vehicle. A survey of what we have learned about the vehicle is found at Attachment 4 (Analysis of the Ford Explorer). Our root cause analysis made clear that vehicle weight and low inflation pressure are very significant factors that can lead to tread separations. The Explorer is a heavy vehicle and Ford recommended the bare minimum inflation pressure of 26 PSI. In short, Ford designed the Explorer with minimal reserve load.

As part of our root cause analysis, we learned that, in fact, in 1995, Ford increased the weight of some models of the Model Year 1996 Explorer by over 600 pounds from the initial weight when the Explorer was first introduced. (Charts #10 and #11) In this respect, it is no surprise that the 1996 Explorer is the vehicle that appears most often in the claims and lawsuits alleging a tread separation. As everyone now knows, tires can lose as much as 1 psi per month. Ford's recommendation of a 26 PSI inflation pressure diminished the load reserve of the Explorer and its tires to an unacceptable level (Chart #12). Our analysis shows that the tire inflation safety factor for the Explorer is far below that of other popular SUVs we examined.

Given the combination of a heavy vehicle with minimal inflation pressure, it stands to reason that the tire failure rate on the Explorer would be higher than other SUVs. This is exactly what the data shows. As I stated above, the Wilderness AT tires that Ford is replacing are performing well. The relatively few claims that exist stem almost exclusively from tires fitted on Ford Explorers. Based on these facts, it is apparent that there are vehicle issues at work here.

Moreover, when a tread does separate from a tire, the separation itself ordinarily does not have a catastrophic effect on the vehicle. There is no explosion or impact that radically upsets the attitude or direction of the vehicle. Engineers think of tread separation in three phases, pre-separation, separation, and post-separation. In pre-separation, the tire becomes out-of-round due to the tread beginning to detach. The irregular shape of the tire creates a vibration in the vehicle, warning the driver that a tire failure is occurring. This ordinarily signals a driver to reduce power and beginning pulling off the road.

The separation event itself often creates a loud noise, as the tread flaps against the vehicle's bodywork before becoming entirely detached. Despite the noise, forces imparted to the vehicle are minimal. The tire casing is normally intact and remains inflated. The driver should be able to maintain control of the vehicle with very slight steering inputs. Carr Engineering, who performed tread separation tests for Ford, compared these steering inputs to those made to correct for wind gusts or when encountering water puddles on the highway. The overwhelming scientific literature agrees with Carr Engineering on this point.

In the post-separation phase, the vehicle is continuing on the roadway with three intact tires and one tire, which, while still inflated and supporting the vehicle's weight, lacks its tread. Normally, nothing catastrophic occurs here, and the driver is easily able to maintain control.

The real world data shows that with the Explorer, the occupants are at much greater risk than in comparable SUVs. An analysis of the Florida Traffic Crash Database for Explorer Model Years 1994-2000 shows that in a single-vehicle, tire-

related highway accident, the Explorer rolls over at nearly four times the rate of other comparable SUVs. The rate of fatalities in single vehicle highway incidents is nearly twice that of other comparable SUVs. (Charts #13 and #14) Still additional analysis of the Florida data shows that the Explorer rolls over at nearly twice the rate of all other mid-size SUVs in a single-vehicle, non-tire-related highway accidents (Chart #15). A summary of this information is contained in "Florida Crash, Rollover, and Fatal Accident Rates Based on Vehicle Registrations" at Attachment 5. These analyses clearly suggest that there is a vehicle issue at work here.

Ford's own engineering documents show that Ford was acutely aware, as early as 1981, of the critical handling requirements for sport utility vehicles such as the Explorer. Ford's experience with the rollover-prone Bronco II, the Explorer's predecessor, proved that special attention must be given to SUV handling to avoid rollovers. Ford recognized that keeping the vehicle axis parallel to the direction of travel is essential to reducing rollover accidents. Any design that allows an SUV to turn sideways to the direction of travel would greatly increase the chance for a rollover. This could be avoided by giving the driver safe handling qualities that maximize the chances of maintaining directional control.

Automotive engineers, including Ford's, intentionally incorporate a handling property called "understeer" in their vehicle design to help drivers maintain directional control. Understeer is a forgiving, predictable, handling characteristic and its effect is to provide predictable, progressive response to steering inputs. To turn the vehicle harder, or at a higher rate of lateral acceleration, the driver need only turn the wheel farther.

The opposite of understeer is oversteer. When engineers say a vehicle is oversteering they are talking about a circumstance where the rear wheels are not tracking the front wheels and the back end of the vehicle swings around. Engineers describe an oversteer vehicle as directionally unstable. Trying to steer a directionally unstable vehicle characteristically causes it to spinout. That is a perilous position for a vehicle with a rollover tendency.

We have studied internal Ford engineering analyses of Explorer handling made throughout the vehicle's design and development. (Attachment 6) Many compromises were made to give the truck-based Explorer a softer, car-like ride, and these compromises may have also had the undesirable effect of reducing understeer and increasing significantly the amount of oversteer in the Explorer after a tire problem. The shift from understeer to a significant oversteer could cause drivers to lose control of Explorers following tread separations. The analysis of Dr. Dennis Guenther, a renowned vehicle dynamics engineer at Ohio State University who was hired by Firestone's defense counsel in October 2000, proves that this is often what happens to Explorers.

In the course of Dr. Guenther's work, it became clear that an analysis of the Explorer's handling dynamics in tread separations would help us understand why all of these accidents were occurring. In May 2001, at Firestone's request, Dr. Guenther began a series of tests of SUV handling at the Transportation Research Center (TRC) in East Liberty, Ohio. The tests were designed to examine the controllability of the Explorer and that of comparable SUVs, following a tread separation. The tests conducted to date evaluated 1996 4x2, four-door Explorer handling compared with that of the popular Jeep Cherokee and the Chevrolet Blazer. The tests that were conducted are universally recognized, standard tests used by automobile manufacturers, including Ford. A detailed description of the tests and their results is found at Attachment 7.

The results of these tests were both enlightening and deeply disturbing. Dr. Guenther determined that with a tread separation of a rear tire, the Explorer becomes an oversteering vehicle in most situations, while the other tested SUV's maintain a safe reserve of understeer. The driver of an Explorer with four intact tires has the benefit of a small margin of understeer to provide predictable handling. When that same driver experiences an otherwise benign tread separation event, he must maintain control of a vehicle whose handling characteristics have suddenly and profoundly changed. As noted previously, the rear end of the now-oversteering vehicle has a tendency to swing toward the outside of a turn, and the driver may be completely unprepared to react appropriately. This chain-of-events typically results in a spinout, which is a perilous position for a vehicle, like the Explorer, with a rollover tendency.

The other SUVs tested by Dr. Guenther never became oversteer vehicles. Tread separation reduced the understeer of these vehicles somewhat, but there was still a significant reserve to maintain predictable handling. The differences measured are substantial. For example, the Cherokee with a separated rear tire still has more understeer than an Explorer with four good tires. (Charts #16 and #17)

As I explained, the findings of Dr. Guenther concerning the handling deficiencies of the Explorer are supported by the real world data. If we need any further proof that the Explorer's handling should be evaluated, we need look no further than Venezuela. Plagued with reports of rollover crashes in that country, Ford engineers in 1999 questioned why only their vehicles "suffer accidents" while other Firestone-shod SUVs did not. Ford, in an effort to stem the accidents, offered to sell consumers suspension upgrades to improve stability, and later replaced all Firestone tires with other brands. Even so, since May 2000, there have been 43 judicially confirmed Explorer rollover crashes in Venezuela—all of them on competitor's tires. (Chart #18) In the last 10 days alone, four people in Venezuela have died in Ford Explorer rollover accidents. The two vehicles involved in these accidents were equipped with competing tire brands. The Venezuelan Consumer protection agency has contemplated having the Explorer banned from the country.

Last fall Firestone was roundly criticized by this Committee for not acting when faced with data coming out of Venezuela and other countries. Indeed, at this Committee's urging, Congress passed the TREAD Act largely in response to that very situation. Shame on us now if, just a few months later, we ignore new data coming out of Venezuela and do not adequately investigate the Explorer. Perhaps Ford will be more responsive to requests from this Committee for accident and claims data relating to the Venezuelan Explorer rollovers . . . they have steadfastly refused to give that information to Bridgestone/Firestone.

As the Committee is aware, we took the initial findings of Dr. Guenther's research to the NHTSA as soon as the tests were complete. On May 31, 2001, I met with Transportation Secretary Norman Mineta and Acting NHTSA Administrator Robert Shelton to discuss these findings. I discussed with the NHTSA the need for a thorough investigation of the Ford Explorer. We did this, not because we are having a feud with Ford Motor Company. We acted because of our overriding concern for safety. We believe that to truly protect the public, safety investigations must identify and evaluate all of the factors that contribute to accidents.

V. CONCLUSION

To date, the Federal Government has focused almost solely on the tire, and we accept that scrutiny of our products. But the data and Dr. Guenther's report show that the problem is not nearly so simple. There are critical aspects of vehicle handling that contribute powerfully to the risk of rollover crashes following tread separations.

For the Committee's consideration in reviewing this matter, we have attached additional relevant data and information at Attachment 8.

We are not asking the NHTSA or Congress to make a conclusive judgement based on our ongoing study. We are asking that the NHTSA view this study as proof that there are vehicle issues at work here. These vehicle issues call out for scrutiny.

I want to again commend the Committee and staff for its hard work and persistence in investigating the causes of these rollover accidents. The public has a right to a thorough analysis of this problem with the full cooperation of affected companies. We have an obligation to provide that cooperation even when, and especially when, it might disclose problems with our products. Your oversight will help to assure that this occurs.

The timing of today's hearing, at the beginning of the summer driving season, provides us with an important opportunity to educate the driving public about how they can assure safe highway travel. Let me conclude by providing two recommendations from Firestone:

First, *do* think about your tires, whatever brand they are. Make sure they are always properly inflated. And ask your tire dealer to examine them for damage if you have any doubts.

Second, avoid overloading your vehicle, as this can both upset its handling and exceed the capacity of its tires. Again, the vehicle manufacturer's recommendations should be followed carefully.

Thank you again for inviting me to appear. I look forward to answering your questions.

ANALYSIS OF THE FORD EXPLORER

I. EXECUTIVE SUMMARY AND INTRODUCTION

The purpose of this analysis is to address the myth with respect to the Ford Explorer that rollover crashes that occur following a tread separation are attributable in any way to tire design or tire manufacturing. In fact, as the data presented in

this analysis conclusively demonstrate, tire issues can not account for the high risk and rate of Ford Explorer rollover crashes. This analysis concludes that, based on the design and development of the Explorer, real world data on Explorer control problems, an engineering analysis of the Explorer, and the substance of Ford's own presentation to NHTSA concerning Explorer vehicle dynamics, the rollover problem is rooted in the Explorer, not tires.

A. Design and Development

For 20 years Ford engineers have known that so-called "understeer" is the primary vehicle design factor that prevents vehicle rollover and that an "oversteering" vehicle can and likely will result in loss of control that foreseeably could lead to a rollover and other accidents. In fact, Ford engineers recommended to management major changes to the suspension, engine height and track width of the Explorer to increase understeer in all conditions and to increased Explorer rollover resistance. Ford management ignored or rejected these recommendations.

Instead, Ford decided to create a public relations "image" for the Explorer as a safe vehicle. The Company manipulated the rollout of the Explorer, including its design and testing, solely to get the new vehicle to "look" or "seem" like it was stable, and regardless of the effect such manipulations might have on controllability. By putting profits and public relations image in front of sound engineering principles, Ford caused two catastrophic consequences. First, Ford reduced the margin of safety for tires that it specified to Firestone, causing the rare but now highly publicized phenomenon of tread separations on Explorers. Second, because of the vehicle's design, the Explorer, following a tread separation, immediately transitions to an oversteer truck that is likely to go out of control and roll over. Ford's flawed decisions are confirmed by real world data.

B. Real World Data

As the following data suggest, the Explorer rollover problem is not a case of a "bad tire," but of a vehicle control problem:

1) Wilderness AT 15" tires provided to General Motors and not recalled last year have only 2 tread separation claims on 3.1 million tires.
2) The non-recalled Wilderness AT 15" tires have a tread separation claims rate eight times higher on the Explorer than on the Ford Ranger. The tires on each are exactly the same.
3) The total number of tread separation claims and lawsuits for the 13 million tires Ford is replacing is 118, less than 10 parts per million or 0.0009%, which provides no rationale, other than a suspect one, for Ford's $3 billion replacement campaign.
4) Based on the Florida Traffic Crash Database, the odds of an Explorer rolling over in a single-vehicle highway tire-related incident are 4.35 compared to 1.92 odds for comparable SUVs. The odds ratio of a fatality occurring in such an accident is nearly three times greater with the Explorer according to Florida data, and four times greater according to Texas data.

This data proves that the Explorer, in single vehicle, tire related highway incidents simply does not perform as safely as its competitors, which is confirmed and explained by the recent engineering analysis conducted by Dr. Dennis A. Guenther.

C. Engineering Analysis

According to a recent engineering analysis conducted by Dr. Dennis A. Guenther, a Professor of Mechanical Engineering at Ohio State University, the Explorer is often an oversteer vehicle after it experiences tread separation, which makes the Explorer vehicle directionally unstable and subject to loss of control in the hands of most drivers. Dr. Guenther's analysis found that:

1) Explorer models he has tested, as designed, have a significantly lower amount of understeer—less than half as much—than the other SUVs he evaluated.
2) The Explorer loses much of its small margin of understeer when it is loaded to gross vehicle weight rating—the other SUVs do not.
3) The Explorer models tested, unlike other SUVs tested, lose all of their understeer and become oversteer vehicles in most circumstances following tread separation on a left rear tire, the predominant tire position in Explorer tread separation crashes the other SUVs do not.
4) An oversteer vehicle is extremely difficult for most drivers to control, particularly at interstate highway speeds where it can become directionally unstable.

Dr. Guenther concludes that the oversteer problem in the Explorer should be reported as a safety defect within the meaning of the National Highway Traffic and Motor Vehicle Safety Act. Ford Explorer rollover phenomenon is the result of a vehi-

cle problem not a tire problem, and should be regarded as a safety defect within the meaning of the National Highway Traffic and Motor Vehicle Safety Act.

D. Misleading Ford Filing to NHTSA

Ford's March 2001 filing with the NHTSA concerning the Explorer's loss of control following a tread separation contains inaccuracies and misinformation that reinforces Ford's irresponsible reaction to the rollover problem, as the following component of that filing suggests.

Ford suggested in its filing to the NHTSA that tread separation is a "fundamental cause" of loss of vehicle control that "overwhelms differences in design among vehicle claims or within vehicle classes," and that, in this setting, "Explorers perform like all other vehicles." Ford based that statement, however, on a so-called high lateral acceleration maneuver, *where most drivers do not operate their vehicles.* In fact, the maneuver most often used to correct for the small event of drag following a tread separation or in bringing a vehicle to the shoulder is a very small steer input resulting in a so-called low lateral acceleration maneuver, even at highway speeds. In such a normal driving maneuver, Explorers do not perform like other vehicles, since they lack the necessary margin of understeer to remain directionally controllable in highway maneuvers involved in normal driving.

E. Conclusion

Taken together, these factors provide disturbing evidence that Ford, when given the opportunity to act responsibly to ensure the safety and stability of the Explorer, has acted instead to shift blame and obfuscate the facts concerning the safety of its best selling vehicle. As the following analysis confirms, the rollover phenomenon is a vehicle problem that requires forthright and responsible investigation.

II. DESIGN AND DEVELOPMENT OF THE EXPLORER

A. Introduction

Ford engineers have known for over 20 years that the most important vehicle characteristic in maintaining control and reducing SUV propensity for rollover is understeer. The company's engineering documents identify understeer as a "first order effect" and the "primary factor influencing roll-over propensity."[1] The problem with an oversteering vehicle, in terms of rollover propensity, is that it can and likely will result in the back end of the vehicle coming around—a loss of control—with the vehicle ending up sideways to its path of travel. The resultant side forces ("lateral acceleration" in engineering terms) are what bring about rollover.[2]

Ford also recognized that the rollover stability of a vehicle is affected by its stability index, the relationship of center of gravity height and the track width of the vehicle. In light of these vehicle control and stability principles, Ford engineers adopted a "handling strategy" with respect to the Explorer to "increase understeer in all conditions",[3] and they recommended to Ford management major changes to the suspension, reduction in the engine height to lower center of gravity, and increase in the track width of the vehicle to make the Explorer more resistant to rollover than the Bronco II.[4]

Ford's knowledge of the critical importance of understeer was not acted upon, however, and Ford management rejected the center of gravity and track width recommendations of its engineers that would have made the Explorer more resistant to rollover.

Rather than doing what good engineering required to make the Explorer safe, with an acceptable margin of control Ford decided on a course of creating a public relations "image" for the Explorer as a safe vehicle. It did this by making a vehicle that could pass so-called "J-Turn" and "Consumer Union" lane change tests, even though it knew and took the position internally that the maneuvers in those tests were "not representative of what is happening in the real world."[5] It also decided to rely on the less aggressive driving habits of members of the family car market into which it sold the Explorer to give the vehicle a statistics-based "image" of rollover safety in spite of the stability shortcomings of the vehicle.[6]

Unfortunately for Firestone's reputation, Ford carried out the design tradeoffs and manipulations required for the public relations image it sought primarily by letting air out of the Explorer's tires. In a 1989 Development Report on "Suspension Devel-

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[1] Ford Program Report 000000393-98, "Roll Over Stability," February 3, 1981.
[2] *Id.*
[3] Ford engineering document EXP3 1107, "Subject: UN46 Handling/Stability Status."
[4] Ford engineering document EXP4 1581-84, "Proposed UN-46 Chassis Design Modifications."
[5] Ford document EXPI 0622, email from White to Houston, September 11, 1989.
[6] Ford engineering document EXP3 1108, "Subject: 1990 Explorer Handling Stability."

opment Status," after noting that they had investigated variations in tire pressure "as means to achieving the UN46 [Explorer] ride and handling objective," Ford engineers recommended use of "reductions in tire pressure to meet the program objectives" for both ride and handling.[7]

Similarly, in addressing rollover stability, Ford engineers adopted a "strategy" of limiting cornering capacity of the large tires demanded by the Ford marketing department by, again, reducing air pressure.[8]

When it came to creating understeer, the Ford engineers again turned to lower tire pressure.[9]

By putting profits and public relations image in front of sound engineering principles, Ford caused two catastrophic consequences. First, Ford reduced the margin of safety for the tires that it specified to Firestone, contributing to the rare but now highly publicized phenomenon of tread separations on Explorers. Second, because of the vehicle's design, the Explorer, following a rear tire tread separation, immediately transitions to an oversteer truck that is likely to go out of control and roll over in the hands of the ordinary driver.

B. Development of the Explorer

1. Initial Design Flaws Based on Bronco II and Tire Manipulations—Ford's internal documents describe the Explorer as a new and freshened Bronco II. Ford initially intended to continue using the Bronco II name, but decided to change the name to Explorer when the Bronco II came under fire for rollover problems and Ford sought to distance itself from criticisms of the Bronco II.[10]

As early as 1986, Ford engineers started playing with tire sizes to address rollover stability, rather than making more fundamental changes in their vehicles. Ford engineers labeled the P195 tires as the "base tire" on the Bronco II to achieve a satisfactory "stability index" because the Bronco II with P215 tires, which it sold as an option tire on the Bronco II, could not pass Ford's rollover stability tests.[11] One Ford engineer questioned this approach: "Shouldn't we be looking at more permanent ways of improving the stability index of Bronco II other than small tires?"[12] Another Ford engineering document explained that the company chose to play with tire size rather than spend the time and money to create a truly safer vehicle:

> Stability index requirements are always tied to *base* vehicle (this decision was reached with help of OGC [Office of the General Counsel]). Since the P215 pushes the stability index below the accepted minimum of 2.1, the suspension guys felt they need to retain a tire that has the minimum S.I. Better alternatives to tire size are for example
>
> —lowering vehicle
>
> —lowering CG by adding weight low in vehicle
>
> Cost and timing implications of these kind of actions have always stalled them in their tracks to White.[13]

In designing the Explorer, Ford stuck with the basic Bronco II frame and suspension, and utilized the same philosophy of playing with tires to address rollover stability concerns. As a result, the Explorer shared virtually the same track width, high engine mount, obsolete suspension, and elevated center of gravity as its parent vehicle, the Bronco II. "[G]iven the fundamental constraints imposed by the vehicle package and suspension 'type'" carried over from the Bronco II, Ford struggled to reduce the Explorer's rollover propensity;[14] most of Ford's struggles involved specifying the tires rather than changing the vehicle.

2. Explorer Testing—Unrealistic Measure of Vehicle Safety—Ford required that the Explorer pass "J-Turn tests," an unrealistic maneuver invented by the Insurance Institute for Highway Safety in the early 1980s, before being released for production.[15] A "J-Turn test" is an extreme turn at a given rate speed (usually 45 or 60 mph), and an evaluation of whether the vehicle's tires lift off the ground. In addition, while not a formal requirement, the Consumer Union's lane-change rollover

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[7] Ford engineering document EXPU 1458-60, "Development Report." *See also,* Ford engineering document EXPT 1497-1503, "Development Report."

[8] *See, e.g.,* Ford engineering document EXP4 1273-74, "Subject: UN46 status."

[9] *See, e.g.,* Ford engineering document EXP4 0193, "UN46 Analysis." *See also* Id.

[10] *See, e.g.,* Ford media relations document EXP4 1280-84, "Explorer Q&A."

[11] *See* Ford document 000012766-67, memorandum from Snodgrass to Bacigalupi and Vought, September 3, 1986. *See also* note 5.

[12] *See* Ford document 000012765, memorandum from Bacigalupi to Snodgrass, September 5, 1986.

[13] Ford document 000008940, memorandum from Bacigalupi to White, October 6, 1986.

[14] *See* note 6.

[15] *Id.*

stability test "became an implicit requirement for the Explorer due to the potential for adverse publicity" if it failed.[16]

Because of these image and litigation-driven requirements, the development of the Explorer turned into a story of tweaking the vehicle and the tires in an attempt to pass these tests, while at the same time providing a softer rider acceptable to Ford's target marketing group—families. Even though Ford's internal documents had identified understeer as the most important vehicle handling characteristic in maintaining directional control and reducing rollover exposure,[17] the design tradeoffs made by Ford to pass J-Turn and Consumer Union tests did not address or seek to increase understeer and the degradation they caused in the vehicles control charicteristics.

In late 1988, more than a year before the Explorer's spring 1990 introduction, computer modeling showed that "the vehicle still has 2 wheel lift no matter what tire is on it, 225/70, 215/75 or 205/75."[18] In February 1989, the computer simulation continued to show unacceptable rollover performance with certain P245 and P225 tires.[19] The result remained poor in computer simulations after lowering the rear of the vehicle by one-half inch with 26 psi in the tires.[20]

Undeterred by these results, Ford management concluded in late February 1989 that with 26 psi in the P235 and P245 tires, and tweaks to the suspension, stabilizer bar and a one-half inch reduction in rear ride height, the Explorer would meet its handling objectives.[21]

Ford then tried every trick in the book to get the vehicle to pass the J-turn test, including in one March 1989 simulation placing all four test dummies on the vehicle's floor to lower the vehicle's center of gravity. The Explorer still failed the test.[22] Later in March 1989, the Explorer failed J-Turn tests with a variety of tire pressure and suspension configurations.[23] At one point, it was proposed that if the marketing implications were not too great, the P225 tire be the largest tire allowed on the vehicle and that the maximum load allowed for the vehicle be reduced.[24] Even in August 1989, the Explorer failed J-Turn tests at its Arizona proving grounds with 35 psi in the P235 tires.[25]

Concerned over the Explorer's struggling performance in rollover stability tests, in June 1989 Ford management actively considered releasing the 4-door Explorer on P225 tires as a "strawman" because it would pass the Consumer Union test with those tires, though not with P235 tires. Six months later, after the "strawman" passed the test, Ford could quietly release the 2-door and 4-door on P235 tires.[26] Thus, Ford cynically manipulated not only the design of the Explorer, but also the testing, solely to get the new Explorer to "look" or "seem" like it was stable, regardless of whether it really was or not and regardless of the effect such manipulations might have the margin of safe controllability.

3. Manipulative Marketing—Ford not only manipulated the design of the Explorer to make the vehicle seem like it was rollover resistant but also to make it seem to the consumer something it was not—a passenger car.[27] The Explorer is in fact a "Light Truck" derived from the Bronco II and Ranger trucks, not a passenger car. Nevertheless, driven by its intense marketing determination to get suburban "soccer moms" to buy and drive the vehicle, Ford imposed upon the vehicle design a passenger-car-like ride.[28] Ford accomplished this by, among other things, softening the suspension, using a P-metric (passenger car) tire, and taking air out of the tires.[29] Knowing that this passenger-car-like vehicle would be just as likely to roll over as the Bronco II, Ford intentionally designed excessive body roll into it to act as a de-

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[16] *Id.*

[17] *See* note 1.

[18] Ford document EXPT 1047-49, memorandum from Figliomeni to Avouris, November 29, 1988.

[19] Ford document EXPU 1959, memorandum from Figliomeni to Avouris, February 3, 1989.

[20] Ford document EXP7 2273, memorandum from Figliomeni to Avouris [undated].

[21] Ford document EXPU 9476-78, "Development Report."

[22] *See* Ford document EXPT 1168, email from Avouris to Campbell, March 8, 1989.

[23] Ford document EXP4 1276, memorandum from Starr to Avouris and Campbell, May 10, 1989.

[24] *See* Ford document EXPT 0785-86, "UN46 Development Status."; see also Ford document EXPT 0569, "Subject: 1990° UN-46 Chassis Revisions and Tire Availability," July 6, 1989.

[25] *See* deposition of Thomas B. Baughman in *Bailey v. Ford Motor Company,* at 78-81.

[26] *See* Ford document EXPT 0570-71, email from Stornant to Campbell, June 23, 1989.

[27] *See, e.g.,* Ford document EXP2 1578, "Inter-office Memorandum," June 9, 1987.

[28] *See, e.g.,* Ford document EXPN 0175, at 0180-81, "Dealer Launch and Resource Guide."; Ford document 000057450-52, Ford press release.

[29] *See, e.g.,*note 24.

terrent to the driver against making sharp turns that might result in rollover.[30] This change was made even though the relatively low damping of body roll adversely affects controllability of the Explorer. This change, coupled with Ford's other design tradeoffs intended to provide a vehicle more resistant to rollover allegations rather than to improve safety, ultimately resulted in the sacrifice of the amount of understeer and other contributions to a proper formation of controllability necessary to provide reasonable consumer safety in foreseeable tire failure circumstances.

4. Flawed Tire Decisions—In the fall of 1989, an engineer warned that the Office of the General Counsel of Ford was "arming themselves for one more attempt to . . . restrict [the Explorer] to P225 tires." [31] Obviously, the attempt by the lawyers to address a safety issue failed. Ford sold the Explorer with optional P235 tires.

Ford engineering documents summarize the Explorer's twisted development history by conceding failure:

> The 1990 Explorer has been designed to achieve the best possible handling stability given the fundamental constraints imposed by the vehicle package and suspension "type" . . . To achieve the stated [stability] values, the Explorer has been lowered to the maximum extent possible. The relatively high engine position of the Explorer, unchanged from Bronco II, prevents further significant improvement in Stability Index without extensive suspension, frame and sheetmetal revisions.[32]

Ford recognized that the Explorer, particularly the 2-door with P235 tires likely would fail the Consumer Union test.[33]

With all of Ford's design manipulations to achieve the appearance of rollover stability, the Explorer nevertheless remained an unstable vehicle when it was sold to the public beginning in 1990. Both computer simulations and Ford's actual testing in 1989 showed that the 2-door Explorer with P235 tires was as unstable as the highly criticized Bronco II, and the 4-door was only slightly better.[34] When Ford engineers recommended major changes to the front suspension, steering system, and rollover stability dimensions in order to make the vehicle as resistant to rollover as they knew it needed to be, management rejected the proposals because they would interfere with "Job 1." Internally, "Job 1" at Ford meant meeting the March 1990 initial production date.[35] Ford reasoned that even though it did not make needed fundamental changes to the Explorer in development, it would still perform better than the Bronco II in rollover statistics because of the longer wheelbase and increased understeer (largely from reduced tire pressure) and more conservative drivers. "With the high (80/20) mix of 4dr vehicles, we can expect a less aggressive driver profile with a corresponding reduction in all accident statistics." [36] Ford internal documents show that Ford management blithely "accepted [the] risk" that the Explorer would have a higher rollover risk with the larger P235 tire.[37]

Ford also blithely "accepted the risk" that the vehicle would become uncontrollable in foreseeable circumstances, such as tire failures. As Ford recently admitted to NHTSA, [38] it simply chose not to test to determine how much tire tread/belt separation, which it admitted to be foreseeable, would reduce understeer and controllability and thus lead to unnecessary accidents. Ford failed to do such testing even though it knew from tire testing it had done and decades of use of numerous tire brands on the cars it manufactured that tire tread/belt separations could occur with the tires to be used on the Explorer. Contrary to Ford's assertions in the March NHTSA presentation, there was nothing about the Explorer design that was intended to or did ensure vehicle controllability in the event of tread separation.

C. The Weight of the Explorer Further Stresses the Tires

That Ford took air out of the tires to increase the Explorer's rollover stability cannot be reasonably disputed. Nor can it be disputed that weight—i.e., the load placed on tires—is a factor in tire life. Dr. Sanjay Govindjee from the University of California at Berkeley established that vehicle loading is a very significant factor leading to tread belt separations.[39] It also cannot be disputed that at 26 psi, Ford left a very small leading margin for safety in the tires.

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[30] *See, e.g.,* note 3.
[31] Ford document EXP 0625, email from Stornant to White, September 11, 1989.
[32] Ford engineering document EXP3 1108, "Subject: 1990 Explorer Handling Stability."
[33] *Id.*
[34] *See, e.g.,* Ford email EXPI 0619-20, email from Stornant to White, September 12, 1989.
[35] *See* note 4.
[36] Ford engineering document EXP3 1108, "Subject: 1990 Explorer Handling Stability."
[37] *See* note 34.
[38] Ford document, "Firestone Tire Root Cause Update and Explorer Vehicle Dynamics Presentation," March 28-29, 2001, at page TH-3 132.
[39] *See* Firestone Tire Failure Analysis, Dr. Sanjay Govindjee, January 30, 2001, at 35.

The P235 tire at 26 psi on the Explorer has a margin for safety in terms of weight of about 150 pounds. At 23 psi, that tire on several versions of the Explorer has reached its maximum load at the GAWR of the vehicle.[40] Below 23 psi, the tire would be overloaded. In fact, through 1996, Ford continually added weight to the Explorer. The 1990 4x4 4-door increased from about 5,000 pounds to nearly 5,400 pounds in 1993 to well over 5,600 pounds in 1996. It is no surprise that a significant majority of the claims that Firestone has received is on the heavier Explorers.

In fact, the Explorer has an extremely low tire inflation safety factor relative to other popular SUVs.[41]

The bottom line is that Ford placed too much on the tires. It set the specifications for the tires and Firestone met those specifications. But Ford also reduced the tire pressure to the minimum so the inherently unstable Explorer could pass, just barely, internal J-Turn tests, and so the light truck would ride more like a car to attract family drivers. At the same time, Ford designed a heavy (and for that matter, top heavy) vehicle, and then continued to make the vehicle heavier. No wonder that the combination of low or in many cases under inflated tires with heavy loaded vehicles in the hot summer lead to an increase in tread separations.

Not surprisingly, the real world data shows that this is more than just theory.

III. THE REAL WORLD DATA SHOW THE EXPLORER HAS A CONTROL PROBLEM

Not only do Ford's internal documents show that the Explorer's designers ignored what they knew about the relationship of understeer and vehicle control, the real world facts support the conclusion that this is not a case of a "bad tire," as Ford's Chairman Nasser has asserted, but a vehicle with a control problem:

1. Of the 2.6 million Wilderness AT 15" tires not supplied last year and recalled to General Motors, there are only 2 tread separation claims—less than 1 ppm!.
2. The non-recalled Wilderness AT 15" tires supplied to Ford have a tread separation claims rate 8 times higher on the Explorer than on the Ford Ranger. The tires on each vehicle are exactly the same.
3. As of the end of 2000, the total number of tread separation claims and lawsuits for the 13 million tires that Ford is replacing is 118. That is, less than 10 parts per million or 0.0009%. This is incredibly low. Ford's announcement to replace these tires is itself suspect. No rational automobile company in the world would spend $3 billion to address a "problem" that doesn't exist.
4. Just a few weeks ago, there was a report of a Ford Explorer accident in Ft. Myers, Fla. According to the report, a BF Goodrich tire on the left rear separated, the driver then lost control, and the vehicle ultimately rolled over, killing the driver. In the newspaper report, the state trooper on the scene stated that a tread separation does not ordinarily mean that you lose control of the vehicle.
5. In Venezuela, there are reports of 43 rollover accidents on Explorers between May 2000 and June of this year. All are Goodyear or other competitor tires. This rate of rollovers has prompted the Venezuelan Consumer Protection Agency to consider that Explorers be banned from the country. In fact, in the last 10 days alone, four people have died in 2 separate Ford Explorer rollovers; both of the accidents were on competitor tires.
6. Finally, the crash data itself shows the stability problems in the Explorer. Based on the Florida Traffic Crash Database, the odds of an Explorer rolling over in a single vehicle highway tire-related incident are 4.35 while the odds of comparable SUVs rolling over in the same accidents are 1.92.[42] The odds ratio of a fatality occurring in such an accident is nearly three times greater with the Explorer. The Explorer did not fair much better in Texas. In such incidents based on the Texas database, the odds ratio of an Explorer rolling over is 1.58 times that of comparable SUVs.[43] The odds ratio of being killed if an individual is in such incident in Texas while in an Explorer is nearly four times that of other comparable SUVs.[44] This data proves that the Explorer in single vehicle, tire related highway incidents simply does not perform up to par with its competitors. The testing performed by Dr. Dennis Guenther show why.

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[40] *See* attached chart.
[41] *See* attached chart.
[42] *See* attached chart.
[43] *See id.*
[44] *See* attached chart.

IV. DR. DENNIS A. GUENTHER'S ENGINEERING ANALYSIS OF THE FORD EXPLORER

A. Summary

This analysis is focused on the loss of control experienced by the Explorer in normal highway driving following a rear tire tread/belt separation (hereinafter "tread separation").

Loss of control in this circumstance often results in the Explorer leaving the highway and rolling over or spinning into an angle relative to its path of travel on the roadway sufficient to cause rollover, with or without tripping, or other serious accidents. Because loss of control is a precursor to rollovers and other serious accidents, the hypothesis is suggested by common Explorer accident scenarios that the Explorer has a control problem leading to rollover and other crashes in the event of tread separation.

Dr. Guenther has tested that hypothesis and found that:

- the Explorer models he has tested, as designed, have a significantly lower amount of understeer than the other SUVs he has evaluated, less than half as much as the Jeep Cherokee and Chevrolet Blazer;
- the Explorer loses much of its small margin of understeer when it is loaded to gross vehicle weight rating; the Cherokee and the Blazer do not;
- the Explorer models tested, unlike the Cherokee and the Blazer, lose all of their understeer and become oversteer vehicles in most circumstances following tread separation on a left rear tire,[45] the predominant tire position in Explorer tread separation crashes; the only exception in Dr. Guenther's investigation is a light load configuration in a counter-clockwise turn, with the separated tire mounted on the left rear, a circumstance where the vehicle retains a very small amount of understeer;
- an oversteer vehicle is extremely difficult for most ordinary drivers to control, particularly at interstate highway speeds where it can become directionally unstable;

His conclusion based on these findings is that the Explorer is defectively designed in that it has an inadequate margin of control in the foreseeable circumstance of tread separation during normal highway driving in most load and turning circumstances.

B. Relevant Engineering / Accident Reconstruction Concepts

1. Understeer/Oversteer—The terms "understeer" and "oversteer", while not particularly descriptive in themselves, are engineering terms that are used to characterize what is one of the most significant control relationships in driving an automobile in the linear range[46]—the amount of steering input necessary to produce an amount of G's of lateral acceleration, which produces the side force that accomplishes turning of an automobile. It is measured and expressed in degrees of steering wheel input per G of lateral acceleration.

The amount of understeer or oversteer in a vehicle is measured by driving the vehicle in a constant radius circle at an increasing speed and recording the degrees of steer input per G of lateral acceleration. In an understeer vehicle a test driver, in terms of what he perceives and does in that circumstance, must steer toward the center of the circle, with increasing steer input as he increases speed, in order to stay on the path of the constant radius circle; that is the same thing the average driver experiences as he drives around a curve—he must steer to the inside of the curve in order to generate the side force necessary to turn the vehicle and stay on the curving path, and the rear of the vehicle follows the front around the circle.

An oversteer vehicle behaves just the opposite. The test driver would have to steer away from the center of the circle in order to stay on the constant radius circle as his speed increases' he would have to "take steer out" or "reverse steer" in order to keep the car on the path of the circle as he increases speed.[47] "Because of this need for steering reversal, final oversteer is generally considered bad."[48]

Automobile manufacturers do not intentionally design an oversteer characteristic into cars intended for ordinary drivers because "a vehicle that oversteers, by design or circumstance, is highly undesirable."[49] The vehicle dynamics literature is clear that an oversteering vehicle is directionally unstable—generally speaking, "an

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[45] Left rear tread separation is the most common finding in Explorer accidents involving tread separation and is the condition examined to date.

[46] Linear range in this context refers to normal everyday driving by average drivers.

[47] *See* Gillespie, "Fundamentals of Vehicle Dynamics," for a technical definition of "understeer" and "oversteer."

[48] Dixon, "Limit Steady State Vehicle Handling," at page 283, col. 1.

[49] Dickerson, et al., "Vehicle Handling with Tire Tread Separation," at 2 (1999).

understeering vehicle is a directionally stable vehicle" and "an oversteering vehicle is directionally an unstable vehicle."[50] A vehicle is directionally unstable if steering or disturbances, such as wind, generate forces that cause an ever-increasing vehicle response until it spins out.[51] Oversteer characteristically results in spinout.[52]

Generally, it is "desirable to have understeer to avoid directional instability."[53] Ford, like any other automobile manufacturer, tries to build understeer into its cars.[54] They do this because understeer is essential to safely control an automobile.

Car designers can increase or decrease the amount of understeer in a vehicle by many different means—by adjusting spring rates, suspension geometry, frame stiffness, roll damping, tire properties, tire pressure, weight distribution, and other vehicle and component characteristics. They adjust these and other elements which result in the amount and character of control available. Automobile designers, of course, may adjust these elements for reasons other than achieving or influencing controllability; they may, for example, make such adjustments to seek ride comfort, to achieve a "flat" European cornering feel, to improve rollover resistance, or for other reasons. Each of those trade-offs for such reasons, however, potentially affects the amount of understeer and the amount of control safety margin, and the result is exacerbated by the potentially greater understeer needs of SUVs.

Cars differ from each other in how much control margin, or understeer, they have. How much understeer is necessary to provide a safe margin of control? The answer from an engineering perspective is: The amount necessary to provide predictable vehicle control in foreseeable driving circumstances for the drivers intended for that vehicle.

The foreseeable circumstances of driving include many things—the coefficient of friction of the roadway surface, wind gusts, ice and snow, vehicle load, component wear and failure, the effect of heat and use on the fit and flexibility of suspension system components, and many others. One foreseeable circumstance, of course, is tires wearing out and eventually failing, including tread separation, the most common mode of wearout failure for steel belted radial tires. All of these circumstances can cause an increase in the need for understeer or directly decrease the amount of understeer available in the vehicle. For example, tread separation will change tire properties related to understeer, decreasing cornering stiffness and traction provided by belt and tread.

These are not new considerations for Ford automobile designers. For more than 30 years, the technical literature relating to tire influence on vehicle dynamics has pointed out that in order to avoid oversteer following rear tire failure, "it is desirable to make the car strongly understeer in the original condition."[55] Tests on the predecessor to the Explorer, the Bronco II, demonstrated that following rear tire tread separation that "vehicle exhibited dramatic oversteer characteristics and was unstable."[56]

Not only is oversteer an unacceptable vehicle characteristic, but the transition from understeer to oversteer that might occur in the event of loss of tread and tire cornering properties, if sufficient understeer is not originally built into the car, is particularly dangerous. The unexpected reversal of the handling characteristics of the car in that circumstance is just the sort of unexpected event that leads to driving accidents; it is particularly unexpected because "none of the currently manufactured passenger cars show such behavior in ordinary driving."[57] The ordinary driver has not experienced and cannot anticipate the catastrophic results of this reversal

One of the car designer's engineering obligations is to quantify the amount of understeer and other vehicle control characteristics required to account and compensate for such varying and foreseeable events, the inevitable changes in driving circumstances. By that quantification he determines the amount of understeer, the margin of control, that must be designed into the car.

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[50] Bergman, "The Basic Nature of Vehicle Understeer-Oversteer" at page 11, col. 1 (1965).

[51] *Id.*

[52] *See* "NHTSA: An Experimental Examination of Selected Maneuvers That May Induce On-Road Untripped, Light Vehicle Rollover—Phase II of NHTSA's 1997-1998 Vehicle Rollover Research Program" at page 29 (1999).

[53] Allen, et al., "Characteristics Influencing Ground Vehicle Lateral/Directional Dynamic Stability" at page 27, col. 1 (1991).

[54] *See, e.g.,* note 1.

[55] Kondo, et al., "Dynamical Behaviors Of A Car When One Tire Is Punctured Simulatively" at pages 2, 43 (1968).

[56] *See* note 49.

[57] Bergman, "Considerations in Determining Vehicle Handling Requirements" at page 7, col. 1 (1969).

2. Tread Separation

Tread separation is a failure mode usual in steel belted radial tires.[58] The majority of Firestone tires incurring a tread separation, without some causally related damage to the tire, are high mileage tires with long use. The causes of this form of failure are heat, loading, oxidation and cyclic stressing, all of which can weaken and result in shearing of the rubber bond between the layers of steel belts, which centrifugal force can then pull apart. This breakdown is an inevitable result of the chemical and physical properties of rubber tires and how they are commonly used.

Those who are unfamiliar with tires or with accident reconstruction tend to describe tread separations or accidents associated with tread separations as if they are explosive events in which the vehicle is thrown out of control by the force of the separation. The scientific literature and testing commissioned by automobile manufacturers and others, however, has repeatedly demonstrated that this is not correct.

For example, Carr Engineering, vehicle dynamics experts regularly retained by Ford to testify in automotive litigation, carried out testing on behalf of Ford relating to, among other things, the forces involved in tread separation. Their findings in those tests led them to conclude:

> During the tread separation event, the tire did pull the vehicle slightly to one side but the driver kept a straight line path with a small steering correction. This amplitude of steer angle is small and on the order required to keep a vehicle in the lane on curved highways or in a straight path during other events such as wind gusts or driving through water puddles at highway speeds.[59]

Other automotive researchers, including plaintiff experts pursuing forensic inquiries, academic researchers, and Firestone, have arrived at the same conclusion based on numerous tests, including tests involving the Explorer and the Firestone tires mounted on it as original equipment. For example:

- "[S]eparation by itself was not sufficient to cause loss of control." "No induced steering was felt as a result of tread separation." "Test results by this author corroborate work by Gardner who measured that steering wheel inputs during tread separation are of the order of magnitude of lane change maneuvers during high speed travel."[60]
- "Maintaining control of the vehicle after tread/belt separation requires a steering torque similar to that required for a lane change maneuver." "The results of the testing show that the forces developed during a tread/belt detachment are well within the range of a driver's ability to control a vehicle."[61]
- "Little or no corrective steering action was needed to maintain control of the vehicle during the tread separation events."[62]

Descriptions of tread separation related accidents also sometimes fail to accurately capture the sequential nature of those accidents. Engineering analysis and accident reconstruction require that tread separation and accidents associated with them be broken down into their separate parts. For those purposes, the accident events should be viewed as three separate and sequential elements:

a. Pre-separation—This is characterized by vibration felt generally in the vehicle, (see notes 58 and 60) as the tire is deformed from a smooth circle to an irregular "circle" by movement of the tread and belt. This vibration is something most drivers have experienced in connection with a failed tire, whether a puncture blowout or a tread separation or some other mode of tire failure.

The vibration serves as notice that something is wrong with a tire, a message that most drivers understand as requiring them to take their foot off the gas, check the traffic around them, and begin to move to the shoulder of the highway to change the tire.

b. Separation—Testing, (see notes 58,59,60 & 61) establishes that the actual tread separation is a benign event in terms of the amount and duration of forces exerted on the automobile laterally, longitudinally and vertically.

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[58] *See, e.g.* Robinette, et al., "Drag and Steering Effects of Under Inflated and Deflated Tires" (1997).

[59] Document BGC 0016305-311, memorandum from Tandy to Mickus, January 23, 1999, at pages 2-3.. [Test vehicles included a 1993 Ford Explorer, 1986 Ford Bronco II, 1986 Ford Bronco II XLT, 1994 Dodge Intrepid, 1987 Ford Club Wagon van, 1990 Ford Bronco, 1990 Ford Aerostar van, 1987 Toyota van].

[60] Klein, et al. "Anatomy of Accidents Following Tire Disablements," at page 6 (1999). [Test vehicles were 1989 Pathfinder and 1982 Chevrolet pickup].

[61] Gardner, "The Role of Tread/Belt Detachment In Accident Causation," at pages 7-8, 10 (1998). [Test vehicles were Ford Explorer, Camry Station Wagon, and Chevy Truck C2500].

[62] Fay, et al., "Drag and Steering Effect from Tire Tread Belt Separation and Loss," at page 13 (1999). [Test vehicle was 1993 Ford Taurus].

c. Post-separation—In the period immediately following tread separation on a rear tire any SUV will lose some understeer because the tire properties contributing to control of the vehicle—cornering stiffness, traction, etc.—will have been reduced because of removal of the tread and one of the steel belts. It is the controllability of the Explorer in this circumstance that Dr. Guenther is investigating.

C. Engineering Evaluation Of Explorer Directional Control

Dr. Guenther was retained by counsel to assist them in the preparation of Firestone's defense in the personal injury litigation arising out of Explorer crash and rollover accidents. While he made measurements of and inspected various Explorers and engaged in some accident reconstruction at the direction of counsel, he did not undertake the dynamics testing and data analysis underlying his conclusions concerning the controllability of the Explorer until last month.

Firestone had expected that Ford, as part of a root cause analysis, would focus on the vehicle and provide Firestone, NHTSA and the Congress information about the vehicle's handling in a tread separation event. Ford has 15 years of experience in the design and development of and litigation about the Explorer. They have that information. Firestone requested Ford participation in investigation of the vehicle in October of last year. In spite of repeated follow up requests, Ford made no response to Firestone. It became clear that Dr. Guenther's engineering evaluation of the Explorer would be important not only in defense of the litigation but in addressing congressional, regulatory and public concerns about automotive safety relating to loss of control and rollover of the Explorer when it experienced tread separation.

1. Testing Conducted—**a. Site**—The tests were carried out at the Transportation Research Center, Inc. (TRC) test facility near East Liberty, Ohio. The facility is used on a contract basis by numerous automobile manufacturers, component suppliers, and state and national regulatory authorities to conduct automotive safety testing. It was used by NHTSA, for example, in 1997-98 to conduct extensive tests of maneuvers that may induce on-road untripped rollover in various vehicles, including the Ford Explorer.[63] Ford used TRC in development testing of the UN-105, the version of the Explorer offered in 1995 and subsequent years.

b. Study Objectives—The purpose of the testing program, which is ongoing, is to examine the margin of control in the Explorer as designed and, comparatively, in peer SUVs in the circumstance following rear tire tread separation. Due to the complexities and non-linearity of vehicles and the nature of the Explorer accidents, Dr. Guenther chose to explore the linear range as a preliminary investigation. In the linear range, a principal parameter of control is the understeer/oversteer gradient (other parameters such as steering response time and gain, and steering frequency response are also being examined as they may relate to loss of control in the event of tire tread separation).

c. Test Vehicles—The vehicles evaluated are the following:

1996	Ford Explorer	4 dr	4 x 2
1996	Chevy Blazer	4 dr	4 x 2
2001	Jeep Cherokee	4 dr	4 x 2
2000	Ford Explorer	4 dr	4 x 2

Each vehicle was tested with its original equipment (OE) tires at OEM recommended tire pressure. The 1996 Explorer was tested with both OE Firestone tires and OE Goodyear tires recommended by Ford.

d. Vehicle Instrumentation and Measurement—The data acquired for purposes of this analysis was the following:[64]

Vehicle Input
Steering Wheel Angle
Vehicle Speed
Vehicle Response
Lateral Acceleration
Yaw Rate
Body Roll Angle

e. Test Maneuvers—The tests conducted are universally recognized standard tests used by automobile manufacturers, including Ford, and other researchers in vehicle dynamics for establishing the values investigated. The tests are as follows:

Step Steer—The vehicle is driven on the test pad area in a straight line at a constant speed. The driver then rapidly turns the steering wheel until it hits a mechanical stop. Steering wheel stops are set to attain a desired lateral acceleration at the test speeds. This steer angle is held until steady-state response is established.

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[63] *See* note 52.

[64] See attached exhibit 5.

Tests were run in both directions (right turn/left turn) and at two speeds (60 mph and 40 mph). The test was run both with four good tires and with the left rear tire detreaded by cutting between the steel belts; test runs with the detreaded tire were done only at the slower 40 mph speed. Test runs were done at both light load (curb plus driver and instrumentation) and heavy load (gross vehicle weight rating).

The test is used to measure vehicle response times as related to lateral acceleration and yaw velocity response, and to measure the gain of these responses in relation to steering wheel input (output divided by input).

Constant Radius Circle—The vehicle is driven around a 200 foot constant radius circle with increasing speed. The driver adjusts the steering angle (by turning the steering wheel) as necessary to keep the vehicle on the path of the circle.

Test runs were done in both directions, clockwise and counter-clockwise, with four good tires and with the left rear tire detreaded. Test runs were done at light load (curb plus driver and instrumentation) and heavy load (gross vehicle weight rating).

The test is used to measure understeer and oversteer (degrees of road wheel steer per Gs of lateral acceleration).

Frequency Response—Sinusoidal sweep steering tests are frequently used to determine the linear response of vehicles. The vehicles in these tests were driven on a long straightaway with the driver steering with slowly increasing frequency up to approximately 3 to 4 hz followed by decreasing frequency. The test was run at a nominal speed of 66 mph.

The test measures lateral acceleration gain, yaw velocity gain, and phase angles at the frequencies tested (up to 3 to 4 hz).

f. Results of Directional Control Tests—The results of the constant radius circle tests are set forth in data sheets and charts attached hereto as Exhibit 6. Data reduction and analysis continues with respect to the step steer and frequency response tests.

In summary, the findings in the tests are as follows:

Constant Radius Circle—This standard method of measuring understeer/oversteer gradient establishes that the Explorer, with four good tires, has a relatively small amount of understeer compared to other SUVs tested—less than half the amount found in the Blazer and the Cherokee. In fact, the Cherokee has about the same understeer with a detreaded tire as the Explorer with four good tires. These findings are consistent with NHTSA vehicle characterization tests that found that the Explorer had the lowest amount of understeer of the 12 vehicles on which it conducted rollover-inducing maneuver tests.[65]

The test results show that, unlike the other SUVs tested, the Explorer loses its small margin of understeer when it experiences a tread separation and becomes an oversteer vehicle.

This is true whether the Explorer is operated on Goodyear OE tires recommended by Ford or on Firestone OE tires.

The Explorer's oversteer characteristic is worse in the loaded condition. The only circumstance in which it does not become oversteer with a detreaded tire is when it is lightly loaded (curb plus driver and instrumentation) and the detreaded tire is on the inside rear position (left rear in a counter-clockwise turn); in test runs in that configuration the Explorer is almost neutral steer with respect to the understeer/oversteer gradient.

An oversteer vehicle is not safe at highway speeds in the hands of an average driver. Sometimes a driver may achieve directional control, sometimes he may not.

In addition to his dynamic testing, Dr. Guenther has carried out several accident reconstructions involving Explorer crashes and reviewed numerous police accident reports concerning such accidents. Explorer rollover accidents, as reflected in those reconstructions and police accident reports, frequently occur

- on interstate or similar high-quality, high-speed roadways, without environmental interference;
- in straight line travel;
- at highway speed
- with no driver impairment
- with no risky behavior
- with rear tire tread separation
- with some apparent effort at driver steering control reflected in change(s) of vehicle heading and path of travel.

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[65] *See* note 42.

2. Conclusion

The Explorer is an oversteer vehicle in most circumstances after it experiences tread separation. Oversteer can make a vehicle directionally unstable and subject to loss of control in the hands of most drivers. This is a vehicle problem, not a tire problem. The vehicle performs the same following tread separation on the Goodyear tire as it does the Firestone tire. This must be regarded as a highway safety defect within the meaning of the National Traffic and Motor Vehicle Safety Act.

V. THE FORD "EXPLORER VEHICLE DYNAMICS PRESENTATION" TO NHTSA OF MARCH 28-29, 2001 CONCERNING EXPLORER LOSS OF CONTROL FOLLOWING TREAD SEPARATION IS MISLEADING AND IRRELEVANT

The following statements and charts are examples of the many inaccuracies and irrelevancies contained in the Ford vehicle dynamics presentation to NHTSA:

• Statement at page TH-3 18. Exhibit 7—The statement about tread separation, "This fundamental cause [of loss of control, *i.e.*, decreased tire traction] overwhelms differences in design among vehicle classes or within vehicle classes. Explorers perform like all other vehicles", is true only with respect to limit maneuvers, that is, at high lateral acceleration where most of us never operate a vehicle, even in most emergency maneuvers. The statement is not relevant or accurate in the linear range of maneuvering, that is, at low lateral accelerations experienced in normal driving (*e.g.*, 0.3 Gs or less). The maneuver involved in correcting for the small amount of drag following a belt separation (similar to a normal lane change steer, according to SAE test literature),[66] or the maneuver involved in bringing the car to the shoulder so that you can change the tire is just such a low lateral acceleration maneuver, even at highway speeds.

In normal everyday driving maneuvers following a tread separation the Explorer does not perform like all other vehicles. In this circumstance, it has a higher likelihood of loss of control because it lacks the necessary margin of understeer to remain directionally controllable in highway maneuvers involved in normal driving. Peer SUVs, such as the Cherokee and Blazer, remain understeer and more controllable in a wider range of maneuvers following tread separation than the Explorer.

• Statement at page TH-3 76. Exhibit 7—This chart purports to show results of various SUV vehicles in a constant radius circle test following a tread separation. It shows all vehicles including the Explorer maneuvering at more than 0.5 G lateral acceleration with a separated tire on the outside rear. That is a physical impossibility in normal highway travel; these vehicles in general and the Explorer in particular cannot generate that much lateral acceleration with a detreaded tire in the outside rear position in normal highway travel. The Explorer will spin out of control before it reaches 0.5 G lateral acceleration in this circumstance. Ford can do it only as a trick on a low speed 100 foot radius circle. It indicates the irrelevant nature of the information presented to NHTSA in its vehicle dynamics presentation.

The suggestion accompanying the chart that "Explorers and peer vehicles oversteer above approximately 0.4G, with tread off of outside rear tire" is not accurate or relevant. The Explorer with a detreaded tire is oversteer in that circumstance at all lower lateral acceleration levels while the Blazer and Cherokee are not. Moreover, it is not relevant to an analysis of highway safety in normal driving because motorists generally do not operate their vehicles at the higher level of lateral acceleration examined by Ford. The assertion is made that "tread separation on O/S rear tire narrows differences among all vehicles (overwhelms design differences)" is, again, not accurate in the linear range; it only applies to limit maneuvers. Following tread separation, the Blazer and Cherokee maintain understeer in the linear range while the Explorer has none and changes completely to oversteer; the Cherokee, in fact, has about as much understeer with a detreaded outside rear tire as the Explorer does with four good tires. Similarly, the statement that "Explorer performance is typical of peer vehicles" is not accurate for linear range operations for the same reason. The Explorer is oversteer in the linear range of lateral acceleration following outside rear tread separation (about 0.3G or less); other SUVs remain understeer in the linear range.

• Statement at page TH-3 87. Exhibit 7—This simulation chart depicts all vehicles as having the same maneuvering limits following a tread separation. Dr. Guenther's testing at TRC demonstrates the contrary in the linear range and the computer-generated simulation has no basis in fact.

• Statement at page TH-3 132. Exhibit 7—The first and fourth statements on this page are presented without any supporting data of any sort. The Explorer does not "perform similar to others in its class in the event of a tire tread separation", rather,

[66] *See, e.g.,* Klein, et al., "Anatomy of Accidents Following Tire Disablements" (1999).

it becomes oversteer, an unpredictable, unfamiliar, unsafe handling condition. For that reason, the Explorer does not "have a margin of safety 'as designed' to accommodate, to a reasonable level, component failures including tread separations."

• Statement at page TH-3 134. Exhibit 7—The fourth statement on this page is false. The designers of the Blazer and the Cherokee have in fact provided a margin of control safety following tread separation in the design of those vehicles. They did it more than a decade ago, when the Blazer and the Cherokee were the primary SUV examples available to Ford engineers for comparative analysis when they designed and developed the Explorer.

VI. CONCLUSION

Ford has had over twenty years to adjust the design of the Ford Explorer and to work cooperatively and responsibly with its tire suppliers to ensure the safety and stability of its vehicle. To date, it has failed to do so. The design of the Explorer is an oversteer vehicle in the event of a tread separation. A tread separation is normally a benign event that a driver can control by pulling to the shoulder of any roadway. The flawed design of the Explorer, however, renders the vehicle in a tread separation event susceptible to rollover and therefore potentially lethal. While real world data and an engineering analysis of the vehicle confirm this phenomenon, Ford refuses to accept the facts and take responsibility. The purpose of this analysis is to ensure that these facts are publicly known, and, in the best case, to compel Ford to take responsibility for its flawed attempts to protect its defective product.

Chart # 1

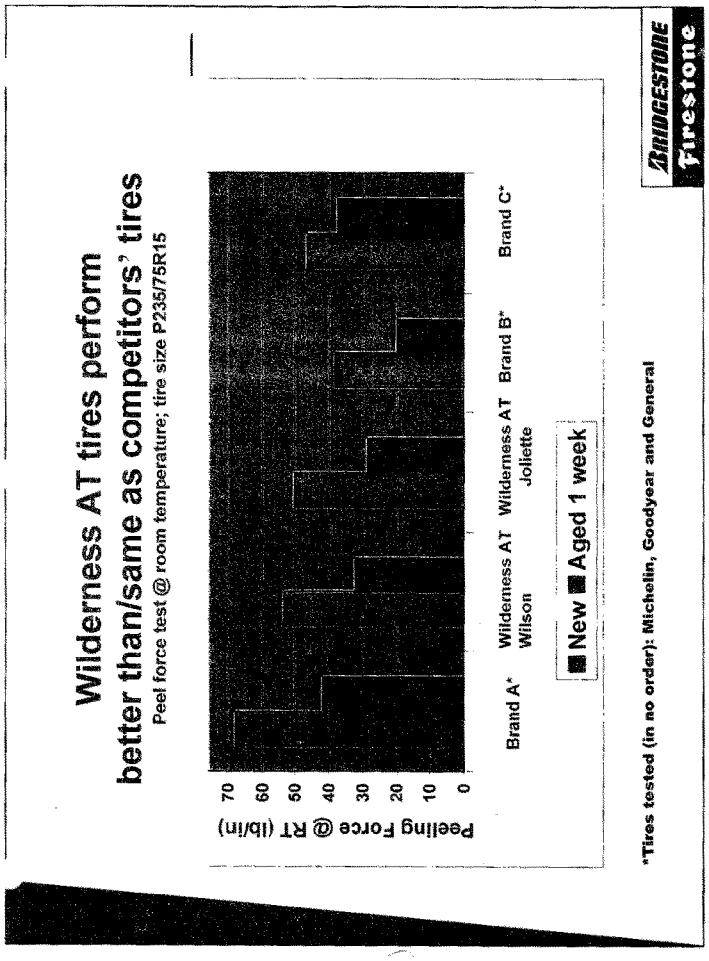

Wilderness AT tires perform better than/same as competitors' tires
Peel force test @ room temperature; tire size P235/75R15
Peeling Force @ RT (lb/in)
70
60
50
40
30
20
10
0
Brand A*
Wilderness AT Wilson
Wilderness AT Joliette
Brand B*
Brand C*
New
Aged 1 week
*Tires tested (in no order): Michelin, Goodyear and General
BRIDGESTONE
Firestone

Chart #2

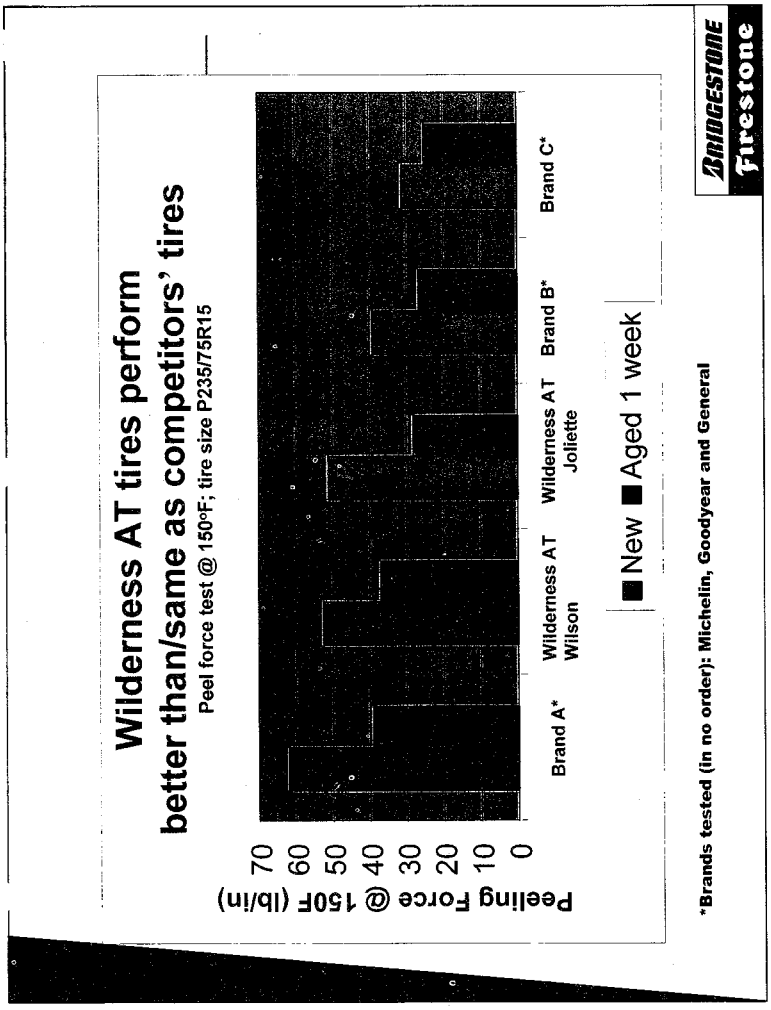

Wilderness AT tires perform
better than/same as competitors' tires
Peel force test @ 150°F; tire size P235/75R15
Peeling Force @ 150F (lb/in)
0
10
20
30
40
50
60
70
Brand A*
Wilderness AT
Wilson
Wilderness AT
Joliette
Brand B*
Brand C*
New
Aged 1 week
*Brands tested (in no order): Michelin, Goodyear and General
BRIDGESTONE
Firestone

Chart #3

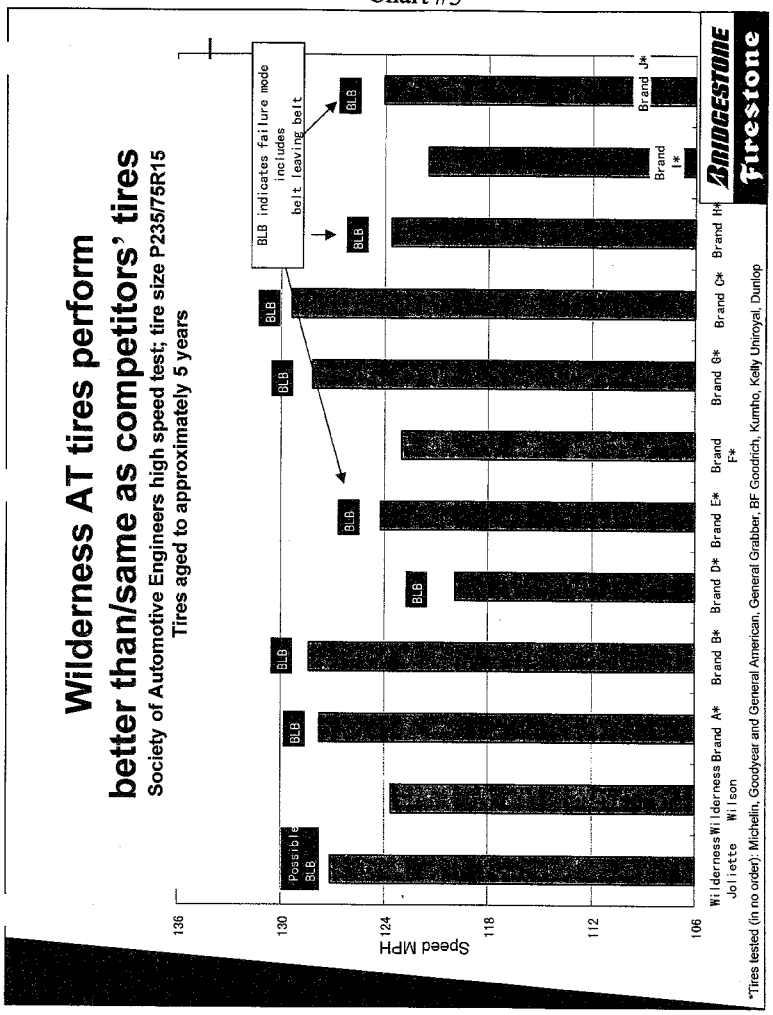

Wilderness AT tires perform
better than/same as competitors' tires
Society of Automotive Engineers high speed test; tire size P235/75R15
Tires aged to approximately 5 years
BLB indicates failure mode includes belt leaving belt
Possible BLB
BLB
Speed MPH
136
130
124
118
112
106
Wilderness Joliette
Wilderness Wilson
Brand A*
Brand B*
Brand D*
Brand E*
Brand F*
Brand G*
Brand C*
Brand H*
Brand I*
Brand J*
*Tires tested (in no order): Michelin, Goodyear and General American, General Grabber, BF Goodrich, Kumho, Kelly Uniroyal, Dunlop
BRIDGESTONE
Firestone

Chart #4

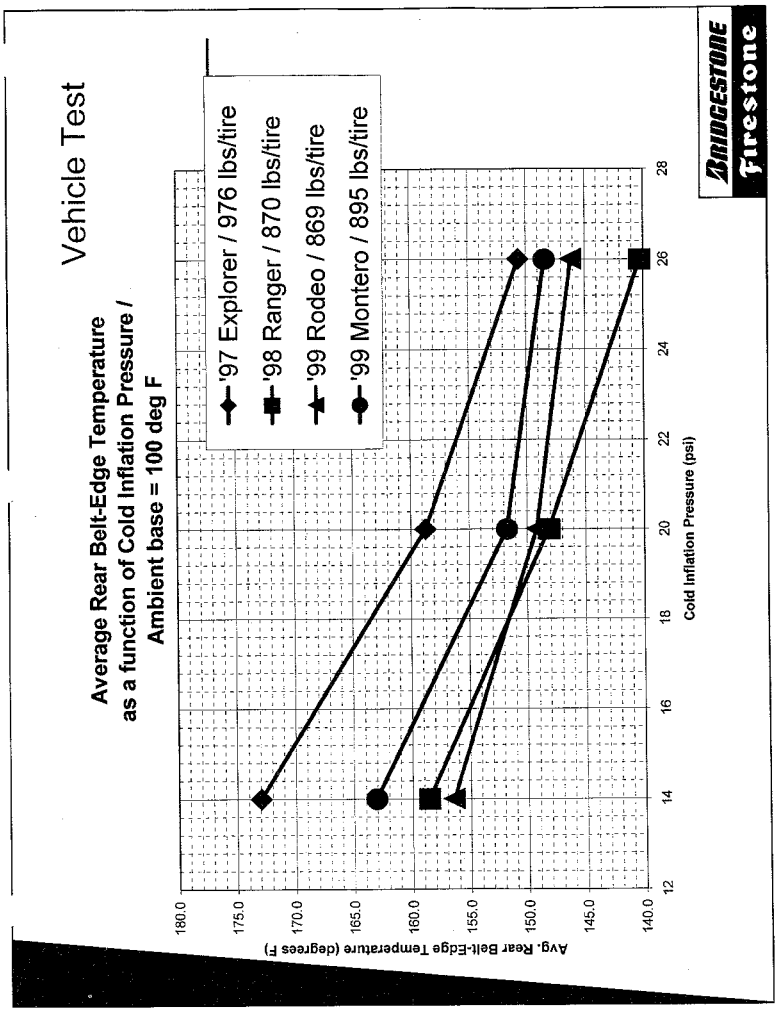

Vehicle Test
Average Rear Belt-Edge Temperature
as a function of Cold Inflation Pressure /
Ambient base = 100 deg F
'97 Explorer / 976 lbs/tire
'98 Ranger / 870 lbs/tire
'99 Rodeo / 869 lbs/tire
'99 Montero / 895 lbs/tire
Avg. Rear Belt-Edge Temperature (degrees F)
180.0
175.0
170.0
165.0
160.0
155.0
150.0
145.0
140.0
12
14
16
18
20
22
24
26
28
Cold Inflation Pressure (psi)
BRIDGESTONE
Firestone

Chart #5

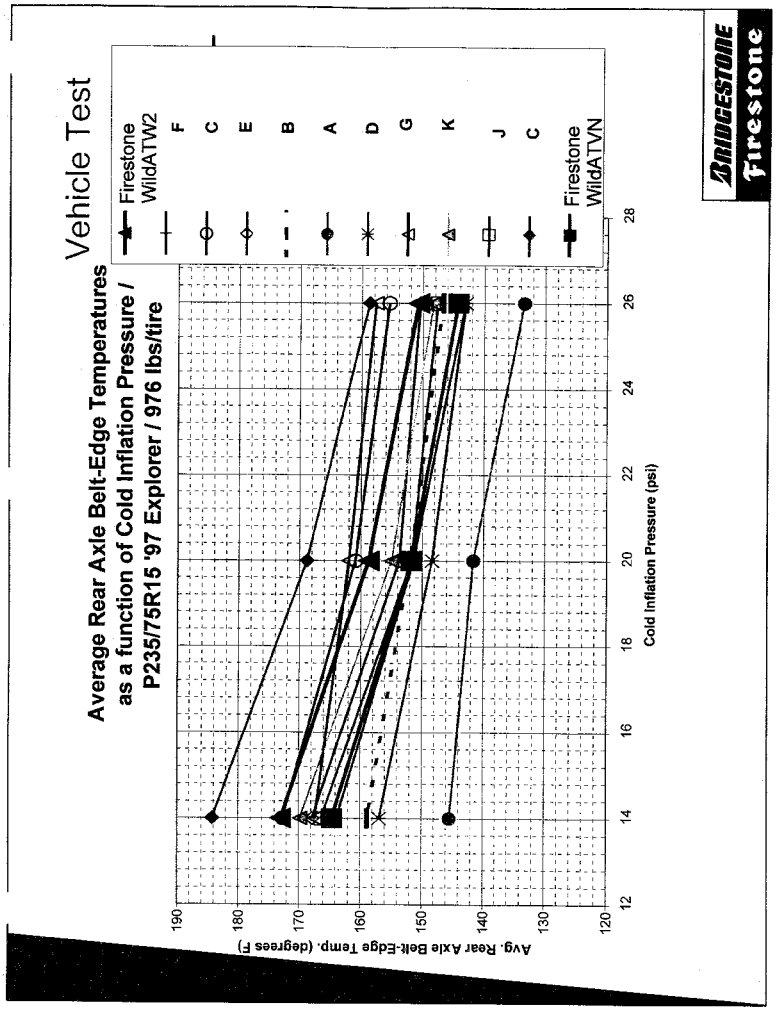

Vehicle Test
Average Rear Axle Belt-Edge Temperatures
as a function of Cold Inflation Pressure /
P235/75R15 '97 Explorer / 976 lbs/tire
Firestone WildATW2
F
C
E
B
A
D
G
K
J
C
Firestone WildATVN
Avg. Rear Axle Belt-Edge Temp. (degrees F)
190
180
170
160
150
140
130
120
12
14
16
18
20
22
24
26
28
Cold Inflation Pressure (psi)
BRIDGESTONE
Firestone

Chart #6

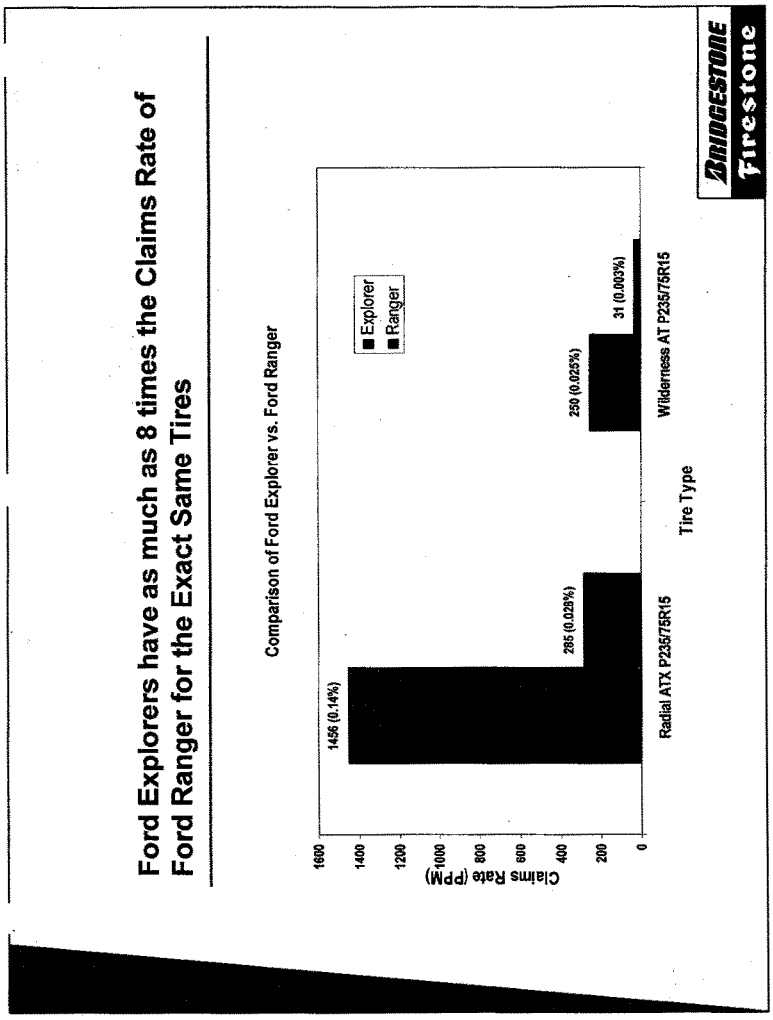

Ford Explorers have as much as 8 times the Claims Rate of Ford Ranger for the Exact Same Tires
Comparison of Ford Explorer vs. Ford Ranger
Explorer
Ranger
Claims Rate (PPM)
1600
1400
1200
1000
800
600
400
200
0
1456 (0.14%)
285 (0.028%)
250 (0.025%)
31 (0.003%)
Radial ATX P235/75R15
Wilderness AT P235/75R15
Tire Type
BRIDGESTONE
Firestone

Chart #7

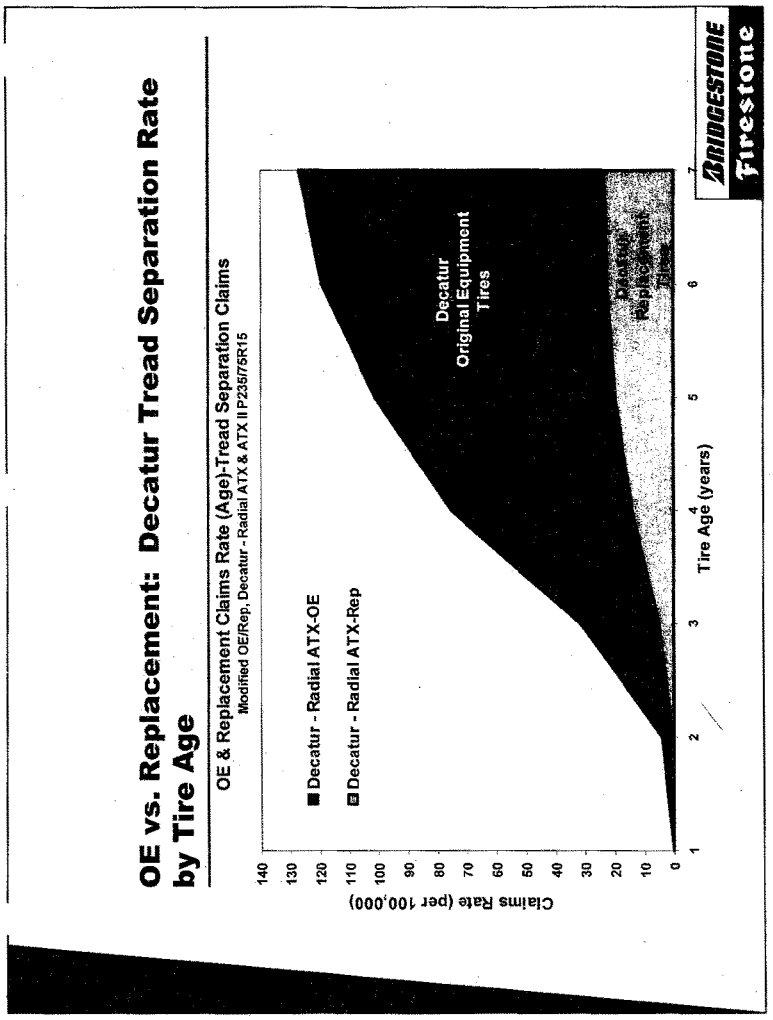

OE vs. Replacement: Decatur Tread Separation Rate by Tire Age
OE & Replacement Claims Rate (Age)-Tread Separation Claims
Modified OE/Rep, Decatur - Radial ATX & ATX II P235/75R15
Decatur - Radial ATX-OE
Decatur - Radial ATX-Rep
Decatur Original Equipment Tires
Claims Rate (per 100,000)
Tire Age (years)
BRIDGESTONE
Firestone

Chart #8

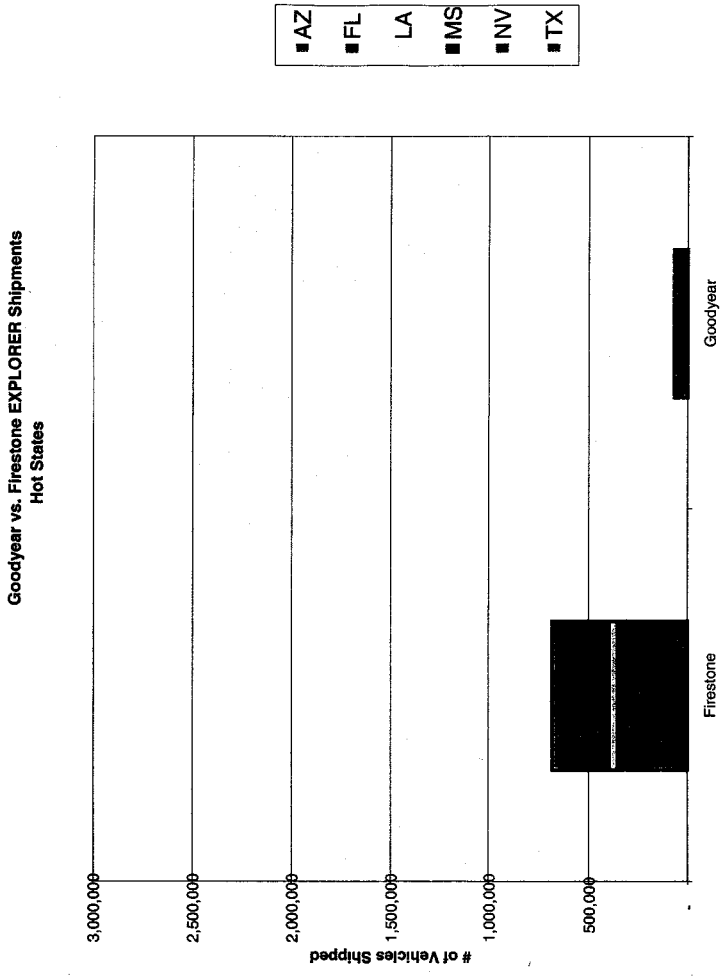
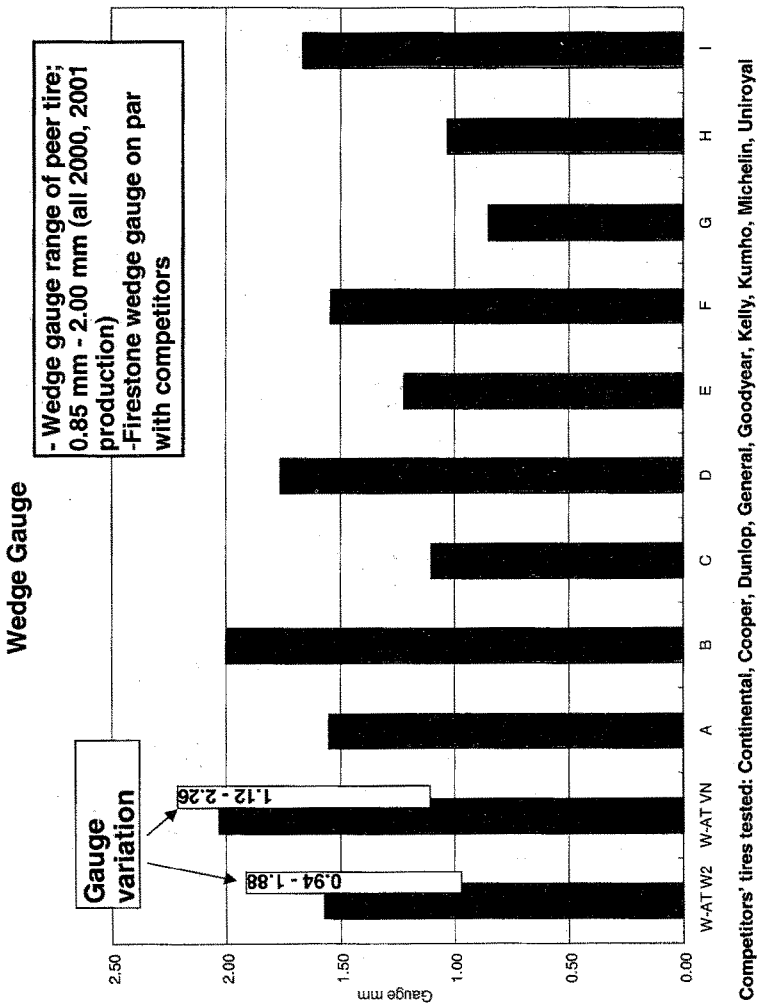

AZ
FL
LA
MS
NV
TX
Goodyear vs. Firestone EXPLORER Shipments
Hot States
# of Vehicles Shipped
3,000,000
2,500,000
2,000,000
1,500,000
1,000,000
500,000
-
Goodyear
Firestone

Chart #9


Wedge Gauge
- Wedge gauge range of peer tire; 0.85 mm - 2.00 mm (all 2000, 2001 production)
-Firestone wedge gauge on par with competitors
Gauge variation
1.12 - 2.26
0.94 - 1.88
Gauge mm
2.50
2.00
1.50
1.00
0.50
0.00
W-AT W2
W-AT VN
A
B
C
D
E
F
G
H
I
Competitors' tires tested: Continental, Cooper, Dunlop, General, Goodyear, Kelly, Kumho, Michelin, Uniroyal

Attachment 1

1. **PROBLEM DESCRIPTION**

While driving vehicle, the tire tread separated from the main carcass of the tire. The tire failure is discovered when the driver hears the tire tread hitting the wheel house or the tire goes flat.

2. **PROBLEM STATISTICS (MAGNITUDE OF CONCERN)**

A. VOQ (Vehicle Owner Questionnaire)

-VOQ Database is showing 2 reported tire separations on 1996 vehicles. Tire size is TBD on one vehicle because of no VIN number reported and the second vehicle had the P235 tire.
-Two (2) additional tire claims that might be tire separation on 1996 vehicles. Tire size is TBD on one vehicle because of no VIN number reported and the second vehicle had the P235 tire.

B. AWS (Analytical Warranty System)

-Reviewed all 95 / 99 AWS claims (39) for tires with verbatims.

Found no reports of tire separations.

C. CQIS (Common Quality Indicator System)

-Reviewed all 95 / 99 CQIS reports (497) for tires and wheels.

Found one (1) report for Firestone tire separation; on a 1998 vehicle, but it was the Firestone P235/75R15 tire size and not the P255/70R16 tire.

D MORS (Master Owners Relation System)

-Reviewed all 95 / 99 MORS reports (4236) for tires and wheels

Found 32 "possible" tread separation claims on Firestone (22) and Goodyear (10)

3 of the 32 possible claims were for the P225/70R15 tire from Firestone
10 of the 32 possible claims were for the P235/75R15 tire from Goodyear
18 of the 32 possible claims were for the P235/75R15 tire from Firestone

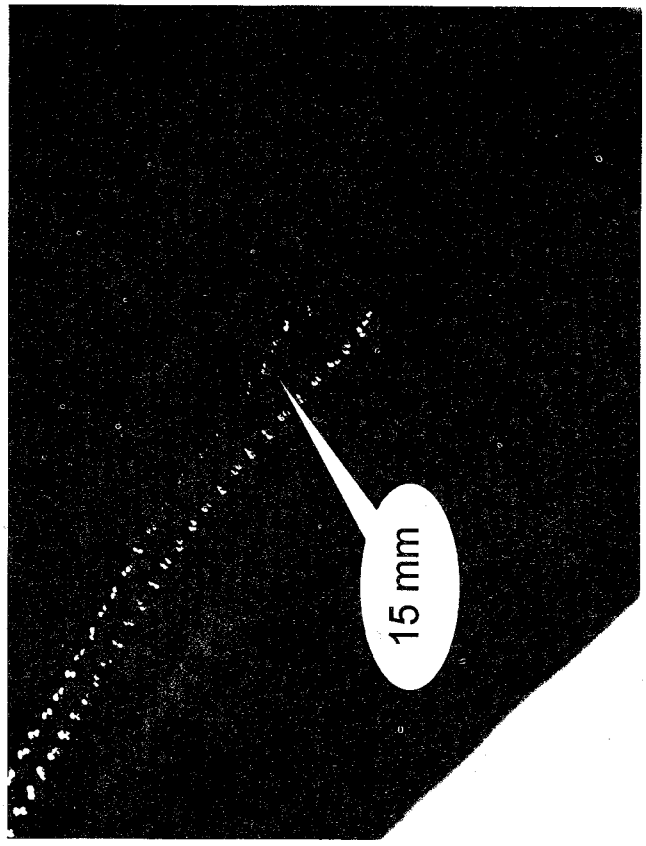
Found one (1) possible report for Firestone tire separation on P255/70R16, which sounds like it was caused by driving on a flat tire to the tire store to get air in the tire.

REDACTED

Note: Tire build dates on GCC incident tires has been between 10/25/95 and 2/19/97.

Attachment 2

Cut Tire Section Photo (4)
P235/75R15 (A) DOT365 Tread Wear 64%



Attachment 3

10/25/2000
Associated Press Newswires

"A tread separation, today the most common form of failure for a commercial tire, is normally the end result of something else that happens to a tire such as hitting a rock or other debris in the road," he said.

10/25/2000
Dow Jones News Service

..."People need to understand that tires are not indestructible. Most commonly, tread separation results because the tire is damaged when it strikes an obstacle in the road, not because of intrinsic flaws."

10/25/2000
AFX News

"All tires can separate. Tread separations do not necessarily indicate a defect in a tire."

"As vehicle owners, you need to understand that tires do fail, and they do separate. They cannot be made indestructible. Tread separation is the most common form of failure for all light commercial tires regardless of who manufacturers them. But tread separation does not necessarily indicate a defect in a tire."

Attachment 3A

10/25/2000
Associated Press Newswires

"A tread separation, today the most common form of failure for a commercial tire, is normally the end result of something else that happens to a tire such as hitting a rock or other debris in the road," he said.

(Joseph M. Gingo, Goodyear senior vice president for technology and global products planning, in response to tread separation questions about Goodyear Wrangler AT and HT tires)

10/25/2000
Dow Jones News Service

..."People need to understand that tires are not indestructible. Most commonly, tread separation results because the tire is damaged when it strikes an obstacle in the road, not because of intrinsic flaws."

(Statement released by Goodyear Tire & Rubber Co. in response to tread separation questions about its Wrangler AT and HT tires)

10/25/2000
AFX News

"All tires can separate. Tread separations do not necessarily indicate a defect in a tire."

(Statement released by Goodyear Tire & Rubber Co. in response tread separation questions about its Wrangler AT and HT tires)

"As vehicle owners, you need to understand that tires do fail, and they do separate. They cannot be made indestructible. Tread separation is the most common form of failure for all light commercial tires regardless of who manufacturers them. But tread separation does not necessarily indicate a defect in a tire."

(Letter to Goodyear customers from John C. Polhemus, President, Goodyear North American Tire, 10/27/2000)

Attachment 4

ANALYSIS OF THE FORD EXPLORER

I. Executive Summary and Introduction

The purpose of this analysis is to address the myth with respect to the Ford Explorer that rollover crashes that occur following a tread separation are attributable in any way to tire design or tire manufacturing. In fact, as the data presented in this analysis conclusively demonstrate, tire issues can not account for the high risk and rate of Ford Explorer rollover crashes. This analysis concludes that, based on the design and development of the Explorer, real world data on Explorer control problems, an engineering analysis of the Explorer, and the substance of Ford's own presentation to NHTSA concerning Explorer vehicle dynamics, the rollover problem is rooted in the Explorer, not tires.

A. Design and Development

For 20 years Ford engineers have known that so-called "understeer" is the primary vehicle design factor that prevents vehicle rollover and that an "oversteering" vehicle can and likely will result in loss of control that foreseeably could lead to a rollover and other accidents. In fact, Ford engineers recommended to management major changes to the suspension, engine height and track width of the Explorer to increase understeer in all conditions and to increased Explorer rollover resistance. Ford management ignored or rejected these recommendations.

Instead, Ford decided to create a public relations "image" for the Explorer as a safe vehicle. The Company manipulated the rollout of the Explorer, including its design and testing, solely to get the new vehicle to "look" or "seem" like it was stable, and regardless of the effect such manipulations might have on controllability. By putting profits and public relations image in front of sound engineering principles, Ford caused two catastrophic consequences. First, Ford

reduced the margin of safety for tires that it specified to Firestone, causing the rare but now highly publicized phenomenon of tread separations on Explorers. Second, because of the vehicle's design, the Explorer, following a tread separation, immediately transitions to an oversteer truck that is likely to go out of control and roll over. Ford's flawed decisions are confirmed by real world data.

B. Real World Data

As the following data suggest, the Explorer rollover problem is not a case of a "bad tire," but of a vehicle control problem:

1) Wilderness AT 15" tires provided to General Motors and not recalled last year have only 2 tread separation claims on 3.1 million tires.

2) The non-recalled Wilderness AT 15" tires have a tread separation claims rate eight times higher on the Explorer than on the Ford Ranger. The tires on each are exactly the same.

3) The total number of tread separation claims and lawsuits for the 13 million tires Ford is replacing is 118, less than 10 parts per million or 0.0009%, which provides no rationale, other than a suspect one, for Ford's $3 billion replacement campaign.

4) Based on the Florida Traffic Crash Database, the odds of an Explorer rolling over in a single-vehicle highway tire-related incident are 4.35 compared to 1.92 odds for comparable SUVs. The odds ratio of a fatality occurring in such an accident is nearly three times greater with the Explorer according to Florida data, and four times greater according to Texas data.

This data proves that the Explorer, in single vehicle, tire related highway incidents simply does not perform as safely as its competitors, which is confirmed and explained by the recent engineering analysis conducted by Dr. Dennis A. Guenther.

C. Engineering Analysis

According to a recent engineering analysis conducted by Dr. Dennis A. Guenther, a Professor of Mechanical Engineering at Ohio State University, the Explorer is often an oversteer vehicle after it experiences tread separation, which makes the Explorer vehicle directionally

unstable and subject to loss of control in the hands of most drivers. Dr. Guenther's analysis found that:

1) Explorer models he has tested, as designed, have a significantly lower amount of understeer – less than half as much – than the other SUVs he evaluated.

2) The Explorer loses much of its small margin of understeer when it is loaded to gross vehicle weight rating – the other SUVs do not.

3) The Explorer models tested, unlike other SUVs tested, lose all of their understeer and become oversteer vehicles in most circumstances following tread separation on a left rear tire, the predominant tire position in Explorer tread separation crashes the other SUVs do not.

4) An oversteer vehicle is extremely difficult for most drivers to control, particularly at interstate highway speeds where it can become directionally unstable.

Dr. Guenther concludes that the oversteer problem in the Explorer should be reported as a safety defect within the meaning of the National Highway Traffic and Motor Vehicle Safety Act. Ford Explorer rollover phenomenon is the result of a vehicle problem not a tire problem, and should be regarded as a safety defect within the meaning of the National Highway Traffic and Motor Vehicle Safety Act.

D. Misleading Ford Filing to NHTSA

Ford's March 2001 filing with the NHTSA concerning the Explorer's loss of control following a tread separation contains inaccuracies and misinformation that reinforces Ford's irresponsible reaction to the rollover problem, as the following component of that filing suggests.

Ford suggested in its filing to the NHTSA that tread separation is a "fundamental cause" of loss of vehicle control that "overwhelms differences in design among vehicle claims or within vehicle classes," and that, in this setting, "Explorers perform like all other vehicles." Ford based that statement, however, on a so-called high lateral acceleration maneuver, ***where most drivers do not operate their vehicles***. In fact, the maneuver most often used to correct for the small

event of drag following a tread separation or in bringing a vehicle to the shoulder is a very small steer input resulting in a so-called low lateral acceleration maneuver, even at highway speeds. In such a normal driving maneuver, Explorers do not perform like other vehicles, since they lack the necessary margin of understeer to remain directionally controllable in highway maneuvers involved in normal driving.

E. Conclusion

Taken together, these factors provide disturbing evidence that Ford, when given the opportunity to act responsibly to ensure the safety and stability of the Explorer, has acted instead to shift blame and obfuscate the facts concerning the safety of its best selling vehicle. As the following analysis confirms, the rollover phenomenon is a vehicle problem that requires forthright and responsible investigation.

II. Design and Development of the Explorer

A. Introduction

Ford engineers have known for over 20 years that the most important vehicle characteristic in maintaining control and reducing SUV propensity for rollover is understeer. The company's engineering documents identify understeer as a "first order effect" and the "primary factor influencing roll-over propensity."[1] The problem with an oversteering vehicle, in terms of rollover propensity, is that it can and likely will result in the back end of the vehicle coming around—a loss of control—with the vehicle ending up sideways to its path of travel. The resultant side forces ("lateral acceleration" in engineering terms) are what bring about rollover.[2]

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1 Ford Program Report 000000393-98, "Roll Over Stability," February 3, 1981.

2 Id.

Ford also recognized that the rollover stability of a vehicle is affected by its stability index, the relationship of center of gravity height and the track width of the vehicle. In light of these vehicle control and stability principles, Ford engineers adopted a "handling strategy" with respect to the Explorer to "increase understeer in all conditions",[3] and they recommended to Ford management major changes to the suspension, reduction in the engine height to lower center of gravity, and increase in the track width of the vehicle to make the Explorer more resistant to rollover than the Bronco II.[4]

Ford's knowledge of the critical importance of understeer was not acted upon, however, and Ford management rejected the center of gravity and track width recommendations of its engineers that would have made the Explorer more resistant to rollover.

Rather than doing what good engineering required to make the Explorer safe, with an acceptable margin of control Ford decided on a course of creating a public relations "image" for the Explorer as a safe vehicle. It did this by making a vehicle that could pass so-called "J-Turn" and "Consumer Union" lane change tests, even though it knew and took the position internally that the maneuvers in those tests were "not representative of what is happening in the real world."[5] It also decided to rely on the less aggressive driving habits of members of the family car market into which it sold the Explorer to give the vehicle a statistics-based "image" of rollover safety in spite of the stability shortcomings of the vehicle.[6]

Unfortunately for Firestone's reputation, Ford carried out the design tradeoffs and manipulations required for the public relations image it sought primarily by letting air out of the

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3 Ford engineering document EXP3 1107, "Subject: UN46 Handling/Stability Status."

4 Ford engineering document EXP4 1581-84, "Proposed UN-46 Chassis Design Modifications."

5 Ford document EXPI 0622, email from White to Houston, September 11, 1989.

Explorer's tires. In a 1989 Development Report on "Suspension Development Status," after noting that they had investigated variations in tire pressure "as means to achieving the UN46 [Explorer] ride and handling objective," Ford engineers recommended use of "reductions in tire pressure to meet the program objectives" for both ride and handling.[7]

Similarly, in addressing rollover stability, Ford engineers adopted a "strategy" of limiting cornering capacity of the large tires demanded by the Ford marketing department by, again, reducing air pressure.[8]

When it came to creating understeer, the Ford engineers again turned to lower tire pressure.[9]

By putting profits and public relations image in front of sound engineering principles, Ford caused two catastrophic consequences. First, Ford reduced the margin of safety for the tires that it specified to Firestone, contributing to the rare but now highly publicized phenomenon of tread separations on Explorers. Second, because of the vehicle's design, the Explorer, following a rear tire tread separation, immediately transitions to an oversteer truck that is likely to go out of control and roll over in the hands of the ordinary driver.

B. Development of the Explorer

1. Initial Design Flaws Based on Bronco II and Tire Manipulations

Ford's internal documents describe the Explorer as a new and freshened Bronco II. Ford initially intended to continue using the Bronco II name, but decided to change the name to

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(...continued)

6 Ford engineering document EXP3 1108, "Subject: 1990 Explorer Handling Stability."

7 Ford engineering document EXPU 1458-60, "Development Report." See also, Ford engineering document EXPT 1497-1503, "Development Report."

8 See, e.g., Ford engineering document EXP4 1273-74, "Subject: UN46 status."

Explorer when the Bronco II came under fire for rollover problems and Ford sought to distance itself from criticisms of the Bronco II.[10]

As early as 1986, Ford engineers started playing with tire sizes to address rollover stability, rather than making more fundamental changes in their vehicles. Ford engineers labeled the P195 tires as the "base tire" on the Bronco II to achieve a satisfactory "stability index" because the Bronco II with P215 tires, which it sold as an option tire on the Bronco II, could not pass Ford's rollover stability tests.[11] One Ford engineer questioned this approach: "Shouldn't we be looking at more permanent ways of improving the stability index of Bronco II other than small tires?"[12] Another Ford engineering document explained that the company chose to play with tire size rather than spend the time and money to create a truly safer vehicle:

> Stability index requirements are always tied to base vehicle (this decision was reached with help of OGC [Office of the General Counsel]). Since the P215 pushes the stability index below the accepted minimum of 2.1, the suspension guys felt they need to retain a tire that has the minimum S.I. Better alternatives to tire size are for example
> - lowering vehicle
> - lowering CG by adding weight low in vehicle
>
> Cost and timing implications of these kind of actions have always stalled them in their tracks to White.[13]

In designing the Explorer, Ford stuck with the basic Bronco II frame and suspension, and utilized the same philosophy of playing with tires to address rollover stability concerns. As a result, the Explorer shared virtually the same track width, high engine mount, obsolete

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(...continued)

9 See, e.g., Ford engineering document EXP4 0193, "UN46 Analysis." See also Id.

10 See, e.g., Ford media relations document EXP4 1280-84, "Explorer Q&A."

11 See Ford document 000012766-67, memorandum from Snodgrass to Bacigalupi and Vought, September 3, 1986. See also note 5.

12 See Ford document 000012765, memorandum from Bacigalupi to Snodgrass, September 5, 1986.

13 Ford document 000008940, memorandum from Bacigalupi to White, October 6, 1986.

suspension, and elevated center of gravity as its parent vehicle, the Bronco II. "[G]iven the fundamental constraints imposed by the vehicle package and suspension 'type'" carried over from the Bronco II, Ford struggled to reduce the Explorer's rollover propensity;[14] most of Ford's struggles involved specifying the tires rather than changing the vehicle.

2. Explorer Testing – Unrealistic Measure of Vehicle Safety

Ford required that the Explorer pass "J-Turn tests," an unrealistic maneuver invented by the Insurance Institute for Highway Safety in the early 1980s, before being released for production.[15] A "J-Turn test" is an extreme turn at a given rate speed (usually 45 or 60 mph), and an evaluation of whether the vehicle's tires lift off the ground. In addition, while not a formal requirement, the Consumer Union's lane-change rollover stability test "became an implicit requirement for the Explorer due to the potential for adverse publicity" if it failed.[16]

Because of these image and litigation-driven requirements, the development of the Explorer turned into a story of tweaking the vehicle and the tires in an attempt to pass these tests, while at the same time providing a softer rider acceptable to Ford's target marketing group – families. Even though Ford's internal documents had identified understeer as the most important vehicle handling characteristic in maintaining directional control and reducing rollover exposure,[17] the design tradeoffs made by Ford to pass J-Turn and Consumer Union tests did not address or seek to increase understeer and the degradation they caused in the vehicles control charicteristics.

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14 See note 6.

15 Id.

16 Id.

17 See note 1.

In late 1988, more than a year before the Explorer's spring 1990 introduction, computer modeling showed that "the vehicle still has 2 wheel lift no matter what tire is on it, 225/70, 215/75 or 205/75."[18] In February 1989, the computer simulation continued to show unacceptable rollover performance with certain P245 and P225 tires.[19] The result remained poor in computer simulations after lowering the rear of the vehicle by one-half inch with 26 psi in the tires.[20]

Undeterred by these results, Ford management concluded in late February 1989 that with 26 psi in the P235 and P245 tires, and tweaks to the suspension, stabilizer bar and a one-half inch reduction in rear ride height, the Explorer would meet its handling objectives.[21]

Ford then tried every trick in the book to get the vehicle to pass the J-turn test, including in one March 1989 simulation placing all four test dummies on the vehicle's floor to lower the vehicle's center of gravity. The Explorer still failed the test.[22] Later in March 1989, the Explorer failed J-Turn tests with a variety of tire pressure and suspension configurations.[23] At one point, it was proposed that if the marketing implications were not too great, the P225 tire be the largest tire allowed on the vehicle and that the maximum load allowed for the vehicle be reduced.[24] Even in August 1989, the Explorer failed J-Turn tests at its Arizona proving grounds with 35 psi in the P235 tires.[25]

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18 Ford document EXPT 1047-49, memorandum from Figliomeni to Avouris, November 29, 1988.

19 Ford document EXPU 1959, memorandum from Figliomeni to Avouris, February 3, 1989.

20 Ford document EXP7 2273, memorandum from Figliomeni to Avouris [undated].

21 Ford document EXPU 9476-78, "Development Report."

22 See Ford document EXPT 1168, email from Avouris to Campbell, March 8, 1989.

23 Ford document EXP4 1276, memorandum from Starr to Avouris and Campbell, May 10, 1989.

24 See Ford document EXPT 0785-86, "UN46 Development Status."; see also Ford document EXPT 0569, "Subject: 1990½ UN-46 Chassis Revisions and Tire Availability," July 6, 1989.

25 See deposition of Thomas B. Baughman in Bailey v. Ford Motor Company, at 78-81.

Concerned over the Explorer's struggling performance in rollover stability tests, in June 1989 Ford management actively considered releasing the 4-door Explorer on P225 tires as a "strawman" because it would pass the Consumer Union test with those tires, though not with P235 tires. Six months later, after the "strawman" passed the test, Ford could quietly release the 2-door and 4-door on P235 tires.[26] Thus, Ford cynically manipulated not only the design of the Explorer, but also the testing, solely to get the new Explorer to "look" or "seem" like it was stable, regardless of whether it really was or not and regardless of the effect such manipulations might have the margin of safe controllability.

3. Manipulative Marketing

Ford not only manipulated the design of the Explorer to make the vehicle seem like it was rollover resistant but also to make it seem to the consumer something it was not -- a passenger car.[27] The Explorer is in fact a "Light Truck" derived from the Bronco II and Ranger trucks, not a passenger car. Nevertheless, driven by its intense marketing determination to get suburban "soccer moms" to buy and drive the vehicle, Ford imposed upon the vehicle design a passenger-car-like ride.[28] Ford accomplished this by, among other things, softening the suspension, using a P-metric (passenger car) tire, and taking air out of the tires.[29] Knowing that this passenger-car-like vehicle would be just as likely to roll over as the Bronco II, Ford intentionally designed excessive body roll into it to act as a deterrent to the driver against making sharp turns that might

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[26] See Ford document EXPT 0570-71, email from Stornant to Campbell, June 23, 1989.

[27] See, e.g., Ford document EXP2 1578, "Inter-office Memorandum," June 9, 1987.

[28] See, e.g., Ford document EXPN 0175, at 0180-81, "Dealer Launch and Resource Guide."; Ford document 000057450-52, Ford press release.

[29] See, e.g.,note 24.

result in rollover.[30] This change was made even though the relatively low damping of body roll adversely affects controllability of the Explorer. This change, coupled with Ford's other design tradeoffs intended to provide a vehicle more resistant to rollover allegations rather than to improve safety, ultimately resulted in the sacrifice of the amount of understeer and other contributions to a proper formation of controllability necessary to provide reasonable consumer safety in foreseeable tire failure circumstances.

4. Flawed Tire Decisions

In the fall of 1989, an engineer warned that the Office of the General Counsel of Ford was "arming themselves for one more attempt to . . . restrict [the Explorer] to P225 tires."[31] Obviously, the attempt by the lawyers to address a safety issue failed. Ford sold the Explorer with optional P235 tires.

Ford engineering documents summarize the Explorer's twisted development history by conceding failure:

> The 1990 Explorer has been designed to achieve the best possible handling stability given the fundamental constraints imposed by the vehicle package and suspension "type"..... To achieve the stated [stability] values, the Explorer has been lowered to the maximum extent possible. The relatively high engine position of the Explorer, unchanged from Bronco II, prevents further significant improvement in Stability Index without extensive suspension, frame and sheetmetal revisions.[32]

Ford recognized that the Explorer, particularly the 2-door with P235 tires likely would fail the Consumer Union test.[33]

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30 See, e.g., note 3.

31 Ford document EXP 0625, email from Stomant to White, September 11, 1989.

32 Ford engineering document EXP3 1108, "Subject: 1990 Explorer Handling Stability."

33 Id.

With all of Ford's design manipulations to achieve the appearance of rollover stability, the Explorer nevertheless remained an unstable vehicle when it was sold to the public beginning in 1990. Both computer simulations and Ford's actual testing in 1989 showed that the 2-door Explorer with P235 tires was as unstable as the highly criticized Bronco II, and the 4-door was only slightly better.[34] When Ford engineers recommended major changes to the front suspension, steering system, and rollover stability dimensions in order to make the vehicle as resistant to rollover as they knew it needed to be, management rejected the proposals because they would interfere with "Job 1." Internally, "Job 1" at Ford meant meeting the March 1990 initial production date.[35] Ford reasoned that even though it did not make needed fundamental changes to the Explorer in development, it would still perform better than the Bronco II in rollover statistics because of the longer wheelbase and increased understeer (largely from reduced tire pressure) and more conservative drivers. "With the high (80/20) mix of 4dr vehicles, we can expect a less aggressive driver profile with a corresponding reduction in all accident statistics."[36] Ford internal documents show that Ford management blithely "accepted [the] risk" that the Explorer would have a higher rollover risk with the larger P235 tire.[37]

Ford also blithely "accepted the risk" that the vehicle would become uncontrollable in foreseeable circumstances, such as tire failures. As Ford recently admitted to NHTSA,[38] it simply chose not to test to determine how much tire tread/belt separation, which it admitted to be

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[34] See, e.g., Ford email EXPI 0619-20, email from Stornant to White, September 12, 1989.

[35] See note 4.

[36] Ford engineering document EXP3 1108, "Subject: 1990 Explorer Handling Stability."

[37] See note 34.

[38] Ford document, "Firestone Tire Root Cause Update and Explorer Vehicle Dynamics Presentation," March 28-29, 2001, at page TH-3 132.

foreseeable, would reduce understeer and controllability and thus lead to unnecessary accidents. Ford failed to do such testing even though it knew from tire testing it had done and decades of use of numerous tire brands on the cars it manufactured that tire tread/belt separations could occur with the tires to be used on the Explorer. Contrary to Ford's assertions in the March NHTSA presentation, there was nothing about the Explorer design that was intended to or did ensure vehicle controllability in the event of tread separation.

C. The Weight of the Explorer Further Stresses the Tires

That Ford took air out of the tires to increase the Explorer's rollover stability cannot be reasonably disputed. Nor can it be disputed that weight – i.e., the load placed on tires – is a factor in tire life. Dr. Sanjay Govindjee from the University of California at Berkeley established that vehicle loading is a very significant factor leading to tread belt separations.[39] It also cannot be disputed that at 26 psi, Ford left a very small leading margin for safety in the tires.

The P235 tire at 26 psi on the Explorer has a margin for safety in terms of weight of about 150 pounds. At 23 psi, that tire on several versions of the Explorer has reached its maximum load at the GAWR of the vehicle.[40] Below 23 psi, the tire would be overloaded. In fact, through 1996, Ford continually added weight to the Explorer. The 1990 4x4 4-door increased from about 5,000 pounds to nearly 5,400 pounds in 1993 to well over 5,600 pounds in 1996. It is no surprise that a significant majority of the claims that Firestone has received is on the heavier Explorers.

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[39] See Firestone Tire Failure Analysis, Dr. Sanjay Govindjee, January 30, 2001, at 35.

[40] See attached chart.

In fact, the Explorer has an extremely low tire inflation safety factor relative to other popular SUVs.[41]

The bottom line is that Ford placed too much on the tires. It set the specifications for the tires and Firestone met those specifications. But Ford also reduced the tire pressure to the minimum so the inherently unstable Explorer could pass, just barely, internal J-Turn tests, and so the light truck would ride more like a car to attract family drivers. At the same time, Ford designed a heavy (and for that matter, top heavy) vehicle, and then continued to make the vehicle heavier. No wonder that the combination of low or in many cases under inflated tires with heavy loaded vehicles in the hot summer lead to an increase in tread separations.

Not surprisingly, the real world data shows that this is more than just theory.

III. The Real World Data Show the Explorer Has A Control Problem

Not only do Ford's internal documents show that the Explorer's designers ignored what they knew about the relationship of understeer and vehicle control, the real world facts support the conclusion that this is not a case of a "bad tire," as Ford's Chairman Nasser has asserted, but a vehicle with a control problem:

1. Of the 2.6 million Wilderness AT 15" tires not supplied last year and recalled to General Motors, there are only 2 tread separation claims --- less than 1 ppm!.

2. The non-recalled Wilderness AT 15" tires supplied to Ford have a tread separation claims rate 8 times higher on the Explorer than on the Ford Ranger. The tires on each vehicle are exactly the same.

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[41] See attached chart.

3. As of the end of 2000, the total number of tread separation claims and lawsuits for the 13 million tires that Ford is replacing is 118. That is, less than 10 parts per million or 0.0009%. This is incredibly low. Ford's announcement to replace these tires is itself suspect. No rational automobile company in the world would spend $3 billion to address a "problem" that doesn't exist.

4. Just a few weeks ago, there was a report of a Ford Explorer accident in Ft. Myers, Fla. According to the report, a BF Goodrich tire on the left rear separated, the driver then lost control, and the vehicle ultimately rolled over, killing the driver. In the newspaper report, the state trooper on the scene stated that a tread separation does not ordinarily mean that you lose control of the vehicle.

5. In Venezuela, there are reports of 43 rollover accidents on Explorers between May 2000 and June of this year. All are Goodyear or other competitor tires. This rate of rollovers has prompted the Venezuelan Consumer Protection Agency to consider that Explorers be banned from the country. In fact, in the last 10 days alone, four people have died in 2 separate Ford Explorer rollovers; both of the accidents were on competitor tires.

6. Finally, the crash data itself shows the stability problems in the Explorer. Based on the Florida Traffic Crash Database, the odds of an Explorer rolling over in a single vehicle highway tire-related incident are 4.35 while the odds of comparable SUVs rolling over in the same accidents are 1.92.[42] The odds ratio of a fatality occurring in such an accident is nearly three times greater with the Explorer. The Explorer did not fair much better in Texas. In such incidents based on the Texas database, the odds ratio of an Explorer rolling over is 1.58 times

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[42] See attached chart.

that of comparable SUVs.[43] The odds ratio of being killed if an individual is in such incident in Texas while in an Explorer is nearly four times that of other comparable SUVs.[44] This data proves that the Explorer in single vehicle, tire related highway incidents simply does not perform up to par with its competitors. The testing performed by Dr. Dennis Guenther show why.

IV. Dr. Dennis A. Guenther's Engineering Analysis Of The Ford Explorer

A. Summary

This analysis is focused on the loss of control experienced by the Explorer in normal highway driving following a rear tire tread/belt separation (hereinafter "tread separation").

Loss of control in this circumstance often results in the Explorer leaving the highway and rolling over or spinning into an angle relative to its path of travel on the roadway sufficient to cause rollover, with or without tripping, or other serious accidents. Because loss of control is a precursor to rollovers and other serious accidents, the hypothesis is suggested by common Explorer accident scenarios that the Explorer has a control problem leading to rollover and other crashes in the event of tread separation.

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43 See id.

44 See attached chart.

Dr. Guenther has tested that hypothesis and found that:

- the Explorer models he has tested, as designed, have a significantly lower amount of understeer than the other SUVs he has evaluated, less than half as much as the Jeep Cherokee and Chevrolet Blazer;
- the Explorer loses much of its small margin of understeer when it is loaded to gross vehicle weight rating; the Cherokee and the Blazer do not;
- the Explorer models tested, unlike the Cherokee and the Blazer, lose all of their understeer and become oversteer vehicles in most circumstances following tread separation on a left rear tire,[45] the predominant tire position in Explorer tread separation crashes; the only exception in Dr. Guenther's investigation is a light load configuration in a counter-clockwise turn, with the separated tire mounted on the left rear, a circumstance where the vehicle retains a very small amount of understeer;
- an oversteer vehicle is extremely difficult for most ordinary drivers to control, particularly at interstate highway speeds where it can become directionally unstable;

His conclusion based on these findings is that the Explorer is defectively designed in that it has an inadequate margin of control in the foreseeable circumstance of tread separation during normal highway driving in most load and turning circumstances.

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[45] Left rear tread separation is the most common finding in Explorer accidents involving tread separation and is the condition examined to date.

B. Relevant Engineering / Accident Reconstruction Concepts

1. Understeer/Oversteer

The terms "understeer" and "oversteer", while not particularly descriptive in themselves, are engineering terms that are used to characterize what is one of the most significant control relationships in driving an automobile in the linear range[46] – the amount of steering input necessary to produce an amount of G's of lateral acceleration, which produces the side force that accomplishes turning of an automobile. It is measured and expressed in degrees of steering wheel input per G of lateral acceleration.

The amount of understeer or oversteer in a vehicle is measured by driving the vehicle in a constant radius circle at an increasing speed and recording the degrees of steer input per G of lateral acceleration. In an understeer vehicle a test driver, in terms of what he perceives and does in that circumstance, must steer toward the center of the circle, with increasing steer input as he increases speed, in order to stay on the path of the constant radius circle; that is the same thing the average driver experiences as he drives around a curve – he must steer to the inside of the curve in order to generate the side force necessary to turn the vehicle and stay on the curving path, and the rear of the vehicle follows the front around the circle.

An oversteer vehicle behaves just the opposite. The test driver would have to steer away from the center of the circle in order to stay on the constant radius circle as his speed increases– he would have to "take steer out" or "reverse steer" in order to keep the car on the path of the

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[46] Linear range in this context refers to normal everyday driving by average drivers.

circle as he increases speed.[47] "Because of this need for steering reversal, final oversteer is generally considered bad."[48]

Automobile manufacturers do not intentionally design an oversteer characteristic into cars intended for ordinary drivers because "a vehicle that oversteers, by design or circumstance, is highly undesirable."[49] The vehicle dynamics literature is clear that an oversteering vehicle is directionally unstable – generally speaking, "an understeering vehicle is a directionally stable vehicle" and "an oversteering vehicle is directionally an unstable vehicle."[50] A vehicle is directionally unstable if steering or disturbances, such as wind, generate forces that cause an ever-increasing vehicle response until it spins out.[51] Oversteer characteristically results in spinout.[52]

Generally, it is "desirable to have understeer to avoid directional instability."[53] Ford, like any other automobile manufacturer, tries to build understeer into its cars.[54] They do this because understeer is essential to safely control an automobile.

Car designers can increase or decrease the amount of understeer in a vehicle by many different means – by adjusting spring rates, suspension geometry, frame stiffness, roll damping,

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47 See Gillespie, "Fundamentals of Vehicle Dynamics," for a technical definition of "understeer" and "oversteer."

48 Dixon, "Limit Steady State Vehicle Handling," at page 283, col. 1.

49 Dickerson, et al., "Vehicle Handling with Tire Tread Separation," at 2 (1999).

50 Bergman, "The Basic Nature of Vehicle Understeer-Oversteer" at page 11, col. 1 (1965).

51 Id.

52 See "NHTSA: An Experimental Examination of Selected Maneuvers That May Induce On-Road Untripped, Light Vehicle Rollover – Phase II of NHTSA's 1997-1998 Vehicle Rollover Research Program" at page 29 (1999).

53 Allen, et al., "Characteristics Influencing Ground Vehicle Lateral/Directional Dynamic Stability" at page 27, col. 1 (1991).

54 See, e.g., note 1.

tire properties, tire pressure, weight distribution, and other vehicle and component characteristics. They adjust these and other elements which result in the amount and character of control available. Automobile designers, of course, may adjust these elements for reasons other than achieving or influencing controllability; they may, for example, make such adjustments to seek ride comfort, to achieve a "flat" European cornering feel, to improve rollover resistance, or for other reasons. Each of those trade-offs for such reasons, however, potentially affects the amount of understeer and the amount of control safety margin, and the result is exacerbated by the potentially greater understeer needs of SUVs.

Cars differ from each other in how much control margin, or understeer, they have. How much understeer is necessary to provide a safe margin of control? The answer from an engineering perspective is: The amount necessary to provide predictable vehicle control in foreseeable driving circumstances for the drivers intended for that vehicle.

The foreseeable circumstances of driving include many things – the coefficient of friction of the roadway surface, wind gusts, ice and snow, vehicle load, component wear and failure, the effect of heat and use on the fit and flexibility of suspension system components, and many others. One foreseeable circumstance, of course, is tires wearing out and eventually failing, including tread separation, the most common mode of wearout failure for steel belted radial tires. All of these circumstances can cause an increase in the need for understeer or directly decrease the amount of understeer available in the vehicle. For example, tread separation will change tire properties related to understeer, decreasing cornering stiffness and traction provided by belt and tread.

These are not new considerations for Ford automobile designers. For more than 30 years, the technical literature relating to tire influence on vehicle dynamics has pointed out that in order

to avoid oversteer following rear tire failure, "it is desirable to make the car strongly understeer in the original condition."[55] Tests on the predecessor to the Explorer, the Bronco II, demonstrated that following rear tire tread separation that "vehicle exhibited dramatic oversteer characteristics and was unstable."[56]

Not only is oversteer an unacceptable vehicle characteristic, but the transition from understeer to oversteer that might occur in the event of loss of tread and tire cornering properties, if sufficient understeer is not originally built into the car, is particularly dangerous. The unexpected reversal of the handling characteristics of the car in that circumstance is just the sort of unexpected event that leads to driving accidents; it is particularly unexpected because "none of the currently manufactured passenger cars show such behavior in ordinary driving."[57] The ordinary driver has not experienced and cannot anticipate the catastrophic results of this reversal

One of the car designer's engineering obligations is to quantify the amount of understeer and other vehicle control characteristics required to account and compensate for such varying and foreseeable events, the inevitable changes in driving circumstances. By that quantification he determines the amount of understeer, the margin of control, that must be designed into the car.

2. Tread Separation

Tread separation is a failure mode usual in steel belted radial tires.[58] The majority of Firestone tires incurring a tread separation, without some causally related damage to the tire, are

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55 Kondo, et al., "Dynamical Behaviors Of A Car When One Tire Is Punctured Simulatively" at pages 2, 43 (1968).

56 See note 49.

57 Bergman, "Considerations in Determining Vehicle Handling Requirements" at page 7, col. 1 (1969).

58 See, e.g. Robinette, et al., "Drag and Steering Effects of Under Inflated and Deflated Tires" (1997).

high mileage tires with long use. The causes of this form of failure are heat, loading, oxidation and cyclic stressing, all of which can weaken and result in shearing of the rubber bond between the layers of steel belts, which centrifugal force can then pull apart. This breakdown is an inevitable result of the chemical and physical properties of rubber tires and how they are commonly used.

Those who are unfamiliar with tires or with accident reconstruction tend to describe tread separations or accidents associated with tread separations as if they are explosive events in which the vehicle is thrown out of control by the force of the separation. The scientific literature and testing commissioned by automobile manufacturers and others, however, has repeatedly demonstrated that this is not correct.

For example, Carr Engineering, vehicle dynamics experts regularly retained by Ford to testify in automotive litigation, carried out testing on behalf of Ford relating to, among other things, the forces involved in tread separation. Their findings in those tests led them to conclude:

> During the tread separation event, the tire did pull the vehicle slightly to one side but the driver kept a straight line path with a small steering correction. This amplitude of steer angle is small and on the order required to keep a vehicle in the lane on curved highways or in a straight path during other events such as wind gusts or driving through water puddles at highway speeds.[59]

Other automotive researchers, including plaintiff experts pursuing forensic inquiries, academic researchers, and Firestone, have arrived at the same conclusion based on numerous tests, including tests involving the Explorer and the Firestone tires mounted on it as original equipment. For example:

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[59] Document BGC 0016305-311, memorandum from Tandy to Mickus, January 23, 1999, at pages 2-3.. [Test vehicles included a 1993 Ford Explorer, 1986 Ford Bronco II, 1986 Ford Bronco II (continued...)

- "[S]eparation by itself was not sufficient to cause loss of control." "No induced steering was felt as a result of tread separation." "Test results by this author corroborate work by Gardner who measured that steering wheel inputs during tread separation are of the order of magnitude of lane change maneuvers during high speed travel."[60]
- "Maintaining control of the vehicle after tread/belt separation requires a steering torque similar to that required for a lane change maneuver." "The results of the testing show that the forces developed during a tread/belt detachment are well within the range of a driver's ability to control a vehicle."[61]
- "Little or no corrective steering action was needed to maintain control of the vehicle during the tread separation events."[62]

Descriptions of tread separation related accidents also sometimes fail to accurately capture the sequential nature of those accidents. Engineering analysis and accident reconstruction require that tread separation and accidents associated with them be broken down into their separate parts. For those purposes, the accident events should be viewed as three separate and sequential elements:

(...continued)

XLT, 1994 Dodge Intrepid, 1987 Ford Club Wagon van, 1990 Ford Bronco, 1990 Ford Aerostar van, 1987 Toyota van].

60 Klein, et al. "Anatomy of Accidents Following Tire Disablements," at page 6 (1999). [Test vehicles were 1989 Pathfinder and 1982 Chevrolet pickup].

61 Gardner, "The Role of Tread/Belt Detachment In Accident Causation," at pages 7-8, 10 (1998). [Test vehicles were Ford Explorer, Camry Station Wagon, and Chevy Truck C2500].

62 Fay, et al., "Drag and Steering Effect from Tire Tread Belt Separation and Loss," at page 13 (1999). [Test vehicle was 1993 Ford Taurus].

a. Pre-separation

This is characterized by vibration felt generally in the vehicle, (see notes 58 and 60) as the tire is deformed from a smooth circle to an irregular "circle" by movement of the tread and belt. This vibration is something most drivers have experienced in connection with a failed tire, whether a puncture blowout or a tread separation or some other mode of tire failure.

The vibration serves as notice that something is wrong with a tire, a message that most drivers understand as requiring them to take their foot off the gas, check the traffic around them, and begin to move to the shoulder of the highway to change the tire.

b. Separation

Testing, (see notes 58,59,60 & 61) establishes that the actual tread separation is a benign event in terms of the amount and duration of forces exerted on the automobile laterally, longitudinally and vertically.

c. Post-separation

In the period immediately following tread separation on a rear tire any SUV will lose some understeer because the tire properties contributing to control of the vehicle – cornering stiffness, traction, etc. – will have been reduced because of removal of the tread and one of the steel belts. It is the controllability of the Explorer in this circumstance that Dr. Guenther is investigating.

C. Engineering Evaluation Of Explorer Directional Control

Dr. Guenther was retained by counsel to assist them in the preparation of Firestone's defense in the personal injury litigation arising out of Explorer crash and rollover accidents. While he made measurements of and inspected various Explorers and engaged in some accident reconstruction at the direction of counsel, he did not undertake the dynamics testing and data

analysis underlying his conclusions concerning the controllability of the Explorer until last month.

Firestone had expected that Ford, as part of a root cause analysis, would focus on the vehicle and provide Firestone, NHTSA and the Congress information about the vehicle's handling in a tread separation event. Ford has 15 years of experience in the design and development of and litigation about the Explorer. They have that information. Firestone requested Ford participation in investigation of the vehicle in October of last year. In spite of repeated follow up requests, Ford made no response to Firestone. It became clear that Dr. Guenther's engineering evaluation of the Explorer would be important not only in defense of the litigation but in addressing congressional, regulatory and public concerns about automotive safety relating to loss of control and rollover of the Explorer when it experienced tread separation.

1. Testing Conducted

a. Site

The tests were carried out at the Transportation Research Center, Inc. (TRC) test facility near East Liberty, Ohio. The facility is used on a contract basis by numerous automobile manufacturers, component suppliers, and state and national regulatory authorities to conduct automotive safety testing. It was used by NHTSA, for example, in 1997-98 to conduct extensive tests of maneuvers that may induce on-road untripped rollover in various vehicles, including the Ford Explorer.[63] Ford used TRC in development testing of the UN-105, the version of the Explorer offered in 1995 and subsequent years.

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[63] See note 52.

b. Study Objectives

The purpose of the testing program, which is ongoing, is to examine the margin of control in the Explorer as designed and, comparatively, in peer SUVs in the circumstance following rear tire tread separation. Due to the complexities and non-linearity of vehicles and the nature of the Explorer accidents, Dr. Guenther chose to explore the linear range as a preliminary investigation. In the linear range, a principal parameter of control is the understeer/oversteer gradient (other parameters such as steering response time and gain, and steering frequency response are also being examined as they may relate to loss of control in the event of tire tread separation).

c. Test Vehicles

The vehicles evaluated are the following:

1996	Ford Explorer	4 dr	4 x 2
1996	Chevy Blazer	4 dr	4 x 2
2001	Jeep Cherokee	4 dr	4 x 2
2000	Ford Explorer	4 dr	4 x 2

Each vehicle was tested with its original equipment (OE) tires at OEM recommended tire pressure. The 1996 Explorer was tested with both OE Firestone tires and OE Goodyear tires recommended by Ford.

d. Vehicle Instrumentation and Measurement

The data acquired for purposes of this analysis was the following:[64]

Vehicle Input

Steering Wheel Angle

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[64] See attached exhibit 5.

Vehicle Speed

Vehicle Response

Lateral Acceleration

Yaw Rate

Body Roll Angle

e. Test Maneuvers

The tests conducted are universally recognized standard tests used by automobile manufacturers, including Ford, and other researchers in vehicle dynamics for establishing the values investigated. The tests are as follows:

Step Steer - The vehicle is driven on the test pad area in a straight line at a constant speed. The driver then rapidly turns the steering wheel until it hits a mechanical stop. Steering wheel stops are set to attain a desired lateral acceleration at the test speeds. This steer angle is held until steady-state response is established.

Tests were run in both directions (right turn/left turn) and at two speeds (60 mph and 40 mph). The test was run both with four good tires and with the left rear tire detreaded by cutting between the steel belts; test runs with the detreaded tire were done only at the slower 40 mph speed. Test runs were done at both light load (curb plus driver and instrumentation) and heavy load (gross vehicle weight rating).

The test is used to measure vehicle response times as related to lateral acceleration and yaw velocity response, and to measure the gain of these responses in relation to steering wheel input (output divided by input).

Constant Radius Circle - The vehicle is driven around a 200 foot constant radius circle with increasing speed. The driver adjusts the steering angle (by turning the steering wheel) as necessary to keep the vehicle on the path of the circle.

Test runs were done in both directions, clockwise and counter-clockwise, with four good tires and with the left rear tire detreaded. Test runs were done at light load (curb plus driver and instrumentation) and heavy load (gross vehicle weight rating).

The test is used to measure understeer and oversteer (degrees of road wheel steer per Gs of lateral acceleration).

Frequency Response - Sinusoidal sweep steering tests are frequently used to determine the linear response of vehicles. The vehicles in these tests were driven on a long straightaway with the driver steering with slowly increasing frequency up to approximately 3 to 4 hz followed by decreasing frequency. The test was run at a nominal speed of 66 mph.

The test measures lateral acceleration gain, yaw velocity gain, and phase angles at the frequencies tested (up to 3 to 4 hz).

f. Results of Directional Control Tests

The results of the constant radius circle tests are set forth in data sheets and charts attached hereto as Exhibit 6. Data reduction and analysis continues with respect to the step steer and frequency response tests.

In summary, the findings in the tests are as follows:

Constant Radius Circle – This standard method of measuring understeer/oversteer gradient establishes that the Explorer, with four good tires, has a relatively small amount of understeer compared to other SUVs tested – less than half the amount found in the Blazer and the Cherokee. In fact, the Cherokee has about the same understeer with a detreaded tire as the

Explorer with four good tires. These findings are consistent with NHTSA vehicle characterization tests that found that the Explorer had the lowest amount of understeer of the 12 vehicles on which it conducted rollover-inducing maneuver tests.[65]

The test results show that, unlike the other SUVs tested, the Explorer loses its small margin of understeer when it experiences a tread separation and becomes an oversteer vehicle.

This is true whether the Explorer is operated on Goodyear OE tires recommended by Ford or on Firestone OE tires.

The Explorer's oversteer characteristic is worse in the loaded condition. The only circumstance in which it does not become oversteer with a detreaded tire is when it is lightly loaded (curb plus driver and instrumentation) and the detreaded tire is on the inside rear position (left rear in a counter-clockwise turn); in test runs in that configuration the Explorer is almost neutral steer with respect to the understeer/oversteer gradient.

An oversteer vehicle is not safe at highway speeds in the hands of an average driver. Sometimes a driver may achieve directional control, sometimes he may not.

In addition to his dynamic testing, Dr. Guenther has carried out several accident reconstructions involving Explorer crashes and reviewed numerous police accident reports concerning such accidents. Explorer rollover accidents, as reflected in those reconstructions and police accident reports, frequently occur

- on interstate or similar high-quality, high-speed roadways, without environmental interference;
- in straight line travel;

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[65] See note 42.

- **at highway speed**
- **with no driver impairment**
- **with no risky behavior**
- **with rear tire tread separation**
- **with some apparent effort at driver steering control reflected in change(s) of vehicle heading and path of travel.**

2. Conclusion

The Explorer is an oversteer vehicle in most circumstances after it experiences tread separation. Oversteer can make a vehicle directionally unstable and subject to loss of control in the hands of most drivers. This is a vehicle problem, not a tire problem. The vehicle performs the same following tread separation on the Goodyear tire as it does the Firestone tire. This must be regarded as a highway safety defect within the meaning of the National Traffic and Motor Vehicle Safety Act.

V. The Ford "Explorer Vehicle Dynamics Presentation" To NHTSA Of March 28-29, 2001 Concerning Explorer Loss Of Control Following Tread Separation Is Misleading And Irrelevant

The following statements and charts are examples of the many inaccuracies and irrelevancies contained in the Ford vehicle dynamics presentation to NHTSA:

- Statement at page TH-3 18. Exhibit 7 – The statement about tread separation, "This fundamental cause [of loss of control, i.e., decreased tire traction] overwhelms differences in design among vehicle classes or within vehicle classes. Explorers perform like all other vehicles", is true only with respect to limit maneuvers, that is, at high lateral acceleration where most of us never operate a vehicle, even in most emergency maneuvers. The statement is not relevant or accurate in the linear range of maneuvering, that is, at low lateral accelerations

experienced in normal driving (e.g., 0.3 Gs or less). The maneuver involved in correcting for the small amount of drag following a belt separation (similar to a normal lane change steer, according to SAE test literature),[66] or the maneuver involved in bringing the car to the shoulder so that you can change the tire is just such a low lateral acceleration maneuver, even at highway speeds.

In normal everyday driving maneuvers following a tread separation the Explorer does not perform like all other vehicles. In this circumstance, it has a higher likelihood of loss of control because it lacks the necessary margin of understeer to remain directionally controllable in highway maneuvers involved in normal driving. Peer SUVs, such as the Cherokee and Blazer, remain understeer and more controllable in a wider range of maneuvers following tread separation than the Explorer.

- Statement at page TH-3 76. Exhibit 7 – This chart purports to show results of various SUV vehicles in a constant radius circle test following a tread separation. It shows all vehicles including the Explorer maneuvering at more than 0.5 G lateral acceleration with a separated tire on the outside rear. That is a physical impossibility in normal highway travel; these vehicles in general and the Explorer in particular cannot generate that much lateral acceleration with a detreaded tire in the outside rear position in normal highway travel. The Explorer will spin out of control before it reaches 0.5 G lateral acceleration in this circumstance. Ford can do it only as a trick on a low speed 100 foot radius circle. It indicates the irrelevant nature of the information presented to NHTSA in its vehicle dynamics presentation.

The suggestion accompanying the chart that "Explorers and peer vehicles oversteer above approximately 0.4G, with tread off of outside rear tire" is not accurate or relevant. The Explorer

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[66] See, e.g., Klein, et al., "Anatomy of Accidents Following Tire Disablements" (1999).

with a detreaded tire is oversteer in that circumstance at all lower lateral acceleration levels while the Blazer and Cherokee are not. Moreover, it is not relevant to an analysis of highway safety in normal driving because motorists generally do not operate their vehicles at the higher level of lateral acceleration examined by Ford. The assertion is made that "tread separation on O/S rear tire narrows differences among all vehicles (overwhelms design differences)" is, again, not accurate in the linear range; it only applies to limit maneuvers. Following tread separation, the Blazer and Cherokee maintain understeer in the linear range while the Explorer has none and changes completely to oversteer; the Cherokee, in fact, has about as much understeer with a detreaded outside rear tire as the Explorer does with four good tires. Similarly, the statement that "Explorer performance is typical of peer vehicles" is not accurate for linear range operations for the same reason. The Explorer is oversteer in the linear range of lateral acceleration following outside rear tread separation (about 0.3G or less); other SUVs remain understeer in the linear range.

- Statement at page TH-3 87. Exhibit 7 – This simulation chart depicts all vehicles as having the same maneuvering limits following a tread separation. Dr. Guenther's testing at TRC demonstrates the contrary in the linear range and the computer-generated simulation has no basis in fact.

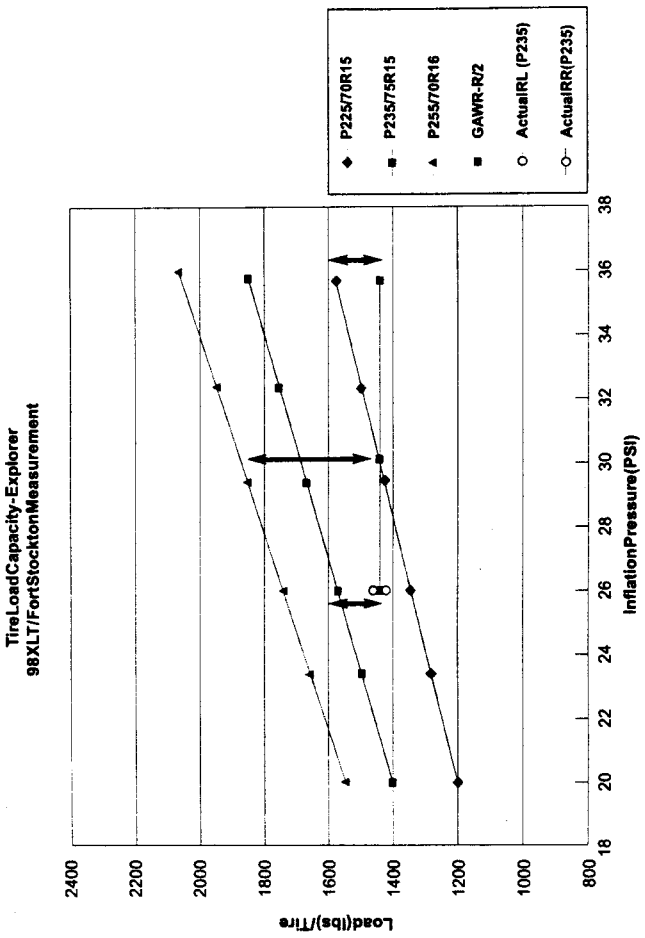
- Statement at page TH-3 132. Exhibit 7 – The first and fourth statements on this page are presented without any supporting data of any sort. The Explorer does not "perform similar to others in its class in the event of a tire tread separation", rather, it becomes oversteer, an unpredictable, unfamiliar, unsafe handling condition. For that reason, the Explorer does not "have a margin of safety 'as designed' to accommodate, to a reasonable level, component failures including tread separations."

- Statement at page TH-3 134. Exhibit 7 – The fourth statement on this page is false. The designers of the Blazer and the Cherokee have in fact provided a margin of control safety following tread separation in the design of those vehicles. They did it more than a decade ago, when the Blazer and the Cherokee were the primary SUV examples available to Ford engineers for comparative analysis when they designed and developed the Explorer.

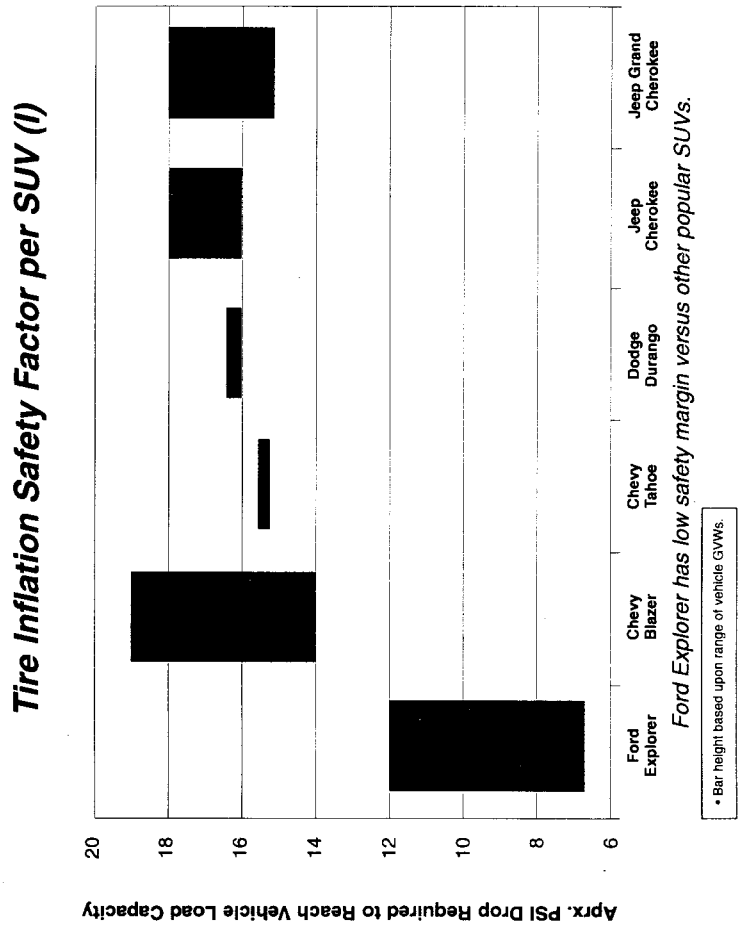
VI. Conclusion

Ford has had over twenty years to adjust the design of the Ford Explorer and to work cooperatively and responsibly with its tire suppliers to ensure the safety and stability of its vehicle. To date, it has failed to do so. The design of the Explorer is an oversteer vehicle in the event of a tread separation. A tread separation is normally a benign event that a driver can control by pulling to the shoulder of any roadway. The flawed design of the Explorer, however, renders the vehicle in a tread separation event susceptible to rollover and therefore potentially lethal. While real world data and an engineering analysis of the vehicle confirm this phenomenon, Ford refuses to accept the facts and take responsibility. The purpose of this analysis is to ensure that these facts are publicly known, and, in the best case, to compel Ford to take responsibility for its flawed attempts to protect its defective product.

Attachment 1



Attachment 2



Attachment 3

FLORIDA CRASH DATABASE ANALYSIS

DOCUMENTATION FOR MID-SIZE SUV COMPARISON

JUNE 11, 2001

FLORIDA DATABASE OVERVIEW

The analyses in this document are based on the Florida Traffic Crash Database. The Florida Traffic Crash Database contains information on motor vehicle crashes that occurred in the state of Florida in calendar years 1993-1999, and through the first three quarters of 2000.[1] It is organized in seven relational databases containing information on the Event, Vehicle, Driver, Pedestrians, Violations, Passengers and D.O.T Site Location.

Only crashes that required police intervention or the provision of emergency services are present in the database, since official reports are only produced if these agencies are involved in the incident. All statistics presented refer only to the population of vehicles involved in the reported incidents, i.e. all statistics are conditional on being in the crash database.

To identify the specific vehicle make and model, a VIN decoder was used. The analyses presented here are based on VIN decoding of the database by Firestone. Firestone utilizes a POLK VIN decoder, a commercially available VIN decoder.

Of the 2,894,366 records in the Florida database that are vehicle type automobile, passenger van, or pickup/light truck (2 rear tires) [Type of Vehicle = 01, 02, or 03], 2,783,084 had 11-digit VIN numbers and were sent to be VIN decoded. Of these 2,783,084 records, 2.1 million records (2,088,901 specifically) were VIN decoded. Of the 111,282 that did not have 11-digit VINs, 20,299 records had between 7 and 10 digits. A minimum of 7 digits is required to identify make and model. Make and model cannot be identified for the other 90,983.

Among the 2,088,901 VIN decoded records, 177,705 are single vehicle crashes. Of these, 19,226 are sport utility vehicle (SUV) crashes and 10,989 are mid size sport utility crashes. Of the 10,989 mid-size SUV crashes on any road, 2,491 are single vehicle mid-size SUV highway crashes. Of these, 202 are tire-related (about 8 percent) and 2,289 (about 92 percent) are non-tire related single vehicle highway crashes.

The information contained in this document has not yet been presented to congress.

VEHICLE POPULATION FOR ANALYSIS

- SUV single vehicle highway crashes from 1993-2000 (accident years 1993-2000 and all model years).
- SUVs were identified based on three external lists identifying SUVs: (1) J.D. Powers (JDPA) customer satisfaction surveys from the following years: 1999, 1997, 1996, and 1995; (2) NHTSA's list of SUVs Crash-Tested by NHTSA Model Years 1990-2001, and (3) all SUVs identified in the 2001 Official JDPA Vehicle Segmentation Guide list including the following segments: Entry SUV Segment, Midsize SUV segment, Full Size

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[1] The latest Crash Date in the database is August 7, 2000.

SUV Segment, and Luxury SUV segment. The complete list of SUVs and the specific SUVs identified in the Florida database are included in Appendix A to this document.

- From the complete SUV list, mid-size SUVs were identified based on two criteria. First, we included vehicles with weights similar to the Ford Explorer. Second, we included all vehicles identified as midsize in the JDPA market segment list (the Ford Explorer is identified as mid size) unless the weight was more similar to the Ford Expedition than to the Ford Explorer. The Explorer weight range is approximately 4600-5600 pounds whereas the Expedition weight range is approximately 6,800 to 7200 pounds.

VARIABLE DEFINITIONS

- Type of Vehicle – type of vehicle is automobile, passenger van, or pickup/light truck [2 rear tires] (Type of Vehicle = 01, 02, or 03).
- Single Vehicle – number of vehicles involved in the crash is equal to 1 (Total Number of Vehicles).
- Highway – Crash occurred on an Interstate, US Highway, Turnpike/Toll (Road System Identifier = 01, 02, or 06)
- Vehicle Identification Number – 11-digit VIN used to identify information about a specific vehicle (e.g., make and model) after decoding.
- Vehicle Make – Digits 1, 2, and 3 from the VIN number identify vehicle manufacturer, make, and type (e.g., Ford Motor Company, Ford, passenger car).
- Vehicle Model – Digits 5, 6, and 7 from the VIN number identify vehicle line and body type (e.g., Taurus GL 4-door sedan).
- Explorer and Navajo – For the Explorer, make is Ford and model is Explorer (all types including XL, XLS, etc.). For the Navajo, make is Mazda and model is Navajo.
- Mid Size SUVs – all SUV makes and models identified in Appendix A for Florida except the Ford Explorer and the Mazda Navajo.
- Tire-related Incident – A tire-related incident is defined as tire puncture/blowout or worn/smooth tires (1st Vehicle Defect = 03 (worn/smooth tires) or 05 (puncture/blowout) OR 2nd Vehicle Defect = 03 or 05).
- Rollover – The first harmful event that took place in the crash is identified as overturned (1st Harmful Event = 31).
- Fatality Incident - The crash injury severity is identified as fatal injury (Crash Injury Severity = 5) or the injury severity of the driver is identified as fatal injury (Injury Severity (Driver) = 5).

The pages from the Florida Traffic Crash Database Directory that describe the variables listed above are provided in Appendix B to this document.

RESULTS

Table 1 shows the rollover comparison between the Ford Explorer/Navajo and other mid-size SUVs for single vehicle highway tire-related incidents in Florida (202 incidents). The likelihood of a rollover for:

- The Ford Explorer/Mazda Navajo is 81%.
- Other mid-size SUVs is 66%.

The likelihood ratio is 1.236 and the 90% confidence bounds (which shows a 5% test on each side) are 1.075 to 1.422. This ratio is significantly different than 1.0. If both vehicles were the same in regards to the tire-related rollover probability, we would expect the ratio to be 1.0. Hence, we conclude that the vehicles are different.

The odds of a rollover for:

- The Ford Explorer/Mazda Navajo is 4.35.
- Other mid-size SUVs is 1.92.

The ratio of the odds is 2.27.

TABLE 1. SINGLE VEHICLE HIGHWAY TIRE RELATED ACCIDENTS IN FLORIDA - ROLLOVER: 1993-2000

Vehicle Type	Tire Related Single Vehicle Highway Accidents in Florida		
	Rollover	No Rollover	Total
Explorers and Navajos	74	17	91
	(81.32)	(18.68)	(45.05)
Other mid-size SUVs	73	38	111
	(65.77)	(34.23)	(54.95)
Total	147	55	202

Table 2 shows the fatality incident comparison between the Ford Explorer/Navajo and other mid-size SUVs for single vehicle highway tire-related incidents in Florida (202 incidents). The likelihood of a fatality incident for:

- The Ford Explorer/Mazda Navajo is 17%.
- Other mid-size SUVs is 6%.

The likelihood ratio is 2.614 and the 90% confidence bounds (which shows a 5% test on each side) are 1.277 to 5.349. This ratio is significantly different than 1.0. If both vehicles were the same in regards to the tire-related fatality incident probability, we would expect the ratio to be 1.0. Hence, we conclude that the vehicles are different.

The odds of a fatal incident for:

- The Ford Explorer/Mazda Navajo is 0.197.
- Other mid-size SUVs is 0.067.

The ratio of the odds is 2.94.

TABLE 2. SINGLE VEHICLE HIGHWAY TIRE RELATED ACCIDENTS IN FLORIDA – FATALITY INCIDENTS: 1993-2000

Vehicle Type	Tire Related Single Vehicle Highway Accidents in Florida		
	Fatality Incident	Non Fatality Incident	Total
Explorers and Navajos	15	76	91
	(16.48)	(83.52)	(45.05)
Other mid-size SUVs	7	104	111
	(6.31)	(93.69)	(54.95)
Total	22	180	202

APPENDIX A

SUV REFERENCE LIST AND MID-SIZE SUVS IDENTIFIED IN FLORIDA CRASH DATABASE (MIDSIZE LIST = 1)

THE Mid-Size SUV LIST

Make	Model	X if SUV is in Florida Crash database	X if SUV is in Texas Crash database	JD Power Market Segment	Gross Weight (Min)	Gross Weight (Max)	Midsize List
AM General	Hummer H3			Midsize	NA	NA	
Buick	Rendezvous			Midsize	NA	NA	
Chevrolet	Blazer	X	X	Midsize	4450	5300	1
Chevrolet	S-10 Blazer	X	X	Midsize	4350	5100	1
Chevrolet	Trailblazer			Midsize	NA	NA	
Chrysler	Citadel			Midsize	NA	NA	
Dodge	Durango	X		Midsize	6050	6400	
Ford	CrossTrainer Wagon			Midsize	NA	NA	
Ford	Explorer	X	X	Midsize	4760	5560	1
Ford	Ranger SUV			Midsize	4420	5120	1
GMC	Envoy			Midsize	NA	NA	
GMC	Jimmy	X	X	Midsize	4450	5300	1
GMC	Jimmy Sonoma	X	X	Midsize	4450	5300	1
GMC	Jimmy/Envoy	X		Midsize	4450	5300	1
Honda	MAV			Midsize	NA	NA	
Honda	Passport	X	X	Midsize	3958	3958	1
Isuzu	Axiom			Midsize	3920	4180	1
Isuzu	Rodeo	X	X	Midsize	4550	4900	1
Isuzu	Rodeo/Rodeo Sport	X		Midsize	4550	4700	1
Isuzu	Trooper	X	X	Midsize	5350	5550	1
Isuzu	Trooper II	X	X	Midsize	5510	5510	1
Isuzu	VehiCROSS	X		Midsize	4852	4852	1
Jeep	Grand Cherokee	X	X	Midsize	4950	5600	1
Land Rover	Discovery	X	X	Midsize	4465	4576	1

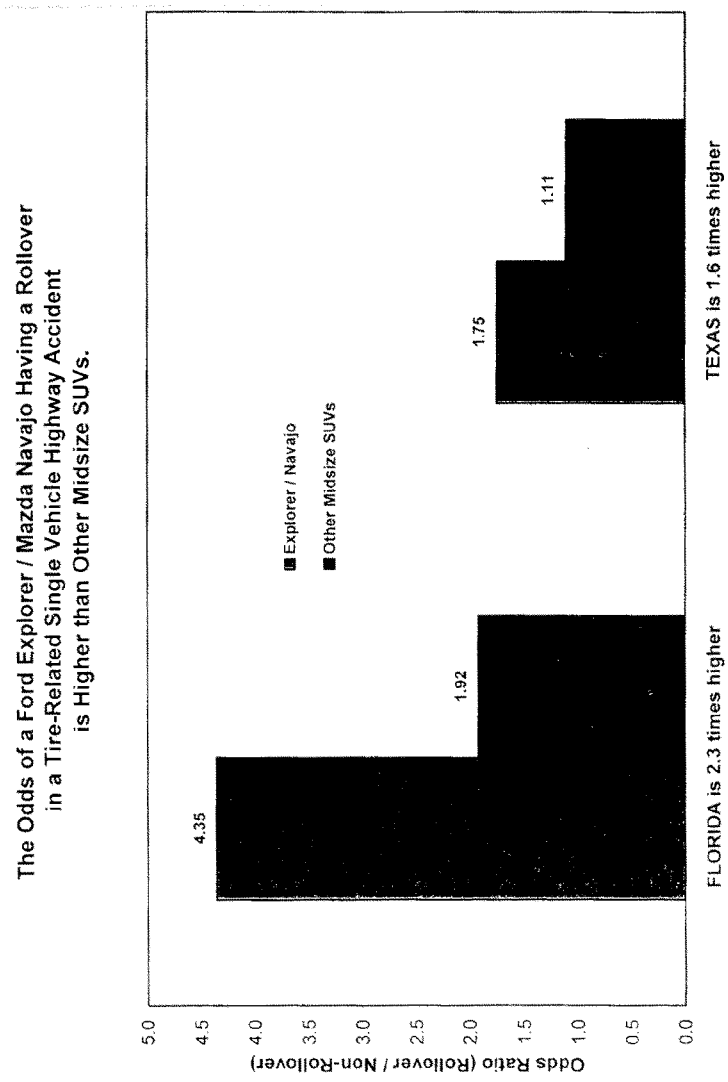
Mazda	Navajo	X	X	Midsize	3785	4184	1
Mazda	Nextourer			Midsize	NA	NA	
Mercury	Mountaineer	X	X	Midsize	4780	5560	1
Mitsubishi	Montero	X	X	Midsize	5732	5732	1
Mitsubishi	Montero Sport	X	X	Midsize	4730	5000	1
Nissan	Pathfinder	X	X	Midsize	3980	4075	1
Oldsmobile	Bravada	X	X	Midsize	4049	5300	1
Subaru	Lambda SUV			Midsize	NA	NA	
Toyota	4-Runner	X	X	Midsize	5250	5400	1
Toyota	Highlander			Midsize	4982	4982	1
Volkswagen	SUV			Midsize	NA	NA	
Acura	MDX			Luxury	5690	5690	1
Acura	SLX	X	X	Luxury	4315	4315	1
AM General	Hummer			Luxury	NA	NA	
BMW	X3			Luxury	NA	NA	
BMW	X5	X		Luxury	4795	4795	1
BMW	X7			Luxury	NA	NA	
Cadillac	Crossover			Luxury	NA	NA	
Cadillac	Escalade	X		Luxury	5572	5572	
Cadillac	LAV			Luxury	NA	NA	
Infiniti	Crossover			Luxury	NA	NA	
Infiniti	Fullsize SUV			Luxury	NA	NA	
Infiniti	QX4	X	X	Luxury	4275	4275	1
Land Rover	DiscoverySeriesII	X	X	Luxury	4576	4630	1
Land Rover	Range Rover	X	X	Luxury	4828	4828	1
Lexus	LX 450	X	X	Luxury	4751	4751	1
Lexus	LX 470	X		Luxury	5401	5401	
Lexus	RX300	X		Luxury	3789	3925	
Lincoln	Compact SUV			Luxury	NA	NA	
Lincoln	LAV			Luxury	NA	NA	

Lincoln	Navigator	X		Luxury	6750	7200	
Mercedes Benz	Crossover SUV			Luxury	NA	NA	
Mercedes Benz	M-Class			Luxury	NA	NA	
Mercedes Benz	ML-Class (ML320)	X		Luxury	NA	NA	
Mercedes Benz	MLG			Luxury	NA	NA	
Porsche	Cayenne			Luxury	NA	NA	
Saab	SUV			Luxury	NA	NA	
Toyota	LandCruiser	X	X	Luxury	6470	6860	
Volvo	SUV			Luxury	NA	NA	
AM General	Hummer H2			Fullsize	6964	6964	
Chevrolet	Suburban	X	X	Fullsize	6800	8600	
Chevrolet	Tahoe	X	X	Fullsize	6100	6800	
Ford	Bronco	X	X	Fullsize	6000	6450	
Ford	Excursion	X		Fullsize	8800	9200	
Ford	Expedition	X	X	Fullsize	6700	7200	
GMC	Denali	X		Fullsize	5583	5583	
GMC	Suburban	X	X	Fullsize	6800	8600	
GMC	Typhoon	X		Fullsize	4700	4700	1
GMC	Yukon	X	X	Fullsize	6800	6800	
GMC	Yukon Denali	X	X	Fullsize	6800	6800	
GMC	Yukon XL	X	X	Fullsize	6800	6800	
GMC	Yukon XL Denali	X	X	Fullsize	6800	6800	
Nissan	Fullsize SUV			Fullsize	NA	NA	
Toyota	Sequoia			Fullsize	6500	6600	
Chevrolet	Tracker	X		Entry	3080	3924	
Chevrolet	Traverse			Entry	NA	NA	
Chrysler	Korando			Entry	NA	NA	
Chrysler	Musso			Entry	NA	NA	
Ford	Escape			Entry	4100	4570	1
Geo	Tracker	X	X	Entry	2189	2189	

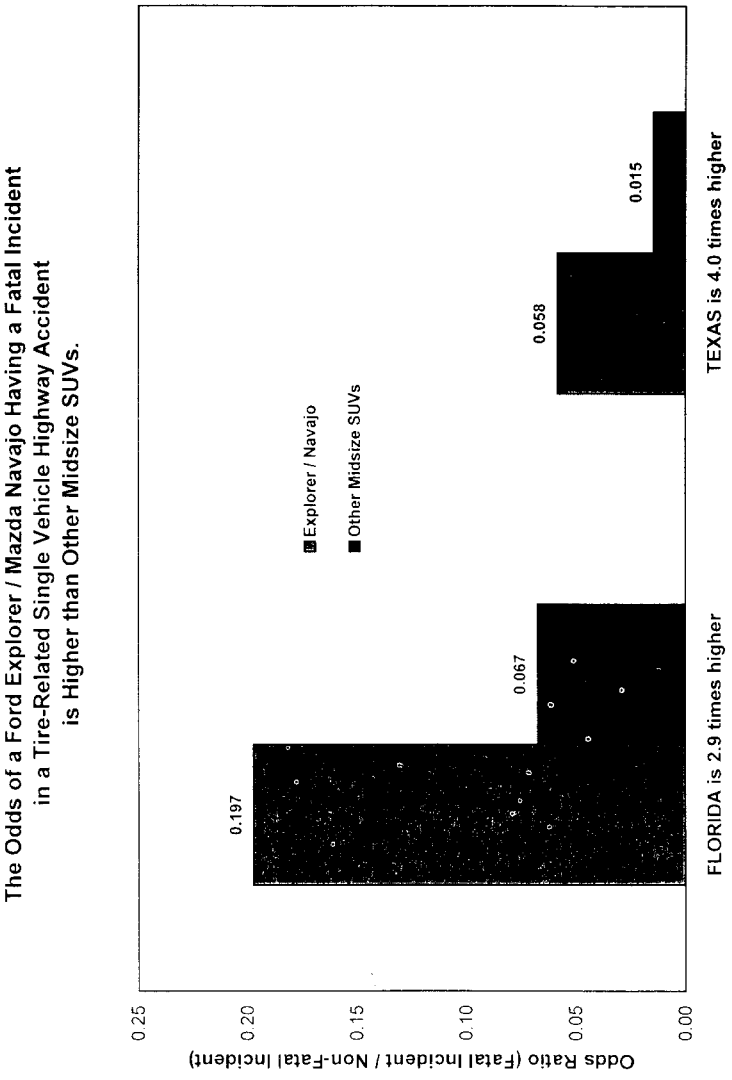
Honda	CR-V		X	Entry	3164	3164	
Hyundai	Santa Fe			Entry	4950	5240	
Isuzu	Amigo	X	X	Entry	4100	4500	1
Jeep	Cherokee	X	X	Entry	4550	4900	1
Jeep	Liberty			Entry	NA	NA	
Jeep	Varsity			Entry	NA	NA	
Jeep	Wrangler	X	X	Entry	4300	4450	1
Kia	Sportage	X	X	Entry	4296	5896	1
Land Rover	Defender	X	X	Entry	3600	3600	
Land Rover	Freelander			Entry	NA	NA	
Mazda	Tribute			Entry	NA	NA	
Mitsubishi	Dingo			Entry	NA	NA	
Nissan	Crossover			Entry	NA	NA	
Nissan	Xterra	X		Entry	3504	3858	
Pontiac	Aztek			Entry	NA	NA	
Saturn	VUE			Entry	NA	NA	
Subaru	Forester	X		Entry	3125	3125	
Suzuki	Grand Vitara	X		Entry	3375	3500	
Suzuki	Samurai	X	X	Entry	2870	2932	
Suzuki	Sidekick	X	X	Entry	3086	3682	
Suzuki	Vitara	X		Entry	2875	3375	
Suzuki	X90	X	X	Entry	2734	2954	
Suzuki	XL7			Entry	NA	NA	
Toyota	Rav4	X	X	Entry	3550	3948	

APPENDIX B

FLORIDA DIRECTORY OF DEFINITIONS FOR VARIABLES USED IN ANALYSIS (NOT ATTACHED)


The Odds of a Ford Explorer / Mazda Navajo Having a Rollover
in a Tire-Related Single Vehicle Highway Accident
is Higher than Other Midsize SUVs.
Explorer / Navajo
Other Midsize SUVs
4.35
1.92
1.75
1.11
Odds Ratio (Rollover / Non-Rollover)
5.0
4.5
4.0
3.5
3.0
2.5
2.0
1.5
1.0
0.5
0.0
FLORIDA is 2.3 times higher
TEXAS is 1.6 times higher

Attachment 4



TEXAS CRASH DATABASE ANALYSIS

DOCUMENTATION FOR MID-SIZE SUV COMPARISON

JUNE 11, 2001

TEXAS DATABASE OVERVIEW

The results presented in this document are calculated using the State Data System-Texas database of crash incidents. This database was obtained by PA Consulting in March, 2001 from NHTSA. The database contains information on motor vehicle crashes that occurred in the state of Texas in calendar years 1989-1999. It is organized in three relational databases containing information on the Crash, Vehicle and Person.

Only crashes that required police intervention or the provision of emergency services are present in the database, since official reports are only produced if these agencies are involved in the incident. All statistics presented refer only to the population of vehicles involved in the reported incidents, i.e. all statistics are conditional on being in the crash database.

The make and model of the vehicle was identified in the Texas crash database so no VIN decoding of this database was necessary to identify vehicle make and model. The make-model field had no missing values.

The Texas database does not include the Ford Explorer in the database until 1994 so this analysis is limited to crashes that occurred between 1994 and 1999 for all model years.

Of the 6.8 million records in the Texas crash database, 3,505,168 crashes occurred in accident years 1994-1999 and 447,394 are single vehicle crashes. Of these, 22,459 are single vehicle mid-size SUV crashes (about 5%). Of the 22,459, the number of single vehicle mid-size SUV highway crashes is 10,572. Of these, 550 are tire-related (5%) and 10,022 are non-tire related (95 %).

The information contained in this document has not yet been presented to congress.

VEHICLE POPULATION FOR ANALYSIS

- SUV single vehicle highway crashes from 1994-1999 (all model years).
- SUVs were identified based on three external lists identifying SUVs: (1) J.D. Powers (JDPA) customer satisfaction surveys from the following years: 1999, 1997, 1996, and 1995; (2) NHTSA's list of SUVs Crash-Tested by NHTSA Model Years 1990-2001, and (3) all SUVs identified in the 2001 Offical JDPA Vehicle Segmentation Guide list including the following segments: Entry SUV Segment, Midsize SUV segment, Full Size SUV Segment, and Luxury SUV segment. The complete list of SUVs and the specific SUVs identified in the Texas database are included in Appendix A to this document.
- From the complete SUV list, mid-size SUVs were identified based on two criteria. First, we included vehicles with weights similar to the Ford Explorer. Second, we included all vehicles identified as midsize in the JDPA market segment list (the Ford Explorer is identified as mid size) unless the weight was more similar to the Ford Expedition than to the Ford Explorer.

VARIABLE DEFINITIONS

- Single Vehicle – number of vehicles involved in the crash is equal to 1 (NUM_VEH = 1).
- Highway – Crash occurred on an interstate, US/State Highway, or Tollway (RD_CLASS = 1, 2, or 6)
- Make and Model (MK-MDL) – 3 digit code identifying vehicle manufacturer and model name (MK_MDL). This variable has no missing values.
- Explorer and Navajo - Make and model is equal to Ford Explorer (MK_MDL = 554) or Mazda Navajo (MK_MDL = 468).
- Other Mid Size SUVs – all SUV makes and models identified in Appendix A for Texas except the Ford Explorer and the Mazda Navajo.
- Tire-related Incident – The vehicle defect is identified as defective tires. This field is coded only if the defect was a factor in the crash (VEHICOND1 = 5).
- Rollover – The first harmful event that took place in the crash is identified as overturned (EVENT1 = 0). Note that a second variable is available that can be used in conjunction with the first harmful event to describe the crash in more detail (OBJECT1) which also includes a rollover field. Because this was NOT the first harmful event, the OBJECT1 variable is not used in defining a rollover.
- Fatality Incident – The accident severity is identified as fatal (SEVERITY = 4) or injury severity is killed (INJ = 4)..

The pages from the User's Manual for the State Data System-Texas that describe the variables listed above are provided in Appendix B to this document.

RESULTS

Table 1 shows the rollover comparison between the Ford Explorer/Navajo and other mid-size SUVs for single vehicle highway tire-related incidents in Texas (550 incidents). The likelihood of a rollover for:

- The Ford Explorer/Mazda Navajo is 63.6%.
- Other mid-size SUVs is 52.52%.

The likelihood ratio is 1.211 and the 90% confidence bounds (which shows a 5% test on each side) are 1.074 to 1.366. This ratio is significantly different than 1.0. If both vehicles were the same in regards to the tire-related rollover probability, we would expect the ratio to be 1.0. Hence, we conclude that the vehicles are different.

The odds of a rollover for:

- The Ford Explorer/Mazda Navajo is 1.75
- Other mid-size SUVs is 1.11.

The ratio of the odds is 1.58.

TABLE 1. SINGLE VEHICLE HIGHWAY TIRE RELATED ACCIDENTS IN TEXAS-ROLLOVERS: ACCIDENT YEARS 1994-1999

Vehicle Type	Tire Related Single Vehicle Highway Accidents in Texas		
	Rollover	No Rollover	Total
Explorers and Navajos	173	99	272
	(63.6)	(36.4)	(49.5)
Other Mid-Size SUVs	146	132	278
	(52.5)	(47.5)	(50.6)
Total	319	231	550

Table 2 shows the fatality incident comparison between the Ford Explorer/Navajo and other mid-size SUVs for single vehicle highway tire-related incidents in Texas (550 incidents). The likelihood of a fatality incident for:

- The Ford Explorer/Mazda Navajo is 5.5%.
- Other mid-size SUVs is 1.4%.

The likelihood ratio is 3.833 and the 90% confidence bounds (which shows a 5% test on each side) are 1.535 to 9.569. This ratio is significantly different than 1.0. If both vehicles were the same in regards to the tire-related fatality incident probability, we would expect the ratio to be 1.0. Hence, we conclude that the vehicles are different.

The odds of a fatality incident for:

- The Ford Explorer/Mazda Navajo is 0.058.
- Other mid-size SUVs is 0.015.

The ratio of the odds is 3.87.

TABLE 2. SINGLE VEHICLE HIGHWAY TIRE RELATED ACCIDENTS IN TEXAS-FATALITY INCIDENTS: ACCIDENT YEARS 1994-1999

Vehicle Type	Tire Related Single Vehicle Highway Accidents in Texas		
	Fatality Incident	Non Fatality Incident	Total
Explorers and Navajos	15	257	272
	(5.5)	(94.5)	(49.5)
Other Mid-Size SUVs	4	274	278
	(1.4)	(98.6)	(50.6)
Total	19	531	550

APPENDIX A

MID-SIZE SUV REFERENCE LIST AND SUVS IDENTIFIED IN TEXAS CRASH DATABASE (IF MIDSIZE LIST = 1)

THE Mid-Size SUV LIST

Make	Model	X if SUV is in Florida Crash database	X if SUV is in Texas Crash database	JD Power Market Segment	Gross Weight (Min)	Gross Weight (Max)	Midsize List
AM General	Hummer H3			Midsize	NA	NA	
Buick	Rendezvous			Midsize	NA	NA	
Chevrolet	Blazer	X	X	Midsize	4450	5300	1
Chevrolet	S-10 Blazer	X	X	Midsize	4350	5100	1
Chevrolet	Trailblazer			Midsize	NA	NA	
Chrysler	Citadel			Midsize	NA	NA	
Dodge	Durango	X		Midsize	6050	6400	
Ford	CrossTrainer Wagon			Midsize	NA	NA	
Ford	Explorer	X	X	Midsize	4760	5560	1
Ford	Ranger SUV			Midsize	4420	5120	1
GMC	Envoy			Midsize	NA	NA	
GMC	Jimmy	X	X	Midsize	4450	5300	1
GMC	Jimmy Sonoma	X	X	Midsize	4450	5300	1
GMC	Jimmy/Envoy	X		Midsize	4450	5300	1
Honda	MAV			Midsize	NA	NA	
Honda	Passport	X	X	Midsize	3958	3958	1
Isuzu	Axiom			Midsize	3920	4180	1
Isuzu	Rodeo	X	X	Midsize	4550	4900	1
Isuzu	Rodeo/Rodeo Sport	X		Midsize	4550	4700	1
Isuzu	Trooper	X	X	Midsize	5350	5550	1
Isuzu	Trooper II	X	X	Midsize	5510	5510	1
Isuzu	VehiCROSS	X		Midsize	4852	4852	1
Jeep	Grand Cherokee	X	X	Midsize	4950	5600	1
Land Rover	Discovery	X	X	Midsize	4465	4576	1

Mazda	Navajo		X		X	Midsize	3785	4184	1
Mazda	Nextourer					Midsize	NA	NA	
Mercury	Mountaineer		X		X	Midsize	4780	5560	1
Mitsubishi	Montero		X		X	Midsize	5732	5732	1
Mitsubishi	Montero Sport		X		X	Midsize	4730	5000	1
Nissan	Pathfinder		X		X	Midsize	3980	4075	1
Oldsmobile	Bravada		X		X	Midsize	4049	5300	1
Subaru	Lambda SUV					Midsize	NA	NA	
Toyota	4-Runner		X		X	Midsize	5250	5400	1
Toyota	Highlander					Midsize	4982	4982	1
Volkswagen	SUV					Midsize	NA	NA	
Acura	MDX					Luxury	5690	5690	1
Acura	SLX		X		X	Luxury	4315	4315	1
AM General	Hummer					Luxury	NA	NA	
BMW	X3					Luxury	NA	NA	
BMW	X5		X			Luxury	4795	4795	1
BMW	X7					Luxury	NA	NA	
Cadillac	Crossover					Luxury	NA	NA	
Cadillac	Escalade		X			Luxury	5572	5572	
Cadillac	LAV					Luxury	NA	NA	
Infiniti	Crossover					Luxury	NA	NA	
Infiniti	Fullsize SUV					Luxury	NA	NA	
Infiniti	QX4		X		X	Luxury	4275	4275	1
Land Rover	DiscoverySeriesII		X		X	Luxury	4576	4630	1
Land Rover	Range Rover		X		X	Luxury	4828	4828	1
Lexus	LX 450		X		X	Luxury	4751	4751	1
Lexus	LX 470		X			Luxury	5401	5401	
Lexus	RX300		X			Luxury	3789	3925	
Lincoln	Compact SUV					Luxury	NA	NA	
Lincoln	LAV					Luxury	NA	NA	

Lincoln	Navigator	X			Luxury	6750	7200	
Mercedes Benz	Crossover SUV				Luxury	NA	NA	
Mercedes Benz	M-Class				Luxury	NA	NA	
Mercedes Benz	ML-Class (ML320)	X			Luxury	NA	NA	
Mercedes Benz	MLG				Luxury	NA	NA	
Porsche	Cayenne				Luxury	NA	NA	
Saab	SUV				Luxury	NA	NA	
Toyota	LandCruiser	X		X	Luxury	6470	6860	
Volvo	SUV				Luxury	NA	NA	
AM General	Hummer H2				Fullsize	6964	6964	
Chevrolet	Suburban	X		X	Fullsize	6800	8600	
Chevrolet	Tahoe	X		X	Fullsize	6100	6800	
Ford	Bronco	X		X	Fullsize	6000	6450	
Ford	Excursion	X			Fullsize	8800	9200	
Ford	Expedition	X		X	Fullsize	6700	7200	
GMC	Denali	X			Fullsize	5583	5583	
GMC	Suburban	X		X	Fullsize	6800	8600	
GMC	Typhoon	X			Fullsize	4700	4700	1
GMC	Yukon	X		X	Fullsize	6800	6800	
GMC	Yukon Denali	X		X	Fullsize	6800	6800	
GMC	Yukon XL	X		X	Fullsize	6800	6800	
GMC	Yukon XL Denal	X		X	Fullsize	6800	6800	
Nissan	Fullsize SUV				Fullsize	NA	NA	
Toyota	Sequoia				Fullsize	6500	6600	
Chevrolet	Tracker	X			Entry	3080	3924	
Chevrolet	Traverse				Entry	NA	NA	
Chrysler	Korando				Entry	NA	NA	
Chrysler	Musso				Entry	NA	NA	
Ford	Escape				Entry	4100	4570	1
Geo	Tracker	X		X	Entry	2189	2189	

Honda	CR-V			X	Entry	3164	3164	
Hyundai	Santa Fe				Entry	4950	5240	
Isuzu	Amigo		X	X	Entry	4100	4500	1
Jeep	Cherokee		X	X	Entry	4550	4900	1
Jeep	Liberty				Entry	NA	NA	
Jeep	Varsity				Entry	NA	NA	
Jeep	Wrangler		X	X	Entry	4300	4450	1
Kia	Sportage		X	X	Entry	4296	5896	1
Land Rover	Defender		X	X	Entry	3600	3600	
Land Rover	Freelander				Entry	NA	NA	
Mazda	Tribute				Entry	NA	NA	
Mitsubishi	Dingo				Entry	NA	NA	
Nissan	Crossover				Entry	NA	NA	
Nissan	Xterra		X		Entry	3504	3858	
Pontiac	Aztek				Entry	NA	NA	
Saturn	VUE				Entry	NA	NA	
Subaru	Forester		X		Entry	3125	3125	
Suzuki	Grand Vitara		X		Entry	3375	3500	
Suzuki	Samurai		X	X	Entry	2870	2932	
Suzuki	Sidekick		X	X	Entry	3086	3682	
Suzuki	Vitara		X		Entry	2875	3375	
Suzuki	X90		X	X	Entry	2734	2954	
Suzuki	XL7				Entry	NA	NA	
Toyota	Rav4		X	X	Entry	3550	3948	

APPENDIX B

USER'S MANUAL DEFINITIONS OF VARIABLES USED IN ANALYSIS

(NOT ATTACHED)

Attachment 5

Sea SUV1,Red Ford Explorer 1996

Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Last Calib. Date:
DAS-2030	955009	945009	Data acquistion system	LINK	analog/digital		Link Engineering	T.R.C. Inc.	16-Mar-01
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
5th-140.0027	140.0027	DRS6 Radar	A_DAT Radar 5th wheels	A_DAT	Feet/Meter's	Calibrated per measured mile records in file cabinet	A-DAT	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-30105282	30105282	LX-PA-20	STRING POT	UNIMEASURE	INCHES	Calibrated with String pot guage blocks	UNIMEASURE	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
A-167627	167627	141A	2 G Accelerometer	Setra	G's	B.U. 52 bldg 30 calibration	Setra	T.R.C. Inc.	06/27/2000
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
RTGY=158	158	10B-033911	HP Gyro Rate Gyro's	Pi Research Inc.	DEGREES	Outside vendor Calibration Pi Reaseach Inc.	Pi Research Inc.	T.R.C. Inc.	05/08/2001
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
A-C0839	C0839	USCA-TX	20G ACCELEROMETER	CFX	G's		CFX	T.R.C. Inc.	11/10/1999
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-A23706	A23706	PT101-0030-111-5110	STRING POT	CELESCO	INCHES	Calibrated with String pot guage blocks	CELESCO	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-10653800	10653800	PT101-0030-111-5110	STRING POT	CELESCO	INCHES	Calibrated with String pot guage blocks	CELESCO	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
RTGY=CO1153	CO1153	UCG-1	Rate Gyro	CFX	Degrees		CFX		05/08/2001
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
RTGY=102	102		Humphery Rate Gyro's	Humphery	DEGREES		Huphery	VRTC	

Sea SUV2,Green Chevrolet Blazer

Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Last Calib. Date:
DAS-2050	935032	945009	Data acquisition system	LINK	analog/digital		Link Engineering	T.R.C. Inc.	29-Jan-01
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.	Notes:	Manufacturer:	Owner:	Calibration Date:
5th-#55boxner	#55boxner	DA56 Radar	A_DAT Radar 5th wheels	A_DAT	Feet/Meter's	Calibrated per measured mile records in file cabinet	A-DAT	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-3011110495	3011110495	LX-PA-20	STRING POT	UNIMEASURE	INCHES	Calibrated with String pot guage blocks	UNIMEASURE	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.	Notes:	Manufacturer:	Owner:	Calibration Data:
RTGY=0116	165		RP Gyro Rate Gyro's	Watson.	DEGREES	Outside vendor Calibration	Watson	YRTC	05/08/2001
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.	Notes:	Manufacturer:	Owner:	Calibration Date:
A-C0840	C0840	USCA-TX	2003 ACCELEROM ETER	CPK	G's		CPK	T.R.C. Inc.	11/10/1999
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.	Notes:	Manufacturer:	Owner:	Calibration Date:
SP- 10653798	10653798	PT101-0030-111-5110	STRING POT	CELESCO	INCHES	Calibrated with String pot guage blocks	CELESCO	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-H0601324	H0601324	PT101-0030-111-5110	STRING POT	CELESCO	INCHES	Calibrated with String pot guage blocks	CELESCO	T.R.C. Inc.	Per test

Sea SUV3,White Ford Explorer 2001

Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Last Calib. Date:
DAS-2030	955009	945009	Data acquistion system	LINK	analog/digital		Link Engineering	T.R.C. Inc.	16-Mar-01
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
5th-140.0027	140.0027	DRS6 Radar	A_DAT Radar 5th wheels	A_DAT	Feet/Meter's	Calibrated per measured mile records in file cabinet	A-DAT	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-30105282	30105282	LX-PA-20	STRING POT	UNIMEASURE	INCHES	Calibrated with String pot guage blocks	UNIMEASURE	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
A-167627	167627	141A	2 G Accelerometer	Setra	G's	B.U. 52 bldg 30 calibration	Setra	T.R.C. Inc.	06/27/2000
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
RTGY=158	158	108-033911	HP Gyro Rate Gyro's	PI Research Inc.	DEGREES	Outside vendor Calibration PI Reaseach Inc.	PI Research Inc.	T.R.C. Inc.	05/08/2001
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
A-C0839	C0839	USCA-TX	20G ACCELEROMETER	CFX	G's		CFX	T.R.C. Inc.	11/10/1999
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-A23706	A23706	PT101-0030-111-5110	STRING POT	CELESCO	INCHES	Calibrated with String pot guage blocks	CELESCO	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-10653800	10653800	PT101-0030-111-5110	STRING POT	CELESCO	INCHES	Calibrated with String pot guage blocks	CELESCO	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
RTGY=CO1153	CO1153	UCG-1	Rate Gyro	CFX	Degrees		CFX		05/08/2001

06/08/2001 FRI 15:00 [TX/RX NO 7518] 004

Sea SUV4, Chrokee

Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
DAS-2101	2101	2060	Data acquistion system	LINK	analog/digital		Link Engineering	T.R.C. Inc.	08/11/2000
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
5th-140.0082	140.0082	DRS6 Radar	A_DAT Radar 5th wheels	A_DAT	Feet/Meter's	Calibrated per measured mike records in file cabinet	A-DAT	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-30110494	30110494	LX-PA-20	STRING POT	UNIMEASURE	INCHES	Calibrated with String pot guage blocks	UNIMEASURE	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
A-118555	118555	141A	2 G Accelerometer	Setra	G's	B.U. 52 bldg 30 calibration	Setra	T.R.C. Inc.	06/27/2000
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
A-C0840	C0840	USCA-TX	20G ACCELEROMETER	CFX	G's		CFX	T.R.C. Inc.	11/10/1999
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-H0601324	H0601324	PT101-0030-111-5110	STRING POT	CELESCO	INCHES	Calibrated with String pot guage blocks	CELESCO	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
SP-10653798	10653798	PT101-0030-111-5110	STRING POT	CELESCO	INCHES	Calibrated with String pot guage blocks	CELESCO	T.R.C. Inc.	Per test
Gage ID:	Gage S/N:	Model No.:	Description:	Type:	Unit of Meas.:	Notes:	Manufacturer:	Owner:	Calibration Date:
RTGY=C01152	C01152	UCG-1	Rate Gyro	CFX	Degrees		CFX		05/08/2001

06/08/2001 FRI 15:00 [TX/RX NO 7518] 002

Attachment 6

VEHICLE TESTING

May, 2001

PURPOSE

VEHICLES

- 1996 Ford Explorer
  - OEM Firestone Tires
  - OEM Goodyear Tires
- 1996 Chevrolet Blazer
- 2000 Ford Explorer
- 2001 Jeep Cherokee

DYNAMIC TESTS

Tests Performed so far:

- Constant 200 ft. Radius
  - Understeer/Oversteer
- Step Steer
  - Response Gains, Response Times, Overshoots
- Sinusoidal Steering Sweep
  - Frequency Response

All testing in linear range of vehicle response.

Instrumentation

Instruments were used to measure the following:

- Vehicle speed
- Lateral Acceleration
- Yaw rate
- Roll angle
- Steering wheel angle

Understeer/Oversteer Gradient in (deg/g)

For a Constant Radius Test

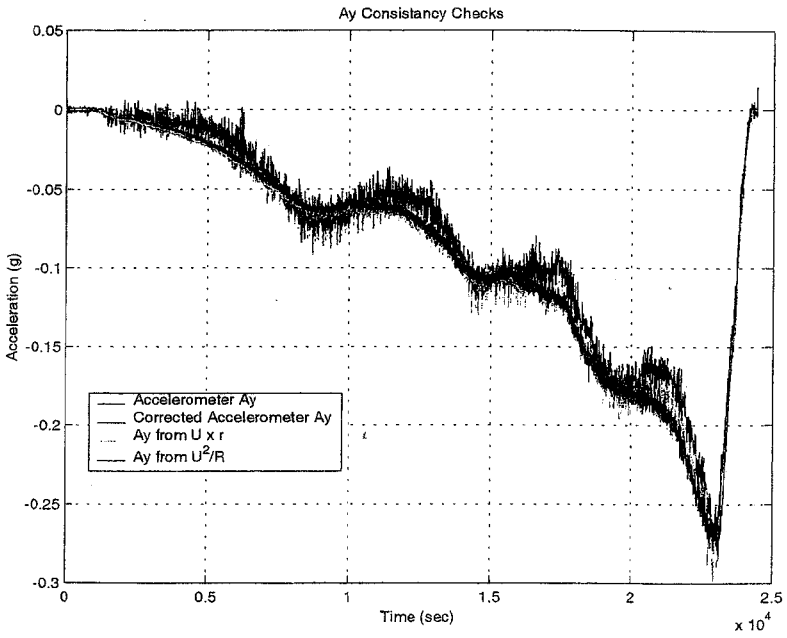
$$K = \frac{d\delta}{d(a/g)} \quad \text{(deg/g)}$$

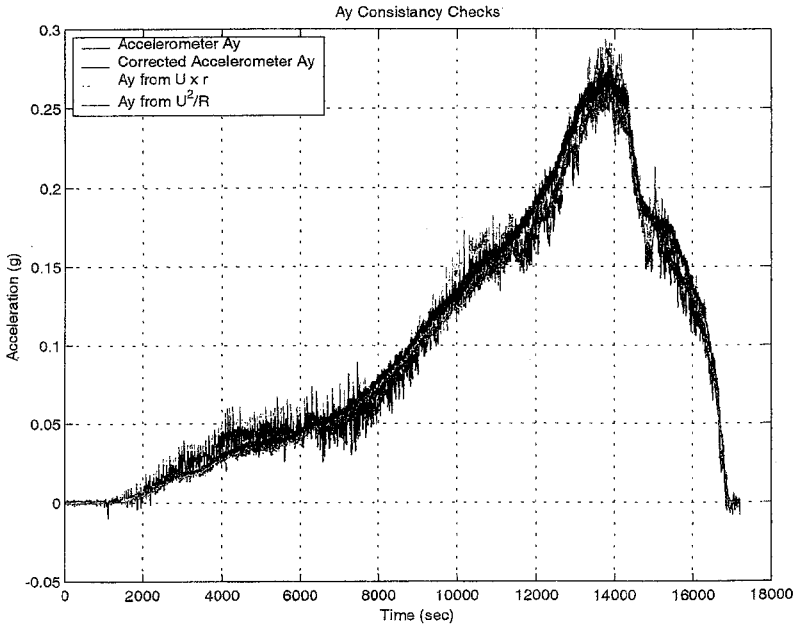
K : Understeer/Oversteer Gradient in (deg/g)

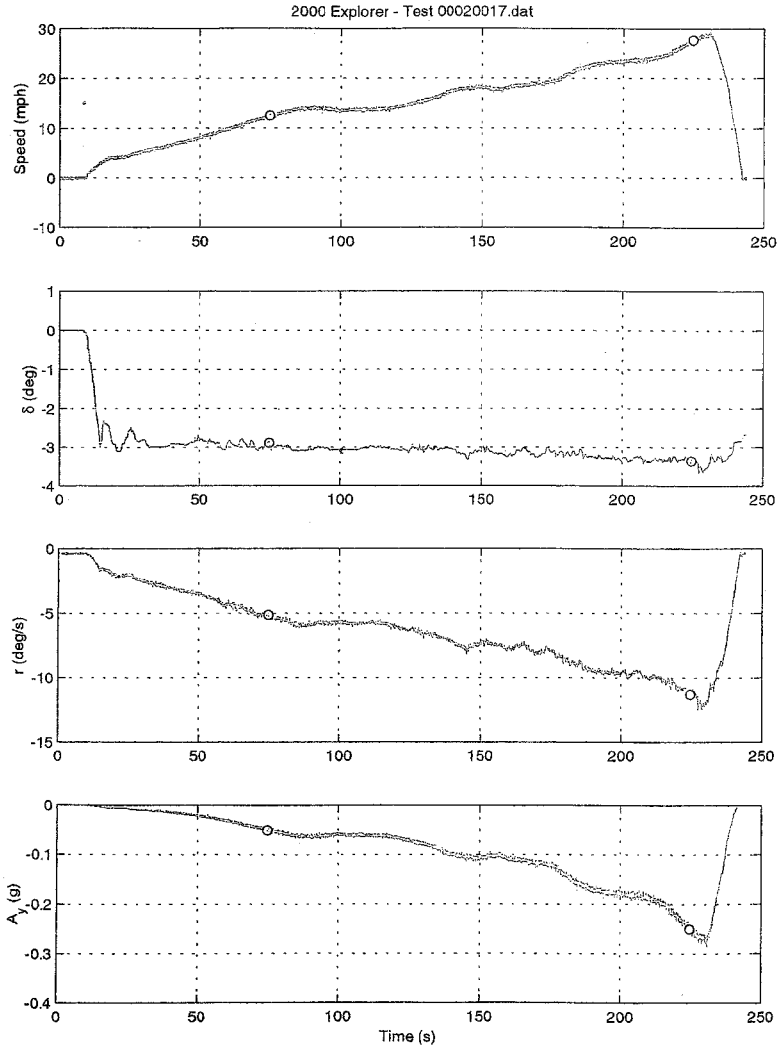
δ: Road Wheel Steer Angle
Handwheel Angle Divided by Steering Ratio

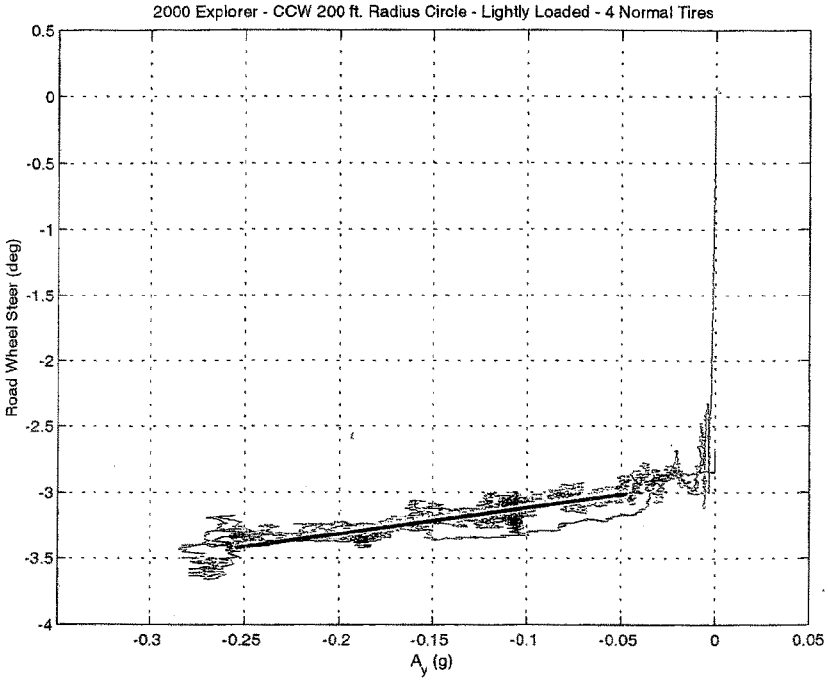
a: Lateral Acceleration

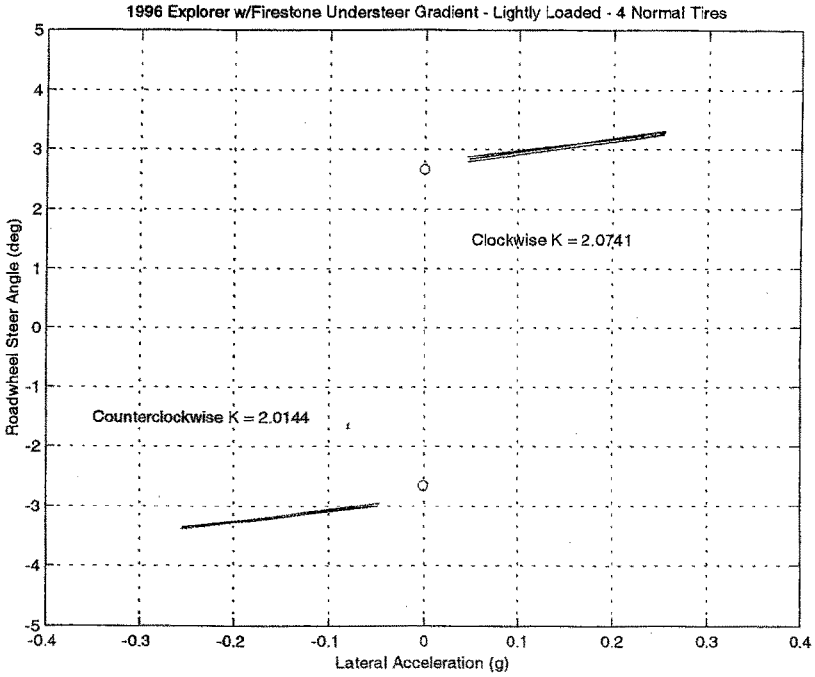
g: Gravitational Constant

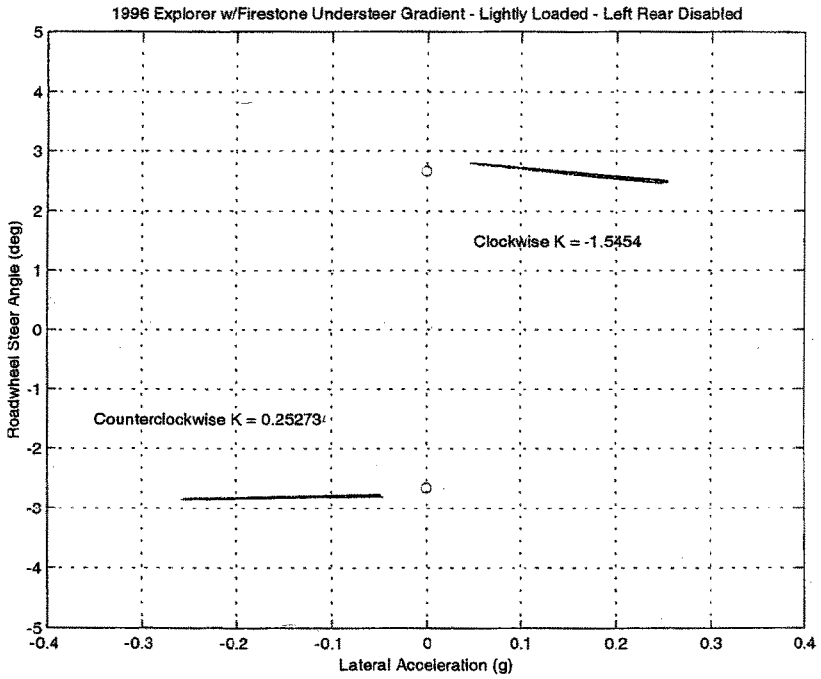

Ay Consistancy Checks
0.05
0
-0.05
-0.1
-0.15
-0.2
-0.25
-0.3
Acceleration (g)
0
0.5
1
1.5
2
2.5
Time (sec)
x 10^4
Accelerometer Ay
Corrected Accelerometer Ay
Ay from U x r
Ay from U^2/R

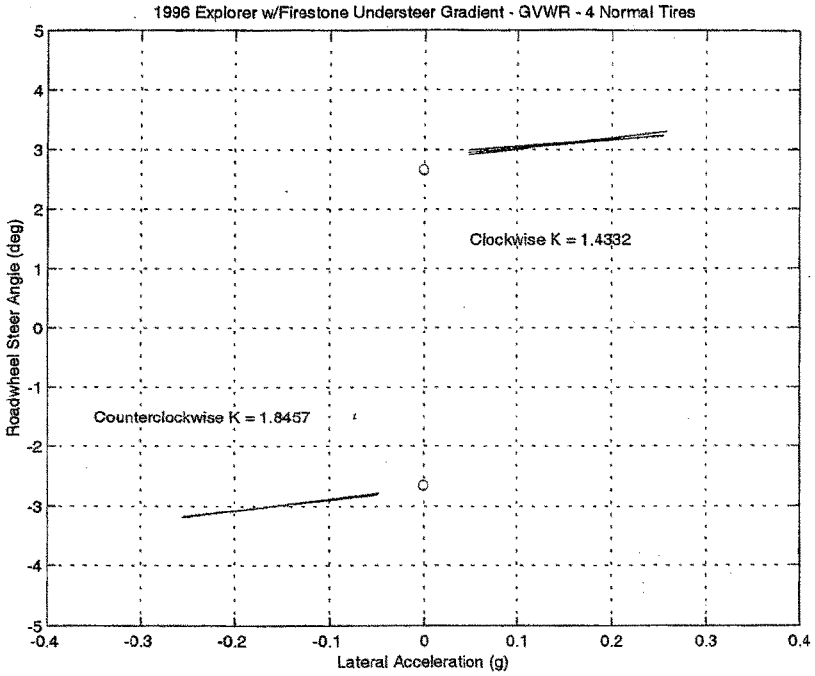

Ay Consistancy Checks
Accelerometer Ay
Corrected Accelerometer Ay
Ay from U x r
Ay from U²/R
Acceleration (g)
Time (sec)
0.3
0.25
0.2
0.15
0.1
0.05
0
-0.05
0
2000
4000
6000
8000
10000
12000
14000
16000
18000

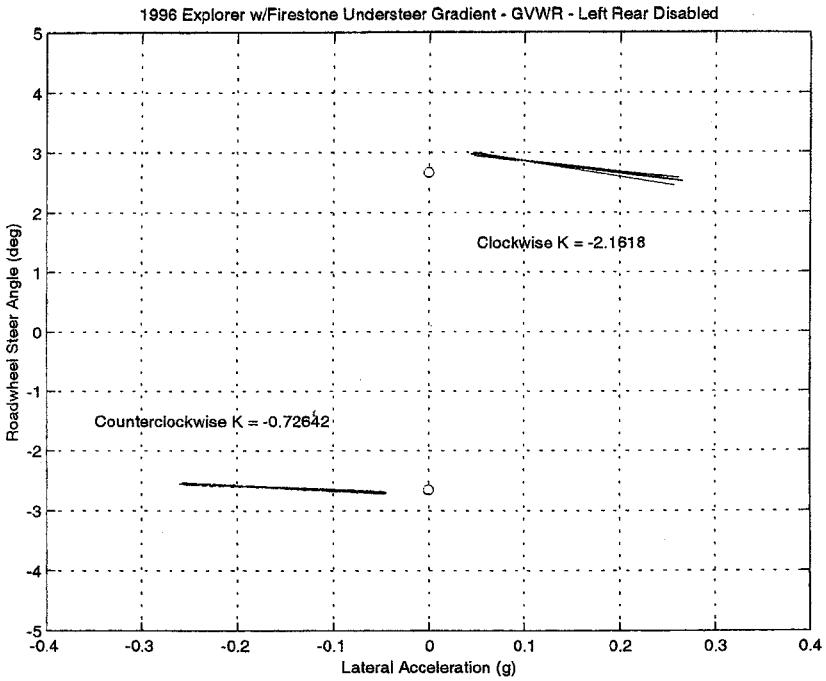

2000 Explorer - Test 00020017.dat
Speed (mph)
δ (deg)
r (deg/s)
A_y (g)
Time (s)

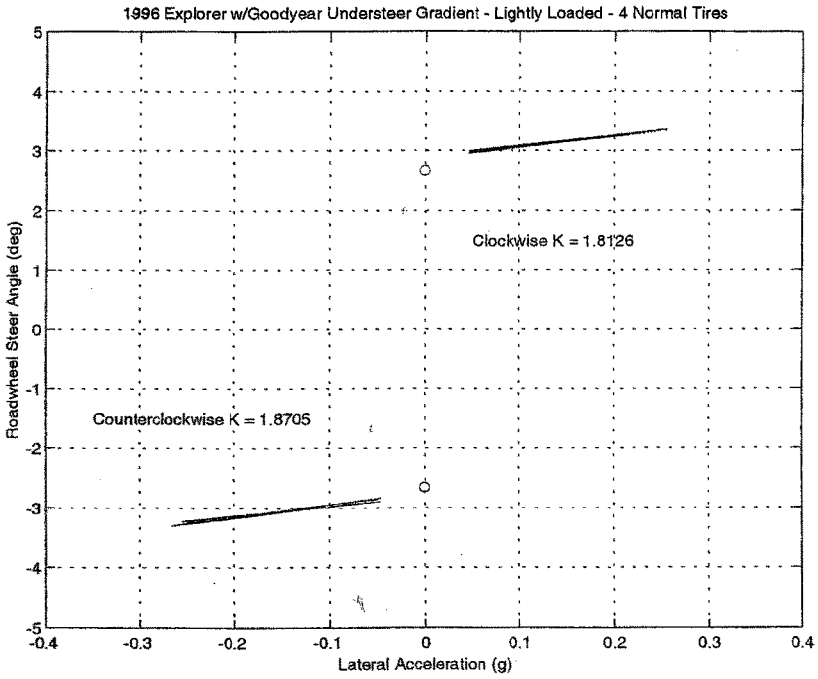

2000 Explorer - CCW 200 ft. Radius Circle - Lightly Loaded - 4 Normal Tires
Road Wheel Steer (deg)
0.5
0
-0.5
-1
-1.5
-2
-2.5
-3
-3.5
-4
-0.3
-0.25
-0.2
-0.15
-0.1
-0.05
0
0.05
A_y (g)

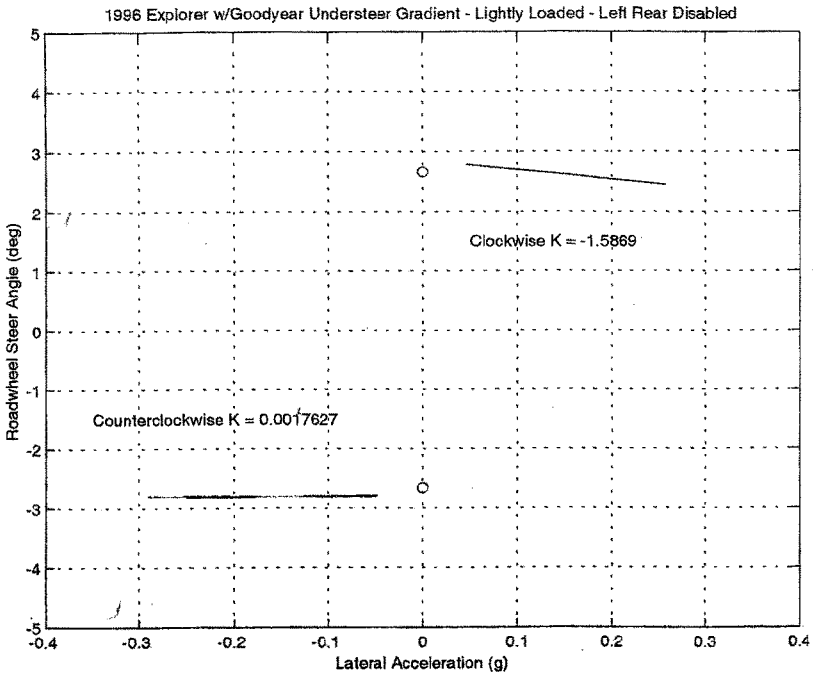

1996 Explorer w/Firestone Understeer Gradient - Lightly Loaded - 4 Normal Tires
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = 2.0741
Counterclockwise K = 2.0144
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

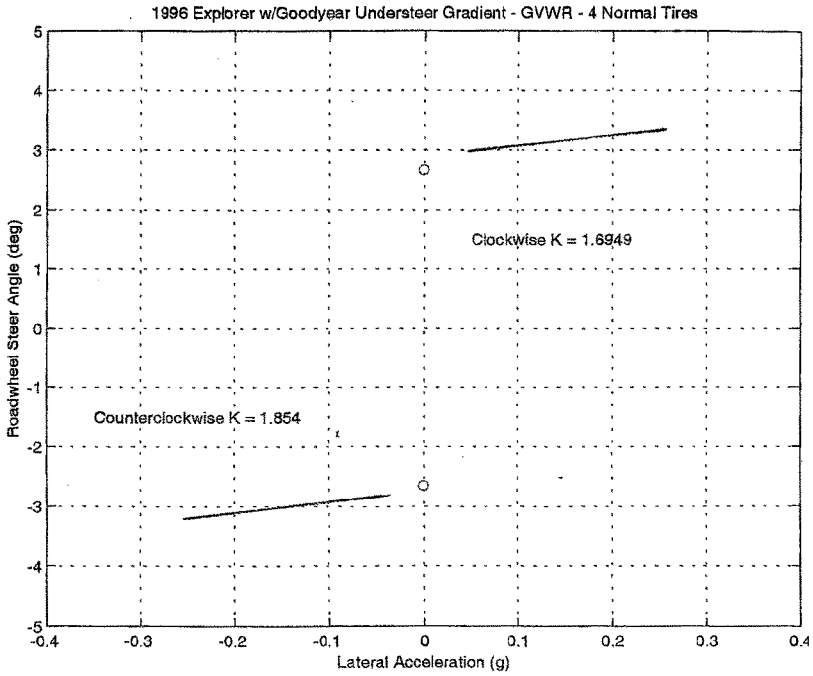

1996 Explorer w/Firestone Understeer Gradient - Lightly Loaded - Left Rear Disabled
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = -1.5454
Counterclockwise K = 0.25273
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

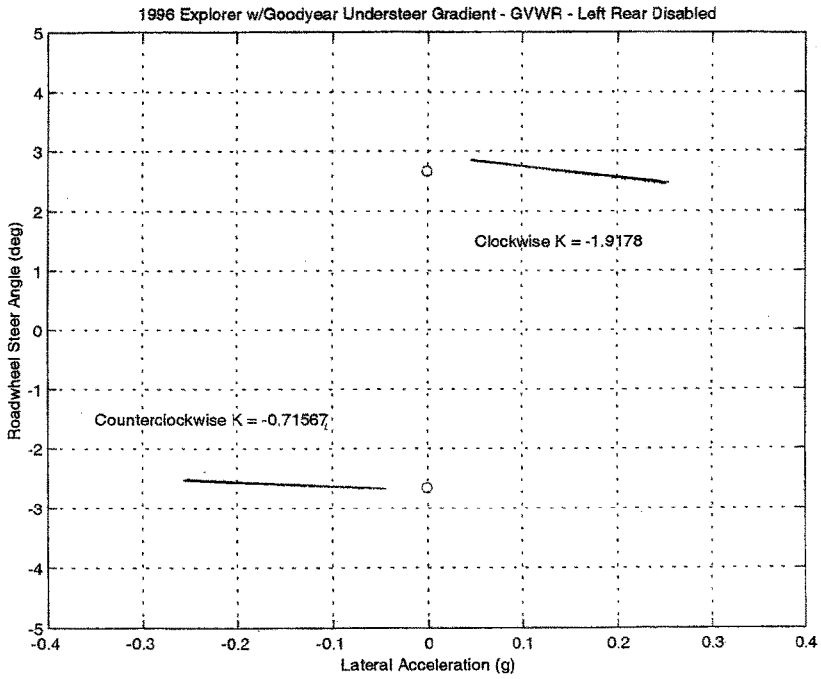

1996 Explorer w/Firestone Understeer Gradient - GVWR - 4 Normal Tires
Clockwise K = 1.4332
Counterclockwise K = 1.8457
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

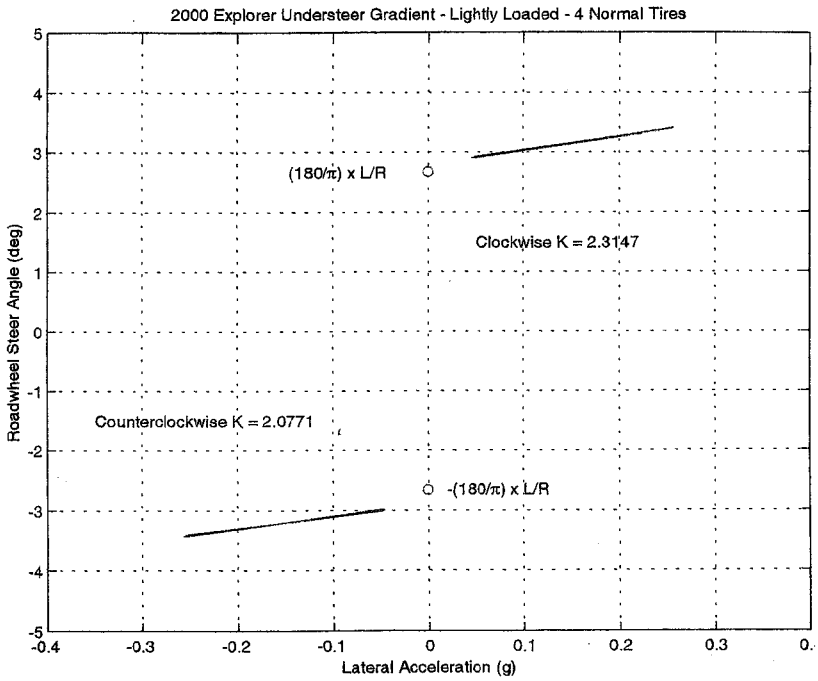

1996 Explorer w/Firestone Understeer Gradient - GVWR - Left Rear Disabled
Clockwise K = -2.1618
Counterclockwise K = -0.72642
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

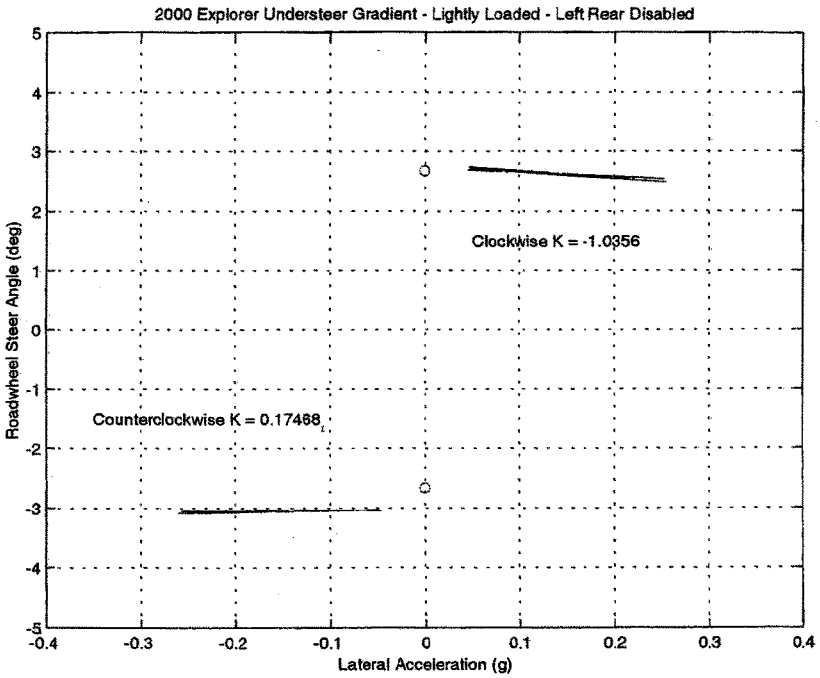

1996 Explorer w/Goodyear Understeer Gradient - Lightly Loaded - 4 Normal Tires
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = 1.8126
Counterclockwise K = 1.8705
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

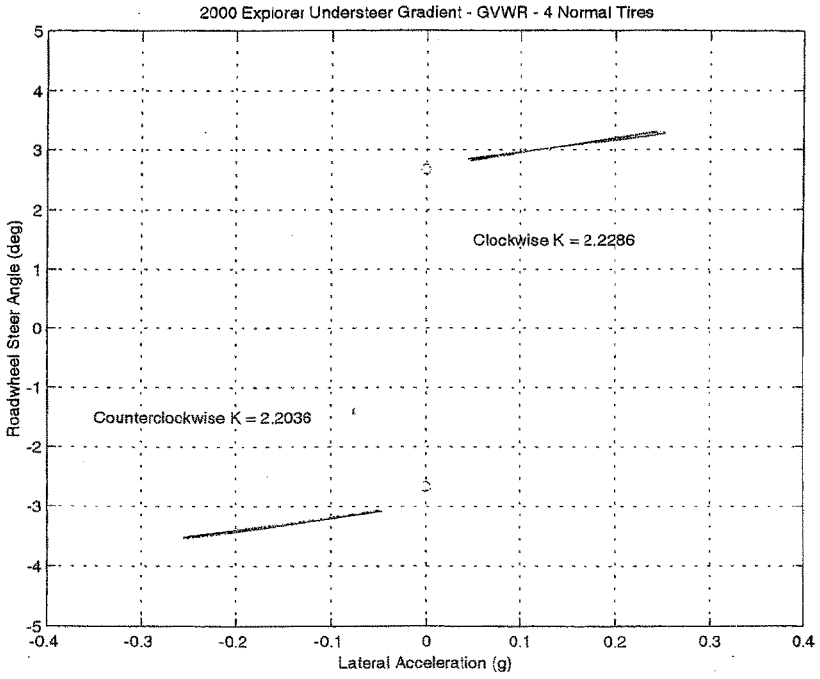

1996 Explorer w/Goodyear Understeer Gradient - Lightly Loaded - Left Rear Disabled
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = -1.5869
Counterclockwise K = 0.0017627
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

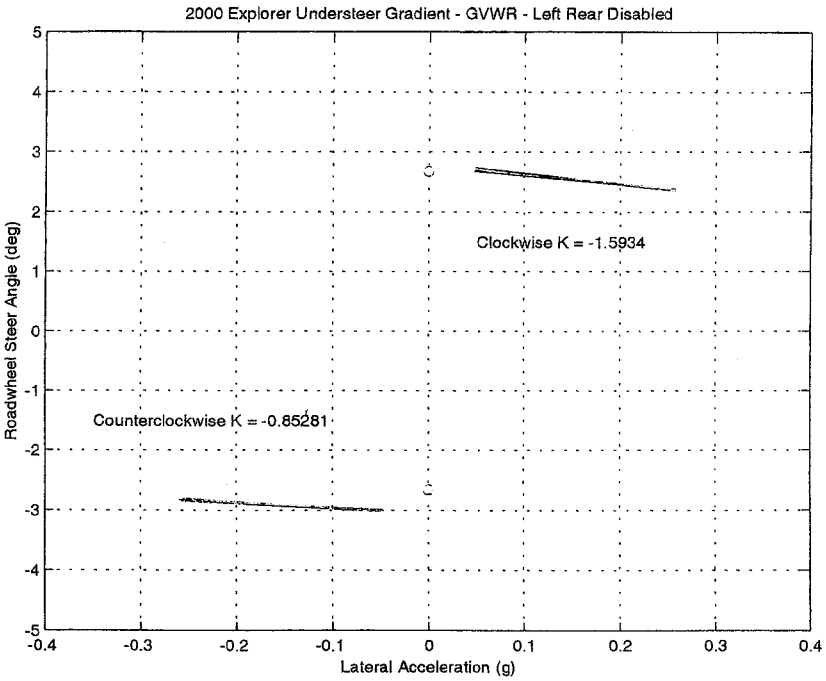

1996 Explorer w/Goodyear Understeer Gradient - GVWR - 4 Normal Tires
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = 1.6949
Counterclockwise K = 1.854
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

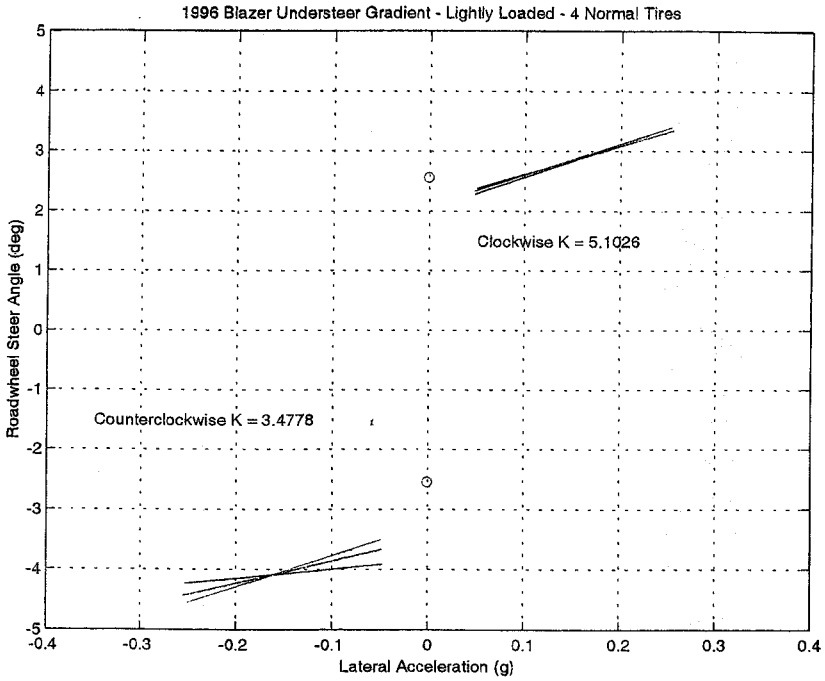

1996 Explorer w/Goodyear Understeer Gradient - GVWR - Left Rear Disabled
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = -1.9178
Counterclockwise K = -0.71567
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

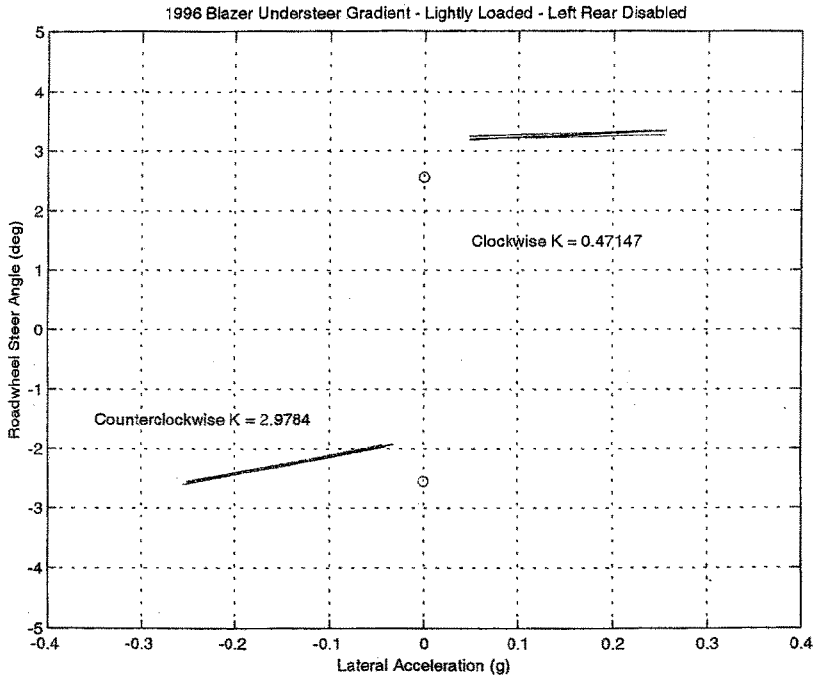

2000 Explorer Understeer Gradient - Lightly Loaded - 4 Normal Tires
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
(180/π) x L/R
Clockwise K = 2.3147
Counterclockwise K = 2.0771
-(180/π) x L/R
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3

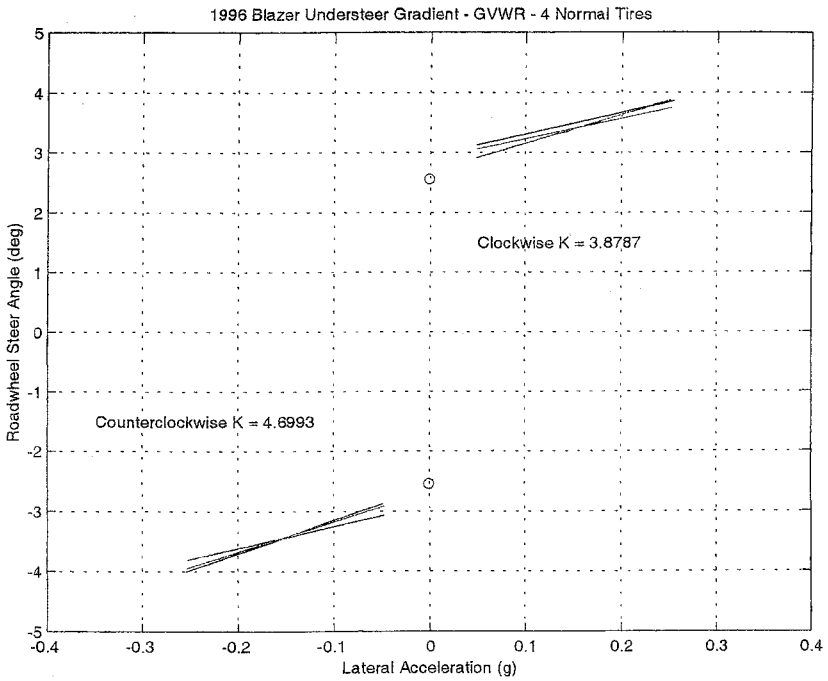

2000 Explorer Understeer Gradient - Lightly Loaded - Left Rear Disabled
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = -1.0356
Counterclockwise K = 0.17468
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4


2000 Explorer Understeer Gradient - GVWR - 4 Normal Tires
Clockwise K = 2.2286
Counterclockwise K = 2.2036
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4


2000 Explorer Understeer Gradient - GVWR - Left Rear Disabled
Clockwise K = -1.5934
Counterclockwise K = -0.85281
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4


1996 Blazer Understeer Gradient - Lightly Loaded - 4 Normal Tires
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = 5.1026
Counterclockwise K = 3.4778
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4


1996 Blazer Understeer Gradient - Lightly Loaded - Left Rear Disabled
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = 0.47147
Counterclockwise K = 2.9784
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4


1996 Blazer Understeer Gradient - GVWR - 4 Normal Tires
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = 3.8787
Counterclockwise K = 4.6993
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
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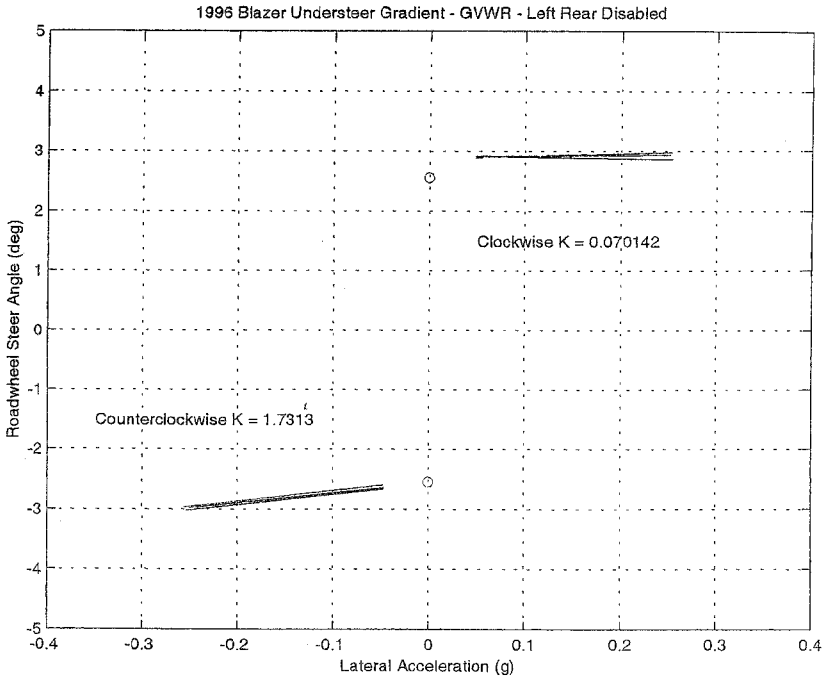
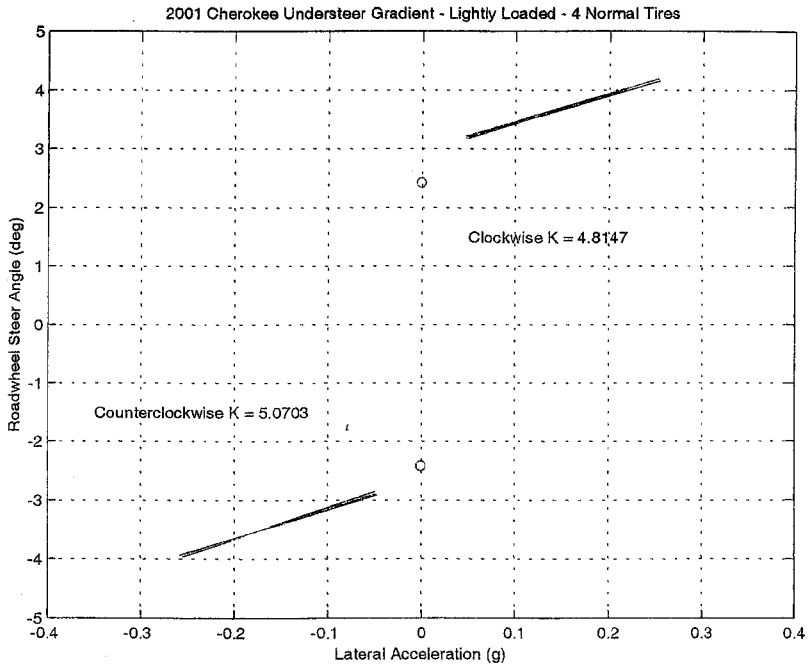
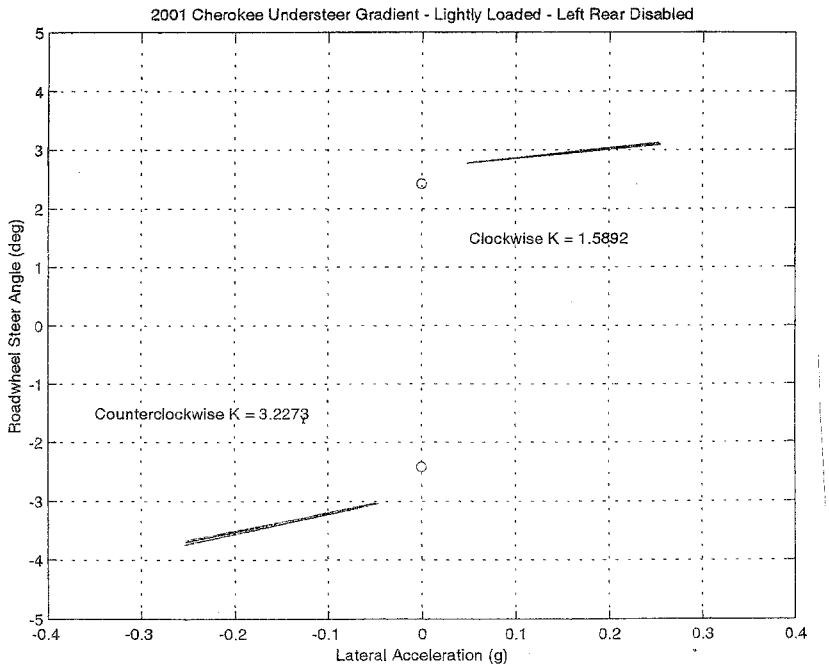
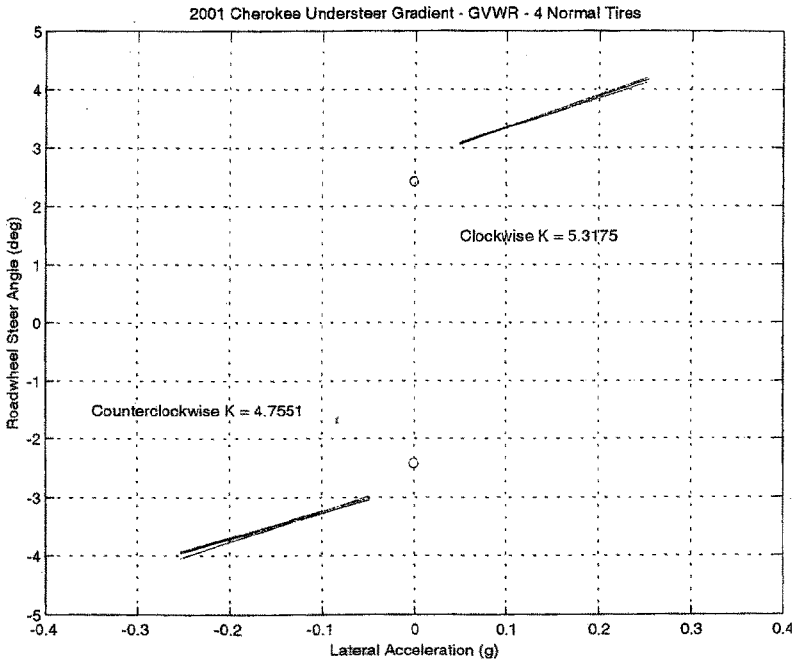
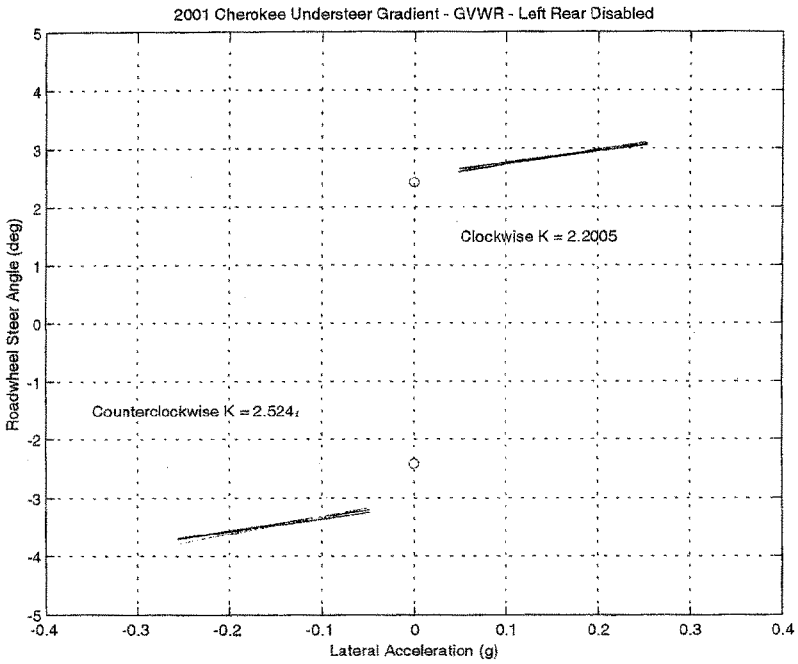
0
0.1
0.2
0.3
0.4


1996 Blazer Understeer Gradient - GVWR - Left Rear Disabled
Clockwise K = 0.070142
Counterclockwise K = 1.7313
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

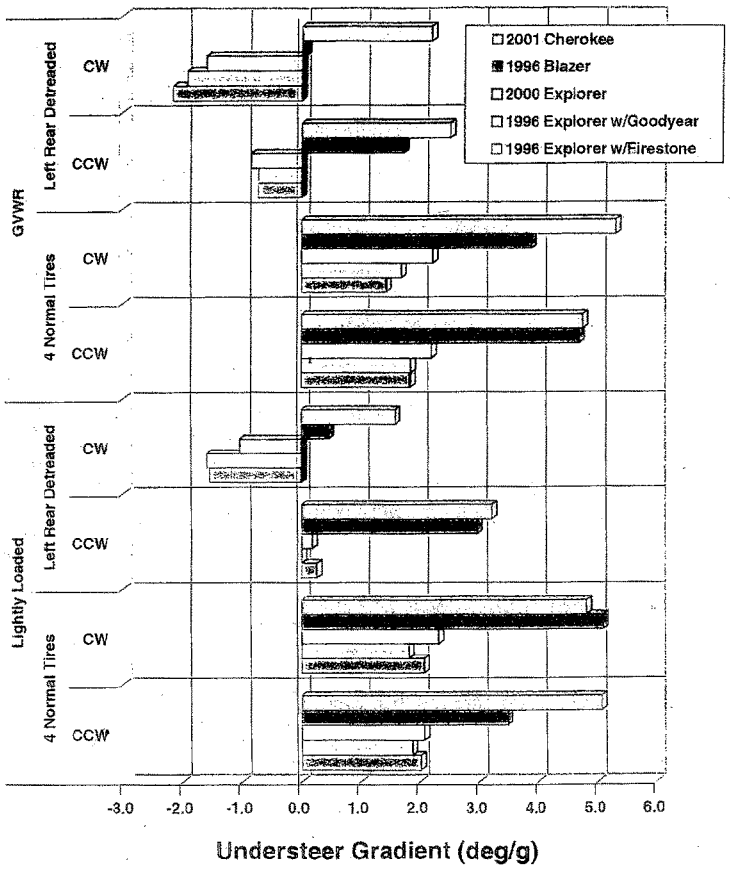

2001 Cherokee Understeer Gradient - Lightly Loaded - 4 Normal Tires
Clockwise K = 4.8147
Counterclockwise K = 5.0703
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4


2001 Cherokee Understeer Gradient - Lightly Loaded - Left Rear Disabled
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = 1.5892
Counterclockwise K = 3.2273
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4


2001 Cherokee Understeer Gradient - GVWR - 4 Normal Tires
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = 5.3175
Counterclockwise K = 4.7551
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4


2001 Cherokee Understeer Gradient - GVWR - Left Rear Disabled
Roadwheel Steer Angle (deg)
Lateral Acceleration (g)
Clockwise K = 2.2005
Counterclockwise K = 2.524
5
4
3
2
1
0
-1
-2
-3
-4
-5
-0.4
-0.3
-0.2
-0.1
0
0.1
0.2
0.3
0.4

Linear Range Understeer Gradients



Conclusions Of Ford's Analysis Of Explorer Controllability Following Tread Separation Are:

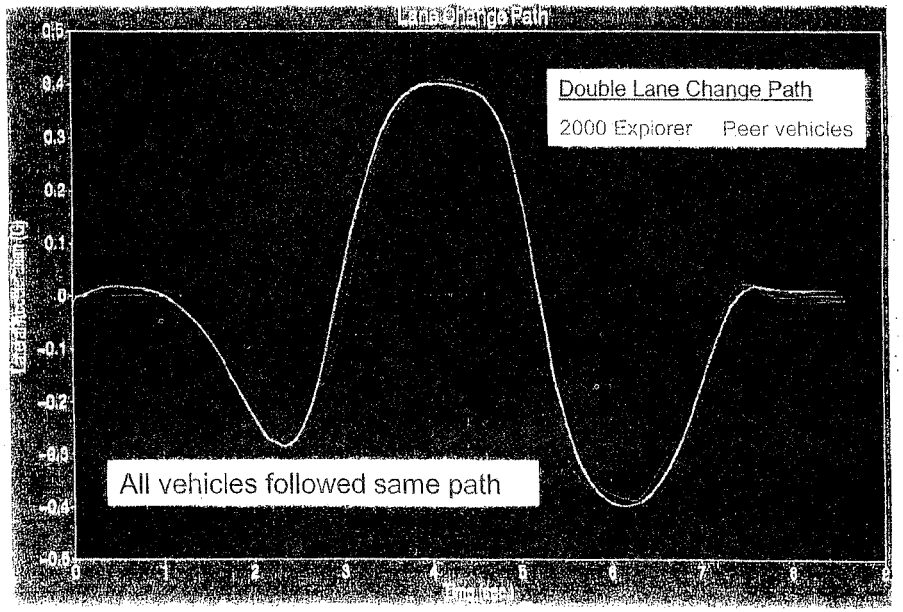
- Tire deterioration may cause noise and vibration before separation that can serve as a notice to slow down.
- Absent unique factors, an Explorer will not be forced out of control by vehicle factors before, at, or after tread separation.*
- Like all other vehicles, Explorer handling capacity and margin of safety are reduced by tire tread separation.
- The cause of the vehicle handling capacity loss is tire traction loss that cannot be compensated for in vehicle design with current technology.
- Like other SUV's Explorer handling capacity, even with a separated tire, is sufficient to allow a safe stop.

* Unlikely but possible events including interference with wheels and brake parts and including forces associated with partial separation have been discussed earlier in this presentation.

Results – After tread separation

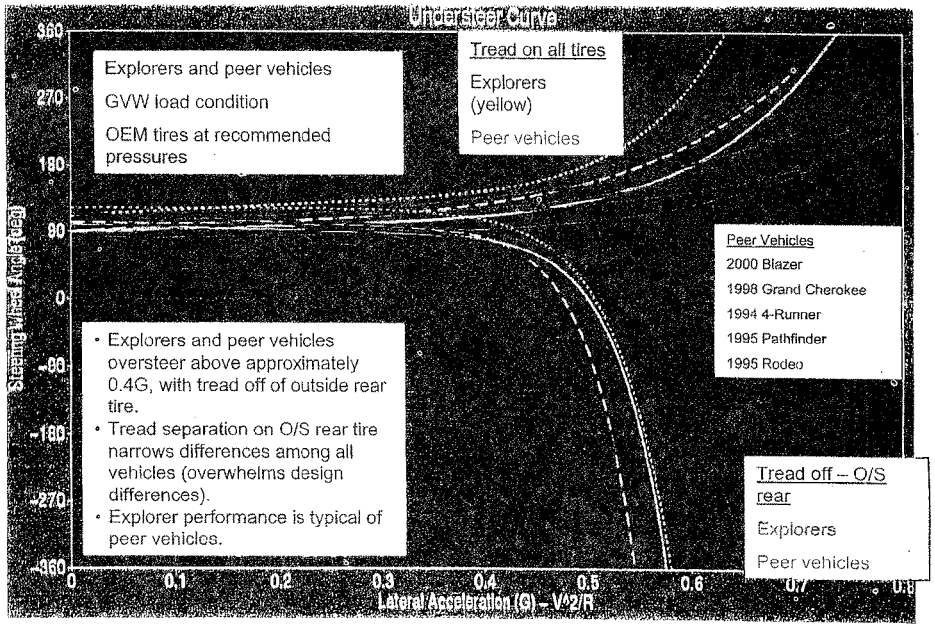
Full-Vehicle CAE – PCLLC

(all vehicles on Firestone Tires)



Results – Effect of tread separation

Explorers and Peer vehicles



Loss Of Control Following Tread Separation Occurs Because Of Basic Physical Principles

Based on case studies, the typical loss of control circumstances are:

- Extreme rotation in a yaw plane
- Yaw rotation in a final turn with separated tire on outside rear
- This common yaw pattern is seen for all vehicle types
  - Passenger cars and light trucks
  - Front wheel drive, rear wheel drive, and all wheel drive
  - Large size and weight, small size and weight
  - No differences among vehicles with various tire brands, type and sizes

The underlying cause of loss of control is that tire traction decreases so that forces and moments cannot be balanced for some steering demands. This fundamental cause overwhelms differences in design among vehicle classes or within vehicle classes. Explorers perform like all other vehicles.

Chart #10

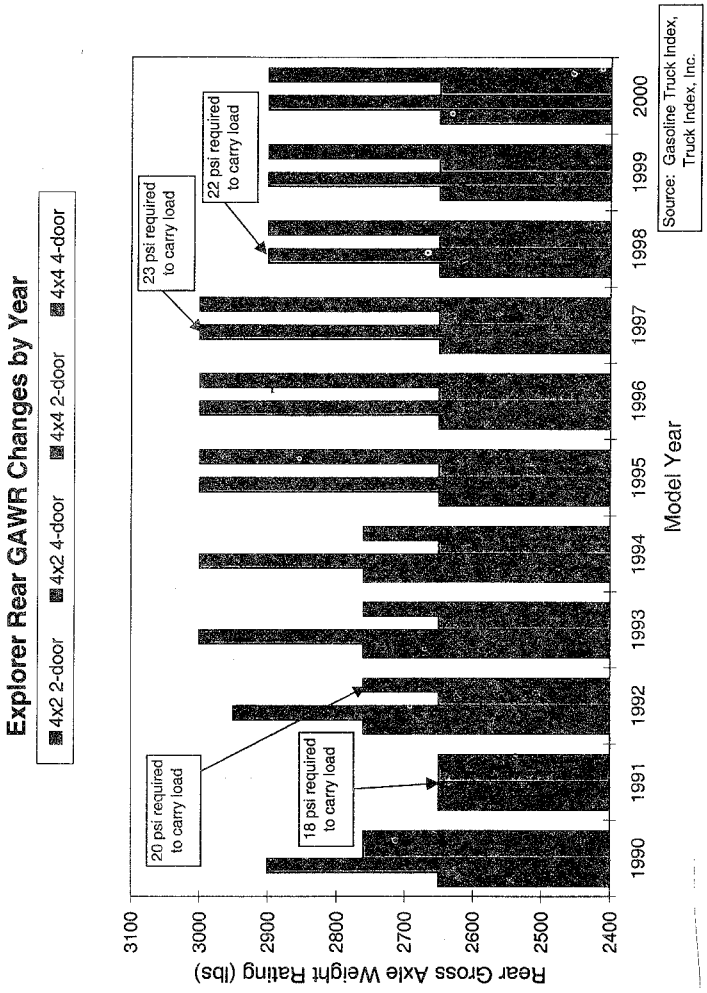

Explorer Rear GAWR Changes by Year
4x2 2-door
4x2 4-door
4x4 2-door
4x4 4-door
20 psi required to carry load
18 psi required to carry load
23 psi required to carry load
22 psi required to carry load
Rear Gross Axle Weight Rating (lbs)
3100
3000
2900
2800
2700
2600
2500
2400
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
Model Year
Source: Gasoline Truck Index, Truck Index, Inc.

Chart #11

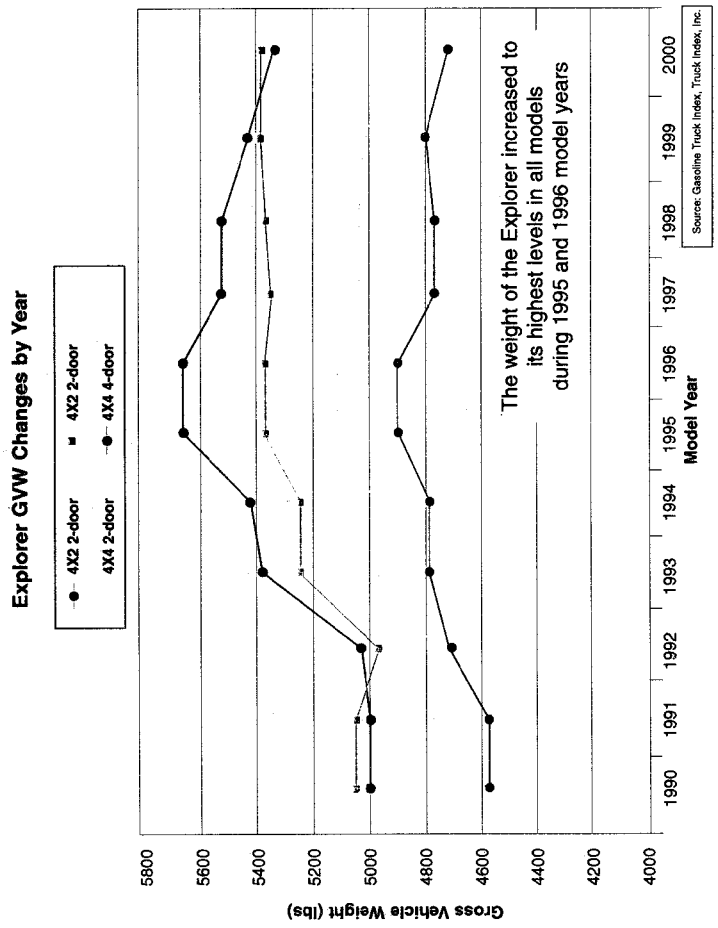

Explorer GVW Changes by Year
4X2 2-door
4X2 2-door
4X4 2-door
4X4 4-door
Gross Vehicle Weight (lbs)
5800
5600
5400
5200
5000
4800
4600
4400
4200
4000
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
Model Year
The weight of the Explorer increased to its highest levels in all models during 1995 and 1996 model years
Source: Gasoline Truck Index, Truck Index, Inc.

Chart #12

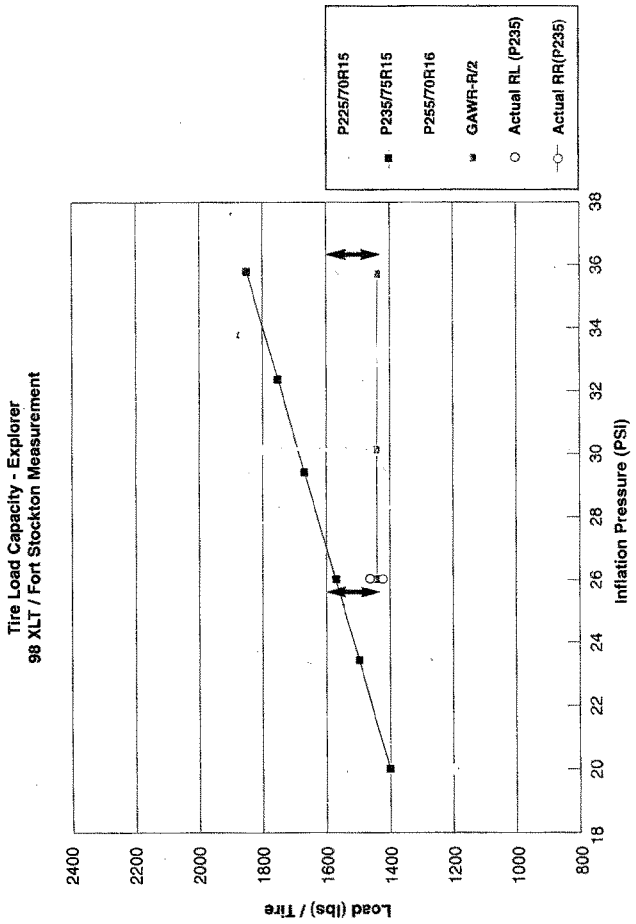

Tire Load Capacity - Explorer
98 XLT / Fort Stockton Measurement
P225/70R15
P235/75R15
P255/70R16
GAWR-R/2
Actual RL (P235)
Actual RR(P235)
Load (lbs) / Tire
Inflation Pressure (PSI)
2400
2200
2000
1800
1600
1400
1200
1000
800
18
20
22
24
26
28
30
32
34
36
38

Chart #13

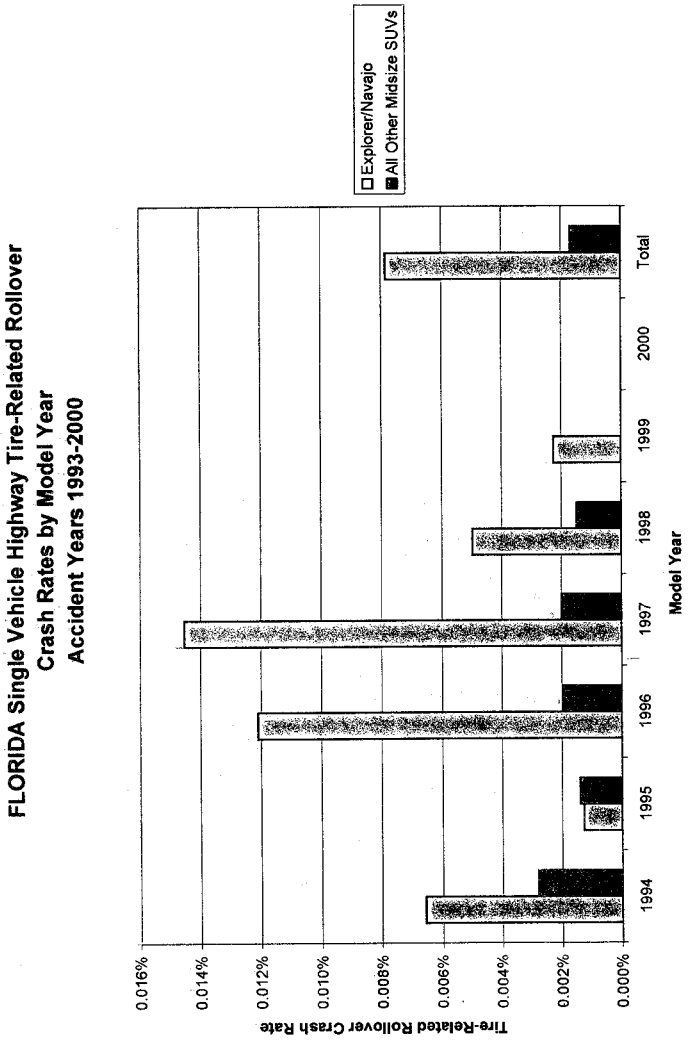

FLORIDA Single Vehicle Highway Tire-Related Rollover
Crash Rates by Model Year
Accident Years 1993-2000
Explorer/Navajo
All Other Midsize SUVs
Tire-Related Rollover Crash Rate
0.016%
0.014%
0.012%
0.010%
0.008%
0.006%
0.004%
0.002%
0.000%
1994
1995
1996
1997
1998
1999
2000
Total
Model Year

Chart #14

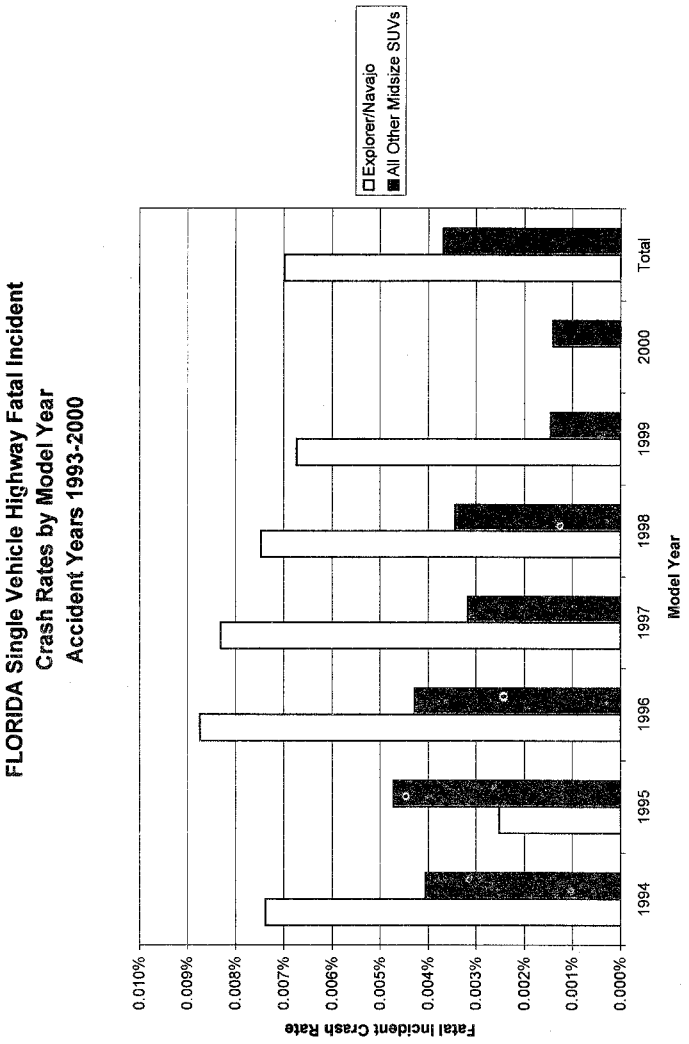
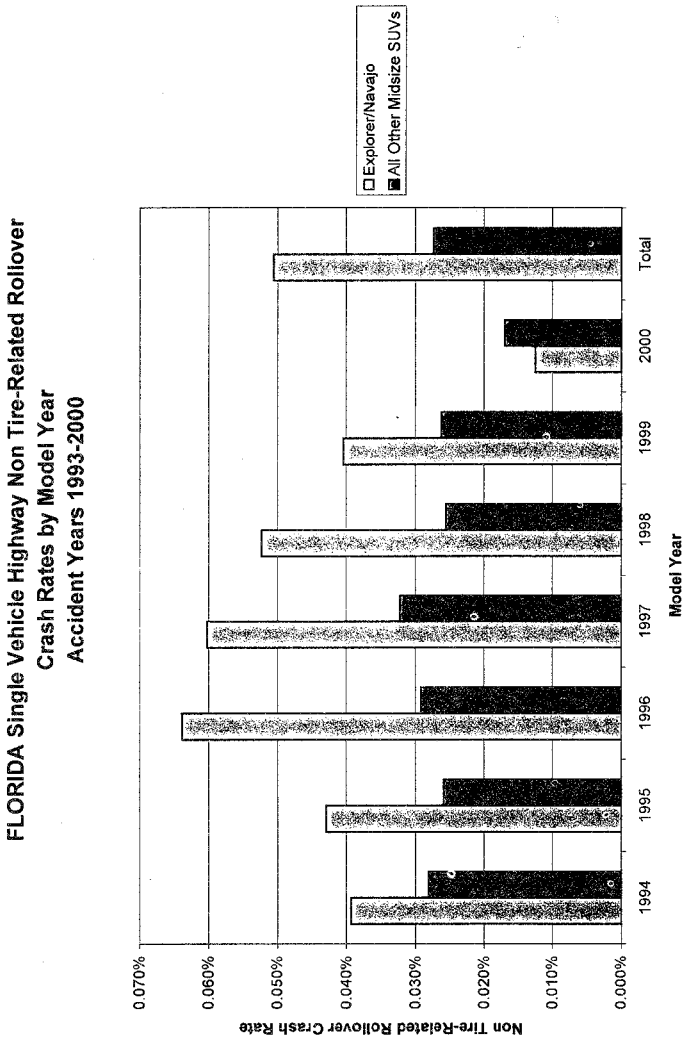

FLORIDA Single Vehicle Highway Fatal Incident
Crash Rates by Model Year
Accident Years 1993-2000
Explorer/Navajo
All Other Midsize SUVs
0.010%
0.009%
0.008%
0.007%
0.006%
0.005%
0.004%
0.003%
0.002%
0.001%
0.000%
Fatal Incident Crash Rate
1994
1995
1996
1997
1998
1999
2000
Total
Model Year

Chart #15


FLORIDA Single Vehicle Highway Non Tire-Related Rollover
Crash Rates by Model Year
Accident Years 1993-2000
Explorer/Navajo
All Other Midsize SUVs
Non Tire-Related Rollover Crash Rate
0.070%
0.060%
0.050%
0.040%
0.030%
0.020%
0.010%
0.000%
1994
1995
1996
1997
1998
1999
2000
Total
Model Year

238

Attachment 5

FLORIDA CRASH, ROLLOVER, AND FATAL ACCIDENT RATES BASED ON VEHICLE REGISTRATIONS

DOCUMENTATION

JUNE 11, 2001

FLORIDA DATABASE OVERVIEW

The analyses in this document are based on the Florida Traffic Crash Database. The Florida Traffic Crash Database contains information on motor vehicle crashes that occurred in the state of Florida in calendar years 1993-1999, and through the first three quarters of 2000. It is organised in seven relational databases containing information on the Event, Vehicle, Driver, Pedestrians, Violations, Passengers and D.O.T Site Location.

Only crashes that required police intervention or the provision of emergency services are present in the database, since official reports are only produced if these agencies are involved in the incident. All statistics presented refer only to the population of vehicles involved in the reported incidents, i.e. all statistics are conditional on being in the crash database.

To identify the specific vehicle make and model, a VIN decoder was used. The analyses presented here are based on VIN decoding of the database by Firestone. Firestone utilizes a POLK VIN decoder, a commercially available VIN decoder.

Of the 2,894,366 records in the Florida database that are vehicle type automobile, passenger van, or pickup/light truck (2 rear tires) [Type of Vehicle = 01, 02, or 03], 2,783,084 had 11-digit VIN numbers and were sent to be VIN decoded. Of these 2,783,084 records, 2.1 million records (2,088,901 specifically) were VIN decoded. Of the 111,282 that did not have 11-digit VINs, 20,299 records had between 7 and 10 digits. A minimum of 7 digits is required to identify make and model. Make and model cannot be identified for the other 90,983.

Among the 2,088,901 VIN decoded records, 177,705 are single vehicle crashes. Of these, 19,226 are sport utility vehicle (SUV) crashes and 10,989 are mid size sport utility crashes. Of the 10,989 mid-size SUV crashes on any road, 2,491 are single vehicle mid-size SUV highway crashes. Of these, 202 are tire-related (about 8 percent) and 2,289 (about 92 percent) are non-tire related single vehicle highway crashes.

The analysis presented here examines single-vehicle-highway crash and rollover rates for Ford Explorers, a specific set of SUVs, and other mid-size SUVs for accident years 1993-2000. This analysis is based on crashes that occurred in Florida for vehicles registered in Florida.

POLK REGISTRATION DATA

The vehicle registration numbers for Florida are based on POLK registration data by vehicle make and model by registration year (July 1 of that year) and vehicle-model year. These data were obtained from Firestone. Vehicle registrations are presented by vehicle-model year for the period 1993-2000. For example, a 1994 vehicle could be registered for up to 8 years over the 1993-2000 time period (due to lag between model year and calendar year). If a vehicle is registered in each of those registration years, the vehicle is counted 8 times.

For model year 1994-2000 vehicles registered between 1993 and 2000, the market share for:

- Ford Explorer/Mazda Navajos is 27%, and
- Other Mid-size SUVs is 73%.

COMPUTING CRASH AND ROLLOVER RATES

To ensure consistency between the Florida crash database and the Polk registration data for computing rates, the results presented in this document are based on single vehicle midsize SUV highway crashes and rollovers for the accident years 1993-2000 and vehicle-model years 1994-2000 for vehicles registered in the state of Florida only. Crashes that occurred in Florida for vehicles registered in other states are not included in this analysis because these vehicles are not counted in the Polk registration data for Florida.

FORMAT OF TABLES

Results are presented as follows:

- Table 1 presents single vehicle highway crashes;
- Table 2 presents single vehicle highway tire-related crashes;
- Table 3 presents single vehicle highway tire-related rollovers;
- Table 4 presents single vehicle highway non-tire related rollovers;
- Table 5 presents single vehicle highway crash fatalities;
- Table 6 presents single vehicle highway tire-related crash fatalities; and
- Table 7 presents registration by model year (based on Polk data).

Each table has three parts – counts (of crashes, rollovers, etc.), vehicle registrations, and rates (crash/registration, for example).

- **Counts.** The first part of each table shows the number of single vehicle midsize SUV highway crashes or rollovers (this varies by table) for 10 selected SUVs - Chevy Blazer, Jeep Cherokee, Ford Explorer, Mazda Navajo, Toyota 4Runner, Nissan Pathfinder, Isuzu Rodeo, Jeep Grand Cherokee, GMC Jimmy, and Isuzu Trooper. - for the accident years 1993-2000 and for model years 1994-2000 in Florida. A specific comparison between the Ford Explorer/ Mazda Navajo SUV and all other midsize SUVs is also provided.

- **Registrations.** The second part of each table shows the number of registered vehicles in Texas by vehicle-model year for 10 selected SUVs . A specific comparison between the Ford Explorer/Mazda Navajo and all other midsize SUVs is also provided.

- **Rates.** The third part shows the "rates" in Florida by vehicle-model year for the 10 selected SUVs. A specific comparison between the Ford Explorer/Mazda Navajo and all other midsize SUVs is also provided.

VARIABLE DEFINITIONS

- Type of Vehicle – type of vehicle is automobile, passenger van, or pickup/light truck [2 rear tires] (Type of Vehicle = 01, 02, or 03).
- Single Vehicle – number of vehicles involved in the crash is equal to 1 (Total Number of Vehicles).
- Highway – Crash occurred on an Interstate, US Highway, Turnpike/Toll (Road System Identifier = 01, 02, or 06)
- Vehicle Identification Number – 11-digit VIN used to identify information about a specific vehicle (e.g., make and model) after decoding.
- Vehicle Make – Digits 1, 2, and 3 from the VIN number identify vehicle manufacturer, make, and type (e.g., Ford Motor Company, Ford, passenger car).
- Vehicle Model – Digits 5, 6, and 7 from the VIN number identify vehicle line and body type (e.g., Taurus GL 4-door sedan).
- Explorer and Navajo – For the Explorer, make is Ford and model is Explorer (all types including XL, XLS, etc.). For the Navajo, make is Mazda and model is Navajo.
- Mid Size SUVs – all SUV makes and models identified in Appendix A for Florida except the Ford Explorer and the Mazda Navajo.
- Tire-related Incident – A tire-related incident is defined as tire puncture/blowout or worn/smooth tires (1st Vehicle Defect = 03 (worn/smooth tires) or 05 (puncture/blowout) OR 2nd Vehicle Defect = 03 or 05).
- Rollover – The first harmful event that took place in the crash is identified as overturned (1st Harmful Event = 31).
- Fatality Incident - The crash injury severity is identified as fatal injury (Crash Injury Severity = 5) or the injury severity of the driver is identified as fatal injury (Injury Severity (Driver) = 5).
- Vehicle Registration – The state of registration (USPS abbreviations for states in capital letters).

RESULTS

Table 1 shows single vehicle highway crash counts, registrations, and crash rates for 10 specific SUVs and also compares crash rates between the Ford Explorer/Navajo and all other midsize SUVs in Florida by model year. The focus of this discussion is on the rates at the bottom on the page.

- When compared one-on-one to other specific SUVs, the Ford Explorer is better than some and worse than some in terms of crash rates.
- When compared to mid-size SUVs as a group, the Ford Explorer/Navajo crash rates are particularly higher in model years 1996 and 1997.
- When compared to itself, the Ford Explorer crash rates are highest in model years 1996 and 1997.

Table 2 shows the single vehicle highway tire-related crash counts, registrations, and crash rates for 10 specific SUVs and also compares tire-related crash rates between the Ford Explorer/Navajo and all other midsize SUVs in Florida by model year. The focus of this discussion is on the rates at the bottom on the page.

- When compared one-on-one to other specific SUVs, the Ford Explorer tire-related crash rates are among the highest in almost every single model year.
- When compared to other mid-size SUVs as a group, the Ford Explorer/Navajo tire-related crash rates are far higher in model years 1996, 1997, and 1998.
- When compared to itself, the Ford Explorer tire-related crash rate is highest in model years 1996 and 1997.

Consistent with the vehicle test results, once a tire problem occurs, the 1996 and 1997 Ford Explorer performs worse than other mid-size SUVs as a group and worse than particular SUVs in one-on-one comparisons.

Table 3 shows the single vehicle highway tire-related rollover counts, registrations, and rollover rates for 10 specific SUVs and also compares tire-related rollover rates between the Ford Explorer/Navajo and all other midsize SUVs in Florida by model year. The focus of this discussion is on the rates at the bottom on the page.

- When compared one-on-one to other SUVs, the Ford Explorer is worse than each of the other SUVs (except the 4Runner in 1996) in terms of tire-related rollover rates in model years 1996 and 1997.

- When compared to other mid-size SUVs as a group, the Ford Explorer/Navajo tire-related rollover rates are far higher in model years 1996, 1997, and 1998.

- When compared to itself, the Ford Explorer tire-related crash rate is highest in model years 1996 and 1997.

Consistent with the vehicle test results, once a tire problem occurs, specific Ford Explorer model years (in this case, the 1996 and 1997 Ford Explorers) perform far worse than other mid-size SUVs as a group and in most one-on-one comparisons.

Table 4 shows the single vehicle highway non-tire related rollover counts, registrations, and rollover rates for 10 specific SUVs and also compares non-tire related rollover rates between the Ford Explorer/Navajo and all other midsize SUVs in Florida by model year. The focus of this discussion is on the rates at the bottom on the page.

- When compared one-on-one to other SUVs, the Ford Explorer is either the worst performer or among the worst in terms of rollover rates.

- When compared to other mid-size SUVs as a group, the Ford Explorer/Navajo non-tire related rollover rates are about twice as high in model years 1995, 1996, 1997, and 1998.

- When compared to itself, the Ford Explorer non- tire related rollover rate is highest in model years 1996 and 1997.

Hence, when a tire-related problem does not occur, the Ford Explorer is a worse performer than other midsize SUVs in terms of rollover rates.

Table 5 shows the single vehicle highway fatal accident counts, registrations, and fatal accident rates for 10 specific SUVs and also compares fatal accident rates between the Ford Explorer/Navajo and all other midsize SUVs in Florida by model year.

- When compared one-on-one to other SUVs, the Ford Explorer is better than some and worse than some in terms of fatal accident rates.

- When compared to other mid-size SUVs as a group, the Ford Explorer/Navajo fatal accident rates are more than twice as high in model years 1996, 1997, and 1998.

- When compared to itself, the Ford Explorer fatal accident rate is highest in model years 1994, 1996, and 1997.

Table 6 shows the single vehicle highway tire-related fatal accident counts, registrations, and fatal accident rates for 10 specific SUVs and also compares tire-related fatal accident rates between the Ford Explorer/Navajo and all other midsize SUVs in Florida by model year. The numbers are very small for this analysis.

- When compared one-on-one to other SUVs, the Ford Explorer is typically the worst performer in terms of tire-related fatal accident rates.
- When compared to other mid-size SUVs as a group, tire-related fatal accidents only occurred on Ford Explorers in 1996, 1997, and 1998.
- When compared to itself, the Ford Explorer fatal accident rate is highest in model years 1994, 1996, and 1997.

Table 7 presents the Polk registration data by vehicle model year. Among mid-size SUVs for model years 1994-2000, Ford Explorer/Mazda Navajos comprise about 27% of the market share.

Appendix A

MID-SIZE SUV REFERENCE LIST AND SUVS IDENTIFIED IN FLORIDA CRASH DATABASE (IF MIDSIZE LIST = 1)

THE Mid-Size SUV LIST

Make	Model	X if SUV is in Florida Crash database	X if SUV is in Texas Crash database	JD Power Market Segment	Gross Weight (Min)	Gross Weight (Max)	Midsize List
AM General	Hummer H3			Midsize	NA	NA	
Buick	Rendezvous			Midsize	NA	NA	
Chevrolet	Blazer	X	X	Midsize	4450	5300	1
Chevrolet	S-10 Blazer	X	X	Midsize	4350	5100	1
Chevrolet	Trailblazer			Midsize	NA	NA	
Chrysler	Citadel			Midsize	NA	NA	
Dodge	Durango	X		Midsize	6050	6400	
Ford	CrossTrainer Wagon			Midsize	NA	NA	
Ford	Explorer	X	X	Midsize	4760	5560	1
Ford	Ranger SUV			Midsize	4420	5120	1
GMC	Envoy			Midsize	NA	NA	
GMC	Jimmy	X	X	Midsize	4450	5300	1
GMC	Jimmy Sonoma	X	X	Midsize	4450	5300	1
GMC	Jimmy/Envoy	X		Midsize	4450	5300	1
Honda	MAV			Midsize	NA	NA	
Honda	Passport	X	X	Midsize	3958	3958	1
Isuzu	Axiom			Midsize	3920	4180	1
Isuzu	Rodeo	X	X	Midsize	4550	4900	1
Isuzu	Rodeo/Rodeo Sport	X		Midsize	4550	4700	1
Isuzu	Trooper	X	X	Midsize	5350	5550	1
Isuzu	Trooper II	X	X	Midsize	5510	5510	1
Isuzu	VehiCROSS	X		Midsize	4852	4852	1
Jeep	Grand Cherokee	X	X	Midsize	4950	5600	1
Land Rover	Discovery	X	X	Midsize	4465	4576	1
Mazda	Navajo	X	X	Midsize	3785	4184	1
Mazda	Nextourer			Midsize	NA	NA	
Mercury	Mountaineer	X	X	Midsize	4780	5560	1
Mitsubishi	Montero	X	X	Midsize	5732	5732	1
Mitsubishi	Montero Sport	X	X	Midsize	4730	5000	1
Nissan	Pathfinder	X	X	Midsize	3980	4075	1
Oldsmobile	Bravada	X	X	Midsize	4049	5300	1
Subaru	Lambda SUV			Midsize	NA	NA	
Toyota	4-Runner	X	X	Midsize	5250	5400	1
Toyota	Highlander			Midsize	4982	4982	1
Volkswagen	SUV			Midsize	NA	NA	
Acura	MDX			Luxury	5690	5690	1
Acura	SLX	X	X	Luxury	4315	4315	1
AM General	Hummer			Luxury	NA	NA	
BMW	X3			Luxury	NA	NA	
BMW	X5	X		Luxury	4795	4795	1
BMW	X7			Luxury	NA	NA	
Cadillac	Crossover			Luxury	NA	NA	

Cadillac	Escalade	X			Luxury	5572	5572	
Cadillac	LAV				Luxury	NA	NA	
Infiniti	Crossover				Luxury	NA	NA	
Infiniti	Fullsize SUV				Luxury	NA	NA	
Infiniti	QX4	X		X	Luxury	4275	4275	1
Land Rover	DiscoverySeriesII	X		X	Luxury	4576	4630	1
Land Rover	Range Rover	X		X	Luxury	4828	4828	1
Lexus	LX 450	X		X	Luxury	4751	4751	1
Lexus	LX 470	X			Luxury	5401	5401	
Lexus	RX300	X			Luxury	3789	3925	
Lincoln	Compact SUV				Luxury	NA	NA	
Lincoln	LAV				Luxury	NA	NA	
Lincoln	Navigator	X			Luxury	6750	7200	
Mercedes Benz	Crossover SUV				Luxury	NA	NA	
Mercedes Benz	M-Class				Luxury	NA	NA	
Mercedes Benz	ML-Class (ML320)	X			Luxury	NA	NA	
Mercedes Benz	MLG				Luxury	NA	NA	
Porsche	Cayenne				Luxury	NA	NA	
Saab	SUV				Luxury	NA	NA	
Toyota	LandCruiser	X		X	Luxury	6470	6860	
Volvo	SUV				Luxury	NA	NA	
AM General	Hummer H2				Fullsize	6964	6964	
Chevrolet	Suburban	X		X	Fullsize	6800	8600	
Chevrolet	Tahoe	X		X	Fullsize	6100	6800	
Ford	Bronco	X		X	Fullsize	6000	6450	
Ford	Excursion	X			Fullsize	8800	9200	
Ford	Expedition	X		X	Fullsize	6700	7200	
GMC	Denali	X			Fullsize	5583	5583	
GMC	Suburban	X		X	Fullsize	6800	8600	
GMC	Typhoon	X			Fullsize	4700	4700	1
GMC	Yukon	X		X	Fullsize	6800	6800	
GMC	Yukon Denali	X		X	Fullsize	6800	6800	
GMC	Yukon XL	X		X	Fullsize	6800	6800	
GMC	Yukon XL Denali	X		X	Fullsize	6800	6800	
Nissan	Fullsize SUV				Fullsize	NA	NA	
Toyota	Sequoia				Fullsize	6500	6600	
Chevrolet	Tracker	X			Entry	3080	3924	
Chevrolet	Traverse				Entry	NA	NA	
Chrysler	Korando				Entry	NA	NA	
Chrysler	Musso				Entry	NA	NA	
Ford	Escape				Entry	4100	4570	1
Geo	Tracker	X		X	Entry	2189	2189	
Honda	CR-V			X	Entry	3164	3164	
Hyundai	Santa Fe				Entry	4950	5240	
Isuzu	Amigo	X		X	Entry	4100	4500	1
Jeep	Cherokee	X		X	Entry	4550	4900	1
Jeep	Liberty				Entry	NA	NA	
Jeep	Varsity				Entry	NA	NA	

Jeep	Wrangler	X	X	Entry	4300	4450	1
Kia	Sportage	X	X	Entry	4296	5896	1
Land Rover	Defender	X	X	Entry	3600	3600	
Land Rover	Freelander			Entry	NA	NA	
Mazda	Tribute			Entry	NA	NA	
Mitsubishi	Dingo			Entry	NA	NA	
Nissan	Crossover			Entry	NA	NA	
Nissan	Xterra	X		Entry	3504	3858	
Pontiac	Aztek			Entry	NA	NA	
Saturn	VUE			Entry	NA	NA	
Subaru	Forester	X		Entry	3125	3125	
Suzuki	Grand Vitara	X		Entry	3375	3500	
Suzuki	Samurai	X	X	Entry	2870	2932	
Suzuki	Sidekick	X	X	Entry	3086	3682	
Suzuki	Vitara	X		Entry	2875	3375	
Suzuki	X90	X	X	Entry	2734	2954	
Suzuki	XL7			Entry	NA	NA	
Toyota	Rav4	X	X	Entry	3550	3948	

Table 1
Florida-Midsize SUVs, Single Vehicle Highway Crashes (Accident Years 1993-2000)

	Single Vehicle Highway Crashes for Florida-Registered Vehicles (By Model Year)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	20	26	12	12	14	7	7	98
Cherokee	27	17	27	7	3	7	0	88
Explorer	86	57	181	105	70	29	6	534
Navajo	2	0	0	0	0	0	0	2
4Runner	22	19	29	45	19	11	1	146
Pathfinder	17	24	12	11	4	5	0	73
Rodeo	18	20	10	11	10	4	1	74
Grand Cherokee	26	20	19	17	8	3	3	96
GMC Jimmy	8	13	16	7	5	2	1	52
Isuzu Trooper	9	0	1	1	1	1	0	13
Explorer/Navajo	88	57	181	105	70	29	6	536
All Other Midsize SUVS	169	170	137	154	89	54	16	789

	Number of Registered Vehicles between 1993-2000 for Selected SUVs (by Model Year) - Polk Data							
Florida	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	45,220	48,110	42,170	25,742	28,782	15,844	13,172	219,040
Cherokee	56,865	48,534	45,487	12,178	17,970	11,900	4,465	197,399
Explorer	118,931	79,099	148,734	96,313	80,292	44,514	16,036	583,919
Navajo	3,022	-	-	-	-	-	-	3,022
4Runner	27,803	36,826	25,558	37,401	26,427	17,300	6,970	178,285
Pathfinder	21,169	32,553	14,520	15,605	11,027	8,620	2,987	106,481
Rodeo	30,336	45,955	18,264	19,101	17,919	13,529	3,161	148,265
Grand Cherokee	68,092	64,534	63,585	51,673	35,546	23,276	14,954	321,660
GMC Jimmy	18,351	21,908	17,965	12,759	9,440	5,297	4,707	90,427
Isuzu Trooper	10,752	7,642	5,616	1,679	2,567	1,865	470	30,591

	Number of Registered Vehicles between 1993-2000 for Explorer/Navajos and other Midsize SUVs (by Model Year) - Polk Data							
Explorer/Navajo	121,953	79,099	148,734	96,313	80,292	44,514	16,036	586,941
All Other Midsize SUVs	320,022	359,719	256,924	250,972	203,631	137,520	70,966	1,599,754
Total	441,975	438,818	405,658	347,285	283,923	182,034	87,002	2,186,695

	Crash Rates in Florida by Vehicle Type & Model Year (#Crashes/#Registered)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	0.04%	0.05%	0.03%	0.05%	0.05%	0.04%	0.05%	0.04%
Cherokee	0.05%	0.04%	0.06%	0.06%	0.02%	0.06%	0.00%	0.04%
Explorer	0.07%	0.07%	0.12%	0.11%	0.09%	0.07%	0.04%	0.09%
Navajo	0.07%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.07%
4Runner	0.08%	0.05%	0.11%	0.12%	0.07%	0.06%	0.01%	0.08%
Pathfinder	0.08%	0.07%	0.08%	0.07%	0.04%	0.06%	0.00%	0.07%
Rodeo	0.06%	0.04%	0.05%	0.06%	0.06%	0.03%	0.03%	0.05%
Grand Cherokee	0.04%	0.03%	0.03%	0.03%	0.02%	0.01%	0.02%	0.03%
GMC Jimmy	0.04%	0.06%	0.09%	0.05%	0.05%	0.04%	0.02%	0.06%
Isuzu Trooper	0.08%	0.00%	0.02%	0.06%	0.04%	0.05%	0.00%	0.04%
Explorer/Navajo	0.07%	0.07%	0.12%	0.11%	0.09%	0.07%	0.04%	0.09%
All Other Midsize SUVs	0.05%	0.05%	0.05%	0.06%	0.04%	0.04%	0.02%	0.05%

Table 2
Florida - Midsize SUVs, Single Vehicle Highway, Tire Related Crashes
(Accident Years 1993 - 2000)

	Single Vehicle Highway Tire Related Crashes for Florida-Registered Vehicles (By Model Year)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	1	0	1	0	0	0	1	3
Cherokee	2	0	0	0	0	0	0	2
Explorer	11	2	20	16	5	1	0	55
Navajo	0	0	0	0	0	0	0	0
4Runner	4	1	4	1	0	0	0	10
Pathfinder	5	1	0	3	0	0	0	9
Rodeo	2	0	0	0	2	0	0	4
Grand Cherokee	0	0	0	3	0	1	0	4
GMC Jimmy	0	2	1	0	0	0	0	3
Isuzu Trooper	0	0	0	0	0	0	0	0
Explorer/Navajo	11	2	20	16	5	1	0	55
All Other Midsize SUVs	15	7	7	8	3	2	1	43

	Number of Registered Vehicles between 1993-2000 for Selected SUVs (by Model Year) - Polk Data							
Florida	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	45,220	48,110	42,170	25,742	28,782	15,844	13,172	219,040
Cherokee	56,365	48,534	45,487	12,178	17,970	11,900	4,465	197,399
Explorer	118,931	79,099	148,734	96,313	80,292	44,514	16,036	583,919
Navajo	3,022	-	-	-	-	-	-	3,022
4Runner	27,803	36,826	25,558	37,401	26,427	17,300	6,970	178,285
Pathfinder	21,169	32,553	14,520	15,605	11,027	8,620	2,987	106,481
Rodeo	30,336	45,955	18,264	19,101	17,919	13,529	3,161	148,265
Grand Cherokee	68,092	64,534	63,585	51,673	35,546	23,276	14,954	321,660
GMC Jimmy	18,351	21,908	17,965	12,759	9,440	5,297	4,707	90,427
Isuzu Trooper	10,752	7,642	5,616	1,679	2,567	1,865	470	30,591

	Number of Registered Vehicles between 1993-2000 for Explorer/Navajos and other Midsize SUVs (by Model Year) - Polk Data							
Explorer/Navajo	121,953	79,099	148,734	96,313	80,292	44,514	16,036	586,941
All Other Midsize SUVs	320,022	359,719	256,924	250,972	203,631	137,520	70,966	1,599,754
Total	441,975	438,818	405,658	347,285	283,923	182,034	87,002	2,186,695

	Tire Related Crash Rates in Florida by Vehicle Type & Model Year (#Tire Related Crashes/#Registered)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	0.002%	0.000%	0.002%	0.000%	0.000%	0.000%	0.008%	0.001%
Cherokee	0.004%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.001%
Explorer	0.009%	0.003%	0.013%	0.017%	0.006%	0.002%	0.000%	0.009%
Navajo	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
4Runner	0.014%	0.003%	0.016%	0.003%	0.000%	0.000%	0.000%	0.006%
Pathfinder	0.024%	0.003%	0.000%	0.019%	0.000%	0.000%	0.000%	0.008%
Rodeo	0.007%	0.000%	0.000%	0.000%	0.011%	0.000%	0.000%	0.003%
Grand Cherokee	0.000%	0.000%	0.000%	0.006%	0.000%	0.004%	0.000%	0.001%
GMC Jimmy	0.000%	0.009%	0.006%	0.000%	0.000%	0.000%	0.000%	0.003%
Isuzu Trooper	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Explorer/Navajo	0.009%	0.003%	0.013%	0.017%	0.006%	0.002%	0.000%	0.009%
All Other Midsize SUVs	0.005%	0.002%	0.003%	0.003%	0.001%	0.001%	0.001%	0.003%

Table 3
Florida - Midsize SUVs, Single Vehicle Highway, Tire Related Rollovers
(Accident Years 1993 - 2000)

	Single Vehicle Highway Tire Related Rollovers for Florida-Registered Vehicles (By Model Year)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	1	0	0	0	0	0	0	1
Cherokee	0	0	0	0	0	0	0	0
Explorer	8	1	18	14	4	1	0	46
Navajo	0	0	0	0	0	0	0	0
4Runner	2	1	3	1	0	0	0	7
Pathfinder	3	0	0	2	0	0	0	5
Rodeo	2	0	0	0	2	0	0	4
Grand Cherokee	0	0	0	2	0	0	0	2
GMC Jimmy	0	2	1	0	0	0	0	3
Isuzu Trooper	0	0	0	0	0	0	0	0
Explorer/Navajo	8	1	18	14	4	1	0	46
All Other Midsize SUVs	9	5	5	5	3	0	0	27

	Number of Registered Vehicles between 1993-2000 for Selected SUVs (by Model Year) - Polk Data							
Florida	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	45,220	48,110	42,170	25,742	28,782	15,844	13,172	219,040
Cherokee	56,865	48,534	45,487	12,178	17,970	11,900	4,465	197,399
Explorer	118,931	79,099	148,734	96,313	80,292	44,514	16,036	583,919
Navajo	3,022	-	-	-	-	-	-	3,022
4Runner	27,803	36,826	25,558	37,401	26,427	17,300	6,970	178,285
Pathfinder	21,169	32,553	14,520	15,605	11,027	8,620	2,987	106,481
Rodeo	30,336	45,955	18,264	19,101	17,919	13,529	3,161	148,265
Grand Cherokee	68,992	64,534	63,585	51,673	35,546	23,276	14,954	321,660
GMC Jimmy	18,351	21,908	17,965	12,759	9,440	5,297	4,707	90,427
Isuzu Trooper	10,752	7,642	5,616	1,679	2,567	1,865	470	30,591

	Number of Registered Vehicles between 1993-2000 for Explorer/Navajos and other Midsize SUVs (by Model Year) - Polk Data							
Explorer/Navajo	121,953	79,099	148,734	96,313	80,292	44,514	16,036	586,941
All other Midsize SUVs	320,022	359,719	256,924	250,972	203,631	137,520	70,966	1,599,754
Total	441,975	438,818	405,658	347,285	283,923	182,034	87,002	2,186,695

	Tire Related Rollover Rates in Florida by Vehicle Type & Model Year (#Tire Related Rollovers/#Registered)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	0.002%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Cherokee	0.003%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Explorer	0.007%	0.001%	0.012%	0.015%	0.005%	0.002%	0.000%	0.008%
Navajo	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
4Runner	0.007%	0.003%	0.012%	0.003%	0.000%	0.000%	0.000%	0.004%
Pathfinder	0.014%	0.000%	0.000%	0.013%	0.000%	0.000%	0.000%	0.005%
Rodeo	0.007%	0.000%	0.000%	0.000%	0.011%	0.000%	0.000%	0.003%
Grand Cherokee	0.000%	0.000%	0.000%	0.004%	0.000%	0.000%	0.000%	0.001%
GMC Jimmy	0.000%	0.009%	0.006%	0.000%	0.000%	0.000%	0.000%	0.003%
Isuzu Trooper	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Explorer/Navajo	0.007%	0.001%	0.012%	0.015%	0.005%	0.002%	0.000%	0.008%
All Other Midsize SUVs	0.003%	0.001%	0.002%	0.002%	0.001%	0.000%	0.000%	0.002%

Table 4
Florida - Midsize SUVs, Single Vehicle Highway, Non-Tire Related Rollovers
(Accident Years 1993 - 2000)

	Single Vehicle Highway Non-Tire Related Rollovers for Florida-Registered Vehicles (By Model Year)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	12	15	7	5	10	5	6	60
Cherokee	12	7	14	5	1	3	0	42
Explorer	47	34	95	58	42	18	2	296
Navajo	1	0	0	0	0	0	0	1
4Runner	13	9	15	24	12	8	1	1
Pathfinder	8	14	5	4	2	3	0	36
Rodeo	8	14	6	6	3	4	0	41
Grand Cherokee	13	10	10	9	5	1	2	50
GMC Jimmy	5	7	9	4	4	1	1	31
Isuzu Trooper	6	0	1	0	1	0	0	8
Explorer/Navajo	48	34	95	58	42	18	2	297
All other midsize SUVs	90	93	75	81	52	36	12	439

	Number of Registered Vehicles between 1993-2000 for Selected SUVs (by Model Year) - Polk Data							
Florida	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	45,220	48,110	42,170	25,742	28,782	15,844	13,172	219,040
Cherokee	56,865	48,534	45,487	12,178	17,970	11,900	4,465	197,399
Explorer	118,931	79,099	148,734	96,313	80,292	44,514	16,036	583,919
Navajo	3,022	-	-	-	-	-	-	3,022
4Runner	27,803	36,826	25,558	37,401	26,427	17,300	6,970	178,285
Pathfinder	21,169	32,553	14,520	15,605	11,027	8,620	2,987	106,481
Rodeo	30,336	45,955	18,264	19,101	17,919	13,529	3,161	148,265
Grand Cherokee	68,092	64,534	63,585	51,673	35,546	23,276	14,954	321,660
GMC Jimmy	18,351	21,908	17,965	12,759	9,440	5,297	4,707	90,427
Isuzu Trooper	10,752	7,642	5,616	1,679	2,567	1,365	470	30,591

	Number of Registered Vehicles between 1993-2000 for Explorer/Navajos and other Midsize SUVs (by Model Year) - Polk Data							
Explorer/Navajo	121,953	79,099	148,734	96,313	80,292	44,514	16,036	586,941
All other Midsize SUVS	320,022	359,719	256,924	250,972	203,631	137,520	70,966	1,599,754
Total	441,975	438,818	405,658	347,285	283,923	182,034	87,002	2,186,695

	Non- Tire Related Rollover Rates in Florida by Vehicle Type & Model Year (#Non-Tire Related Rollovers/#Registered)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	0.027%	0.031%	0.017%	0.019%	0.035%	0.032%	0.045%	0.027%
Cherokee	0.021%	0.014%	0.031%	0.041%	0.006%	0.025%	0.000%	0.021%
Explorer	0.040%	0.043%	0.064%	0.060%	0.052%	0.040%	0.012%	0.051%
Navajo	0.033%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.033%
4Runner	0.047%	0.024%	0.059%	0.064%	0.045%	0.046%	0.014%	0.001%
Pathfinder	0.038%	0.043%	0.034%	0.026%	0.018%	0.035%	0.000%	0.034%
Rodeo	0.026%	0.030%	0.033%	0.031%	0.017%	0.030%	0.000%	0.028%
Grand Cherokee	0.019%	0.015%	0.016%	0.017%	0.014%	0.004%	0.013%	0.016%
GMC Jimmy	0.027%	0.032%	0.050%	0.031%	0.042%	0.019%	0.021%	0.034%
Isuzu Trooper	0.056%	0.000%	0.018%	0.000%	0.039%	0.000%	0.000%	0.026%
Explorer/Navajo	0.039%	0.043%	0.064%	0.060%	0.052%	0.040%	0.012%	0.051%
All other Midsize SUVs	0.028%	0.026%	0.029%	0.032%	0.026%	0.026%	0.017%	0.027%

Table 5
Florida - Midsize SUVs, Single Vehicle Highway, Fatal Accidents (Acc. Yrs 1993-2000)

	Single Vehicle Highway Fatal Accidents for Florida-Registered Vehicles (By Model Year)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	1	4	1	1	5	0	1	13
Cherokee	2	2	2	0	0	0	0	6
Explorer	9	2	13	8	6	3	0	41
Navajo	0	0	0	0	0	0	0	0
4Runner	2	3	1	2	1	0	0	9
Pathfinder	1	1	1	0	0	0	0	3
Rodeo	3	3	2	0	0	0	0	8
Grand Cherokee	0	1	2	0	0	0	0	3
GMC Jimmy	3	1	0	1	1	0	0	6
Isuzu Trooper	1	0	1	0	0	0	0	2
Explorer/Navajo	9	2	13	8	6	3	0	41
All Other Midsize SUVs	13	17	11	8	7	2	1	59

	Number of Registered Vehicles between 1993-2000 for Selected SUVs (by Model Year) - Polk Data							
Florida	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	45,220	48,110	42,170	25,742	28,782	15,844	13,172	219,040
Cherokee	56,865	48,534	45,487	12,178	17,970	11,900	4,465	197,399
Explorer	118,931	79,099	148,734	96,313	80,292	44,514	16,036	583,919
Navajo	3,022	-	-	-	-	-	-	3,022
4Runner	27,803	36,826	25,558	37,401	26,427	17,300	6,970	178,285
Pathfinder	21,169	32,553	14,520	15,605	11,027	8,620	2,987	106,481
Rodeo	30,336	45,955	18,264	19,101	17,919	13,529	3,161	148,265
Grand Cherokee	68,092	64,594	63,585	51,673	35,546	23,276	14,954	321,660
GMC Jimmy	18,351	21,908	17,965	12,759	9,440	5,297	4,707	90,427
Isuzu Trooper	10,752	7,642	5,616	1,679	2,567	1,865	470	30,591

	Number of Registered Vehicles between 1993-2000 for Explorer/Navajos and other Midsize SUVs (by Model Year) - Polk Data							
Explorer/Navajo	121,953	79,099	148,734	96,313	80,292	44,514	16,036	586,941
All Other Midsize SUVs	320,022	359,719	256,924	250,972	203,631	137,520	70,966	1,599,754
Total	441,975	438,818	405,658	347,285	283,923	182,034	87,002	2,186,695

	Fatal Accident Rates in Florida by Vehicle Type and Model Year (#Fatalities/#Registered)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	0.002%	0.008%	0.002%	0.004%	0.017%	0.000%	0.008%	0.006%
Cherokee	0.004%	0.004%	0.004%	0.000%	0.000%	0.000%	0.000%	0.003%
Explorer	0.008%	0.003%	0.009%	0.008%	0.007%	0.007%	0.000%	0.007%
Navajo	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
4Runner	0.007%	0.008%	0.004%	0.005%	0.004%	0.000%	0.000%	0.005%
Pathfinder	0.005%	0.003%	0.007%	0.000%	0.000%	0.000%	0.000%	0.003%
Rodeo	0.010%	0.007%	0.011%	0.000%	0.000%	0.000%	0.000%	0.005%
Grand Cherokee	0.000%	0.002%	0.003%	0.000%	0.000%	0.000%	0.000%	0.001%
GMC Jimmy	0.016%	0.005%	0.000%	0.008%	0.011%	0.000%	0.000%	0.007%
Isuzu Trooper	0.009%	0.000%	0.018%	0.000%	0.000%	0.000%	0.000%	0.007%
Explorer/Navajo	0.007%	0.003%	0.009%	0.008%	0.007%	0.007%	0.000%	0.007%
All Other Midsize SUVs	0.004%	0.005%	0.004%	0.003%	0.003%	0.001%	0.001%	0.004%

Table 6
Florida - Midsize SUVs, Single Vehicle Highway, Tire Related Fatal Accidents
(Accident Years 1993 - 2000)

	Single Vehicle Highway Tire Related Fatal Accidents for Florida-Registered Vehicles (By Model Year)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	0	0	0	0	0	0	0	0
Cherokee	0	0	0	0	0	0	0	0
Explorer	2	0	5	3	3	0	0	13
Navajo	0	0	0	0	0	0	0	0
4Runner	0	0	0	0	0	0	0	0
Pathfinder	0	0	0	0	0	0	0	0
Rodeo	1	0	0	0	0	0	0	1
Grand Cherokee	0	0	0	0	0	0	0	0
GMC Jimmy	0	1	0	0	0	0	0	1
Isuzu Trooper	0	0	0	0	0	0	0	0
Explorer/Navajo	2	0	5	3	3	0	0	13
All Other Midsize SUVs	1	2	0	0	0	0	0	3

	Number of Registered Vehicles between 1993-2000 for Selected SUVs (by Model Year) - Polk Data							
Florida	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	45,220	48,110	42,170	25,742	28,782	15,844	13,172	219,040
Cherokee	56,865	48,534	45,487	12,178	17,970	11,900	4,465	197,399
Explorer	118,931	79,099	148,734	96,313	80,292	44,514	16,036	583,919
Navajo	3,022	-	-	-	-	-	-	3,022
4Runner	27,803	36,826	25,558	37,401	26,427	17,300	6,970	178,285
Pathfinder	21,169	32,553	14,520	15,605	11,027	8,620	2,987	106,481
Rodeo	30,336	45,955	18,264	19,101	17,919	13,529	3,161	148,265
Grand Cherokee	68,092	64,534	63,585	51,673	35,546	23,276	14,954	321,660
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Isuzu Trooper	10,752	7,642	5,616	1,679	2,567	1,865	470	30,591

	Number of Registered Vehicles between 1993-2000 for Explorer/Navajos and other Midsize SUVs (by Model Year) - Polk Data							
Explorer/Navajo	121,953	79,099	148,734	96,313	80,292	44,514	16,036	586,941
All other Midsize SUVs	320,022	359,719	256,924	250,972	203,631	137,520	70,966	1,599,754
Total	441,975	438,818	405,658	347,285	283,923	182,034	87,002	2,186,695

	Tire Related Fatal Accident Rates in Florida by Vehicle Type & Model Year (#Tire Related Fatalities/#Registered)							
Model	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Cherokee	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Explorer	0.002%	0.000%	0.003%	0.003%	0.004%	0.000%	0.000%	0.002%
Navajo	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
4Runner	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Pathfinder	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Rodeo	0.003%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.001%
Grand Cherokee	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
GMC Jimmy	0.000%	0.005%	0.000%	0.000%	0.000%	0.000%	0.000%	0.001%
Isuzu Trooper	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Explorer/Navajo	0.002%	0.000%	0.003%	0.003%	0.004%	0.000%	0.000%	0.002%
All Other Midsize SUVs	0.000%	0.001%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%

Table 7
Polk Registration in Florida by Model Year (Vehicle Years)

	Registration by Model Year							
Florida	1994	1995	1996	1997	1998	1999	2000	Total
Blazer	45,220	48,110	42,170	25,742	28,782	15,844	13,172	219,040
Cherokee	56,865	48,534	45,487	12,178	17,970	11,900	4,465	197,399
Explorer	118,931	79,099	148,734	96,313	80,292	44,514	16,036	583,919
Navajo	3,022	0	0	0	0	0	-	3,022
4Runner	27,803	36,826	25,558	37,401	26,427	17,300	6,970	178,285
Pathfinder	21,169	32,553	14,520	15,605	11,027	8,620	2,987	106,481
Rodeo	30,336	45,955	18,264	19,101	17,919	13,529	3,161	148,265
Grand Cherokee	68,092	64,534	63,585	51,673	35,546	23,276	14,954	321,660
GMC Jimmy	18,351	21,908	17,965	12,759	9,440	5,297	4,707	90,427
Isuzu Trooper	10,752	7,642	5,616	1,679	2,567	1,865	470	30,591
Total	400,541	385,161	381,899	272,451	229,970	142,145	66,922	1,879,089
All Midsize SUVs	441,975	438,818	405,658	347,285	283,923	182,034	87,002	2,186,695
Explorer/Navajo	121,953	79,099	148,734	96,313	80,292	44,514	16,036	586,941
All Other Midsize SUVs	320,022	359,719	256,924	250,972	203,631	137,520	70,966	1,599,754
Total	441,975	438,818	405,658	347,285	283,923	182,034	87,002	2,186,695

Attachment 6

From: CWHITE --DRBN001 Date and time 06/26/89 10:26:29
To: RSTORNAN--DRBN001 R. F. Stornant

FROM: Charles White
Subject: UN46 Design Revisions
It will be very hard to live without any 2-Door for 6 months. Is there any plan that gets us there albeit with extraordinary efforts from certain activities?
In other words, what would it take to make job #1 for the 2-door at 1991 1/2 as currently planned?

A time line with the key events is what is needed to show this I think. Cover each change separately so everyone can see the events and timing involved clearly. Cover 2-door and 4-door separately.

I support the plan as laid out, but I would like to know if there is a way to get 2-door for 91 1/2 Job #1 (or perhaps only a 60 day delay).

Be sure and have the prior material (test results, etc) available for the upcoming mtg with DSR and I -- need asap. I'm gone 7/3 - 7/5 inclusive.
*** Forwarding note from RSTORNAN--DRBN001 06/26/89 08:54 ***
To: CWHITE --DRBN001

FROM: Roger F. Stornant
Subject: UN46 Design Revisions

Attached is "Strawman" currently being reviewed with the multi-discipline group working on UN46 revisions. I believe execution of this plan would assure good performance in CU test and also allow an "on time" launch of UN46 (albeit somewhat restricted on models and tires). We have much to do before we can confirm this plan but I believe this is the direction we are currently heading.

JEE will not be available for at least two weeks so we will have meeting with you, Replogle and ERS ASAP.
Regards,
Roger F. Stornant
*** Forwarding note from RSTORNAN--DRBN001 06/23/89 11:23 ***
To: RCAMPBE1--DRBN001 RSIMPSO1--DRBN001
FASHBURN--DRBN001 MVOROSZ --DRBN001
DHOUSTO1--DRBN001

FROM: Roger F. Stornant
Subject: UN46 Design Revisions

Based on feedback to date, from the various areas affected by the proposed changes, I am proposing the following "strawman". I believe this proposal will assure good performance in the CU Test and minimize any adverse Public Relations risk.

Job #1: .Release 4 Dr. Only, with base P225 AS Tires. Include the following design modifications:
..Higher front spring rates (FESM local upgrade req'd).
..Lower front and rear 1/2" through frame/jounce bumper revisions. (Clearance should not be an issue with tire usage restricted to P225 Only).

1991 Job#1: .Add P235 AT/P245 AS Tires to the 4dr. and release the 2 Dr. with P225 AS tires coincident with incorporation of the following revisions:
..Lower Front Roll Center
..Revise Wheel house to accomodate 1/2" lower with large tires

1991 1/2 Job #1: .Add P235 AT/P245 AS Tires to the 2 Dr. coincident with incorporation of the following design changes:
..Widen Track (axles)
..Revise FESM to accomodate wide track with large tires.

I'd like your thoughts on this proposal. We will need to revisit after APG test results are available (7/24).

Regards,
Roger F. Stornant

cc: RSIMPSO1--DRBN001 JENGLEHA--DRBN001 J. E. Englehart
DREPLOGL--DRBN001 DDURATZ --DRBN001
RSIMPSO1--DRBN001 CWHITE --DRBN001 Charles White
DREPLOGL--DRBN001 DDURATZ --DRBN001

EXPT 0570
EXPT 0571

Attachment 7

STATEMENT OF DR. DENNIS A. GUENTHER

I have been asked by counsel for Bridgestone/Firestone to carry out an investigation of the directional control of the Ford Explorer following a tire tread separation. That investigation includes accident reconstruction, review of police accident reports, vehicle measurement, and dynamic testing. I am presenting today the preliminary results of my dynamic testing; that testing is ongoing. My resume is attached to this statement as Exhibit 1.

The hypothesis addressed in my testing is that the Explorer has a control problem leading to rollover crashes following tread separation. I chose to explore the linear range of vehicle operation as a preliminary investigation because of the complexities and non-linearity of vehicles.

A description of the dynamic testing I have conducted is set forth below.

Test Site

The tests were carried out at the Transportation Research Center, Inc. (TRC) test facility near East Liberty, Ohio. The facility is used on a contract basis by automobile manufacturers, component suppliers, and state and national regulatory authorities to conduct automotive safety testing.

Study Objectives

The purpose of the testing program, which is ongoing, is to examine the margin of control in the Explorer as designed and, comparatively, in peer SUVs in the circumstance following rear tire tread separation. As noted above, I have conducted my study to this point in the linear range. In the linear range a principal parameter of control is the understeer/oversteer gradient (other parameters such as steering response time and gain, and steering frequency response are also being examined as they may relate to loss of control in the event of tire tread separation).

Test Vehicles

The vehicles evaluated are the following:

1996	Ford Explorer	4 dr	4 x 2
1996	Chevy Blazer	4 dr	4 x 2
2001	Jeep Cherokee	4 dr	4 x 2
2000	Ford Explorer	4 dr	4 x 2

Each vehicle was tested with its original equipment (OE) tires. The 1996 Explorer was tested with both OE Firestone tires and OE Goodyear tires recommended by Ford.

Vehicle Instrumentation and Measurement

The data acquired for purposes of this analysis was the following:

Vehicle Input

Steering Wheel Angle

Vehicle Speed

Vehicle Response

Lateral Acceleration

Yaw Rate

Body Roll Angle

The instrumentation and sensors used to acquire this data is identified in Exhibit 2.

Test Maneuvers

The tests conducted are universally recognized standard tests used by automobile manufacturers, including Ford, and other researchers in vehicle dynamics for establishing the values investigated. The tests are as follows:

- **Step Steer**

  The vehicle is driven on the test pad area in a straight line at a constant speed. The driver then rapidly turns the steering wheel until it hits a mechanical

stop. Steering wheel stops are set to attain a desired lateral acceleration at the test speeds. This steer angle is held until steady-state response is established.

Tests were run in both directions (right turn/left turn) and at two speeds (60 mph and 40 mph). The test was run both with four good tires and with the left rear tire detreaded by cutting between the steel belts; test runs with the detreaded tire were done only at the slower 40 mph speed. Test runs were done at both light load (curb plus driver and instrumentation) and heavy load (gross vehicle weight rating).

The test is used to measure vehicle response times as related to lateral acceleration and yaw velocity response, and to measure the gain of these responses in relation to steering wheel input (output divided by input).

- **Constant Radius Circle**

The vehicle is driven around a 200 foot constant radius circle with increasing speed. The driver adjusts the steering angle (by turning the steering wheel) as necessary to keep the vehicle on the path of the circle.

Test runs were done in both directions, clockwise and counter-clockwise, with four good tires and with the left rear tire detreaded. Test runs were done at light load (curb plus driver and instrumentation) and heavy load (gross vehicle weight rating).

The test is used to measure understeer and oversteer (degrees of road wheel steer per Gs of lateral acceleration).

- **Frequency Response**

  Sinusoidal sweep steering tests are frequently used to determine the linear response of vehicles. The vehicle in these tests were driven on a long straightaway with the driver steering with slowly increasing frequency up to approximately 3 to 4 hz followed by decreasing frequency. The test was run at a nominal speed of 66 mph.

  The test measures lateral acceleration gain, yaw velocity gain, and phase angles at the frequencies tested (up to 3 to 4 hz).

Results of Directional Control Tests

The results of the constant radius circle tests are set forth in data sheets and charts attached hereto as Exhibit 3. Data reduction continues with respect to the step steer and frequency response tests.

In summary, the findings in the tests are as follows:

Constant Radius Circle – This standard method of measuring understeer/oversteer gradient establishes that the Explorer, with four good tires, has a relatively small amount of understeer compared to other SUVs – less than half the amount found in the Blazer and the Cherokee. In fact, the Cherokee has about the same understeer with a detreaded tire as the Explorer with four good tires.

The test results show that, unlike the other SUVs tested, the Explorer loses its small margin of understeer when it experiences a tread separation and becomes an oversteer vehicle.

This is true whether the Explorer is operated on Goodyear OE tires recommended by Ford or on Firestone OE tires.

The Explorer's oversteer characteristic is worse in the loaded condition. The only circumstance in which it does not become oversteer with a detreaded tire is when it is lightly loaded (curb plus driver and instrumentation) and the detreaded tire is on the inside rear position (left rear in a counter-clockwise turn); in test runs in that configuration the Explorer is almost neutral steer with respect to the understeer/oversteer gradient.

An oversteer vehicle is not safe at highway speeds in the hands of an average driver. Sometimes a driver may achieve directional control, sometimes a driver may not, particularly where the driver has to deal with the unfamiliar and unpredictable oversteer handling. The oversteer control problem is increased by virtue of the fact that the Explorer driver is used to a vehicle which is understeer and the vehicle has changed to oversteer without the driver's awareness.

CONCLUSION

The Explorer is an oversteer vehicle in most circumstances after it experiences tread separation. Oversteer can make a vehicle directionally unstable and subject to loss of control in the hands of most drivers. This is a vehicle problem, not a tire problem. The vehicle performs the same following tread separation on the Goodyear tire as it does the Firestone tire. This must be regarded as a highway safety defect within the meaning of the National Highway Traffic and Motor Vehicle Safety Act.

Chart #16

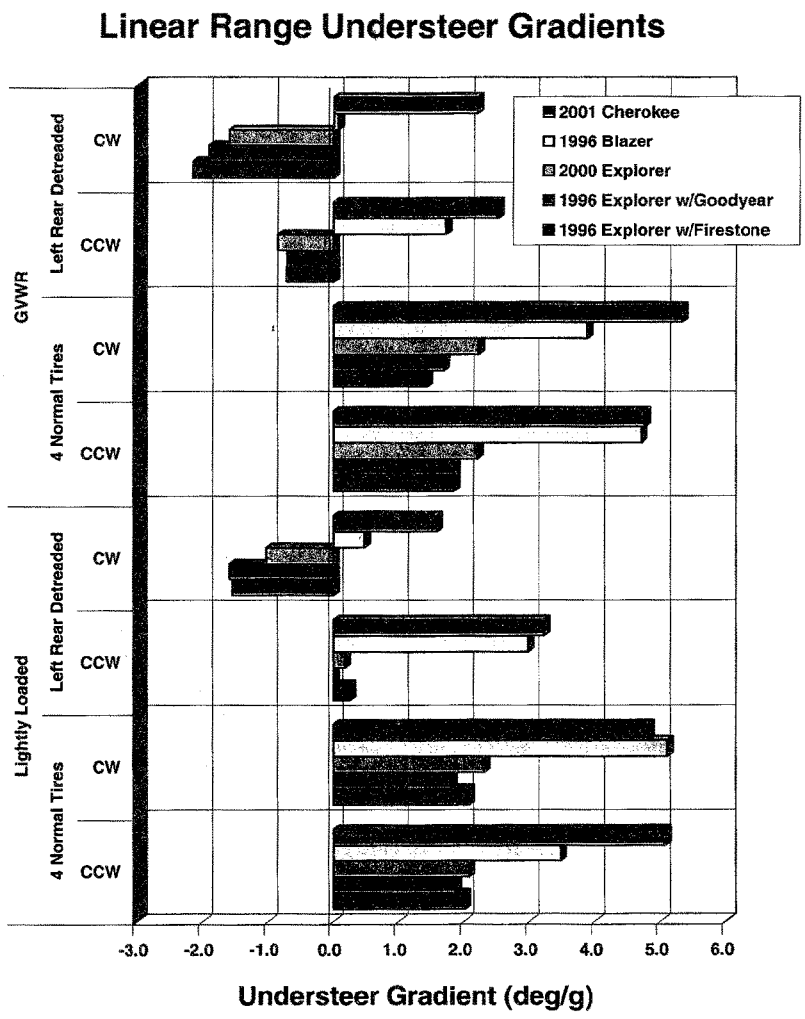
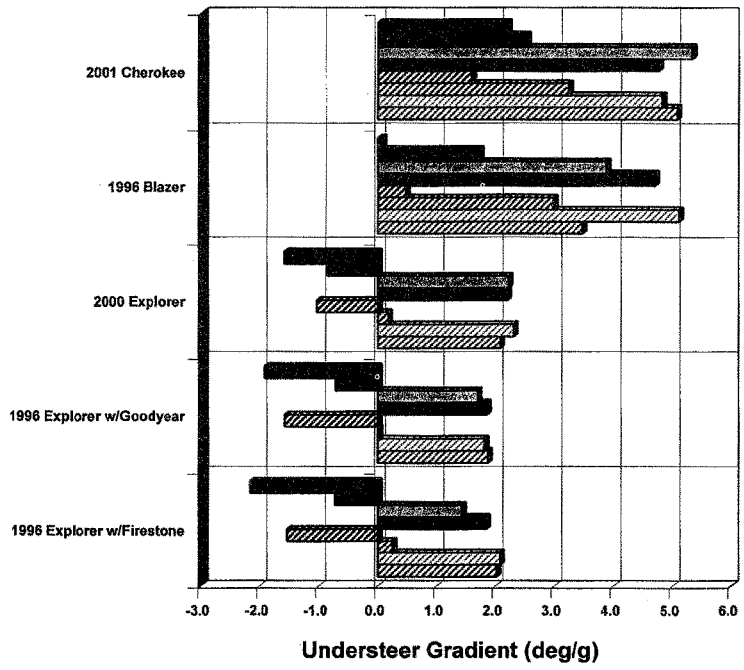

Linear Range Understeer Gradients
2001 Cherokee
1996 Blazer
2000 Explorer
1996 Explorer w/Goodyear
1996 Explorer w/Firestone
GVWR
Lightly Loaded
Left Rear Detreaded
4 Normal Tires
CW
CCW
-3.0
-2.0
-1.0
0.0
1.0
2.0
3.0
4.0
5.0
6.0
Understeer Gradient (deg/g)

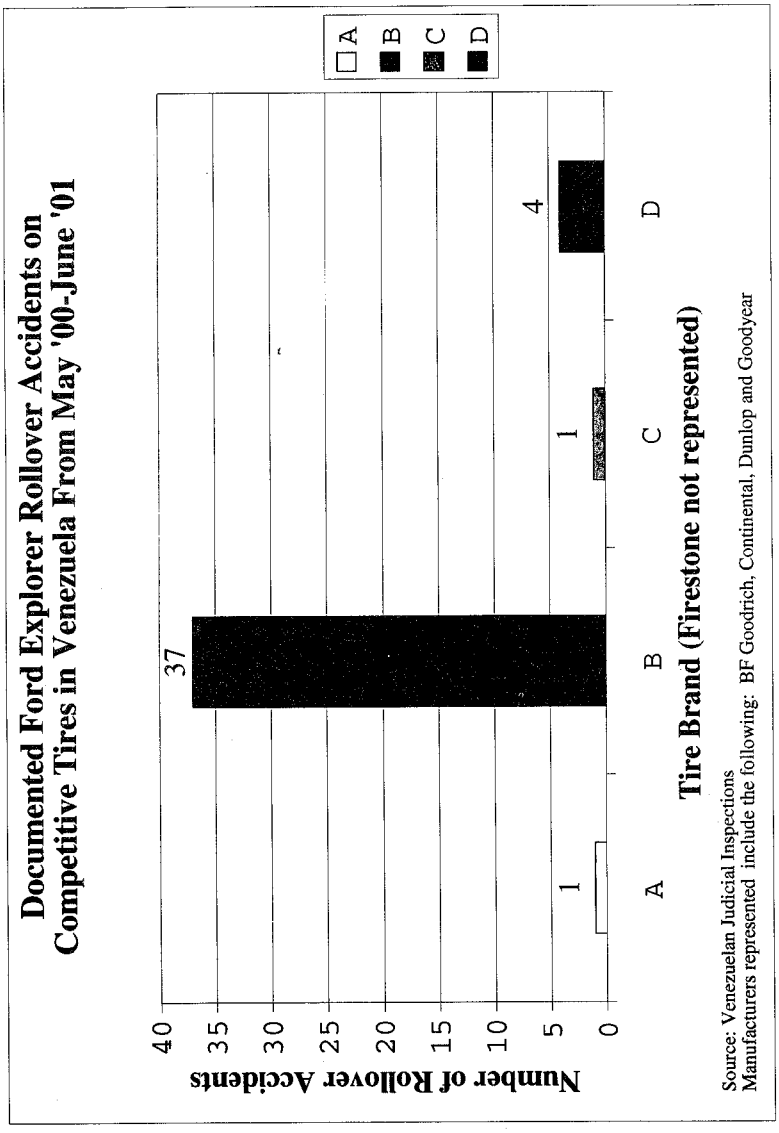
Chart #17

Linear Range Understeer Gradients

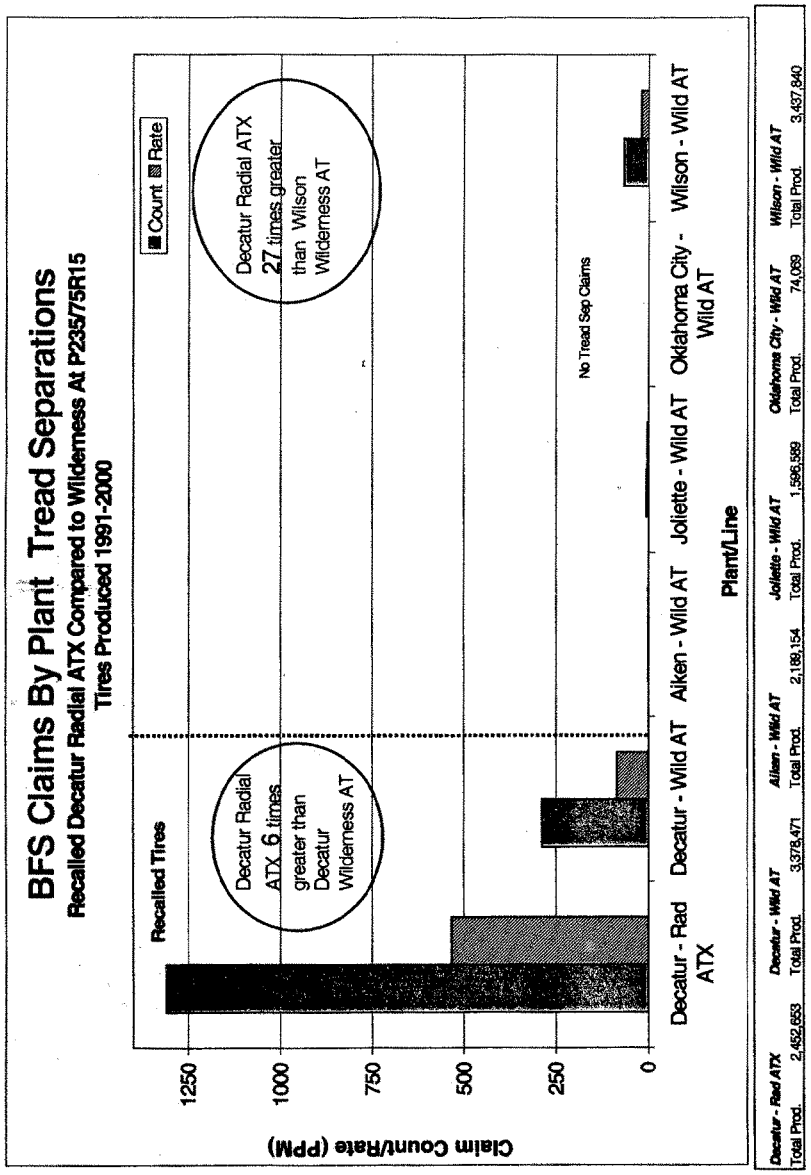


Lightly Loaded 4 Normal Tires CCW	Lightly Loaded 4 Normal Tires CW
Lightly Loaded Left Rear Detreaded CCW	Lightly Loaded Left Rear Detreaded CW
GVWR 4 Normal Tires CCW	GVWR 4 Normal Tires CW
GVWR Left Rear Detreaded CCW	GVWR Left Rear Detreaded CW

Chart #18

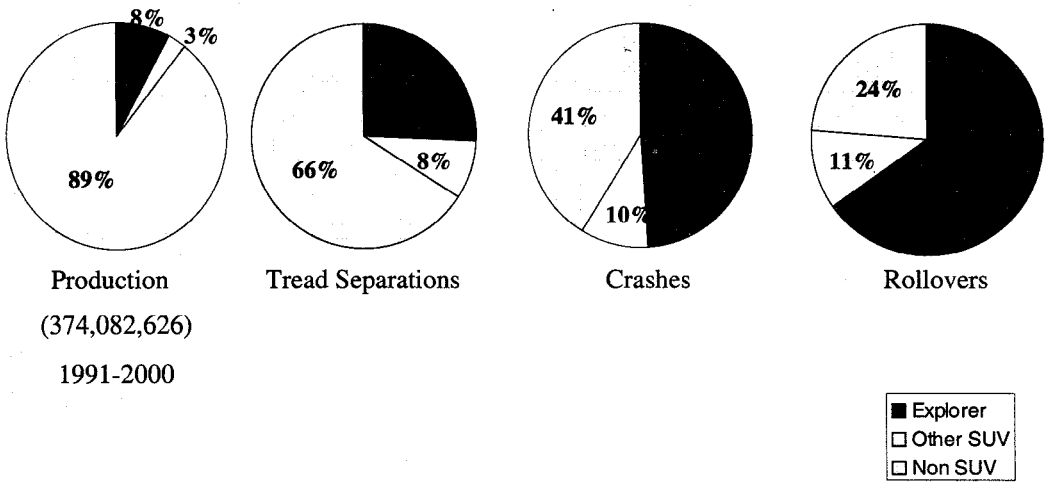

Documented Ford Explorer Rollover Accidents on Competitive Tires in Venezuela From May '00-June '01
Number of Rollover Accidents
0
5
10
15
20
25
30
35
40
37
1
1
4
A
B
C
D
Tire Brand (Firestone not represented)
Source: Venezuelan Judicial Inspections
Manufacturers represented include the following: BF Goodrich, Continental, Dunlop and Goodyear

Attachment 8



Explorer: A Growing Problem

Explorer Incident Severity Disproportionate to Production



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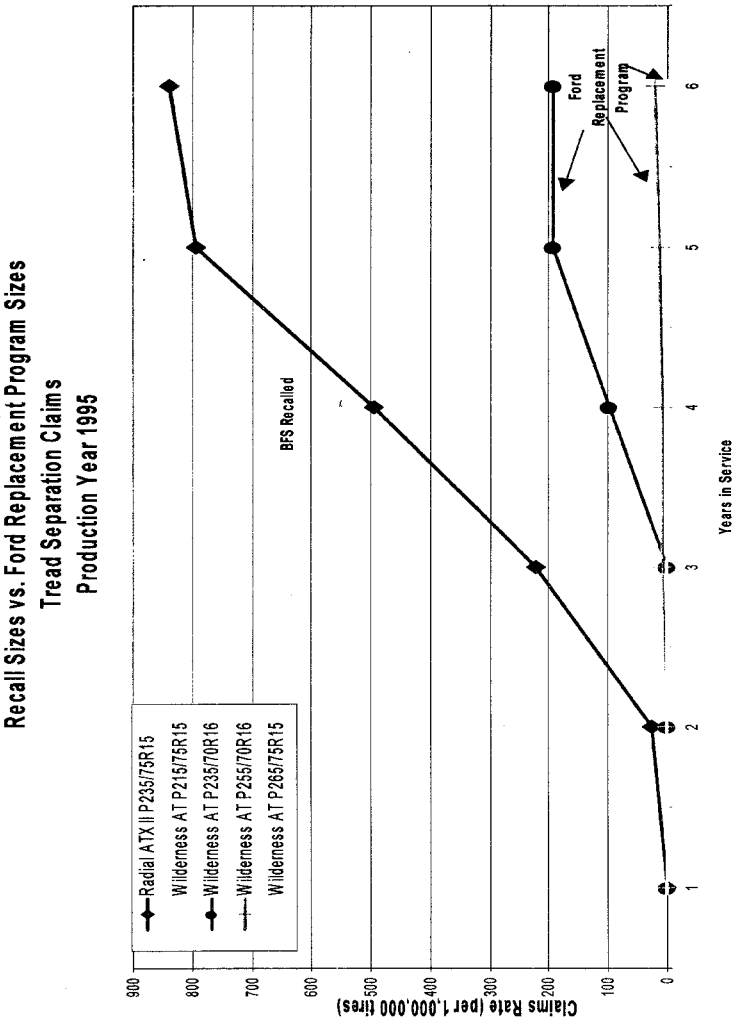
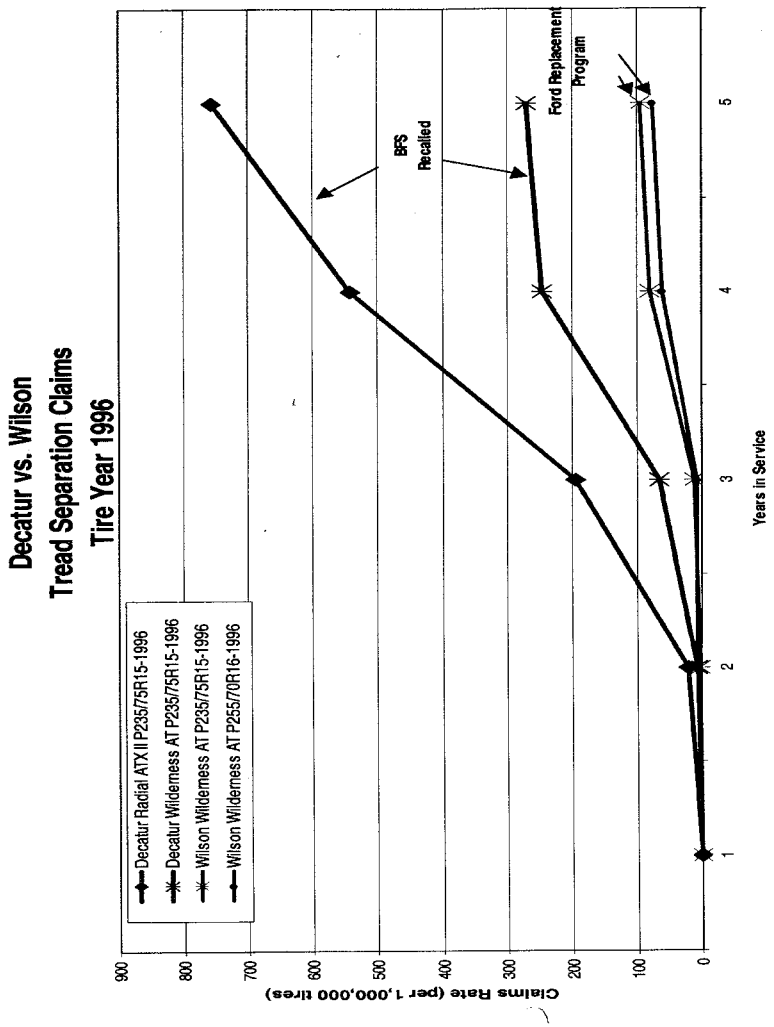

Recall Sizes vs. Ford Replacement Program Sizes
Tread Separation Claims
Production Year 1995
Radial ATX II P235/75R15
Wilderness AT P215/75R15
Wilderness AT P235/70R16
Wilderness AT P255/70R16
Wilderness AT P265/75R15
BFS Recalled
Ford Replacement Program
Claims Rate (per 1,000,000 tires)
Years in Service
0
100
200
300
400
500
600
700
800
900
1
2
3
4
5
6

268


Decatur vs. Wilson
Tread Separation Claims
Tire Year 1996
Decatur Radial ATX II P235/75R15-1996
Decatur Wilderness AT P235/75R15-1996
Wilson Wilderness AT P235/75R15-1996
Wilson Wilderness AT P255/70R16-1996
BFS
Recalled
Ford Replacement
Program
Claims Rate (per 1,000,000 tires)
Years in Service
900
800
700
600
500
400
300
200
100
0
1
2
3
4
5

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SCRAP TREAD SURVEY – TUSCON, AZ. 05/23/01

FINDINGS:

Mfg	SCRAP COUNT	SCRAP SHARE	US MARKET SHARE
UNKNOWN	70	31%	
MICHELIN	37	16%	24%
BFS	35	15%	21%
GOODYEAR	29	13%	29%
CONTINENTAL	26	11%	7%
COOPER	13	6%	6%
KUMHO	5	2%	
YOKOHAMA	3	1%	
PIRELLI	2	1%	
HOOSIER	1	0%	
OHTSU	1	0%	
FEDERAL	1	0%	
CORDOVAN	1	0%	
TOYO	1	0%	
BIG-O	1	0%	
WOOSUNG	1	0%	
ACADEMY	1	0%	
HANKOOK	1	0%	
TOTAL	229	100%	

2)

1.)

Waiting for correct info from Laubie

NOTES:

1.) US MARKET SHARE FROM "TIRE BUSINESS"

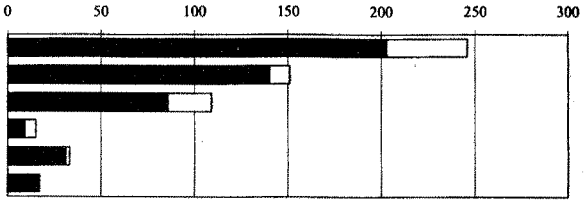
2.) 70 UNKNOWN – NOT BFS

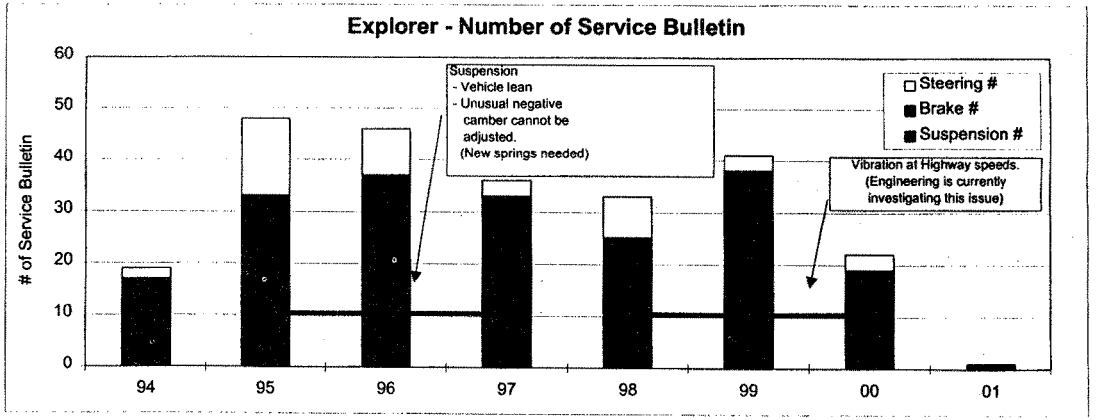
– MANUFACTURER/BRAND/PATTERN NOT IDENTIFIED

– WOULD INCREASE COMPETITOR SCRAP SHARE

Number of Service Bulletins by Vehicle - Model Year 1994-2001

MODEL		Suspensio	Brake	Steering
Ford	**Explorer**	121	82	43
	Ranger	61	79	11
	F150	27	59	23
GM	Blazer	3	6	6
	Suburban	0	31	2
Toyota	4Runner	3	14	0





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BRIDGESTONE/FIRESTONE, INC.
50 Century Boulevard
Nashville, TN 37214
Phone: 615-872-1486
Fax: 615-872-1490

MEMORANDUM
June 19, 2001

As part of its presentation to both the Commerce, Trade and Consumer Protection and Oversight and Investigations Subcommittees of the House Committee on Energy and Commerce, Bridgestone/Firestone, Inc. would like to submit the enclosed evidence relating to accidents involving the Ford Explorer in Venezuela. This evidence supports our position that the Ford Explorer is not a stable vehicle, regardless of which tires are mounted on the vehicle.

Here is a brief explanation of each category of evidence we are submitting:

1. A VHS videocassette tape (approximately 8 minute running time). The cassette shows how Ford responded to certain Explorer Rollover Accidents: in approximately April 2000, Ford of Venezuela sent letters to some Ford Explorer owners in Venezuela. The letters invited them to come to Ford dealerships for a suspension upgrade—at a cost to each owner of approximately $400-500 for the full upgrade. The tape shows before and after images of the underside of a Ford Explorer sent to a Ford dealership for the upgrade. The upgrade package included the addition of new front and rear shock absorbers, a heavy reinforcing steel bar and the substitution of Goodyear Wrangler tires. The audio portion is in Spanish; a translation is forthcoming.

2. 43 Venezuelan Judicial Inspections. The judicial inspections are records of evidence notarized and validated by a judge. Under Venezuelan legal rules, physical evidence, such as damaged vehicles can be admitted in court only if a Venezuelan judge, accompanied by an expert such as a mechanic as well as a photographer, has personally viewed the damaged vehicle to confirm its condition. At the request of Bridgestone/Firestone Venezolana, Venezuelan judges visited the wreckage of 43 Ford Explorers that have been involved in rollover accidents since May 1, 2000, in order to verify the condition of the vehicle and the brand and condition of the tires fitted on those vehicles. The inspections show that Ford Explorers are continuing to rollover in Venezuela (at an alarming rate), regardless of the changeover from Firestone to Goodyear tires. In order to facilitate review of this voluminous evidence, enclosed is a chart and a spreadsheet listing the key aspects of each judicial inspection.

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3. A letter dated September 20, 2000, from Bridgestone/Firestone, Inc. senior counsel John Harrington to Ford attorney Richard Goetz (then present at Ford of Venezuela) requesting rollover crash and claims statistics for the Ford Explorer as well as information on the suspension changes to the vehicle. Bridgestone/Firestone never received a response to this request.

We urge you to review this material carefully. We believe that this material constitutes incontrovertible evidence of Ford Explorer's instability, regardless of the tires fitted on it, and that Venezuelans are continuing to suffer the consequences for that instability. Thank you for your time.

FORD EXPLORER ROLLOVER ACCIDENTS - VENEZUELA - JUDICIAL INSPECTIONS

Nbr.	Judicial Inspect#	Vehicle	License Plate	Date of Inspect	Type of Accident	Tires Mounted	Notes
1	3307	Ford Explorer XLT 4x4	GAT-36F	6/12/2000	Rollover	Continental Contitrac M&S LT235/75 R15 (All)	Passenger-front deflated but tread intact on all.
2	54/2000	Ford Explorer XLT 4x2	OAD-41H	8/7/2000	Rollover	Goodyear Wrangler RTS M+S P255/70 R16 (All)	Driver-front tire deflated, but tread intact on all.
3	1483	Ford Explorer	DAZ-86F	8/9/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact, but GY spare flat (tread intact)
4	3370	Ford Explorer 4x2	GAU-77E	8/17/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	Driver side front deflated, but tread intact on all.
5	2347-2000 2465-01	Ford Explorer XLT 4x4 1998	GAT-37G	8/24/2000 3/26/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (All)	Front tires flat, all tires with tread intact.
6	1491	Ford Explorer XLT 2000	VAI-77P	8/31/2000	Rollover	Goodyear Wrangler RTS P255/70 R16 (All)	Driver-rear punctured and deflated, but tread intact on all.
7	3377	Ford Explorer XLT 4x2 2000	GBH-88A	9/5/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact.
8	1493	Ford Explorer XLT 4x2 1997	AAR-32A	9/7/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact.
9	3382 3384	Ford Explorer 4x2 1997	GAO-41C	9/25/2000 9/27/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact.
10	3392 3393	Ford Explorer XLT 4x4 1998	GAS-11H	9/28/2000 9/28/2000	Rollover	Goodyear Wrangler RTS P255/70 R16 (All)	Three tires are deflated, all treads are intact.
11	1770 1771	Ford Explorer XLT 4x2 1996	KAD-50P	10/16/2000 10/16/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Passenger front tire deflated, but all tread intact.
12	3439	Ford Explorer 4x2 1998	EAD-33E	11/10/2000	Rollover	Goodyear Wrangler RTS LT 235/75 R15 (all)	All four tires inflated and treads intact.
13	2402-2000	Ford Explorer XLT	GBC-96X	11/27/2000	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and tread intact.

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Nbr.	Judicial Inspect#	Vehicle	License Plate	Date of Inspect	Type of Accident	Tires Mounted	Notes
14	102-2000	Ford Explorer XLT 4x4 1997	IAB-331	11/6/2000	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All tires flat, treads appear intact.
15	323	Ford Explorer C72 2001	None	12/4/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Passenger front tire flat. Treads appear intact.
16	3493	Ford Explorer 1998	KAK-02M	1/10/2001	Rollover	Goodyear Wrangler RTS LT235/75 R 15 (all)	Front tires deflated; rear tires inflated. All treads appear intact.
17	7128	Ford Explorer XLT 4x2 1998	KAK-94M	1/22/2001	Rollover	BF Goodrich P295/50 R15 (all)	All four tires inflated and tread intact
18	01-844	Ford Explorer XLT 4x2 2000	ABI-25W	2/5/2001	Rollover	Goodyear Wrangler ATS LT235/75 R15 (all)	All four tires inflated and tread intact
19	01-845	Ford Explorer XLT 4x4 2000	JAH-45F	2/5/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and tread intact
20	53/2000	Ford Explorer XLT 4x4 1999	DAZ-39B	2/7/2001	Rollover	Dunlop Grandtrek LT265/75 R16 (all)	All four tires inflated and tread intact
21	3807	Ford Explorer XLT 4x4	GAO-42D	2/12/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	Two front tires deflated by impact but tread intact on all
22	18-2001	Ford Explorer 1997	JAC-72G	2/20/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Three tires remained intact. Tread is separated on the fourth tire.
23	34/2001	Ford Explorer XLT	ABD-81C	3/8/2001	Rollover and impact	Goodyear Wrangler RTS	Passenger front tire deflated, but tread intact on all
24	35/2001	Ford Explorer XLT 1998	BAC-08T	3/8/2001	Rollover	Dunlop Grandtrek (all)	Passenger front tire missing and rear deflated but tread intact. Driver tires treads intact.
25	20/2001	Ford Explorer 2000	KAP-72S	3/9/2001	Rollover	Goodyear Wrangler RTS (all)	Front tires inflated and treads intact. Driver rear flat, tread intact. Passenger rear unmounted [in the back].

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26	1560	Ford Explorer XLT 4x2 1998	GAT-76H	3/22/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	All four tires inflated (one depressed into sand) and treads intact
27	2463-01	Ford Explorer XLT 4x4	DAM-43U	3/24/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and treads intact
28	2464-01	Ford Explorer XLT 4x4 1998	DAK-83O	3/26/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	Driver rear tire badly damaged, driver front deflated but tread intact. Passenger tires inflated and treads intact.
29	2466-01	Ford Explorer XLT 4x4 1998	DAF-21N	3/26/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and treads intact
30	2447-01	Ford Explorer	KAK-94L	3/5/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Driver front tire flat and unmounted, passenger front flat, both treads intact. Both rear tires inflated, treads intact.
31	568-01	Ford Explorer 4x2 1997	GAN-12Z	4/23/2001	Rollover	Goodyear Wrangler RTS LT235/70 R15 (all)	Two tires deflated, but tread appears intact on all

Nbr.	Judicial Inspect#	Vehicle	License Plate	Date of Inspect	Type of Accident	Tires Mounted	Notes
32	569-01	Ford Explorer 4x2 1999	SAJ-52B	4/23/2001	Rollover	Goodyear Wrangler RTS LT235/70 R15 (all)	Driver front tire only is deflated; treads intact on all
33	3762	Ford Explorer 4x2	DBA-58Z	4/24/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	All four tires inflated and treads intact
34	3765	Ford Explorer 4x2 2000	GBC-29Y	4/25/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Treads appear intact.
35	2421	Ford Explorer XLT 1998	DAO-61H	5/27/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and treads appear intact
36	10108	Ford Explorer XLT	ABI-28V	5/28/2001	Rollover	Goodyear Wrangler RTS (all)	Driver front tire deflated, but treads appear intact on all

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37	2001-5601	Ford Explorer XLT 4x4	LAF-88I	5/30/2001	Rollover	Goodyear Wrangler RTS 255/70 R16 (all)	Passenger front tire & rim demolished; driver rear tire badly damaged. Other two tires inflated, treads intact.
38	219	Ford Explorer 1998	TAA-84O	6/4/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Treads appear intact. Driver front tire is flat.
39	67	Ford Explorer XLT 4x2 1997	PAE-49B	6/8/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Both front tires deflated, all treads intact.
40	2001 1003	Ford Explorer 2001	DAZ-93J	6/11/2001	Rollover	Dunlop A/T 31x10.50 R15 LT (all)	Driver front tire destroyed. Passenger front & rear deflated; treads appear intact Driver rear inflated and tread intact
41	2001-1004	Ford Explorer 1999	FAO-00B	6/11/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15	Two front tires missing. Rear tires inflated, treads appear intact.
42	1927	Ford Explorer XLT 4x4 1999	LAB-51R	6/13/2001	Rollover	Dunlop RV LT 245 75 R16 (all)	Treads appear intact. Driver front tire is flat.
43	1928	Ford Explorer 4x4	None	6/13/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	Passenger rear is flat. Treads appear intact.

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September 20, 2000

BRIDGESTONE/FIRESTONE, INC.
LAW DEPARTMENT

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Via Federal Express and Facsimile (313) 332-4986 and (58) 41 407736

Richard Goetz, Esq.
Assistant General Counsel/International
Ford Motor Company
Dearborn, Michigan
48121-1899

Dear Richard:

I am glad that we were able to speak yesterday afternoon with regard to the information requests relating to Venezuela set out in Mr. Mazzorin's letter of September 14, 2000 to Mr. Kaizaki. As I briefly outlined to you during our telephone conversation, Bridgestone/Firestone Venezolana, C.A. ("BFVZ") is ready, willing and able to make a full and rapid disclosure of all claims and adjustment data for tires it has produced and which were utilized on your Ford Explorer sport utility vehicle in Venezuela, in exchange for full claims and adjustment data regarding Explorers produced in Venezuela and at a minimum the following additional information from 1991 to date regarding such Explorers:

- All documents relating to changes made to the Ford Explorer suspension (including but not limited to shock absorbers, anti-sway bars and reinforcing plates); and

- Any Ford Explorer claim data showing any problems (accidents, rollovers, tread separations) with other manufacturers' tires.

I wish to emphasize the principle of reciprocity in this proposed exchange. As you know, Bridgestone/Firestone, Inc. ("BFS") has transmitted large amounts of adjustment data to Ford in the United States. Furthermore, BFVZ has transmitted additional information to Ford of Venezuela. To the best of my knowledge, neither Ford Motor Company nor Ford of Venezuela have ever made reciprocal disclosures of data or documents to BFS or to BFVZ. Given this fact, and the evidence we see that the Ford Explorer vehicle is at least partly responsible for many of the rollover accidents which continue to occur in Venezuela (including accidents involving tires produced by other manufacturers), I believe that we are entitled to a full, reciprocal disclosure of Ford Explorer adjustment and claims data as well as the other information listed above.

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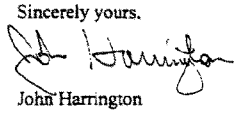
With regard to plant visits, I believe that such visits should be conducted by a neutral third party and that under the policy of reciprocity such party should make an inspection of equal duration at each of BFVZ's and Ford of Venezuela's plants.

I reiterate that BFVZ is ready, willing and able to make a full and rapid disclosure of all claims and adjustment data for tires it has produced and which were utilized on the Ford Explorer, in exchange for full claim and adjustment data on Explorers produced in Venezuela as well as the additional information listed above. In the interest of consumer safety, I believe that such exchange should occur as soon as possible.

If Ford is willing to discuss this offer, please contact me as soon as possible at the above number. Thank you.

Sincerely yours,



John Harrington

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TRANSACTION REPORT

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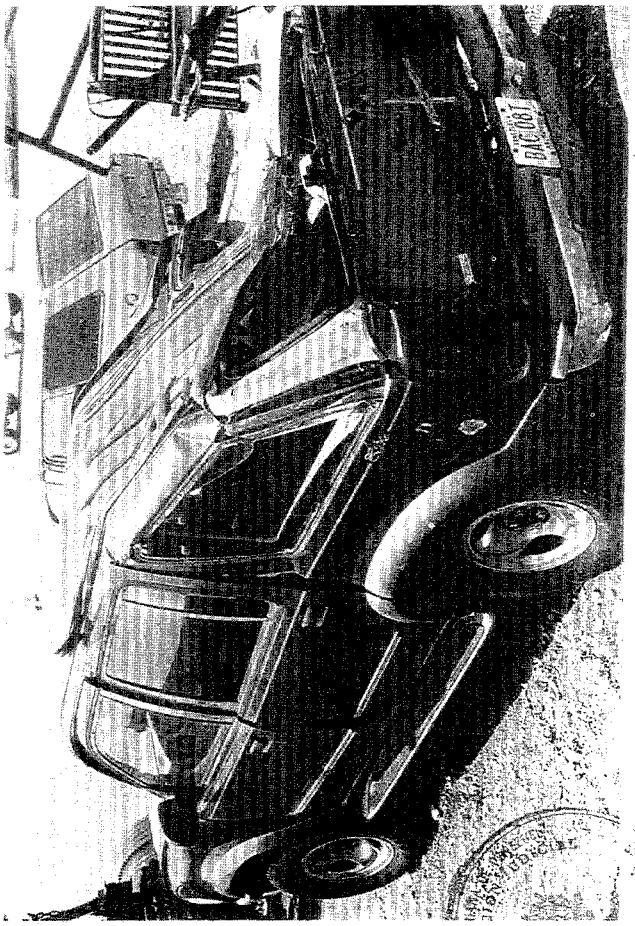

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Mr. STEARNS. Okay. Hospitable questions.

Mr. Lampe, you know, you have a disadvantage that you have to sit here for 4 hours before you become the second panel; but you have the advantage, because you've heard Mr. Nasser, and now he is not in a position to answer, but you've made a pretty strong statement here in your opening statement about the Ford vehicle, the SUV.

Just a rather quick observation. We had two hearings with your corporation last year, and yet the allegation or the statement against the Ford SUV was not as strong back then. Is the information that you've received subsequent to those—to your hearings, is why you're making your claims so much stronger?

Mr. LAMPE. Yes, Chairman Stearns. We, as you remember last year, did say you can take our tires off and the Ford Explorer is going to continue to roll over. We've said many times this is a tire/vehicle issue. We have to look at the tire and the vehicle. But since that time, I think you're aware of Dr. Gunther's study on the Ford Explorer as compared to the Jeep Cherokee, the Blazer. And it's very compelling, the evidence that was found in the study, that the understeer to oversteer transition and the oversteer itself in the Ford Explorer makes it a very difficult drive for the normal driver to control.

Mr. STEARNS. Well, you know, he did that study in May, as I understand, recently, didn't he?

Mr. LAMPE. Yes, he did.

Mr. STEARNS. So you didn't have that information back there, and when you talked about the Ford SUV, I think you were talking in terms of vehicle application. It wasn't such a strong statement as you're making this morning—this afternoon. Well, how do you explain the high rates of tread separation on these Wilderness AT tires? I mean, shouldn't consumers be concerned about it? Are you just saying it's all Ford's fault? And some of these rates are high, and so I think you have to say that there's some culpability on your part.

Mr. LAMPE. And, Chairman Stearns, we did a recall—safety recall last August. It wasn't mandated. NHTSA had not finished their investigation. I think they will tell you they were months and months away from completing any investigation. We announced that recall on a voluntary basis because we felt there were issues, and we wanted to get some of those tires off the road. But our tires are safe. Our tires are safe that are on the road today.

Mr. STEARNS. You probably heard when I talked to Mr. Nasser about this B rating versus a C rating, and I understand the Firestone tires on the Ford Explorer have a temperature resistant rating of a C, and that these tires meet the minimum performance required by Federal safety standards as well as Ford's own specification.

Can you tell me, like Goodyear has a B, I mean, can you tell me what that C rating means and—versus a B rating? After all, I know that Firestone supplies General Motors with tires as original equipment and that General Motors will not allow any tire with less than a B rating on their SUVs. So why is there inconsistency between what General Motors does and what you do for them and what you did for Ford Motor Company?

Mr. LAMPE. First, Mr. Chairman, we supplied Ford with the tire they asked for, designed to their specifications. C—there are millions and millions of tires with a C temperature range that operate in all parts of the country. C temperature is not an indication of area—works in one area better than another area. It's one of the three ranges that is established by the Uniform Tire Quality Grading System. It's a high-speed test, and you must remember that the UTQG test that determines not only speed rating but temperature is a high-speed test.

Mr. STEARNS. So when Ford specifies a C and you——

Mr. LAMPE. I'll correct that, Congressman.

Mr. STEARNS. General Motors, you provide a B; and C you provided to Ford, and you decided that?

Mr. LAMPE. Chairman Stearns. And the one kind of misstatement was Ford did not specify——

Mr. STEARNS. I understand that.

Mr. LAMPE. [continuing] a C. They did not specify——

Mr. STEARNS. So you decided that?

Mr. LAMPE. That's the tire we gave them that met the C requirements. I'll point out from our standpoint that we try to make sure that an entire line of tires has the same grade to make it less confusing for the consumer. Many, many of those sizes and types in the Wilderness line actually met the B temperature grade requirement. But to be consistent and to avoid confusion, we mark them all at the minimum.

Mr. STEARNS. But if you're—are you saying that we should have—the consumer should have no concern about a C versus a B? It just is something the consumer shouldn't be concerned about? Are you saying your C-rated tires would perform just as well as a B-rated tire for General Motors?

Mr. LAMPE. I'm saying, sir, that the C-rated tires are perfectly acceptable for any geographic region for any application in the United States. There's literally tens of—15, 20 million C-rated tires, more than that operating today.

Mr. STEARNS. Well, the obvious question is, why do we have a B-rated tire on General Motors and a C-rated on Ford?

Mr. LAMPE. I was not—I was not aware of the General Motors, but I will obviously assume that's correct. And if they ask for a specification and a specified B rating, that's certainly what we would strive to provide for them.

Mr. STEARNS. Okay. In the Ford testimony today, was there anything that he said that you object to very strongly in terms of his understanding of your product that you would like to go on record, other than saying his vehicle is bad? To use the words of don't feel—don't find fault, but find a remedy. I mean, are there things that he said, instead of attacking Ford, that you feel about your product that you would like to defend?

Mr. LAMPE. Sir, I don't mean to be perceived as attacking Ford. I think there are some issues that need to get out and need to be answered. Yes, testing of the tires; we did testing of tires. We did testing against a number of tires, but the tests we did were significantly more scientific and more fair, just basically fair. I mentioned that Goodyear, on their rig testing, took our tires, and some of

which were 9 years old, and compared them and tested them to the Goodyear tires, which were less than a year old.

When you take their data and you take out our 9-year-old tires and you take apples to apples, our new tires compared to the Goodyear new tires were equal.

The same thing on this temperature test. I'll tell you a statement that was made by one Ford engineer when we asked, why didn't you use internal temperature rather than surface temperature? You know. You're an engineer. It's much more reflective of internal tire heat buildup. He said, we didn't use internal temperature because there wasn't much difference between all the brands.

Those are the things that really bother me, the nonapples to apples comparison. There were a number of other, obviously, areas in Mr. Nasser's testimony that I don't agree to, but you asked me to stick—focus on the tires, and that's what I'll do.

Mr. STEARNS. Thank you. My time has expired.

The gentleman who is the ranking member of the Commerce, Trade, and Consumer Protection Subcommittee, Mr. Towns.

Mr. TOWNS. Thank you very much, Mr. Chairman.

Mr. Lampe, I would like to understand a little more about Firestone's criticism of the Explorer. I see in your material a lot of discussion about concepts like oversteer and understeer. Am I correct?

Mr. LAMPE. Yes, sir.

Mr. TOWNS. At the end of the day, aren't we really talking about steering responsiveness?

Mr. LAMPE. Sir, it's, again, my understanding that Dr. Gunther's concern is more the ability—the ability to the—of the driver to maintain correctional—directional control at normal highway speeds if that vehicle goes from an understeer to an oversteer. If the driver is not able to maintain control, the back end starts to roll out on him, and then the car is going sideways to its intended direction of travel and starts to roll over. But it's the driver's inability to maintain control, is my understanding.

Mr. TOWNS. Aren't the manufacturers generally moving in the direction of designing their vehicles to have more responsive steering? Is that correct?

Mr. LAMPE. All automobile manufacturers strive to design into their vehicle a certain amount of understeer, because we can all deal with understeer. You and I, the normal driving public, can deal with understeer, and that's preferable. What we don't want to experience and what the automobile manufacturers don't want to put their customers into that situation, is that oversteer position.

Mr. TOWNS. Let me sort of get one thing clear. Could you sort of give me quickly the difference in terms of your testing and the difference between Ford's testing of the tires? What's the difference? I mean, just briefly.

Mr. LAMPE. Okay. Very briefly, first of all, we tested—when we tested temperature of the tire, we stick a pyrometer down inside the tire into the belt edge to measure the heat buildup at the belt edge where separations start. We don't measure the surface at the tire. When we measured—we make a test called high-speed SAE test, run-to-fail. You purposely run the tires at a higher speed, and then you step up the speed and you step up the speed until the tires fail. That's what it's designed to do, to make the tire fail.

We did 2 of our tires, 10 of our competitor tires, gentlemen; the most common failure, most common—and especially Goodyear has said many times, the most common failure of a tire is tread separation, and when we ran those tests, sure enough, 8 out of the 10 tires that we ran on the high-speed test experienced belt-leaving-belt separation. We tested them to fail. Don't—I'm not saying they were bad tires. We ran them till they failed, but the failure mode is belt leaving belt. That's very common.

Goodyear has said it a number of tires. For anybody to say that a separation is not a foreseeable event or not an event that a car manufacturer should make sure that he gives his consumer adequate control over is wrong.

Mr. TOWNS. Let me just run back to the Dr. Gunther test again. Dr.—it's indicated Dr. Gunther really tested access to steering responsiveness. You didn't tell him to test any of those new design vehicles with more responsive steering, did you?

Mr. LAMPE. No, Congressman Towns. We—we left it up completely to Dr. Gunther. He's the expert. Again, he's an expert in vehicle dynamics. He performed standard routine tests, and they're very reputable. You can repeat them and repeat them, standard recognized tests on the three best-selling SUVs in the marketplace: The Explorer, the Jeep Cherokee, and the Blazer.

Mr. TOWNS. Well, you know, that's the thing. They're saying that he did it on a 1996 Chevy Blazer and a Jeep Cherokee, right, both of which had older designs with less responsive steering. And of course, for example, you did not ask him to test the new BMW-X5 or the Mercedes ML 320, both of which have more responsive steering than all of those that you mentioned. Am I correct?

Mr. LAMPE. Yes, sir. And I understand both of those vehicles that you mentioned also have a traction control—a very sophisticated traction control device to help that vehicle not go into an oversteer position. But, no, we did not test them. The Jeep Cherokee was the year 2000. The Explorer was the 1996, and the Blazer was a 1996. And we also tested another Explorer with Goodyear tires.

Mr. TOWNS. At this time I yield back, Mr. Chairman. Thank you very much.

Mr. LAMPE. Thank you.

Mr. STEARNS. The gentleman yields back. The gentleman from Pennsylvania, the chairman of the Oversight and Investigations Committee, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Chairman, and welcome, Mr. Lampe.

Mr. LAMPE. Thank you very much.

Mr. GREENWOOD. I want to go back to a question I think Mr. Stearns started to focus on, and try to get a little bit more clarification. We've got three of your plants with very, very different rates of tire tread separation: Wilson, 19; Joliette at 2.8; and Aiken at zero. Are those numbers correct?

Mr. LAMPE. I believe so, yes, sir.

Mr. GREENWOOD. Now, it's a simple question. I assume that if the Ford Explorers that were put on are a random selection of Ford Explorers, and they're not—you can't say that the Wilson plant went on a certain kind of Explorer or a certain run of Explorers, and then the Joliette plant tires went on a different run of Explor-

ers. It seems the common denominator is the Explorer, and the variable is the plant. And so the question is: How can you attribute the significant variation in the tire tread separation rates, when the only thing that seems to be at variance here is the plant and not the vehicle?

Mr. LAMPE. First of all, a number of our plants make sizes for the Explorer. Some are the same sizes, some are different. The other thing you have to remember, Congressman, is that Wilson tire plant has hundreds of lines of tires, hundreds, that have never had a claim. And if you take the Explorer-produced claims or the Explorer-responsible claims out of our data base, our claims statistics fall dramatically. And certainly the number of injuries and fatalities falls dramatically. Our Wilson plant is a fairly new plant. I think it's about 25 years old. The Aiken plant is brand new. It's only 4 or 5 years old. They use similar manufacturing techniques in a lot of cases. There are some differences in equipment, but the performance rate and the claims rate in Wilson on their overall production is excellent and very good.

Mr. GREENWOOD. What do you think is the cause of that very statistically significant, I assume, range in claims rates based on tire tread separation for these plants?

Mr. LAMPE. Again, Congressman, it can be the application of vehicle that goes on. One of the variables, too; take the Ford Explorer. Wilson tires going into their assembly plants, their manufacturing plants, St. Louis and Louisville, versus Joliette tires, the distribution of the Wilson-made production might end up going a lot more further south to the warmer States and the hotter States, when the Joliette production stays more up in the north and Canada.

Mr. GREENWOOD. You're saying "might," or the data indicates that?

Mr. LAMPE. It might. I'd have to see the distribution data from Ford. They had that information. I'd have to see that, but it very well could influence the rate.

Mr. GREENWOOD. Have you asked Ford for that data? I would think that would be fairly significant information for your company to have.

Mr. LAMPE. We asked for that data. We asked for—from Ford, the Ranger distribution data, because we wanted to see that comparison between the Explorer and the Ranger. Sir, we asked for it. We asked for it and we asked for it. And it wasn't until May 11, after I refused to hand over some information to Ford, until they handed over the information to me, so I could——

Mr. GREENWOOD. Have you had a chance to analyze it so we know whether, in fact, these different claims rates reflect geography as opposed to something in a tire?

Mr. LAMPE. I do not—I cannot say that with all certainty. Congressman, I would—one other thing I would like to point out. We talk a lot about claims. Claims is a word, is a classification, that didn't even exist 8 months ago. There is no standard definition of claims in the industry. What Goodyear says a claim is, could be completely different than what we said it is. There is no standard established by the National Highway Traffic Safety Administration as to what a claim is, or what an acceptable rate is. But the impor-

tant thing is that what happens after the separation, after the separation. Again, a driver should not lose control of his vehicle. It's a rare event, but it is a foreseeable event, and it is one that happens.

Mr. GREENWOOD. I agree with you. This whole business of claims rate is not good science. This is about how many calls are made to NHTSA, and as we all know, those calls can be inspired by what happens in the news, they can be inspired by what's happening in the courtrooms. And there's nothing final about this information that we learn from claims rates. Let me——

Mr. LAMPE. And the Congressman is really referring to even another measure that is different from claims rate, the Vehicle Owner's Questionnaire reports that NHTSA gets. You get the VOQs, you get claims, you get adjustments. It is a confusing subject.

Mr. GREENWOOD. Let me go to another subject. You rely to a great extent on the research of Dr. Gunther who ran experiments detailing the amount of understeer and oversteer of the Ford Explorer. Dr. Gunther compared the 1996 and the 2000 Ford Explorer to the 1996 Blazer and the 2001 Jeep Cherokee. Dr. Carr, hired by Ford, argues that these vehicles are not comparable to the Explorer, and that neither have similar steering mechanisms, which creates a situation where the Explorer will necessarily look far worse. How do you respond to that comment?

Mr. LAMPE. Dr. Gunther is an expert, sir. He's a full professor at the Ohio State University. He has done a tremendous amount of work for NHTSA. He's done work for the automobile companies. He is the expert. He selected the vehicles to get the best comparison, the best comparative test that he could do. The tests that he ran are standard, repetitive-type tests, recognized in the industry.

Mr. GREENWOOD. But you do acknowledge that there are different configurations in these vehicles in terms of their steering mechanisms.

Mr. LAMPE. I do not know that for a fact. No, I cannot say that.

Mr. GREENWOOD. My time has expired.

Mr. STEARNS. The gentleman's time has expired. The chairman of the full committee, Mr. Dingell, is recognized for 5 minutes.

Mr. DINGELL. Thank you, Mr. Chairman. Mr. Lampe.

Mr. LAMPE. Morning, Congressman.

Mr. DINGELL. I have a series of questions. But first, it was 1992 when Bridgestone/Firestone began its turnaround. I'm reading now from the Akron Beacon Journal. It opted to move its headquarters from Akron, Ohio to Nashville, Tennessee to get a new lease on its corporate life. "Ono," Bridgestone/Firestone CEO at the time said, "last year's results," that is, 1997, "showed the improvement of cost-cutting and increased sales in the 5-year period."

Did Bridgestone/Firestone launch some sort of cost-cutting effort in the early and mid-1990's to deal with its profit and loss and debt situation?

Mr. LAMPE. Congressman Dingell, I'm not—could you be a little bit more specific? We're always—certainly we're always trying to improve our productivity and keep our expenses under control.

Mr. DINGELL. The journal quotes Mr. Ono, who is a man I gather of some importance in the company, who said that last year's results show the improvement of cost-cutting in the 5-year period.

My question: Was there a cost-cutting program which went on at Firestone or not?

Mr. LAMPE. Congressman Dingell, there are always measures in our company to keep our expenses under control.

Mr. DINGELL. Was there a name for this cost-cutting program?

Mr. LAMPE. I'm not sure what the Congressman is referring to.

Mr. DINGELL. Well, all I know is that you had a cost-cutting program going on according to Mr. Ono. Have you ever talked to him about this?

Mr. LAMPE. Mr. Ono has returned to Japan, sir. Again, if you could be more specific, I'll certainly try to address it.

Mr. DINGELL. Now, he actually said that it was a company-wide program.

Mr. LAMPE. Again, sir, we had many programs that we put in place to improve our productivity, to make us a better company, to improve our expense to sales ratios. That's a continuous practice.

Mr. DINGELL. As a result of this cost-cutting program, did Firestone change the Explorer tires that it was selling to Ford in any way?

Mr. LAMPE. I don't know that any change was made to the Ford Explorer tire because of any cost-cutting program, Congressman Dingell.

Mr. DINGELL. Are you telling me that there were no changes in the tires that Firestone was selling to Ford for Explorers?

Mr. LAMPE. We make continuous changes in the tires. I did not say that, Congressman. We make continuous changes in our tires, to improve our tires.

Mr. DINGELL. Were any of these changes made for cost-cutting reasons?

Mr. LAMPE. Not that I know of, Congressman. I don't know of any—again, we make a number of changes. We try to improve our tires. We try to make our tires better all the time. I was not in manufacturing at the time, so I know of—I know of none——

Mr. DINGELL. Does any of these result in the use of less expensive materials and compounds and production processes?

Mr. LAMPE. Again, Congressman, I cannot—I cannot state to that. I will tell you that we're always looking to be able to use better materials at a better price if we can improve the quality of our tires.

Mr. DINGELL. Would you please submit to this committee a list of all changes in materials, compounds, in production processes, and in structure of the tires made during this period?

Mr. LAMPE. Of course we will, Congressman.

Mr. DINGELL. Now, did Firestone tell Ford of any of the changes that they were making in the tires during this period of time and the reasons why these changes were being made?

Mr. LAMPE. We have a lot of dialog back and forth with the Ford Motor Company, as Mr. Nasser stated. He stated that he's—Ford Motor Company shares information when they change the vehicles. We share a lot of information back with our OEM customers when we change the tires, especially if it affects the performance—performance parameters of what they've asked for.

Mr. DINGELL. Did Firestone monitor the field performance of the tires that were modified during this period of time as a part of the cost-cutting program of that company?

Mr. LAMPE. Again, Congressman Dingell, you're referring to changes made in tires versus cost-cutting, and I don't think that's a fair characterization at all. We always monitor. We always monitor the performance of our tires in the field. We do tests. We do run tire analysis. We do many tests to make sure our tires perform well.

Mr. DINGELL. Are you telling me that none of these changes in tire structures were cost cutting?

Mr. LAMPE. I've said I can't say that, sir, but I don't—I don't believe you're in a position to be able to say that either. I don't think any one of us know.

Mr. DINGELL. Mr. Lampe, you're the witness, not I.

Mr. LAMPE. Yes, sir.

Mr. DINGELL. Now, at some point, did Firestone decide to reverse some of the cost-cutting actions it had taken with regard to Explorer tires, because field performance data indicated problems?

Mr. LAMPE. I don't know that to be the case, sir.

Mr. DINGELL. Would you submit a list of materials, structure, and changes in manufacturing processes, please, to this committee that occurred during that period of time?

Mr. LAMPE. I said I would, sir, yes, sir.

Mr. STEARNS. The gentleman's time has expired, and the—Mr. Lampe, just answer his request, if you would.

Mr. Tauzin, the chairman of the full committee.

Chairman TAUZIN. Thank you very much. Mr. Lampe, welcome again.

Mr. LAMPE. Thank you, Chairman Tauzin.

Chairman TAUZIN. Let me put something on the record. Claims data, as we understand it, is data that refers to a tire failure that leads to injury or property damage. Is that correct?

Mr. LAMPE. Yes, sir. Let me explain. Again, this didn't even come up in vocabulary until August of last year. A claims is made up—the way we define it—and, again, the real problem is there is no industry definition. We define a claim. Every time you see information we give you, it's defined as a minor property damage claim, and it could be so much as replacing a wheel on somebody's car. No——

Chairman TAUZIN. Nevertheless, we have property damage and/or injury——

Mr. LAMPE. No, no.

Chairman TAUZIN. [continuing] connected to the tire failure.

Mr. LAMPE. Property damage, as much as less—as little as $5.

Chairman TAUZIN. I understand.

Mr. LAMPE. It includes personal injuries and it includes lawsuits, three different things.

Chairman TAUZIN. I just wanted that on the record. Second, you mention that Firestone did a voluntary recall of tires last year, but to set the record straight again, it was the story done by KHOU in Houston, Texas, that really started this ball rolling and got the NHTSA to do an investigation, because KHOU actually used data at NHTSA to describe a situation where too many Ford Explorers

were rolling over with tire separations on their tires, on the Firestone tires, and that prompted the whole business, did it not?

Mr. LAMPE. Congressman Tauzin, my understanding is I believe the KHOU television program you're referring to was sometime back in February——

Chairman TAUZIN. That was months before the recall.

Mr. LAMPE. February of 2000. I believe NHTSA opened up a preliminary evaluation in May of 2000. We announced our safety recall in August. My point being only that the preliminary evaluation of our tires was still underway, and it was still——

Chairman TAUZIN. Well, I want to talk to you about that, though. You just talked to Mr. Dingell about changes that are made in Firestone tires. I asked—you were in the room when I asked Mr. Nasser about the decision by Ford to purchase Goodyear tires in 1996, and then to return exclusively to Firestone tires again in 1998. Now, Ford and Firestone had an amazingly close relationship for all those years, and it has intrigued me for a long time—I have not yet gotten a good answer to it—why did Ford decide to start buying Goodyear tires in 1996?

Mr. LAMPE. Sir, that's very explainable. During the—and I believe it was actually in 1995 that they started using some Goodyear tires. They used them in 1996 and a little bit in 1997, I believe, and then that's when they went back to 100 percent Firestone. At that same time period, we were having a labor disruption, labor problems in our union plants. Our production had been reduced, and I believe Ford switched some of the business back—over to Goodyear in order to take off some of the pressure on us, to assure supply. And then once our labor problems were concluded, they went back to us 100 percent. That's my understanding.

Chairman TAUZIN. What's intriguing about all that, is that in 1995, I think it was, you ran some tests on the tires indicator and had an amazing, I think, 4 out of 10 failure rate. And—it was some amazing results we had at the last hearing. Is that correct?

Mr. LAMPE. Congressman, you and I got into this in the last hearing about this testing and the results, and I think—I believe that we agreed that a lot of this testing that you were referring to was testing that we were doing on prototype tires and testing where we actually—what we call test to failure, where you——

Chairman TAUZIN. But you found it wrong. You found an unevenness in the sidewalls, and you changed that to an even sidewall treatment, and you found also in 1998, I believe it was, that you needed to strengthen or add amendments to the wedge. Is that correct?

Mr. LAMPE. I don't believe it was a matter, Congressman, of finding something that made us do something. We always try to——

Chairman TAUZIN. How do you——

Mr. LAMPE. We always try to improve our products. The wedge change you're referring to that we did in 1998, we talked about at the last hearing, and it covered over a 104 different sizes. It wasn't a change we made to the Explorer tire. It was over 104 different sizes.

Chairman TAUZIN. It was many different——

Mr. LAMPE. As an improvement.

Chairman TAUZIN. You and Ford now conducted the very same tests on the Ford Explorer, the radius circle test, and you did it in conformity with the Society of Automotive Engineers' guidelines. Now you used different peer vehicles than Ford did, apparently. You used a different size track, I think. I don't know if that makes a difference. But your results are exactly the opposite of Ford's. You found an oversteering problem, and they found none, using the same apparent engineers' guidelines. You came out with totally different results. Now, who are we to believe, and how are we to know what's correct in these results?

Mr. LAMPE. Congressman Tauzin, that's why from the very start we asked Ford to work with us, do this together with us, be a part of this. It goes back to, Congressman——

Chairman TAUZIN. But that hasn't happened. You've done separate tests.

Mr. LAMPE. No. It's not——

Chairman TAUZIN. We're stuck with the fact that each of you did a separate test, using the same guidelines, and you got an expert that says one thing, and they've got an expert that says another. You've got one result, and they've got another result. Who's going to settle this for us?

Mr. LAMPE. That's a very—and I'm glad you pointed out that it was a—it was Dr. Gunther that did the tests. We did not do them ourselves. This test is a very standard, recognizable test in the industry, and it's very repeatable. It's not something you do once and you can never replicate. You can. I'm suggesting we are not the vehicle experts. We shouldn't have had to do this in the first place, Congressman. We should not have had to do it. But it can be replicated, and I would——

Chairman TAUZIN. I'm told that Ford did it on both the 100- and the 200-meter track and again came up with opposite results from you. So what you're saying is somebody who doesn't work for Ford, who is not hired by Ford, somebody who doesn't work for Firestone, is not hired by Firestone, somebody ought to replicate this test?

Mr. LAMPE. I think it would be a very, very good idea. I will point out one difference in Ford's test, to my understanding, is they tested vehicles at what they call .5 lateral G's, which is an extremely, extremely violent kind of acceleration that nobody ever gets to in normal driving. Dr. Gunther's was done between .1 and .3, which is under the normal driving conditions. But I'd be more than willing to——

Chairman TAUZIN. But they were both done under the same engineering guidelines.

Mr. LAMPE. That would be great.

Chairman TAUZIN. You're telling me they weren't.

Mr. LAMPE. No, they were not.

Chairman TAUZIN. So we really need someone, some independent analyst to tell us who's right and who's wrong here. Right?

Mr. LAMPE. I think that would be a great idea. We have—we've done something that we shouldn't have had to do in the first place, and if NHTSA or a third party wanted to do this, we would be most willing to cooperate, yes, 100 percent.

Chairman TAUZIN. Thank you, Mr. Chairman.

Mr. LAMPE. Thank you, Congressman.

Mr. STEARNS. I thank the chairman.

Mr. Gordon is recognized for 5 minutes.

Mr. GORDON. Welcome, Mr. Lampe. A quick lead to—at the request of the committee staff and to complete our record, you had mentioned in your testimony that there were 4 deaths in the last 10 days in Venezuela based on tread separation on nonFirestone tires. We have no record of that. If you could provide us with some documentation.

Mr. LAMPE. Yes, sir. I did not—I was not aware that you don't. We have—we will provide you—we have 43 individually documented judicial cases, which means they're either certified or registered by a judge or——

Mr. GORDON. If you could just provide that——

Mr. LAMPE. We'll do that.

Mr. GORDON. [continuing] to the committee.

I'd like to get on to the two questions I had asked Mr. Nasser earlier. To my understanding, the same Firestone tires used on the Ford Explorer are also used as original equipment on the Ford rangers. These same tires are evidently used on two other popular SUVs, the Toyota 4-Runner and the Jeep Grand Cherokee. Claims data shows that owners of vehicles other than the Explorer have virtually no problems with tread separation leading to rollovers. What does this suggest about the Explorer's design or handling characteristics and their contribution to the problems?

Mr. LAMPE. You're exactly right, Congressman, and I heard the question when you asked it of Mr. Nasser. The exact——

Mr. GORDON. That's an addendum, and a quick addendum. There appears to be a major difference between—or Mr. Nasser just clearly said that the Toyota and the Jeep Cherokee were not the same tires. If you can correct that, too, or give us your view?

Mr. LAMPE. Very brief, the exact same tire that we supply the Ford Explorer is the exact same tire that goes on the Ford Ranger, and already we've said that the Ford Explorer has 8 times as more claims than the Ranger does. We supplied 3.1 million tires, of our Wilderness tires, to General Motors, and we had 2 claims. We supplied over 1.2 million Wilderness tires to the Toyota 4-Runner, and we had zero claims.

And the question that calls into being is why do we supply tires, Wilderness AT to Ford, that appear on vehicles that have accidents and rollovers, and why do we supply tires to others that it doesn't? Mr. Nasser said the tires were not the same tires, and I'll agree to that. They have slight differences, as established by the OEM, for such things as fuel economy or road noise or something; but the basic Wilderness AT tire, 85 percent, 90 percent, of that tire is the same whether it goes to Ford, whether it goes to General Motors, or whether it goes to Toyota. There are some tweaks for the OEMs.

Mr. GORDON. My second question was, 1 year ago, Ford initiated an almost identical replacement program in Venezuela to replace Firestone tires with other brands. Even though Explorers are now using other brands of tires in Venezuela, it's my understanding that the Explorer rollovers have continued at a high enough rate to cause the head of the country's consumer protection agency to suggest banning sales of Explorers.

Why has replacement of Firestone tires in Venezuela not brought an end to the problem, and will the replacement of Firestone tires on the Explorer end the problem in the United States?

Mr. LAMPE. And that's our big dilemma, Congressman. We've seen what happened in Venezuela. Ford has said it was a tire issue. They replaced the tires. We didn't replace them. They did. But the problems continue. The rollovers continue. You're right. The head of the Consumer Protection Agency came out and requested the Attorney General to ban the sale of Ford Explorers, and just this morning, there was an article in a Venezuela newspaper that quoted the president of the Explorer Owners Association, stating that this is a vehicle problem, this is not a tire problem. We don't have tires left on Ford Explorers. And I'm not saying the tires that are on the Explorers today in Venezuela are failing. They're not. Unfortunately, the vehicle continues to roll over.

Mr. GORDON. Could you also provide us documentation of that——

Mr. LAMPE. Yes, I will.

Mr. GORDON. [continuing] news article?

Mr. LAMPE. I certainly will. Thank you.

Mr. GORDON. I guess if there is any time left, I will offer this to you to clear up any kind of differences of opinion from the earlier witness.

Mr. LAMPE. No, I'm not going to use my time to do that. I'm just going to reaffirm one thing that Mr. Nasser said. The decision that I had to make and my company had to make a couple weeks ago to terminate our relationship with the Ford Motor Company was the most difficult, most painful decision I've ever made. Ninety-six years of heritage. Harvey Firestone, Henry Ford were great friends. We did not take that decision lightly. As I said, it's a very difficult decision, but it was the only decision that we could take. It was the right decision to take at the time.

Mr. GORDON. Thank you.

Mr. GREENWOOD. The time of the gentleman has expired. The Chair recognizes the gentleman from Georgia, Mr. Deal, for 5 minutes.

Mr. DEAL. Thank you, Mr. Chairman. Thank you for being here.

Mr. LAMPE. Thank you.

Mr. DEAL. You have stated that the important thing is what happens after the tire separation. I would submit to you that we are basically talking about two events, both of which may be calamitous here. The first is the tire separation. The second is possibly a rollover following a tire separation. You've indicated that you think it is a combination vehicle/tire problem that we're addressing.

So my first question to you, then, is based on the fact that you're saying that relatively the same tire does not have the same potential problems 8 times, I believe you said, less with a Ranger versus an Explorer. Are you contending that there is something in the design of the Ranger that causes the tire separation?

Mr. LAMPE. Congressman Deal, my comment was—and I'm sorry if I confused this. The——

Mr. DEAL. I understand your comment. I'm simply asking——

Mr. LAMPE. No. No. But I've got to clarify one thing you said real fast. The incident of claims for tread separations on the Ranger is 8 times less than the Ford Explorer.

Mr. DEAL. But, now, is that a claim that is followed by a rollover that precipitates the definition of claim?

Mr. LAMPE. The rollover event on a Ford Ranger is practically nonexistent. It's practically nonexistent.

Mr. DEAL. The separation is 8 times less on the Ranger?

Mr. LAMPE. Yes, sir.

Mr. DEAL. Are you then contending that there is something about the design of the Explorer that causes the tire separation?

Mr. LAMPE. We keep looking at that. We talked about that last fall. We talked about why so many rear-tire failures, why so many left-rear-tire failures. We have not had any scientific findings that would suggest that, to date, that would suggest that there is something on the Ford Explorer, other than the inflation pressure and the weight, which is extremely important, but nothing mechanical on the Explorer causing a tread separation.

But we still believe when we go back to the Ford chart on the weight of the Explorer, that one of the Congressman brought up, that that inflation pressure is extremely important. And Congressman—or, Chairman Tauzin, you'll remember last year we talked about 26 pounds, and we asked Ford to let us move our tire to 30. They agreed on a range from 26 to 30. We then went back and said, please, Ford, we want you to recognize 30 pounds for our tire. They did that, and 2 weeks ago I was meeting with Ford, and their top engineer for passenger cars and SUVs told me they have now gone to 30 pounds for all manufacturers.

Mr. DEAL. So the only thing——

Mr. LAMPE. So they probably recognized that 26 was not sufficient as well.

Mr. DEAL. So the only thing you can account for in that regard may be the tire pressure might attribute to that fact?

Mr. LAMPE. Air pressure and load; yes, sir.

Mr. DEAL. Now, the second thing you indicated was that in the tests that you had performed, your tire compared favorably with all of its competitors, and I assume these were tests on your tire that has now been recalled?

Mr. LAMPE. No, sir, this is just the latest testing that we've done, testing that we've done within the last 90 days, 120 days on our tires, which would not include the recalled tires. They're already, for the most part, off the road.

Mr. DEAL. Are you contending that your initial recall was not necessary?

Mr. LAMPE. The additional action taken by Ford?

Mr. DEAL. The initial recall that you made.

Mr. LAMPE. No, I never suggested that, sir. You asked me if we did testing, if this testing reflects tires that we recall; and I'm saying, no, it does not.

Mr. DEAL. All right.

Mr. LAMPE. Those tires are off the road. This is current production tires.

Mr. DEAL. All right. So you're not insisting that the tires that were initially recalled by your action didn't have problems?

Mr. LAMPE. No, sir, I am not.

Mr. DEAL. All right.

Now, you were generally asked a question about the difference in performance of your tires based on their location of manufacture, and I believe you indicated that it may have something to do with which vehicles the tires go on; and I think we are talking here exclusively about all explorers and that it may have some something do with some going to Southern States.

I couldn't help being a little paranoid, as a Southerner, recognizing that all the tires made in the South seem to perform pretty good, everybody; it's only the tires made in the North and sent to the South that have problems. That gives me a little bit of pause here.

Mr. LAMPE. You said that. I didn't.

Mr. DEAL. Is there any other explanation that you can offer with regard to the differentiation between point of manufacture and performance?

Mr. LAMPE. It is also the type of tire that is produced. You might have a commercial light truck tire being produced in one plant, versus an over-the-road passenger tire in another. You would expect to see a higher separation rate, claim rate, if you will, on the commercial light truck tire because of its application.

So application has a lot to do with it as well, Mr. Deal.

Mr. DEAL. Thank you, sir.

Mr. LAMPE. Thank you.

Mr. GREENWOOD. The chair recognizes the gentleman from Florida, Mr. Deutsch, for 5 minutes.

Mr. DEUTSCH. Thank you, Mr. Chairman.

Mr. Lampe, there have been allegations that Ford basically pushed Firestone with its demands to improve the Explorer's stability and gas mileage, and that Firestone ended up going along with those demands, but didn't tell Ford that the tire would not be as robust if that were to occur.

Looking back on that sort of period, first of all, if you can talk about the veracity of those allegations; but also, knowing what you know now, would you be doing things differently in terms of changes that you made.

Mr. LAMPE. I am not aware of any changes that were done for the reasons you stated, Congressman. Yes, frankly, looking back—you've asked me that; I have been asked that before. Looking back, the air pressure of 26 pounds was a bigger factor than we originally thought.

Mr. DEUTSCH. Okay. Did Ford specifically ask you to lighten the tire at any point?

Mr. LAMPE. We did lighten the tire. I have also seen that information. We lightened the tire, and I can't remember which model year it was. I don't know if this was the result of an innovation, an improvement that we could make on our tires, or if it was at Ford's request; but I will get that information for the record.

I do not know if that was at Ford's request.

Mr. DEUTSCH. I appreciate if you can provide that.

We have placed into the record a June 16 article from the St. Petersburg Times reporting that a Fort Myers man died in March after a Cooper tire tore apart and his Explorer flipped over.

Another person was killed in Florida on May 16 of this year when an unidentified non-Firestone rear tire fell apart.

An April 30 article from the Peoria General Star reported on the death of an Illinois man who had replaced his Firestone tires with Cooper tires.

Now, Cooper tires were not approved replacements for the Firestone tires. Do you have any evidence of Explorers rolling over on non-Firestone, but approved, replacement tires after last year's recalls.

Mr. LAMPE. Sir, I have got reports that have been sent to me from media reports that—of a number of cases of Explorer rollovers on competitor tires other than—in addition to those that you have mentioned. There were two or three in California; there was one in Georgia. There have been a number, but I do not—I do not have an adjudication, I do not have a certification, of these. They have just been reported on competitor tires.

Mr. DEUTSCH. I think that's an issue again where whatever information you have, if you can provide the committee and committee staff with that obviously very helpful information.

Mr. LAMPE. I believe we've provided that, but I'll double-check and make sure you get that.

Mr. DEUTSCH. We have the performance specifications that Ford provided to both Firestone and Goodyear for the Explorer tires. What changes need to be made in these specifications to avoid another disaster? Or is it possible? I mean, do you have any suggestions about that?

Mr. LAMPE. I think we need to continue to improve our ability to exchange information with the automobile manufacturer.

Congressman, last fall I said that we've got to know a lot more about the vehicle, that we've got to know a lot more about our tires, and we've got to talk a lot more about what, if they increase the weight from 5,000 pounds to 5,600 pounds, we need to know.

If we change something in our tire that is going to affect the performance of that vehicle, they need to know. And I said back then that I am firmly convinced, that is the best thing we can do is, share more information, be open with each other and make sure we understand how the tire and the vehicle interact.

Mr. DEUTSCH. Now, you have just emphasized the importance of vehicle weight to tire performance. When did you first learn that Ford had increased the Explorer's weight by 600 pounds in the model year 1996?

Mr. LAMPE. And I can't speak for the 45,000 people in my company. That would be kind of an unfair statement. We did not become aware at the management level until we got into this whole issue about weight and inflation, which was last year. That is the first time we became aware that Ford had increased the weight from 1990 to 1996, and then they decreased it, back down.

And what's interesting about that is our highest rate of claims on the Ford Explorer are those 2 years where the weight was the highest. Our claims were less before, and they've come down since the weight came down. Whether that is a strong correlation or not, I would suggest it is.

Mr. DEUTSCH. Were you surprised that Firestone was not informed of the change in the weight?

Mr. LAMPE. I am surprised, in looking back at it. I wasn't involved in the Ford-Firestone relationship back in 1996. I would have had no reason to be involved, but I am surprised that we weren't informed.

Mr. DEUTSCH. And as you've testified at this point, then how important is the vehicle's weight to tire performance?

Mr. LAMPE. It is very important. It's very important. Weight and inflation are the two most important things to tire performance. If a tire becomes underinflated, or if it becomes overloaded, that tire is going to run the risk of being damaged.

Mr. DEUTSCH. Let me just ask one last question.

I asked Mr. Nasser about testimony that Ford experts have given at trial regarding the ability to drive, or the average driver to drive, in a situation where the treads basically come apart. What would your position be in terms of the ability of a driver to drive in that situation?

Mr. LAMPE. As Goodyear stated on four different occasions, tread separation is not an unusual tire failure. All tires will fail, all tires can fail if they're not taken care of, if they're abused. But probably the most compelling thing is a presentation that Goodyear made to NHTSA back in—I believe in March; and I am sure NHTSA can provide you a copy. And there are two things I'd like to read from their presentation. I mean, I—it is here—this is Ford's presentation to NHTSA back in March, Ford's presentation:

"Like other SUVs, Explorer's handling capacity, even with a separated tire, is sufficient to allow a safe stop." that's one statement by Ford.

The other one:

"Explorers have a margin of safety, as designed, to accommodate a reasonable level of component failures, including tread separations." they said this in March.

Dr. Guenther comes out in May and says, there's a problem because it is a foreseeable event; and now Ford is saying, well, they don't design their cars for that after all—very important.

Mr. GREENWOOD. The time of the gentleman has expired. The Chair recognizes for 5 minutes the gentleman, Mr. Bryant.

Mr. BRYANT. Thank you.

I'd like to welcome and thank you for your patience also. Let me ask you some questions, some of which may be answered briefly, maybe even yes or no; but I have got about five questions I'd like to cover with you.

Referring back to last year, how long did it take Firestone to complete the original tire recall which was ordered by NHTSA last summer, and how many tires were recalled and were they all replaced?

Mr. LAMPE. We virtually completed the recall in about 5 months, 4½ months. We replaced about—it is a little over 6 million tires. We have continued to replace those tires; we've got up to about 6.3 million; we estimated there were about 6.5.

I am not sure, but if you ask NHTSA, I think they would probably tell you this is the highest percentage of reclaimed product on a replacement program like this that's ever been. They're virtually all off the road, Congressman.

Mr. BRYANT. Given your successful completion of this tire recall last year, is the current tire recall being conducted by Ford necessary?

Mr. LAMPE. No, sir, it's not. The tires they're replacing are perfectly safe tires.

Mr. BRYANT. What, if any, quality control measures has Firestone undertaken to prevent situations like the tire recall last summer from occurring again?

Mr. LAMPE. We've done a number of things, Congressman. We, first of all, instituted an improved early warning system to make sure that we can catch an issue when it's an issue and before it becomes a problem, and that is working. We have done some manufacturing changes in our product, in our plants, not only to—as matter of continuous improvement.

But we understand that there will be tougher standards out there in the future and tougher testing requirements by the TREAD Act, and we want to make sure we are in full compliance and ahead of the program on that.

We've also done some standardization in our plants, but we've done a number of things as a result of lessons learned.

Mr. BRYANT. You mentioned the TREAD Act. Of course, Mr. Upton's here as the sponsor of that bill last year; and in response to that bill, what changes, if any, has Firestone undertaken, anticipating the new defect reporting obligations under this act?

Mr. LAMPE. First of all, Congressman Upton, we're fully supportive of your bill. RMA, the Rubber Manufacturers Association, which includes all the major tire manufacturers, including Goodyear, Michelin, Cooper, we have been very supportive. And we will continue to support NHTSA and work for a successful implementation of that act.

One of things we've changed, Congressman Bryant, is the reporting system on our quality control procedures. We have a quality control committee that reports directly to me and is accountable directly to me. They bring any issues that have come up through our early warning system, identifying when there are still issues.

It's my decision, my responsibility to make the decision to either go out and get those tires, or some other recourse, but we have changed completely our reporting requirements.

Mr. BRYANT. I have got one final question.

I was in and out, visiting with constituents, and I don't know if you have been asked this question. But concerning the Wall Street Journal article that talked about different ratings or classifications, if you will, A, B, C of tires; and there's been testimony that Mr. Nasser addressed about perhaps their requirement that they use a C-rated tire on the Explorer, and also that maybe they've gone to a B-rated.

Could you distinguish in layman's terms for us those ratings and in terms of heat resistance and usage on an Explorer-type vehicle?

Mr. LAMPE. Yes. There are three ratings, basically A, B and C.

Ford did not—and I'd like to correct the Congressman's statement a little bit. Ford did not specify a temperature grade, and that I believe was Mr. Nasser's testimony as well—just confirming that. The C temperature grade is a perfectly acceptable temperature grade on passenger and light truck vehicles in the United

States. It is not a reflection of geographic suitability. It's a grade that's assigned during a high-speed, high-speed SAE test; and again there are many vehicles—as Mr. Nasser said, there are millions of vehicles in the United States and all locations in all parts of the country that have temperature grade C tires, temperature grade B and a lesser population of temperature grade A.

Mr. BRYANT. So I think he mentioned that you did not necessarily make that distinction on the tires that you provided to Ford, the Explorer vehicle, initially.

Mr. LAMPE. That is up until 1999. I believe it was 1999. As we interpreted the regulations, we were not required to mark light truck tires or tires that were used on light trucks, like SUVs, with a UTQG designation. There were other manufacturers that didn't do it either, that interpreted the regulation the same way. NHTSA had asked us in 1999 to begin marking those tires, and we did at that time.

Mr. BRYANT. Very quickly, the last question on this, how in terms of performance would a C-rated tire compare to a B-rated tire.

Mr. LAMPE. Again, there are many, many factors of performance, handling, maneuverability and so forth. Again, this is more of a speed—it's a speed-rated, high-speed test to see what tires can resist heat at high speeds; it is about 80 resistance, which is the top B or a C.

The only performance—in my opinion, Congressman Bryant, the only performance distinction would be the temperature generation and resistance at high speeds.

Mr. BRYANT. Thank you, Mr. Chairman.

Mr. GREENWOOD. The time of the gentleman has expired.

The Chair recognizes for 5 minutes the gentleman from Massachusetts, Mr. Markey.

Mr. MARKEY. Thank you, Mr. Chairman, very much.

A few weeks ago Firestone gave the National Highway Traffic Safety Administration a preliminary report regarding handling and oversteer problems in the Ford Explorer. Yet Firestone had known from litigation in the mid-1990's about the handling issues with the Explorer.

Why didn't Firestone approach NHTSA back in the mid-90's or late 1990's about this issue, so that it could have been dealt with as the safety issue which had already been identified in that earlier time period before additional death and injury was caused by the vehicle?

Mr. LAMPE. Congressman Markey, it's very difficult for me to answer that. I was not—as you know, I think, I just took over to be CEO last October, and I was not in our technical or manufacturing area. I don't know that people at Firestone felt that there was a vehicle problem, or not, back in the early 1990's. Certainly there were a few lawsuits that existed at that time on the Ford Explorer that would suggest—that existed for rollovers, but I can't tell you if anybody in our company approached NHTSA or not.

I don't believe they did.

Mr. MARKEY. No, I don't think they did. The question is, why didn't they?

What we're all interested in here is clearly the dysfunctional relationship that exists not only between Ford and NHTSA, but between Firestone and NHTSA. And I think we're concluding pretty much between both industries and NHTSA in terms of the responsibility, which each company feels that it has to bring information to NHTSA, that could help provide additional safety for the American family?

Mr. LAMPE. I agree with you completely. I don't consider our relationship with NHTSA dysfunctional. We have a tremendous amount of cooperation, but——

Mr. MARKEY. I don't mean now. I know it's improved a lot.

Mr. LAMPE. Congressman, I can only assume and I can only say that I guess if there was an issue we felt we would, Ford would bring it to the forefront. They're the experts. They know the stability of their vehicles; and other than that, it's really hard for me to comment because I wasn't in the position back then.

Mr. MARKEY. No, I appreciate your passing the buck there over to Ford; and you, as well—because of the litigation, you as well knew there was a huge issue here—again, not you sir, you weren't in the position at that point in time. But it's a real issue.

Let me ask you a question. I would just like to get your view on it. The roof crush standard is 30 years old. Would you support a new roof crush standard to be developed to reflect a rise of SUVs on our roadways and the higher probability of rollovers in these vehicles?

Mr. LAMPE. I support Congressman Upton's TREAD Act that will increase the testing on tires.

Mr. MARKEY. I'm not talking testing. I am talking about an actual roof crush standard, so that families aren't, as the vehicle rolls over, crushed to death inside of the vehicle.

Mr. LAMPE. Congressman Markey, I am not the vehicle expert, but I would support anything that would improve public safety as long as there was a risk/benefit analysis associated with it to see the practicability of it.

Mr. MARKEY. Well, obviously, from your own testimony, Ford has increased from 5,000 to 5,600 pounds the weight of the vehicle; and this pretty much becomes a weight issue, how much weight do you want to now build into this roof protection so that the consumer is—the American driver or passenger is not crushed.

Mr. LAMPE. And I'm certainly not trying to be flippant at all in a subject like this, but yes, you could design a people—you could put people in tanks, and they wouldn't be hurt on rollovers. The only matter is, is that practical; and I am not qualified to say that. But I am for anything that improves public safety.

Mr. MARKEY. How about the use of advanced window glazing inside of the window to prevent glass from falling out in crashes? Do you think that makes sense?

Mr. LAMPE. Congressman, you're asking me to comment on something that's way out of my realm of expertise. Excuse me.

Mr. MARKEY. Okay. Okay.

I would like it if you could to give us, for the record, any information that Firestone has, any memos that deal with what you knew about the handling and oversteer problems back in the mid- and late-90's from these lawsuits, and what you knew about what Ford

knew on these issues at that time, so that we can get a handle on how long ago it was that it was clear that there was a big issue here.

Would you provide for the committee memos, any memos that Firestone has developed or has access to that came from other companies relating to that, those issues during that time period?

Mr. LAMPE. If that information has not already been provided, certainly we will provide that, Congressman.

Mr. MARKEY. Okay. Thank you.

Mr. GREENWOOD. The time of the gentleman has expired.

The Chair recognizes for 5 minutes the gentleman, Mr. Shimkus.

Mr. SHIMKUS. Thank you, Mr. Chairman. Let me ask, on the information you provided us, Mr. Lampe, the chart here, it says Florida Single Vehicle Highway Fatal Incident Crash Rates by Model Year. I think it's in section one, the third or fourth chart. The charts were Florida and Texas accident data limited to a single vehicle highway accident where a tire was a contributing factor of the accident. The question, again, is trying to clear up data and data supplied to us.

Why didn't you include the Mercury Mountaineer in your definition of a Ford Explorer? You did include the Mazda Navajo, correct?

Mr. LAMPE. I asked that same question, Congressman, because I was mystified as to why. It's the same tire, we supply the same tire to the Mountaineer. It is my understanding that the Mountaineer has a different suspension than the Explorer and the Navajo do. That's my understanding.

I am sure somebody from Ford could answer that, but that's why they were not included, because they were not an apples-to-apples comparison.

Mr. SHIMKUS. I am sure we'll be able to get a response from Ford. We'll follow up on that and we've got staff shaking their heads yes.

Let me go to another issue that I raised in other questions, and it deals with this whole standards requirement; and again I will go back to an issue—again, you were not CEO at the time we worked through the TREAD Act. I did raise the nylon cap issue then and I just raise it now, really as a point of discussion.

In a Time magazine article of September 2000 they—their basic premise of the article stated that with the advent of increased highway speeds, it may now be time to revisit nylon caps as vehicles get heavier, as heat and aspects—what is your position on the nylon cap, and is it or is it not needed. And why—do you produce tires with a nylon cap and why do you produce some for one type of vehicle and not for other types of vehicles?

Mr. LAMPE. Again, at the risk that I'm not a tire expert or engineer; but I've worked with the company for 27 years, so let me try to answer that to the best of my ability.

We do make some tires with nylon caps. Nylon cap ply strips are used for high-speed applications. They were originally, to my understanding, developed in Europe for the autobahn. We have done a lot of tests, and they do improve the high-speed capability of tires. And the higher speed that you go, the higher speed rating

you go on a tire, the more likely you are to find cap strips and cap plies.

We have also done tests that would indicate that cap strips and cap plies have no noticeable effect on a tire, with a tire separation, getting a separation or having a separation occur. They're more to hold the tread in place at very, very high speeds.

I think there are millions and millions and millions of tires on the American road today, hundreds of millions that don't have nylon strips, nylon cap plies, and they function and operate just fine. If we were ever to go to a system, perhaps, God forbid, like in Germany with no speed limit, then certainly they would be required much, much more than today.

Mr. SHIMKUS. In a follow-up to comments and questions with Mr. Nasser—and I am sure we'll get better information after everybody's sorted through the transcript—it was our understanding that Ford did move to push nylon caps for Venezuela and Saudi Arabia, on their tires being sold in those locations. We didn't get a definitive answer from Ford whether that was true.

Do you have any information on that?

Mr. LAMPE. I believe, sir, that today the competitive tire they're using in Venezuela does have a nylon cap ply or a nylon cap strip. It is also my understanding that the speeds in Saudi Arabia and Venezuela, both, are extremely high. People routinely drive 100 miles an hour. So those two areas might very well justify cap plies or cap strips.

Mr. SHIMKUS. Thank you.

Mr. Chairman, I yield back.

Mr. GREENWOOD. The Chair thanks the gentleman and recognizes for 5 minutes the gentleman, Mr. Stupak.

Mr. STUPAK. Thank you, Mr. Chairman.

Mr. Lampe, at the September 5th hearing, I asked Mr. Ono, who was then representing Firestone, whether they would join us in calling for and cooperating in a blue ribbon, independent panel to perform review on all the AT, ATX Wilderness tires, and determine the cause, and propose solutions.

Is Firestone still committed to a blue ribbon, independent committee?

Mr. LAMPE. We were committed then, Congressman. As long as it looks at both the vehicle and the tire interaction with the vehicle, we would certainly join with that committee.

Mr. STUPAK. I think that's a problem. Shouldn't we let the committee decide what it should look at if it's truly going to be independent?

Mr. LAMPE. Mr. Stupak, we strongly believe that you've got to look at the tire-vehicle interaction, because one doesn't make sense of the study itself.

Mr. STUPAK. But then we get results like you have with the Guenther report, where you have completely the same results based on scientific study, but we get two different organizations here advocating two different results of the same scientific study.

So shouldn't you really let an independent panel determine what it should look at and what it should not look at?

Mr. LAMPE. Congressman, I would agree that an independent panel certainly gives a he-said/she-said, removed type of report; but

again, I would strongly encourage that panel, if they want to understand what is happening in the field today, to look at the tire and the vehicle and the interaction between those two.

Mr. STUPAK. In the earlier testimony, they talked about—I guess they called it the field data tests that Ford did about the—they put the hundred, I am sorry, 1,083 separations with the Firestone and two separations with Goodyear tires on their vehicles. Roughly 3 million Goodyear tires were tested and 3 million Firestone tires were tested.

Do you remember that testimony?

Mr. LAMPE. Yes, I do.

Mr. STUPAK. And you got a copy of that report?

Mr. LAMPE. I don't know if we did or not, Congressman.

Mr. STUPAK. Okay. According to Mr. Nasser, you received it, the committee received it, and NHTSA received it.

Mr. LAMPE. That's fine.

Mr. STUPAK. How do you explain that, when you do 3 million Goodyear and 3 million Firestones?

Mr. LAMPE. It's very interesting. You say that this same committee back last year got a document, you refer to it as Document 54.

Mr. STUPAK. No, no, let's stick with this document.

Mr. LAMPE. What I am trying to explain is, Document 54 showed that Ford had received 10 complaints about Goodyear separation——

Mr. STUPAK. See, that's not my question.

Mr. LAMPE. [continuing] and now they're saying two.

Mr. STUPAK. I want to ask the questions.

Mr. LAMPE. I am sorry. I misunderstood.

Mr. STUPAK. You are only going to interpret what you want to interpret.

I'm asking specifically about this one, not Document 54, but this study here about the 3 million Goodyear tires and 3 million Firestone; any idea how you get the differences? If you don't, you don't.

Mr. LAMPE. I don't know how Goodyear classifies claims, Congressman, and I can't explain the number "2" that is shown for Goodyear, when we talked about 10 already last year.

No, I cannot explain it.

Mr. STUPAK. All right. But you would agree with me would you not, that without tire separation, we don't have to worry about understeering and oversteering on the vehicle?

Mr. LAMPE. No. I would not agree with you, Congressman, on that.

Mr. STUPAK. Okay. Well, what else? Do you have to worry about understeering and oversteering without losing control?

Mr. LAMPE. It's my understanding that any type of ride disturbance, such as a tread separation, could possibly induce the same characteristic and same need for understeer versus oversteer in a vehicle.

Mr. STUPAK. Okay, other than tread separation, what else do you get in an oversteer or understeer situation?

Mr. LAMPE. I don't know, Congressman. I would think there are a number of things that could happen to the rear of the vehicle

that would induce the same sort of situation, but again, I am not a vehicle dynamics expert.

Mr. STUPAK. In this whole situation here on some of the charts that have been up here, I think there was a yellow chart your assistant there has been putting up there. I think it is Attachment No. 3 in your testimony.

You talk about tread separations as sort of a common occurrence with vehicles; is that correct?

Mr. LAMPE. No, I wouldn't characterize it, and I think I previously said I would not characterize it as a common occurrence. Tread separation is a very rare event considering the millions and millions and millions of tires that are made.

Mr. STUPAK. Okay. Very rare event?

Mr. LAMPE. Yes, sir.

Mr. STUPAK. We have more blowouts than we do of tire separations?

Mr. LAMPE. No. Again, in my opinion, Congressman, and Goodyear backs that up, tire separations are the most common-type tire failure.

Mr. STUPAK. How many tire separations do we have each year in this country; do you have any idea?

Mr. LAMPE. No idea, Congressman.

Mr. STUPAK. Of all these rollovers, do you know how many are not tire separations?

Mr. LAMPE. All I can tell the Congressman is that the FARS data, Federal Fatal Accident Reporting Systems data, from 1990 to 1999 on the Ford Explorer single vehicle rollover accidents, 6 percent of those accidents alleged a tire involvement. There were 94 percent of those rollover accidents that did not have any tire-related factor to them.

Mr. STUPAK. Okay. The Explorer—and you have a chart up there about the gross vehicle weight and the changes by year and tire pressure and load, you said, are—well, weight are very critical. When you have a tire separation, your vehicle weight will shift, will it not; the critical mass of a vehicle will then change?

Mr. LAMPE. I don't know that to be a fact, sir. And I did not see that in Dr. Guenther's report. I can't say that it does or doesn't. I am sorry. I can find out for you.

Mr. GREENWOOD. The time of the gentleman has expired.

Mr. LAMPE. Would you like for me to find out about that, Congressman Stupak.

Mr. STUPAK. Sure. I'd appreciate it. Thank you.

Mr. GREENWOOD. The Chair thanks the gentleman and recognizes the gentleman from Michigan, Mr. Upton, for 5 minutes.

Mr. UPTON. Thank you, Mr. Chairman.

And, Mr. Lampe, I appreciate your remarks in support of the TREAD Act, which was signed by the President last year. Again, I was sorry that I was late coming back; and I was not here for Mr. Nasser's testimony.

But in reading it, he said this and I quote from page 2:

"our tire team worked closely with NHTSA every step of the way. We also shared our data and analysis with Firestone—Dr. Sanjay Govindjee, who conducted an independent investigation at Firestone's request."

He goes on to say, "And we did detailed engineering analysis of failed tires to give us an understanding of real-world failure mechanisms. Our findings prove consistent with the findings of Dr. Govindjee," and goes on to say, "Firestone's Wilderness reached the following conclusions, Firestone Wilderness AT tires experience higher rates of tread separations than other tires, including the Goodyear tires used on the Explorer."

Now what is interesting to me as I read that testimony is then to look at today's Wall Street Journal when it says "Sanjay Govindjee," the same individual, "an expert hired by Bridgestone/Firestone," then it goes on here to say, "a unit of Japan's Bridgestone/Firestone Corp. last year to report on the root cause of more than 2,100 tread tires used on previous-generation Ford Explorers, said yesterday that the tire company officials didn't provide him with certain data that he requested during his inquiry. Dr. Govindjee, a professor of civil engineering at University of California, Berkeley, said he wasn't shown criteria information last year about changes made to a critical component of Wilderness AT and ATX tires."

Further, it goes on to say, "I am a little perplexed as to why I wasn't shown certain data about the wedge change. Clearly, the wedge is important in tread separations. The thing that's unanswered is how important is that change that they made."

Comment.

Mr. LAMPE. Not exactly sure what information Dr. Govindjee's referring to. We gave him tons of information. We talked about the wedge change here.

Mr. UPTON. He was your guy, right?

Mr. LAMPE. We hired him as an independent third party investigator, Congressman, to be exactly that, completely independent. We gave him tons of data. If there is something we didn't give him?

Mr. UPTON. Because Ford says, Nasser said in his statement, their conclusion was with him, the guy you hired.

Mr. LAMPE. And Dr. Govindjee's conclusion was consistent with ours, our root cause analysis. We have no difference with—differences with Dr. Govindjee; his findings confirmed our root cause analysis on the recalled population of tires. That's what his mission was.

But if there is anything that Dr. Govindjee didn't get that he feels he needs, we'll be sure he gets that.

Mr. UPTON. One of the frustrations I think Chairman Tauzin mentioned in his question, is, we do want to get to the bottom of this. We want an independent party who can tell us who's right and who's wrong, and get the bad tires off if, in fact, they are.

I'll bet you have seen this Ford document they think they provided to all of their dealers of the tire replacement program. In it, it says, "Once the Wilderness AT tires reach 3 years old, the failure rate increases considerably"—the tires they brought up on the dias a little bit earlier were 3 years old, by the way—laboratory and vehicle testing by Ford shows that tire design variations and physical characteristics of the Wilderness AT tires makes them less durable than comparable tires from other manufacturers. Information shared by NHTSA shows that failure rates for actual road performance for many of the Wilderness AT tires were measurably worse

than comparable tires from other manufacturers, and data recently received from Firestone shows that failure tests had increased significantly for some of the Wilderness AT tires. Because Ford does not have sufficient confidence in the future performance of these tires as they age, we're acting now."

That's their document that they have provided to all their dealers.

Now, one of the arguments in support of the TREAD Act, which passed without dissent last year, was the provision that we included involving criminal sanctions, and the whole idea was to say that when a manufacturer or someone involved in the sale of automotive product was aware that that product was going to lead to serious injury or death that they would come forward to NHTSA and act before those deaths and injuries happen.

Tires that I have here I think perhaps would have led to serious death or injury a little bit earlier and it shows that the sanctions we put in there work, the idea worked. Rather than going back after the fact, after the accident, we had it before. And based on the evidence that Ford is showing us with this and the comments made earlier, I think that they knew that, in fact, those tires were going be unsafe, they were going to lead to serious injury; and to make sure that they were not only protecting their customers, but they knew that they would probably be subject to criminal prosecution, they decided to submit that data and make that decision before NHTSA came up with their final conclusion.

Mr. LAMPE. And I don't agree with their conclusion at all.

Our tires are safe. Our tires are performing well on the roads.

Mr. UPTON. I don't know all that many people personally that have an Explorer. The ones that I do have had trouble with their tires, all of them, 100 percent.

Mr. LAMPE. I would very much like to have our engineers look at the tires that you brought in today, Congressman. I'd like to see what is——

Mr. UPTON. And three—by the way, three of the four tires that that individual had had that same type of early tread separation.

Mr. LAMPE. I'd certainly like to have those tires examined and if you would work with us on that, I'll get you the findings back.

Mr. UPTON. Last—I know my time is expiring—if we can get as part of the record, I don't know or not, Dr. Sanjay's report to you all, in terms of what he submitted, we'd appreciate that for the record.

Mr. LAMPE. I believe that Dr. Govindjee's report has been provided to the committee. If not, Congressman Upton, we'll certainly do that.

Mr. UPTON. Thank you. I yield back.

Mr. GREENWOOD. The staff informs me that we have that document, and we will make it available to the gentleman from Michigan.

The Chair recognizes the gentleman from Pennsylvania, Mr. Doyle.

Mr. DOYLE. Thank you, Mr. Chairman. I just have one question, and it's really a follow-up to something Mr. Stupak was talking to, too, because it's very, very frustrating, the issue of trying to sort through all the claims and counterclaims.

But as I was reading through Ford testimony, they point to this one example of what they claim is the only apples-to-apples comparison, and I think you alluded to it earlier, Mr. Lampe, in your testimony when you said, in the period 1995 to 1997, because of some labor unrest or something, that Ford had taken some of the pressure off of Firestone by introducing some Goodyear tires into their line; but that it was sort of a way of taking the pressure off of supply. So that during those 3 years, 1995 to 1997, "we were equipping the Ford Explorer with Goodyear and Firestone tires."

And their claim is that roughly 3 million Firestone tires were equipped on about 500,000 Explorers; and that your own claims data base shows that there were 1,183 claims of tread separation and that there were also about 3 million Goodyear tires on another 500,000 Explorers that traveled more than 25 billion miles and that their data base shows only two minor claims of tread separation. And I guess the question, or the point they're making, is that if the car was the issue, if the Explorer was the cause of the tread separation, or at least a contributing factor to it, wouldn't there be more of—you know, wouldn't these two be more in the same ball park.

The Firestone AT tires on the Explorers had 600 times more tread separation claims than the Goodyear, and you would think, if the car was the culprit, that they'd be a little bit more in the ball park, the Goodyear and the Firestone tires; and I'm just wondering how you square that, because it seems to me to be the only apples-to-apples data we have here.

Mr. LAMPE. And just two comments, Congressman. Once again, that information is based on claims data, and I really don't—I don't have access to the Goodyear data and I don't know how they identify, how they, what their definition of "claims" is, if it's the same definition that we've got. Because nobody ever used "claims" up until 8 months ago. So I don't know that it is an apples-to-apples comparison.

But if you look at our tire, that tire you were talking about that had those separations—which, by the way, the vast majority of those separations you're talking to are tires that we've replaced, that we've recalled.

But if you look at that exact same tire we make today and put it on the Ranger, you have 800 percent less amount of claims than you do on the Explorer.

Mr. DOYLE. So what you're saying is that Goodyear doesn't report tire separations the same way you do, or there's no standard way of reporting?

Mr. LAMPE. I'm saying I don't know how they report. Claims—we have never used claims as a performance indicator up until August of last year, July and August. We always used adjustments, warning adjustments. So this claim is a whole new classification, if you will, of tires. We had to define the classification for us in order to give the information to NHTSA.

I do not know if Goodyear has the same definition of "claims." I don't know, maybe they say anything over $500 is a "claim," anything less is just an "adjustment."

So I don't know that we can compare those unless I can see exactly the Goodyear information.

Mr. DOYLE. So you're saying that it's conceivable that there could have been 1,000 tread separations with Goodyear tires, and if the damage was under $500, they may not have reported it?

Mr. LAMPE. I think that's kind of stretching it. I'm not trying to get you to believe that. I am just saying that I don't know what an accurate number would be for Goodyear unless I knew for sure that it was defined exactly the same, Congressman.

Mr. DOYLE. Let me ask you one final question. If the car was the culprit, would you expect that the tire separation rates would be roughly equal between the two tires?

Mr. LAMPE. If the Explorer inflation and load factors were the same, I would—I would think that the—the effect would be the same on the tires.

Mr. DOYLE. It would be interesting to see how Goodyear does their claims. Thank you.

Mr. DINGELL. Would the gentleman yield?

Mr. DOYLE. Yes, I would.

Mr. DINGELL. When Ford orders, or rather commences, negotiation with you about purchasing tires to be put on its Explorer, it gives you essentially a series of performance specifications; does it not?

Mr. LAMPE. Yes, I believe that's a term I used.

Mr. DINGELL. It says the tires are supposed to do these things and these are the characteristics of the vehicle; isn't that right?

Mr. LAMPE. Yes.

Mr. DINGELL. And this is how the vehicle will be used. So Ford has given you then performance specifications on both the Explorer and on the Ranger; is that right?

Mr. LAMPE. That's not entirely true, sir. They specify—they specified exactly the same tire to be used on the Explorer and the Ranger; the exact, exact same tire is put on the Ranger. We ship them to Ford they put some on Ranger, some on Explorer.

Mr. GREENWOOD. The time of the gentleman has expired.

Mr. DINGELL. Could I ask unanimous consent, because I think it is a very important point.

Mr. GREENWOOD. Does the gentleman ask unanimous consent that the gentleman from Pennsylvania be given an additional 1 minute?

Mr. DOYLE. Yes.

Mr. GREENWOOD. Without objection.

Mr. DOYLE. And I yield to my chairman.

Mr. DINGELL. Doesn't Ford give you specification for both the Ranger and the Explorer, and you then manufacture a tire to suit those?

Mr. LAMPE. Congressman Dingell, it's my understanding that Ford gave us one specification.

Mr. DINGELL. For the two?

Mr. LAMPE. To be used for the Ranger and the Ford Explorer; it's exactly the same tire.

Mr. DINGELL. Don't the specifications design the weight, speed, the carrying capacity, turning torque?

Mr. LAMPE. Ford designs the specifications. They gave us one specification for the same tire to be used on the Ranger as is used on the Explorer. They—in fact, that tire, when we ship it to Ford,

it doesn't know what vehicle it is going to go on. It arrives at Ford and they put some on Rangers and some on the Explorers—doesn't make any difference.

Mr. DINGELL. Why are they failing then on Explorers and not failing on Rangers?

Mr. LAMPE. Thank you, Congressman. That was my point exactly.

Mr. DINGELL. But why?

Mr. LAMPE. I think you have to look at the vehicle. The difference is the vehicle. The tire's exactly the same; the difference is the vehicle.

Mr. DINGELL. Well, are you telling me you're not making a tire that suits the Ford Explorer and does suit the Ranger.

Mr. LAMPE. I am telling you I—we're making the tire that was requested by Ford, that was specified by Ford.

Mr. GREENWOOD. The time of the gentleman has expired.

Mr. DINGELL. The Ranger's a pick-up truck; is it not?

Mr. LAMPE. The Ranger is a pick-up truck.

Mr. DINGELL. And the Explorer is an SUV?

Mr. LAMPE. Ford Explorer is an SUV, yes.

Mr. GREENWOOD. The time of the gentleman has expired.

The Chair recognizes the gentleman from Florida, Mr. Bilirakis, for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I want to apologize to you and the committee; I have a great big, bad Superfund site not only in my District, but in my hometown; and we had public meetings last night and this morning, and I had to be down there for those because they were planned long in advance of this hearing.

Mr. Lampe, even before I heard some of the questions that were asked of you—and I obviously did not hear your opening testimony—I felt that before we could ever get to the bottom, if we ever will, of what has happened here, that certainly the interaction of the tire and the vehicle has to be considered. And I think that we're just barking up the wrong tree if we don't do that.

This is not to insinuate anything at all, but it's just that we've got to look at both of those, I think.

I did note in your testimony—pretty profound statement, your written statement—and you said the odds of having a fatal accident in a Ford Explorer are three times greater than in any other midsize SUVs.

Mr. LAMPE. And I believe you referring to Florida, we looked at two different data bases Congressman. We looked at the Florida test crash or the Florida crash data base and the Texas crash data base and that statement came from one of those data bases yes, sir.

Mr. BILIRAKIS. Well, now, how did you come to the belief that the odds are three times greater?

Mr. LAMPE. The data base will show you single vehicle accidents, single vehicle rollovers of the Explorer, and then it will show you all the other SUVs and it will show you if it was tire-related or not tire-related. That all comes from Florida's data base, and we simply then had statistical methods applied to that data base to determine the odds of one versus the other.

Mr. BILIRAKIS. Well, you say it would tell you whether it was tire-related or not. In other words, I mean, is the fact that there

are three times more fatal accidents in a Ford Explorer than in other midsize SUV—is that a fact regardless of whether it involves tires, regardless of whether it involves seatbelts, regardless of any other factor? Is that right; is that what your testimony is?

Mr. LAMPE. In the written, that comes directly from the Florida data base, yes.

Mr. BILIRAKIS. So that's a black and white figure?

Mr. LAMPE. Straight from the data, sir, it's my understanding.

Mr. BILIRAKIS. Straight from the data.

Well, a general question, sir. It seems that there's, there were a large number of claims in this country, problems overseas, with these tires, your tires, dating back to 1997. And this is certainly a question that I think has to be asked of the next panel, Mr. Jackson, but I would ask you, why is it that something more was not done prior to, let's say, last summer, July, the middle of last year in terms of examining relevant data base bases?

What I'm trying to get to here is, you know, after the fact, which is what we're doing here, after the fact, I realize there might still be some accidents—isolated accidents taking place after out there. But after the fact, I mean, does it—maybe you get to the problem, you try to solve the problem, but in the meantime, an awful lot of terrible things have happened.

So could you, could Ford, could or should the government have gotten more involved in trying to prevent all of these things that took place after—once—you know, it's been a year-and-a-half now that we have known the problems were developing, claims have been—were being filed.

Mr. LAMPE. And you're referring, Congressman, to the events leading up to last August recall announcement?

Mr. BILIRAKIS. I'm referring to—I'm referring to claims regarding these tires that went back to 1997.

Mr. LAMPE. Leading up to August?

Mr. BILIRAKIS. Yeah, leading up to it exactly.

Mr. LAMPE. And we did an awful lot of work, and we did a lot together with Ford. Ford alerted us of a situation in Saudi Arabia. We went over there with a team of engineers and, together with Ford, went out and examined a lot of tires.

The conditions in Saudi Arabia are very extreme, Congressman. We covered those last year when we talked. Already very, very flat loads, very high speeds. In many cases they will go off the highways onto the sand, deflate their tires because it gives them more flotation. Then they come back on the highways and there isn't any place to reinflate their tires so they travel long distances with very severely underloaded tires.

We looked at the tire. There was not a tire problem. Ford agreed with us it wasn't a tire problem. And the same situation happened in Venezuela.

We have talked a lot about claims today. And it wasn't until we actually started looking at the claims data that we had never looked at before as an performance indicator, and NHTSA and other tire companies had not looked at it, that we saw an overrepresentation of tires that were produced in one design called the ATX, and in one size; and then another one size in the Wilderness

tire that was produced in Decatur. And then that drove us to take our action.

But we took very, very prompt action. When we had this claims data and could see this overrepresentation, we didn't mess around at all. We—it was within a week that we were up here and announced a voluntary recall.

Mr. BILIRAKIS. Thank you.

Mr. GREENWOOD. The time of the gentleman has expired.

The Chair recognizes the gentleman, Mr. Sawyer, for 5 minutes.

Mr. SAWYER. Thank you, Mr. Chairman.

Just a couple of observations with the questions. "oversteer" and "understeer" are measures of vehicle dynamics, and they represent the loss of adhesion at the front or the rear of the car, and they occur all the time. It occurs in the rain, it occurs on ice, and it really represents simply a loss of the full measure of adhesion.

The point is that the whole question of testing protocols, it seems to me, needs to be revisited. It's the sort of thing I want to ask NHTSA, but Dr. Guenther's dynamic vehicle testing, if there was as much of a difference in the G forces that were applied to the tire between the tests that were done by Ford and the ones that were done by Firestone, that's not a consistent testing. That's not scientifically consistent. That's huge difference. Would you agree?

Mr. LAMPE. Again, Dr. Guenther's testing, Congressman Sawyer, was done at what he calls the linear range, which is at the speeds that we drive at. His analysis of the Ford testing was done at a range that nobody ever achieves. You can't achieve it; therefore, nobody's going to do well at that range.

I think they need to be consistent, yes.

Mr. SAWYER. Who needs to put those kinds of testing protocols in place? Is SAE an appropriate body to turn to?

Mr. LAMPE. I don't know if it's SAE or NHTSA. It's certainly a—I agree with you, it should be a third party, an independent third party, Congressman.

You have brought up an excellent point, the oversteer—understeer to oversteer that's caused by tread separation. Even Ford's own expert said that at normal highway speeds, the effect of a tread separation on the vehicle is nothing more than a gust of wind or running through a puddle of water. So we are not talking about a catastrophic loss of adhesion.

Mr. SAWYER. That's my point exactly. You spoke of a product, of the lasting effect of overheating as being damage to a tire, so that the internal temperature of a tire didn't cause a risk of separation. You used the term "damage." is that damage abiding; even once the tire temperature is returned to normal, has damage been done that lives on in the life of that tire for the rest of its life?

Mr. LAMPE. Any type of high generation of heat, such as underinflation, overload, tremendously high speeds, anything that creates excessive heat can do lasting damage to a tire.

Mr. SAWYER. In that sense, when we talk about warning systems on pressure that we've been talking about for a year now, how critical is the margin of error? That is to say, if, in fact, 26 pounds per square inch were specified and there was a 20 percent margin for error, you're actually talking about potentially being down

below 21 pounds. How critical does that become in terms of the overall life of the tire and the risk of separation at a later date?

Mr. LAMPE. Twenty percent underinflation is very, very critical, and it's not something that you can—you can't run a tire 20 percent underinflated for 2 months and air it back up and think that you have corrected the problem, because the damage exists and it's going to stay there.

Mr. SAWYER. Let me ask you then about a second point of early warning. We're beginning to talk about claims data. My understanding is that you have recently returned to a standard for what is—what are claims data grounded in virtually any loss above the cost of the tire itself.

Am I correct about that?

Mr. LAMPE. I am not sure. I did hear that just the other day. I don't know if that's something new to meet the requirements of the TREAD Act, but I can't disagree with that.

Mr. SAWYER. My understanding is that Goodyear does essentially the same thing.

Mr. LAMPE. Okay.

Mr. SAWYER. How critical is that kind of comparability and should we ask NHTSA to build that kind of comparability into the standards that we ask them to promulgate?

Mr. LAMPE. Yes, any time we are going to be in the future using comparisons and this type of data, we should have comparability in how we classify adjustments, how we classify and claims. It should be consistent.

Mr. SAWYER. You mentioned earlier, but I would just like to reemphasize that you talked about continuous improvement and the effect that reporting protocols back and forth among companies ought to have. That 400 to 600 pounds is significant from your point of view, that a suspension change can be significant. Would you agree that tire design could be equally as significant?

Mr. LAMPE. Yes, a significant change in tire design that could affect the performance of the tire, I would consider that significant.

Mr. SAWYER. One final question. Should we ask NHTSA to be the clearinghouse for that exchange of information, or should we simply require the companies to share that back and forth?

Mr. LAMPE. No, I believe we should require the companies to share it back and forth because I think it is in our own best mutual interest.

Mr. SAWYER. Should NHTSA have a role in that?

Mr. LAMPE. I wouldn't be against NHTSA having a role, Congressman Sawyer, but I don't know that that role would be necessary, but I certainly wouldn't be against it. If it would help the situation, then yes, I am all for it. Anything that makes it better.

Mr. SAWYER. Thank you, Mr. Chairman.

Mr. GREENWOOD. The Chair thanks the gentleman. Mr. Lampe, I think all of the members of the panel have queried you, which means you are excused. We thank you very much for your patience and for your testimony for being with us this afternoon.

Mr. LAMPE. Thank you very much for the questions and the very courteous treatment that I received today.

Mr. STUPAK. Mr. Chairman, may we be allowed to follow up with written questions?

Mr. GREENWOOD. Certainly.

Mr. STUPAK. I thought we were going to go a second round.

Mr. GREENWOOD. If the gentleman has questions that he would like the committee to officially pose in writing, we can do that.

Mr. LAMPE. Congressman, could I make one change? I believe Congressman Bilirakis was talking about some test data, and maybe I misspoke, and I want to just get the record correct.

I believe he was looking at the Florida tire-related data base. If I misspoke and said Texas, I would like to change that to Florida.

Mr. GREENWOOD. The Chair thanks the gentleman for clarification and again for his testimony——

Mr. LAMPE. Thank you very much.

Mr. GREENWOOD. [continuing] and calls forward our third and final panel consisting of the Honorable Michael Jackson, Deputy Secretary, accompanied by Mr. Robert Shelton, Executive Director and Mr. Kenneth Weinstein associate administrator for safety assurance for the National Highway Traffic Safety Administration, Department of Transportation.

Gentlemen, thank you for waiting so patiently to be with us You are aware that the committee is holding an investigative hearing, and when doing so, we've had the practice in the past of taking testimony under oath. Do any of you have any objections to giving testimony under oath?

The Chair then advises you that under the rules of the House and rules of the committee, you are entitled to be advised by counsel. Do you desire to be advised by counsel during your testimony today?

In that case, if you will raise your right hand, I will give you the oath. Do you swear that the testimony you are about to give is the truth the whole truth and nothing but the truth? So saying, you are under oath. And please be seated.

[Witnesses sworn.]

Mr. GREENWOOD. Mr. Jackson, you are going to present the opening statement, are you?

Mr. JACKSON. Yes, sir, I am, Mr. Chairman.

Mr. GREENWOOD. Welcome again and please proceed.

TESTIMONY OF HON. MICHAEL P. JACKSON, DEPUTY SECRETARY, DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY ROBERT SHELTON, EXECUTIVE DIRECTOR, AND KENNETH WEINSTEIN, ASSOCIATE ADMINISTRATOR FOR SAFETY ASSURANCE, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Mr. JACKSON. Thank you. Mr. Chairman, and members of the subcommittee, I am pleased to appear before you this afternoon and wish to thank the subcommittee. Thank you, Chairman Stearns and Greenwood, subcommittee ranking members Towns and Deutsch, full committee Chairman Tauzin and Ranking Member Dingell.

With me I have NHTSA's executive director Robert Shelton on my left and Associate Administrator for Safety Assurance, Ken Weinstein on my right.

Mr. Chairman, this hearing addresses a series of safety issues that are of the very highest concern. Everyone who has spoken

today has underscored that, but I would be remiss by not observing the same point and telling you how seriously we take this inquiry and this responsibility NHTSA has.

The Department of Transportation's investigation of Firestone tires was set in motion by tragic events, and loss of life. All the parties appearing before you here today honor the memory of those individuals by doing our best to take responsible action.

On behalf of Secretary Mineta and myself, and the Department, I want to assure you that DOT is pursuing these matters systematically, objectively, and thoroughly.

Like you, we are also animated by a focused sense of urgency and a vigorous resolve to protect the public interest, to protect the consumers's rights. We have heard today about the consumers being trapped in the middle, and, Mr. Chairman, we wish to be bound right to that interest—right in the middle—to provide you objective, impartial assessments. That is what this committee needs, that is what the American public needs, and that is what this agency was commissioned to do.

We worked closely with both Ford and Firestone to share information to gather facts about these complex matters. We have also consulted with experts throughout the field. We have in our testing commissioned independent scientific labs to do work for us, which I will describe later. So we have brought into our own analysis a substantial amount of the type of blue ribbon expertise that you could find in the country to examine these issues.

As we gain additional information and are able to draw firm conclusions from our ongoing research, we are going to follow this where the facts lead us. We are going to let all the chips fall where they may.

We want to thank the committee, particularly, for your strong support and counsel as we progress. In particular, I want to express our gratitude for the tools, the assistance, and the resources that you have given us in the TREAD Act. Frankly, this is a significant enhancement of the tools that we have to work in this arena, and we are very grateful for the improvements you have given us to work in this area.

After my confirmation by the Senate last month, I read the TREAD Act in its entirety. I have studied it. We have had good conversations to try to get this new Deputy Secretary up to speed on it. But I confess, I often have been impatient at the Department of Transportation about the pace of our regulatory work. We move too slowly too often. But I am pleased to report to you today that we are moving in an area where we have some very tough deadlines for TREAD Act regulatory work. We are on deadline. We are doing the job that we had set out before us and I am pleased to report that things are moving just as planned by the Congress.

And we will keep you advised about our progress in a detailed way as we move forward. This includes regulations regarding tire performance standards, tire pressure warning, early warning reporting requirements, rollover testing and child restraint improvements. We will continue to monitor this carefully and, as I said, I will keep you advised about our progress.

I am pleased to also tell you that yesterday, President Bush announced his intention to nominate an outstanding physician, Dr.

Jeff Runge, to head this agency. While Secretary Mineta and myself will continue to be actively involved, Dr. Runge, if confirmed by the Senate, will have primary responsibility for running the agency. I want to tell you that, in the absence of a new administrator, we have a tremendous amount of confidence in the NHTSA professional team, two of whom are represented here with me today, to move this forward.

We have not been sitting on our hands at this department waiting for a new administrator. We have been moving fast.

The remainder of my testimony will address two topics. First, NHTSA's ongoing investigation into certain Firestone tires; and second, the question of whether and to what extent NHTSA should review tire-vehicle interface issues, including the data commissioned by Firestone regarding understeer and oversteer characteristics of the Ford Explorer.

Sir, if I may, the first topic will be our investigation of Firestone tires. As this committee is aware, NHTSA opened its formal defect investigation of over 50 million Firestone ATX, ATX II, and Wilderness tires in May 2000, after the receipt of a series of complaints concerning those tires.

With implementation of the TREAD Act, we have a far better early warning system to identify these defects. NHTSA now anticipates that we will complete the current testing program for these tires at the end of next week. And by roughly this time next month, we will be able to report publicly on our conclusions about this important assessment.

Since NHTSA's investigation was launched, there have been two separate actions which will lead to replacement of more than half of the tires we have discussed here today, the original recall last summer and the May announcement by Ford of its tire replacement program.

I want to say that the Department applauds Ford for its strong commitment to safety and its efforts to retain the confidence of its customers. But I want to be clear too that NHTSA has not yet completed its investigation, nor have we made formal recommendations or a determination of the necessity for further recall.

Ford's decision does not, in other words, render our ongoing investigation moot. NHTSA's role under the Vehicle Safety Act is to decide whether any of the tires under investigation contain a defect that relates to motor vehicle safety. Some of the tires were installed as original equipment on non-Ford vehicles and are beyond the scope of Ford's replacement program. Other tires have been used as a replacement tire on non-Ford vehicles. It is thus important that NHTSA complete its review, its investigation.

NHTSA's Firestone investigation is unprecedented in its scope and in the tools that we are using in the conduct of this analysis. The agency has examined literally hundreds of tires from the field and is employing numerous state-of-the-art techniques to analyze them. I have outlined in my formal presentation the types and techniques and tools that we are using: Shearography, sectioning, adhesion testing, rig testing on drums, chemical analysis and other internal testing. And to do this we have recruited the best experts we can find and are using some of the Nation's most complex laboratory assets to do this work.

NHTSA has requested and received information in addition from six other tire companies to allow the agency to perform peer comparisons. Throughout the investigation, NHTSA has continued to receive extensive information from both Ford and Firestone, and we have periodically provided both companies with summaries of data collected in our testing effort. We are grateful that both parties have cooperated so closely with this investigation. However, I want to emphasize that NHTSA has not provided either Ford or Firestone with conclusions or recommendations about whether a further recall will be necessary. When we have boxed that all up, we will provide it all at once and announce it publicly.

Finally, I know that some members of this committee may be concerned that the NHTSA Firestone tire investigation may not yet have gone far enough. It is true that NHTSA's testing is focused primarily on a subset of the tires that are covered by Ford's recent replacement program. However, this is because NHTSA's analysis of field data has demonstrated that those tires have been associated with the greatest number of claims, crashes, injuries and fatalities compared to other tires not covered by Firestone's 2000 recall. This touchstone about what is happening in the real work that Mr. Nasser refers to is our touchstone in launching an investigation of this sort.

To put this in context, and based on NHTSA's June 18th, 2001, update of this data, the 14.4 million ATX and Wilderness AT tires recalled last year have been associated with 285 crashes and 123 fatalities. The 13 million tires in Ford's recently announced replacement program have been associated with 37 crashes and 10 fatalities. The tires covered by NHTSA's September 1, 2001 consumer advisory have been associated with 15 crashes and 5 fatalities, and the approximately 23 million remaining tires within this universe of tires has been associated, to date, with 8 crashes and 12 fatalities. So this gives you some sense of the universe of this data that we are looking at from the real world.

Ford has now also provided data to NHTSA and to this committee about tires that are not currently being subjected to extensive testing by NHTSA. Again, NHTSA expects to conclude its testing next week. If after assessing all available data, NHTSA concludes that an expanded testing program is recommended for other Wilderness tires, it will expand the investigation of other tires and focus more scrutiny on those tires that such results might point toward.

If I may, just at this juncture, say a word too about the data that has been discussed this morning about claims and of the replacement tires that Ford is using in its program. Mr. Chairman, I would commit to you that while we may not be able to act as expeditiously as Mr. Nasser, we too expect to be nimble here.

If upon receiving this data this evening, we could look at it tonight and look at it a little bit in the morning, we will come back to you with a preliminary assessment of what we think we are looking at, what data we might need. If we need to have some conversation with other manufacturers, we will try to start that first thing in the morning and tell you how long we think it's going to take, and we will give you a quick take on that data and what we think it looks like.

We would like to involve Ford and Firestone in that quick look as well. But we promise to be responsive to you tomorrow and let you know what we think the need is and how long it's going to take us to fill it. So we will work with you very quickly on that.

Last, I would like to address the question of Firestone's assertions regarding the handling of Ford Explorers. In Chairman Tauzin's letter of June 6th to NHTSA, he urged us to consider whether the safety problem being investigated is solely a tire issue or whether it is a tire-vehicle application issue. I would like to offer two sets of observations about this very important question.

First, NHTSA's inquiry is focused on tires because it's the tires that have been failing. As the committee is aware, by law, tires are treated differently from other items of original equipment. Defects in tires are to be remedied by the tire manufacturer rather than the vehicle manufacturer. If tires were treated statutorily as part of the vehicle itself, as are headlights or seat belts for example, the proper course of action would be to launch an investigation of one or more vehicle models and any tires that might be used as replacements.

Moreover, and to be more specific, NHTSA has, to date, had no credible evidence that the Ford Explorer's design is in any way responsible for causing tread separation or other such catastrophic tire failure. Firestone has not, as I understood it, asserted this causal relationship either, and Mr. Lampe's testimony addressed that issue as well.

So NHTSA has to date, therefore, conducted our investigation as, first and foremost, a tire investigation. If it appears that the safety problem is limited primarily to crashes involving vehicles equipped with certain Firestone tires, then the most immediate and the most effective remedy is to recall those tires.

Second, I would like to talk just for a moment about NHTSA's examination of the handling characteristics of the Ford Explorer. As the committee is aware, Firestone commissioned a study to look at the handling characteristics and rollover propensity of Ford Explorers, and that has been discussed today. Firestone recently informed the Department of this and released the initial results from that study. Like other SUVs, the Ford Explorer experiences a higher rollover rate than other passenger cars.

In asking NHTSA to investigate the safety of the Explorer, Firestone specifically said that they had not intended to launch a formal investigation—a formal defect petition at NHTSA. However, because the content of it has been structured in this way—as a petition—we have, at the Department, Secretary Mineta and myself, asked NHTSA to treat the Firestone petition as a formal petition and we are behaving as law and regulation require us to behave upon receipt of a petition asking us to launch a defect investigation. That is where we are right now.

Consequently, at this stage, NHTSA is conducting an analysis to determine if a formal investigation is merited. The Department and NHTSA are giving this matter full consideration. Again, a sense of the urgency that I was trying to speak to you about earlier today certainly pervades our approach to this issue. NHTSA is reviewing the Firestone information. Already, we have met both with Firestone and Ford. Moreover, we met last week with the individual

who conducted this research on behalf of Firestone and have had useful conversations with all of those parties.

Firestone's consultant recently advised NHTSA that he would not be finished with the full testing regime that he is conducting for Firestone until the end of July. Even before receiving Firestone's request, the Agency had been reviewing field data from a variety of sources, including NHTSA's own data collection systems for the purposes of evaluating the likelihood of rollover given a tire failure for both the Explorer and for peer vehicles.

Mr. GREENWOOD. Mr. Jackson, we turned the clock off 10 minutes ago. If you would wrap up.

Mr. JACKSON. I'm in my last page, sir. Our goal is to complete this analysis of the data as quickly as possible this summer. We realize it is an area of enormous importance to all the parties involved. So I have provided now, in sum, an overview of what we are doing on the tire investigation as well as on this petition that we have received on the vehicle. Portions of what I said have, I know, disappointed probably both Firestone and Ford. We are very comfortable being in exactly the position that we are. We are going to do this professionally, systematically, but with urgency. And when we finish, and it won't be long, we will be back here to tell you exactly what we found. I'm now happy to answer any questions that you may have.

[The prepared statement of Michael P. Jackson follows:]

PREPARED STATEMENT OF MICHAEL P. JACKSON, DEPUTY SECRETARY OF TRANSPORTATION

Mr. Chairman and Members of the Subcommittees: I am pleased to appear before you today and wish to thank Subcommittee Chairmen Stearns and Greenwood, Subcommittee Ranking Members Towns and Deutsch, Full Committee Chairman Tauzin and Ranking Member Dingell for the invitation to appear at this hearing.

With me are NHTSA's Executive Director, L. Robert Shelton, and Associate Administrator for Safety Assurance, Kenneth N. Weinstein.

1. INTRODUCTION

Mr. Chairman, this hearing addresses a series of safety issues that are of the very highest importance. The Department of Transportation's investigation of Firestone tires was set in motion by tragic events and loss of life. All of the parties appearing before you today must honor the memory of those individuals by our responsible actions.

On behalf of Secretary Mineta, I want to assure you that the Department of Transportation is pursuing these matters systematically, objectively, and thoroughly. Like you, we are animated by a focused urgency, and a vigorous resolve to protect the public. We have worked closely with Ford and Firestone to share information and gather facts about these complex technical matters. Our work on these matters continues to evolve. As we gain additional information and are able to draw firm conclusions from our ongoing research, NHTSA will follow these matters wherever the facts lead.

I want to thank the Committee on Energy and Commerce for your strong support and your counsel as we progress. In particular, I want to express our gratitude for the tools and resources that this Committee helped make available to the Department with last November's enactment of the TREAD Act. After my confirmation by the Senate last month, I studied the Act in its entirety. In the TREAD Act, Congress set aggressive deadlines for completing the required rulemakings. While I confess to having often been impatient with the pace of regulatory work at the Department, Secretary Mineta and I are pleased to inform the Subcommittees that NHTSA is on schedule to implement the Act's landmark safety enhancements. This includes the regulations regarding tire performance standards, tire pressure warning, early warning reporting requirements, rollover testing and child restraint improvements.

We will continue to monitor implementation carefully. I personally pledge that the Department will work closely and candidly with these Subcommittees to keep you

apprised of our progress both on TREAD Act implementation, and on the Firestone Tire and Ford Explorer matters.

The remainder of my testimony will address two topics: first, NHTSA's ongoing investigation into certain Firestone tires; and second, the question of whether and to what extent NHTSA should review tire-vehicle interface issues, including data commissioned by Firestone regarding understeer/oversteer characteristics of the Ford Explorer.

2. NHTSA'S INVESTIGATION INTO FIRESTONE TIRES

As the Committee is aware, NHTSA opened its formal defect investigation of over 50 million Firestone ATX, ATX II, and Wilderness tires in May 2000, after the number of complaints concerning these tires increased significantly that year. With implementation of the TREAD Act, we will have a far better early warning system to identify potential tire defects.

NHTSA now anticipates its current testing of tires will be completed by the end of next week. By roughly this time next month, NHTSA expects to finish its analysis and announce the results.

Since NHTSA's investigation was launched, there have been two separate actions that will lead to replacement of more than half of the tires covered by the investigation:

- On August 9, 2000, Firestone recalled all of its ATX and ATX II tires of the P235/75R15 size manufactured since 1991. It also recalled Wilderness AT tires of that size made at its Decatur plant, for a total of 14.4 million tires.
- On May 22, 2001, Ford announced a tire replacement program that includes all other Firestone Wilderness tires on certain Ford, Mercury and Mazda SUVs and light trucks. This replacement action totals approximately 13 million tires.

The Department applauds Ford for its strong commitment to safety and its efforts to retain the confidence of its customers. It is necessary to reiterate that NHTSA has not yet completed its investigation nor has NHTSA made a formal determination about the necessity of a further recall. Ford's decision does not render NHTSA's investigation moot.

NHTSA's role under the Vehicle Safety Act is to decide whether any of the tires under investigation contain a defect that relates to motor vehicle safety. Some of these tires were installed as original equipment on non-Ford vehicles and are beyond the scope of Ford's replacement program. Other tires have been used as replacement tires on non-Ford vehicles. It is thus important that NHTSA complete its investigation and reach a decision consistent with its statutory and regulatory mandate.

NHTSA's Firestone investigation is unprecedented in its technical complexity. The investigation includes both a review of field experience and an extensive series of laboratory analyses. The agency has examined hundreds of tires from the field and is employing numerous state-of-the-art techniques to analyze the performance and characteristics of these tires. These techniques include:

- shearography—a non-destructive technique that can detect separations within a tire;
- sectioning—cutting a tire to measure the dimensions of interior features, including cracks;
- adhesion testing—measuring the resistance of the belts to being peeled apart;
- rig testing on drums—to assess durability;
- chemical analyses—evaluating the effects of oxidation and other chemical processes that can degrade a tire; and
- other internal physical measurements.

NHTSA has requested and received information from six other tire companies to allow the agency to perform peer comparisons. Throughout the investigation, NHTSA has continued to receive extensive information from both Ford and Firestone, and we have periodically provided both companies with summaries of data collected in our testing effort. We are grateful for the cooperation of both parties. However, I want to emphasize that NHTSA has not yet provided either Firestone or Ford with its conclusions or recommendations about whether a further recall is necessary.

Finally, I know that some members of the Committee may be concerned that the NHTSA Firestone investigation may not yet have gone far enough. It is true that NHTSA's testing is focused primarily on a subset of the tires that are covered by Ford's recent replacement program. However, this is because NHTSA's analysis of field data has demonstrated that those tires have been associated with the greatest number of claims, crashes, injuries and fatalities compared to other tires not covered by Firestone's August 2000 recall. To put this in context, based on NHTSA's

June 18, 2001 update of the database of reports to the agency, the 14.4 million ATX and Wilderness AT tires recalled last year have been associated with some 285 crashes and 123 fatalities. The 13 million tires in Ford's recently announced replacement program have been associated with 37 crashes and 10 fatalities. The tires covered by NHTSA's September 1, 2001 Consumer Advisory have been associated with a reported 15 crashes and five fatalities. The approximately 23 million remaining tires within the universe of tires covered by this investigation have, to date, been associated with eight crashes and 12 fatalities.[1]

Ford has now also provided data to NHTSA and to this Committee about tires that are not currently being subjected to extensive testing by NHTSA. Again, NHTSA expects to conclude its ongoing tire testing for this investigation next week. If, after assessing all available data, NHTSA concludes that an expanded testing program for other Wilderness tires is indicated, it will expand its investigative work to focus more scrutiny on those tires.

3. FIRESTONE'S ASSERTIONS REGARDING HANDLING OF FORD EXPLORERS

In Chairman Tauzin's June 6 letter to NHTSA, he urged NHTSA to consider whether the safety problem now being investigated is "solely a tire issue, or whether it is a tire-vehicle application issue." I would like to offer two sets of observations about this important question.

First, NHTSA's inquiry has focused on tires because it is the tires that have been failing. As the Committee is aware, by law tires are treated differently from all other items of original equipment on vehicles. Defects in tires are to be remedied by the tire manufacturer rather than the vehicle manufacturer.

If tires were treated statutorily as part of the vehicle itself—as are headlights or seat belts, for example—the proper course of action would have been to launch an investigation of one or more vehicle models and any tires used as replacements. Moreover, and to be specific, NHTSA has had no credible evidence that the Ford Explorer's design is in any way responsible for *causing* tread separation or other such catastrophic tire failure. Firestone has not, as I understand it, asserted this causal relationship.

NHTSA has to date therefore conducted this investigation as first and foremost a tire investigation. If it appears that the safety problem is limited primarily to crashes involving vehicles equipped with certain Firestone tires, then the most immediate and effective remedy under the law is to recall the tires.

Second, I would now like to turn to NHTSA's examination of the handling characteristics of the Ford Explorer. As the Committee is aware, Firestone commissioned a study to look at the handling characteristics and rollover propensity of Ford Explorers after tire tread separation. Firestone recently informed the Department that it is conducting a study and simultaneously made public the results of the first set of its handling tests. Firestone has asked the Department to investigate its claims that the Ford Explorer is deficient in its handling under this situation.

Like other SUVs, the Ford Explorer experiences a higher overall rollover rate than passenger cars. In asking NHTSA to investigate the safety of the Explorer, Firestone has alleged that Explorers are more likely than other SUVs to experience an oversteer condition following a tread separation on a left rear tire and that an oversteer condition is likely to make a vehicle less stable.

Although Firestone has verbally stated to the Department that it did not intend to take the formal legal step of petitioning NHTSA to conduct an investigation, their written communication to NHTSA virtually constitutes such a request. Secretary Mineta and I therefore asked NHTSA to treat the Firestone request as if it were a formal petition. Consequently, at this stage NHTSA is conducting an analysis to determine if a formal investigation is merited.

The Department and NHTSA are giving this matter full consideration. NHTSA is reviewing Firestone's information and has met with both Firestone and Ford to discuss in detail Firestone's allegations. Last week, the agency met with the consultant hired by Firestone to conduct its tests. Firestone's consultant recently advised NHTSA that he does not expect to complete his testing until the end of July.

Even before receiving Firestone's request, the agency already had been reviewing field data from a variety of sources, including NHTSA's own data collection systems, for the purpose of evaluating the likelihood of a rollover, given a tire failure, for both the Explorer and for peer vehicles. NHTSA has recently collected and is cur-

[1] The eight crashes represent eight different tire models. In addition, NHTSA has data on an additional 53 total fatalities where the vehicle involved was an Explorer and/or there is enough tire information known to assume the tire involved is among those under investigation. Because the crashes are old or the tire was not saved, additional information is not available to categorize them properly.

rently evaluating accident data regarding various model years of the Explorer. NHTSA has not yet formed a view as to the validity of Firestone's claims about the performance of the Explorer. NHTSA will assess the additional test data promised by Firestone in conjunction with other relevant available data. The agency's goal is to complete its initial analysis of this data as quickly as possible this Summer. It will then decide whether to open a formal investigation.

We realize that this is an issue of great interest to the Subcommittees, to the manufacturers and the public. We will keep these Subcommittees informed as NHTSA brings this review to closure.

Mr. Chairman, I have now provided an overview of our ongoing Firestone investigation, the Explorer vehicle handling analysis, and the principles animating each. Portions of my testimony today may alternatively leave both Ford and Firestone disappointed that we do not have immediate closure on important issues. I know that we can, in both cases, count on their continued cooperation with NHTSA. As we continue to do our job in assessing these difficult issues, I hope we will earn the Committee's confidence and that of the public who rely on the Department's vital safety work.

Speaking for Secretary Mineta, you have our pledge that we will continue to conduct this work in a fair, impartial and thoroughly professional manner, always mindful of the urgency and importance of this effort. This concludes my statement. My colleagues and I will be glad to answer any questions.

Mr. GREENWOOD. Mr. Jackson, I know it is a heck of a thing to have you sit around for 6½ hours and ask you to wrap it up after 10 minutes.

Mr. JACKSON. I learned a lot.

Mr. GREENWOOD. But that's the way it works.

Last year, NHTSA recommended a recall on several Firestone tires based on an overall claims rate of 12.6 claims per million tires produced. Some of the suggested tires had less than 3 claims, but the low production universe elevated the claims rate. This year, Ford is removing Firestone Wilderness AT tires from all of its vehicles based partially on identifying tires with a claims rate of more than five claims per million produced, a figure they say is an industry standard.

Do you agree that there is any such industry standards, and if so, is it 5 or 12.6 or some other number?

Mr. JACKSON. I don't believe that we have exactly reached an understanding of a number, a single number that would be appropriate to use as an indicator of when to trigger a defect investigation. It is a variable, an important variable. But a single one such as that is not definitively established as sufficient for this purpose.

Mr. GREENWOOD. Mr. Jackson, you said that in your opening statement that NHTSA was considering whether to look into the combination of this tire on this particular vehicle. Last year in a Senate hearing, Senator Snowe asked Dr. Bailey, quote: "have you decided that it is a tire problem or a Ford Explorer problem or both?" and Dr. Bailey responded: "At this time, I think we are dealing with a tire problem, but as part of our investigation, we will also explore the possibility of a combination."

Has that study not been conducted by NHTSA?

Mr. JACKSON. NHTSA has gathered some preliminary evidence on this, and the Firestone data is a part of that—a part of that work.

Mr. GREENWOOD. The companies are making use of their respective understeer and oversteer experiments. The question is, is there a baseline amount understeer that a car or SUV should have?

Mr. JACKSON. No, sir, we have not established as a recommendation of NHTSA such a standard.

Mr. GREENWOOD. I'm sorry, I was interrupted there. You have not yet decided whether there should be such a standard?

Mr. JACKSON. That's correct.

Mr. GREENWOOD. Are you working on—where do you stand on that? Are you probing that question?

Mr. JACKSON. That question is embedded in the question of whether we should launch a formal investigation in the case of the Explorer, and will be part of the preliminary conversation that takes place as we do our review. We are not conducting an investigation now. We are conducting a review. And part of that review would address this question inside the Department.

Mr. GREENWOOD. Well, understand, my question is not does the Explorer have an understeer or oversteer problem. My question is should there be a national standard set for steering?

Mr. JACKSON. We would like to be able to answer that question more straightforwardly as a result of concluding our preliminary review and report back to your our thoughts on that matter. It is definitely a new step that we believe Firestone is asking us to take, to regulate an area or to look at and evaluate an area where we have not historically had a role.

Mr. GREENWOOD. How much would the steering mechanism of the vehicle play a role in the vehicle's understeer or oversteer?

Mr. JACKSON. I would like to defer to one of my expert colleagues to answer that question.

Mr. WEINSTEIN. Well, I am not an expert vehicle dynamicist, a dynamics expert, but I would say it is possible that it could have an effect under various different circumstances. Whether it be in a tread separation, I don't know. And we will be working and looking at the data and seeing what Dr. Guenther comes up with and see whether or not steering inputs have any effect.

Mr. GREENWOOD. Much has been made throughout the hearing about this issue of claims rates. And I think most of us have come to the conclusion that claims rate is an only somewhat reliable piece of information. As I understand it, the claims rate is simply a function of how many people call NHTSA and supply information with regard to property and/or personal damage that result in a motor vehicle accident, and that rate could be affected by what happens in the media today. I wouldn't be surprised if our hearing results in additional claims.

Could you describe how NHTSA handles these claims and what you make of the information gathered from it?

Mr. JACKSON. Let me take a first cut at that. The claims rate definition is something that we are addressing in the TREAD Act regulatory work that we are doing right now. But the differences in the definitions, which really are those of the manufacturers, the tire manufacturers—and this data, by the way, is reported not to us initially, but to the manufacturers. They share data with us. This data has coalesced around a common understanding at least in the data that we are sharing with tire manufacturers that it is essentially a claim that we are looking at here for more than the value of the tire itself.

So in the Goodyear and Firestone data, there is, we believe, comparability at this juncture. We will address that more systematically in our regulatory work.

Mr. GREENWOOD. My time has expired. The gentleman—the Chair recognizes the gentleman from Michigan, Mr. Dingell.

Mr. DINGELL. Mr. Chairman. I thank you. Gentlemen, is tread separation a common form of tire failure?

Mr. JACKSON. No, sir.

Mr. DINGELL. It is not. Is it regarded as catastrophic?

Mr. JACKSON. Yes, sir.

Mr. DINGELL. Can it be reasonably anticipated that if it's an SUV, it will roll over after tread separation?

Mr. JACKSON. No, sir.

Mr. DINGELL. In other words, you would assume that after tread separation, the vehicle is not going to roll?

Mr. JACKSON. The data that Mr. Nasser discussed this morning says that approximately 10 percent result in a rollover in the event of a——

Mr. DINGELL. Do you agree with that?

Mr. SHELTON. Mr. Dingell, our data say that it is 10 percent I believe at the highest. In many cases it is less than that.

Mr. DINGELL. There was a period of three model years, 1995 through 1997, when virtual equal numbers of Goodyear and Firestone tires were put on the Explorer. I understand there has been 1,183 tread separation claims for Firestone tires used in those model years, and only two tread separation claims for Goodyear tires were used in those same 2 years. Is that so?

Mr. SHELTON. Yes, that's correct.

Mr. DINGELL. That conforms with your records. Did either of the two claims on Goodyear tires involve loss of life?

Mr. SHELTON. No, sir.

Mr. DINGELL. Is there greater likelihood that tread separations will occur at low or high speeds?

Mr. SHELTON. High speeds, sir.

Mr. DINGELL. It is uncommon for them to occur below 35 miles an hour?

Mr. SHELTON. Yes, it is typically a high speed phenomenon.

Mr. DINGELL. So if somebody tested a tire at 35 miles an hour, they wouldn't get a good result, would they, if they showed up with a lot of tread separation?

Mr. SHELTON. It is unlikely they would find tread separation at 35 miles an hour.

Mr. DINGELL. You'd look kind of fishy-eyed at that particular kind of test, would you not?

Mr. SHELTON. Yes, sir.

Mr. DINGELL. Now, is there threshold level for tread separations that NHTSA recognizes as standard for judging when to recommend a recall?

Mr. SHELTON. No, sir, we do not have such a threshold.

Mr. DINGELL. The Wilderness AT tires recalled last year were all from Firestone's plant in Decatur, Illinois; is that correct?

Mr. SHELTON. Yes, sir.

Mr. DINGELL. The Wilderness AT tires were also made at Firestone plants at Wilson, North Carolina; is that also true?

Mr. SHELTON. Yes, sir.

Mr. DINGELL. I understand that the latest reports reveal that tread separation claims for the Wilderness AT tires produced in

Wilson, North Carolina, in 1996 have been extremely high, 100 parts per million. Is that information correct?

Mr. WEINSTEIN. I wouldn't say that it is necessarily 100 parts per million. We have looked at trends in the Wilson plant and——

Mr. DINGELL. Well, it's either true or not true or you don't know.

Mr. WEINSTEIN. I'll check it out——

Mr. DINGELL. Please give us the answer. I also understand that 16-inch Wilderness AT tires made at Wilson has a tread separation claims rate of 450 parts per million when used on the vehicle up to 5 years; is that correct?

Mr. SHELTON. We will have to check.

Mr. JACKSON. We will have to get those numbers.

Mr. DINGELL. That is correct?

Mr. SHELTON. We are checking that.

Mr. DINGELL. Okay. You will check that out. NHTSA also asked Firestone to recall its 16-inch Wilderness AT tire made at Wilson last year, did it not?

Mr. WEINSTEIN. 16-inch tire?

Mr. DINGELL. Yes, you asked them to recall the 16-inch tire.

Mr. SHELTON. No, sir.

Mr. DINGELL. You did not? Are you now prepared to say that NHTSA does not believe that the Wilderness AT tires produced at Wilson pose any safety risks for drivers and passengers who have these tires on their vehicles?

Mr. WEINSTEIN. We are in the process of completing our investigation and will be able to address that by this time next month.

Mr. DINGELL. All right. The rate of 100 parts per million is higher than the average rate for tires that have been recalled in the past year, is that not so?

Mr. SHELTON. Yes, sir. As I understand the rates of the tires that have been recalled are higher than that.

Mr. STEARNS. [Presiding] Excuse me, Mr. Dingell. There's two mikes. If you could spread the mikes and when you speak, make sure you speak into them.

Mr. DINGELL. Tread separations tend to occur in hot climate regions in warm weather periods of the year; isn't that so?

Mr. JACKSON. Yes, sir.

Mr. DINGELL. When will NHTSA have the work done to make a decision about recalling tires produced at Wilson?

Mr. SHELTON. We plan to complete our analysis for the entire investigation approximately 1 month from today.

Mr. DINGELL. Is that delay related to the fact that NHTSA does not have an administrator, acting or permanent, at this time?

Mr. SHELTON. No, sir.

Mr. DINGELL. It is not?

Mr. SHELTON. No, sir.

Mr. DINGELL. Currently NHTSA rates vehicles on the basis of their static stability; is that correct?

Mr. SHELTON. Yes, sir.

Mr. DINGELL. And no SUV that NHTSA has tested received higher than a 3- out of a possible 5-star rating; is that correct?

Mr. SHELTON. Yes, sir, that is correct.

Mr. DINGELL. It is my understanding that the 2002 model year Explorer will receive a 3-star rating from NHTSA. That is as high as any other SUV; is that correct?

Mr. SHELTON. Yes, sir, that is correct.

Mr. DINGELL. In prior model years, NHTSA gave the Explorer a 2-star rating; is that correct?

Mr. SHELTON. The earlier model Explorer was tested and got a 2-star rating, yes. Not prior model years, because we just started the program a few month ago.

Mr. DINGELL. Would you call a 2-star rating during those year good or bad?

Mr. SHELTON. It would be typical for an SUV. They range from 1 to 3.

Mr. STEARNS. The gentleman's time has expired.

Mr. DINGELL. Thank you, Mr. Chairman.

Mr. WEINSTEIN. Mr. Chairman, could I clarify one of my prior answers? I misunderstood because of the way the prior conversation had been going with respect to tires on Explorers and Rangers, et cetera, when you asked me about had we recommended recalling a 16-inch tire from Wilson, I was focusing on that. On our consumer advisory list, the one that we issued last September 1st, we did include a 16-inch Wilderness AT tire that is used on a relatively small number of Ford 150 vehicles. It is a different size and different tire from the one that is used on Explorers. I apologize for that confusion.

Mr. DINGELL. What about the Explorer tire to which I was referring? Did you suggest that it should be recalled or not?

Mr. WEINSTEIN. We did not, and that's certainly a part of our current investigation. The ones—the 16-inch tires used on Explorers made at Wilson or any place else were not included.

Mr. DINGELL. Could that investigation now ongoing result in a recall of that tire?

Mr. WEINSTEIN. It could lead to a request for that.

Mr. STEARNS. Let me offer my questions here. Just as a general, do we have enough resources at NHTSA to analyze and provide, in a timely fashion, information on this area and others?

Mr. JACKSON. Yes, sir, I think we do. And if we find that as these examinations increase that we don't, I will come back and tell you.

Mr. STEARNS. So right now we have all the resources at NHTSA to do the job in your opinion?

Mr. JACKSON. Yes, sir.

Mr. STEARNS. And that is the opinion of your boss?

Mr. JACKSON. Yes, sir, I have not asked that question of him directly, but we have no conversations on the table about that issue right now.

Mr. STEARNS. Have you heard the discussion that we have had on this raw data that we've had here?

Mr. JACKSON. Yes, sir, I have.

Mr. STEARNS. If we give you this raw data, can you come back within 30 days and give us your analysis, or 2 weeks or 1 week or 1 day?

Mr. JACKSON. Mr. Chairman, in my prepared remarks, I volunteered that we could come back tomorrow and give you our prelimi-

nary analysis of that data and what we think it might take to give you a definitive answer to the questions that you are asking us.

Mr. STEARNS. In terms of the TREAD Act, do you think we should do anything more than that at this time?

Mr. JACKSON. No, sir, I do not have a recommendation for more right now. We have a pretty steep regulatory agenda ahead of us. We have many new and complex issues to work through with the industry. We will be keeping you and the members of this committee apprised, but I do not think anything more is needed at this point.

Mr. STEARNS. Were you here when Mr. Stupak was talking about claims versus safety and the nuance that once you talk about claims, it does not imply safety? Were you here?

Mr. JACKSON. Yes, sir, I was.

Mr. STEARNS. Do you think we need to have in Congress a better understanding, either legislatively, in your office, what claims mean in terms relative to safety or are they totally diverse, separated?

Mr. JACKSON. I think that we obviously have a little confusion here in the room and it seems natural that we should clarify this a little bit more. As part of our regulation, we are specifying a definition that would provide common data to us from the tire manufacturers. And so that is exactly what we are doing.

In the meantime, frankly, we have had these conversations with the tire manufacturers that we have been talking with as part of this investigation. And we believe we have a pretty common sense agreement about what that definition of claims would be.

Mr. STEARNS. Not only a definition, but once you give a claims quantitative answer, don't you have to list the contingencies that make up that claim?

Mr. JACKSON. Mr. Chairman, you are exactly right to understand that claims alone is not a single metric answer to the question of whether we have a problem. There are a multiplicity of factors that we have to look at to be able to dig into the question of whether a possible defect exists.

Mr. STEARNS. In the field experience chart prepared by NHTSA, by you folks—this is not our raw data, but which you prepared—you compare the Explorer model years 1991 to 1994 to the model years 1995 to 1999. Can you see it okay? Do you need a copy?

Mr. JACKSON. I am familiar with that chart, Mr. Chairman.

Mr. STEARNS. It would appear from this chart—and you heard me ask Ford Motor company—that the 1991-94 model had 50 rollovers. The following number jumped to 87 for the 1995-1999 model year Explorer. Is this important statistics? You probably heard Mr. Nasser indicate it was just demographics. He didn't give an answer to it.

I guess the No. 1 question is, are you investigating this and what leads to this increase rollover number?

Mr. JACKSON. We are reviewing this data more thoroughly. And it is a statistically significant difference between those two numbers. And we are discussing this with Ford and among our own experts, to assess this data more carefully.

We generated this data, we looked at it and discovered that it is an issue that we want to dig into more.

Mr. STEARNS. How long have you known about it?

Mr. JACKSON. Since April.

Mr. STEARNS. Are you aware that Ford has changed the suspension on different model years?

Mr. JACKSON. Yes, we are.

Mr. STEARNS. Tell me briefly what that means.

Mr. WEINSTEIN. In fact, Mr. Chairman, that is why we separated out those. We knew that they had made a change. In model year 1995, they switched from what is called a twin I-beam suspension to what Mr. Nasser characterized a more modern type of suspension, an A-arm suspension. And they made other changes to the vehicle as well for model year 1995. So it is a somewhat different vehicle.

I am not here to tell you that an A-arm suspension automatically leads to more rollovers. I am not saying that at all. But that is why we broke out the two models.

Mr. STEARNS. But didn't the suspension occur at the same time as this chart? I mean, wouldn't it fall into those years, the 1995 to 1999 model year Explorer?

Mr. WEINSTEIN. That's correct. We did the data runs for the two separate categories. That is why we split the total Explorer population into those two groups, just to see whether or not there was any difference in consequence. What these are, by the way, sir, is the rollovers that occurred following a tread separation. So we wanted to see what the consequences of a tread separation would be on Explorers, on pickup trucks, on other SUVs, and that was why this chart was developed. And that is why we used different groups of Explorers as well.

Mr. STEARNS. You know, fellows, the taxpayers are hiring you to make some difficult decisions. And this is not a case where you are going to give an oblique or ambiguous answer. You are going to have to come up and risk and give some answers here so that the American consumer is safe. Do you think, based upon this chart, that it is worthwhile to investigate beyond tires, perhaps look at the role of other vehicles in rollover incidences?

Mr. WEINSTEIN. Not specific——

Mr. STEARNS. Does that warrant, in your opinion, that kind of investigation?

Mr. WEINSTEIN. Mr. Chairman not just from this chart but both the information in this chart, the information that Dr. Guenther has prepared, and all the information that is available to us. We will look at all of that and make that decision later this summer.

Mr. STEARNS. Okay. My time has expired. Mr. Stupak is recognized.

Mr. STUPAK. Thank you, Mr. Chairman. It's your testimony that this vehicle field experience, that relates to tread separations; right?

Mr. WEINSTEIN. It's what occurs after a claim—claims of tread separation provided by Firestone to us.

Mr. STUPAK. So Ford should have more crashes because it has the Firestone tires, which is alleged to separate, and that is what this chart reflects.

Mr. WEINSTEIN. Well, what we were attempting to do was to say if there is a tread separation, what is the likelihood of a cata-

strophic event, of a crash or a rollover. Only when you have a lot of tread separations do you have enough data to have statistically significant results.

Mr. STUPAK. These other vehicles, other compact SUVs and other compact SUVs without Bronco II, did they have the Firestone Wilderness tires?

Mr. WEINSTEIN. Yes, these are—everything on that chart reflects tires that are the subject of our investigation.

Mr. STUPAK. Very good. In—before Ford came out with their recall or replacement notice, did NHTSA have a chance to look at the tires that they were going to use as replacement tires? By that I mean you saw the list.

Mr. WEINSTEIN. They gave us the list after they advised us that they were going to do what they did. But we subsequently had the opportunity to look at the list.

Mr. STUPAK. Did you have an opportunity to discuss it with them? Did you voice any concerns about any of these vehicles—excuse me, replacement tires?

Mr. WEINSTEIN. They asked us whether we were investigating any of those tires. They subsequently asked us how many consumer complaints we had gotten about these tires. And I'm distinguishing from claims. This is like to our hotline. And we gave them that data. And then they went forward and did what they did.

Mr. STUPAK. Does NHTSA have any concerns about these replacement tires? That they may have a worse safety record than the ones that are being replaced?

Mr. WEINSTEIN. Well, sir, we will keep looking at that. At the moment, we don't have any such concern. We are not investigating them. But if we see anything—and we look forward to seeing the data that the committee was discussing before—we will certainly promptly advise the committee as well as Ford.

Mr. STUPAK. So the data that you may receive from the committee, you don't have any idea if these tires are more dangerous, less dangerous, or insufficient information to make a judgment call?

Mr. WEINSTEIN. At this point, we have no evidence that would indicate that they are dangerous.

Mr. JACKSON. Congressman, I would like to give a gloss on that point. Mr. Nasser earlier said that he made the full portfolio of customer service actions, in effect, covering a wide variety of performance data for the tires that are in that customer service action. Necessarily, some of those tires, as he admitted, were not tires that indicated substantial failure.

So if we find that some in that pool of Ford actions are comparable to other tires out there in the replacement, it's not prima facie a surprise to us because of the nature of the way they made their decision and the data that was available to them on some of the newer tires.

Mr. STUPAK. Did they—did Ford give you the data that they had on these replacement tires or they just asked you about——

Mr. JACKSON. I don't believe we exchanged that data. They just asked us for some of the information we have described to you, sir.

Mr. STUPAK. So it's your testimony today that there are no other tires that you are looking at for tread separations other than the Firestone tires.

Mr. WEINSTEIN. No other tires that are on that list. We do have two pending investigations about tires called light truck tires, a Firestone tire and a Goodyear tire.

Mr. STUPAK. So no other on that list, then.

Mr. WEINSTEIN. Right. Right.

Mr. STUPAK. All right. In answer to some questions by somebody, tread separation or a tread failure, very seldom does that happen; right?

Mr. JACKSON. Yes, sir.

Mr. STUPAK. Would a blowout occur more often on tires than tread separations? If you know?

Mr. WEINSTEIN. Mr. Lampe says no, and we don't dispute that. We don't keep track of that. We couldn't tell you how many blowouts there are.

Mr. STUPAK. Mr. Lampe also said that tread separations are common occurrence. And he cited some quotes from Goodyear.

Mr. SHELTON. Yes, Congressman, consumers normally wouldn't report a blowout to NHTSA. All of us have had flat tires in our lives and I don't call NHTSA when I have a flat tire.

Mr. STEARNS. The gentleman's time has expired.

Mr. SHELTON. I suspect you wouldn't either.

Mr. STUPAK. Correct. Thank you.

Mr. STEARNS. Mr. Shimkus is recognized for 5 minutes.

Mr. SHIMKUS. Thank you, Mr. Chairman. We have defined or used the terminology, "parts per million," which I think refers to claims per million, connected with last year's original recall where we also asked how come insurance data wasn't getting to NHTSA. Part of the Tire Act was to get information. And I think that is what we are kind of wrestling with too is new fountains of information, some coming from the insurance industry, some coming from individual testing, either by you all or by the industry.

I was intrigued with the debate or the discussion on the tires on the SUVs and the Ranger pickups with Mr. Dingell with Mr. Lampe. And the basic premise was: same tire. It goes into the debate of standards and specifications.

Do we want to micromanage tire standards through Federal regulation?

Mr. JACKSON. We, as part of the TREAD Act, we were asked to look at the tire standard that we have out there, and we believe that we should look at that and that it can benefit from another look. We are not trying to design tires—to provide a "performance spec" for a tire to be made for a given vehicle.

So there is a degree of appropriate work that we have to do here, but we are not in the business of designing tires nor of specifying the requirements for a given tire-vehicle combination.

Mr. SHIMKUS. So what do we expect to receive from your evaluation? Or what do you think you might present to us? If you are the National Highway Traffic Safety Administration, an element of the Department of Transportation, we have independent corporations send us—establishing specifications to tire industry individuals

who establish the exact standards for a multitude of different vehicles. What do you think you are going to accomplish?

Mr. JACKSON. We currently have a tire standard, and perhaps I could ask my colleague to give you an overview of that standard and exactly what we are looking at for changes in it.

Mr. SHELTON. Yes, Congressman, as part of the TREAD Act, we are going to upgrade our tire standard. As it was discussed in this committee's hearing last year, the existing NHTSA tire standard has been essentially unchanged since 1968. And as one of the provisions of the TREAD Act we are upgrading that standard. And we will issue a proposal this summer, I think late this summer to actually upgrade that tire standard, because under TREAD, we have to get that rulemaking completed by next June.

So that right now, under the NHTSA tire standard, there are high-speed tests, there are endurance tests, there is a debeading test. There is another test that is escaping me right now. But all of those tests will be upgraded as part of our proposal this summer.

Mr. SHIMKUS. But that will be a floor, in essence.

Mr. SHELTON. Yes that, will be a floor, sir.

Mr. SHIMKUS. So if the automobile industry wants more bells and whistles on their tires, they at least have to meet the floor of the basic standards for all their tires.

Mr. SHELTON. Yes, sir, for all the their tires.

Mr. SHIMKUS. Thank you. You know, this is the whole chicken-and-the-egg debate on the tread separation and then steering problems, oversteering problems, maybe crashes, deaths, injuries, at least. So we are talking tires, but we are also talking, you know, the Ford Explorer and some of the engineering there.

Both companies conducted the same tests, which is the radius circle test in conformance with the Society of Automotive Engineers guidelines. However looking at the charts presented by both companies, they reached opposite results. How can we discern—how can we, as Members of Congress, discern which is correct? And then the follow-up question: Will you be able to discern which is correct?

Mr. WEINSTEIN. Well, I don't think it is a question of which is correct. We will look at all of that information and maybe all of it is persuasive to some degree or less degree than the other. Plus there will be a lot of other additional information and we plan to doing that expeditiously and having an answer as to whether we should open an investigation. We are not going to simply be choosing between two different tests used by Ford or Dr. Guenther.

Mr. SHIMKUS. And that is why we are having a hearing to help us clear the smoke. And I thought the whole hearing today would do that. For a while it got a little smokier. Maybe we are clearing it up at the end of the day, but we appreciate your work and look forward to your report.

Mr. STEARNS. The gentleman's time has expired. The gentleman from Florida, Mr. Deutsch.

Mr. DEUTSCH. Thank you, Mr. Chairman. The other two panels, I asked this question. I want to ask it to you as well. What should the experience of a driver be in a situation of tread separation? I mean, should the driver be able to handle the vehicle to get to the shoulder of the road or what should the experience of a driver be?

Mr. WEINSTEIN. I don't know that you can say what it should be. The data seems to indicate that in most occasions, the driver is able to get to the side of the road without a catastrophic crash. Unfortunately that is not always the case. It probably depends what the driver does. It might depend on the speed. It might depend if he is in a curve at the time. It might depend on the other traffic. There are a lot of factors that go into it. But it does not automatically lead to a rollover in any vehicle, the Explorer or anything else.

Mr. DEUTSCH. Do we have information—I mean, you mentioned a bunch of factors. Do we have empirical data to support that? Have we looked at ones that are not catastrophic versus the ones that are catastrophic and how does the driver reaction differ?

Mr. WEINSTEIN. Well, we don't have—I can't quantitatively discuss that. We are going to be doing some analysis in our simulator as to how a driver reacts under certain circumstances, including a tread separation. That work is supposed to start, I believe, later this month or next month. We have expedited that and put it at the head of the line.

Mr. DEUTSCH. Mr. Shelton, did you want to add something to that?

Mr. SHELTON. Yes, I think this chart that the committee put up illustrates that. When you look at claims per rollover, that is how many claims it takes to generate a rollover. So higher is better. That is, you are less likely to have a rollover given a claim. But even for some of the lower numbers, claims per rollover, 11.9. That means 11.9—it takes 11.9 incidents before you have a rollover. That, I think, alludes back to Mr. Nasser's testimony where he said less than 1 out of 10 results in the vehicle actually rolling over.

Mr. WEINSTEIN. If I could just expand on that, those are only claims. There are probably a number of tread separations that don't result in a claim as we defined it before. So the numbers are probably even somewhat smaller.

Mr. DEUTSCH. One of the things that seems clear is that there are other countries that we could have gained information from their data. Is there any attempt at all in a formalized mechanism to coordinate with other countries their claims data?

Mr. JACKSON. Yes, sir, that is one of the improvements of the TREAD Act, to be able to get us relevant data from tire manufacturers and from vehicle manufacturers as soon as they, themselves, have such relevant data.

Mr. DEUTSCH. Now, at this point, again, have we gotten any overseas claims data since the TREAD Act went into effect?

Mr. WEINSTEIN. Yes—not claims data. We have gotten recalls and service actions that occurred in foreign countries. That is in effect right now, and manufacturers have been notifying us if they do a recall, say, in Europe that affects vehicles that are for sale in the U.S.

Mr. DEUTSCH. Would it make any sense at all—again, so we are putting the onus on the manufacturer as opposed to you folks from a country-to-country basis. Is there any reason to do it on a country-by-country basis, or is it not practical or not necessary?

Mr. WEINSTEIN. Well, it would be helpful, and we have made some inquiries in that regard. However, most other countries do

not have the same kind of defect system that we do and the same governmental oversight over their manufacturers in terms of directing them to do recalls. They have different types of systems. And the data just isn't necessarily collected by governmental agencies.

Mr. DEUTSCH. As we are sort of ending this hearing—and I appreciate you sitting through the many hours that we have been here today—part of the hearing is, as the chairman mentioned, at the start of this hearing is to try to inform the American people. Is there any parting words that you would want to give consumers at this point in time in terms of safety issues on existing Ford cars, or for that matter, existing Firestone tires?

Mr. JACKSON. We appreciate very much, Congressman, the focus that this committee has on the consumer. That is our focus. We are working for you as well to give the consumers clear, concise, responsible scientific data. We can't rush to judgment, but we are close to judgment and we will speak comprehensively, and I believe authoritatively, soon.

Mr. DEUTSCH. Let me add one final question. I see my time is running out. In January, NHTSA issued an advanced notice of proposed rulemaking establishing a preliminary plan for gathering information on deaths, injuries, crashes, lawsuits, consumer complaints, et cetera, by make and model of vehicle and by potential defects. This is a critically important rule for the consumer. What is the status of that rule at this point?

Mr. WEINSTEIN. Congressman, we have received comments. We have a 60-day comment period. We have analyzed the comments and summarized them. We are preparing now to put out a notice of proposed rulemaking, now that we have a little more focus on the issues. That should be later this fall.

Mr. DEUTSCH. All right. So the final rule should be this fall?

Mr. WEINSTEIN. No, that would be the notice of proposed rulemaking. Under the TREAD Act, the final rule must be out by the end of June of 2002, and we will make that deadline, hopefully earlier. But it is a very complex issue as the summary that you just read indicates.

Mr. STEARNS. The gentleman's time has expired. The gentleman from Michigan, Mr. Upton, is recognized.

Mr. UPTON. Thank you, Mr. Chairman. I thank you all for the kinds words about the TREAD Act. And as you go back and in particular, in your responsible job now, one of the actions that was responsible for us moving on this action was the history of the recall of Firestone 500 tire back in the 1970's. This committee held hearings back then, and yet nothing was done in terms of legislation.

There has been reference made to the 68 tire standard. I was trying to think where I was in 1968, I didn't even worry about having a draft number back then as I was still in junior high school. And the tire standards, obviously tires have changed quite a bit from 1968 to where they are today. And our focus last year was to identify whether we did have a problem. We did. And now new data, more than 200 deaths because of the Firestone tire, and to implement legislation to correct the problem so that it would not happen again.

And I think every member on this panel, Republican and Democrat worked so hard to pass that in a very strong bipartisan way in both the House and the Senate without dissent at all. As we look back, look at the situation today, we know that it's working.

It was important to give you all the resources so that you could develop the new standards that have to be met. And I know as we think about some of the questions today, I wanted to clarify one of the answers that you gave earlier, I think it was to Mr. Dingell that in the years 1995 to 1997, were there 1,183 Firestone tire separations—tread separations versus two by Goodyear?

Mr. JACKSON. Claims.

Mr. WEINSTEIN. Claims.

Mr. UPTON. Claims, I'm sorry. The report that was in some of today's papers—and you all have indicated that you are going to be starting to work on that tomorrow and give us answers as soon as you can with regard to information on the tires that Ford is replacing, the Firestone tires. Have any of you ever heard of—have you heard of any of those questions before today, before opening the paper at your doorstep this morning? I mean, I woke up in Denver at 5:30 and saw it in USA Today.

Mr. WEINSTEIN. I think last night, I heard that there was a question about it. But, I mean, I am talking about 6 at night, a reporter called and said it was going to be in the paper. But so I guess that is before this morning.

Mr. UPTON. Did you all comment on this story at all? Again——

Mr. JACKSON. No.

Mr. WEINSTEIN. No, we don't have enough information.

Mr. UPTON. Well, I certainly look forward to getting your response to the information that may be shared with you, the evidence and take us where the facts take it because it is important that you have the resources so that every American knows that whether it is a Ford or a Chrysler or a GM or Honda, that, in fact, the tires that they have are safe and they are not going to have to fear for their lives or their family's lives when they go to a soccer game or little league game or to and from work.

I appreciate your work. I look forward to working with Chairman Stearns as a member of this subcommittee as we continue to oversee the actions of the TREAD Act. I believe that NHTSA has to be reauthorized this year, so we will look at pros and cons of where we have to go and make sure that the bottom line is that you have the resources to give the American public the confidence that they must have in your jobs as overseers of this important agency. I yield back the balance of my time.

Mr. STEARNS. The gentleman yields back the balance of his time. I would also point out that he was one of the authors of the TREAD Act. We in Congress appreciate all his efforts and are glad to see that it is working.

In the procedure of the House, this committee, members who serve on the subcommittee go before the ones who don't. So in this case, Mr. Bilirakis would go and then Mr. Sawyer, if he would be patient, he will finish up. Mr. Bilirakis from Florida.

Mr. BILIRAKIS. Thank you. Thank you, Mr. Chairman. Let me, in the process of your continuing analysis, your study of this problem,

are you intending to look at the vehicle as well as the tire, the interaction, in other words, of the two?

Mr. JACKSON. Congressman, as part of our ongoing Firestone investigation, the vehicle is not, per se, part of that investigation. We are going to complete the tire investigation and announce that in approximately 1 month.

The other issue, about understeer/oversteer in the Explorer vehicle, is at a much more preliminary stage. We have received, in effect, a petition from Firestone asking us to look into this question, so we are in a preliminary review stage to decide whether an investigation is merited or not. So in that regard and in a less formal mode at this juncture, we are looking at those issues.

Mr. BILIRAKIS. But it seems I—and, again, first of all, I probably—I chair the Health Committee, and I have got my plate full and then some with so many other areas, prescription drugs and managed care reform, et cetera, et cetera, so I haven't spent the time on this issue that so many other members of this committee have, and I am the first one to admit that. But it just seems to me that logically, where there is a chance that there is some sort of—that maybe there might be a design flaw of some sort in the vehicle, and the interaction with the tire causes this would basically almost follow that you would, in the process here, take a look at that also.

Mr. JACKSON. Prior to this point, Congressman——

Mr. BILIRAKIS. I don't represent either one of these companies in my district.

Mr. JACKSON. No, sir, neither do we. We are with you. We have the same intention. And honestly, I believe both parties have the intention of protecting the safety of the public. I do think that is important.

We have not to this point thought that there is evidence that directs us toward a vehicle defect investigation. We are now looking carefully, responsibly, quickly, at a series of data that has been presented to us, and also some data that we have reviewed ourselves as has been shown on your display. And if we believe that a defect investigation is called for, we will launch that formally and expeditiously. But there has not been a conviction at NHTSA up to this point that such an action was appropriate.

Mr. BILIRAKIS. Well, there are people out there who feel that that ought to be done. And I am not just referring to Firestone necessarily. I have had—I have had tire retailers who are not in the business now, so they have no axe to grind, but who have sold all of these tires at one time or another over a period of time who basically said to me, hey, there may be a problem with the vehicle.

So I would suggest that. Well, very quickly, take a look at that chart, and I see the claims 1201 and then 1031 for those two different periods of time. Is that an unusual number of claims?

Mr. WEINSTEIN. It's a very high number of claims.

Mr. BILIRAKIS. Very high number of claims. Well, you know, I raise the question with all due respect. You know, it's National Highway Traffic Safety Administration, and then, you know, there are State Farms referrals in July 1998. We've had the history going back for a few years, all the way back to that period of time at least. It seems to me that—my two sons—I have two sons—both

bought Explorers a few years ago at the same time thinking they could probably get a deal with a Ford dealer and they didn't get a deal at all, it turned out, but they have had a lot of problems with that car—those cars.

And when I think of my four grandchildren riding in those vehicles and something like this potentially happening, so I guess, you know, I often times ask myself what is the role of government or what should be the role of government? I'm certainly against too much government and that sort of thing, but it seems to me with this kind of history, that we as a Federal Government have a role here to get involved a heck of a lot earlier, and to at least communicate to the public. I know that you use the term, Mr. Jackson, we can't rush to judgment. And you're right. But I'm disappointed, frankly, that maybe we didn't take an earlier role in this regard. I think that really calls for it——

Mr. WEINSTEIN. We, of course——

Mr. STEARNS. The gentleman's time has expired.

We recognize the full Chairman of the committee, Mr. Tauzin, the gentleman from Louisiana.

Chairman TAUZIN. Thank you, Mr. Chairman. Mr. Jackson, welcome sir. And, again, I was not here for your statement. I apologize. I had to go out to a leadership meeting this afternoon, but I do want to thank you, first of all, for private comments you made to me about your appreciation of the TREAD Act and the new authorities and the new, not only responsibilities, but dollars and all of those efforts we've tried to make to give your agency the power and the authority to take charge of some of these issues.

You've sat here and you've heard how frustrated we are with the fact that these two mighty companies that are trading information that sometimes differs, and it is sometimes based upon supposedly the same testing criteria. And I think you understand how deeply we will depend upon your agency to settle some of these questions for us and the American public. We deserve to know the information we're getting in these kind of recalls and replacements is, indeed, totally valid information, unfettered by any kind of personal disputes that may be going on between these two very large companies.

In that regard, I also wanted to clarify with you your comments regarding the information our staff has developed on replacement tires. We obviously are deeply interested in getting your take on the information we've developed from the raw data we received, and my understanding is that you've committed to this committee to begin immediately reviewing it, analyzing it.

Mr. JACKSON. Absolutely, Mr. Chairman. We will start tonight. We'll look at the data we take home with us, and we'll meet first thing in the morning and whack away at it.

Mr. STEARNS. Would the gentleman yield? They indicated they might have something for us tomorrow.

Chairman TAUZIN. That would be excellent. Obviously, it's not—it's our intent, obviously, to get this information out as rapidly as we can, but we wanted to be real and meaningful, and you can, again, help us make sure we're not a party to confusing Americans about some of this data, which has been my big concern.

I also want to point out, however, that—in a question you may have answered to Mr. Upton as to when you all found out about this, that NHTSA itself supplied us with data indicating some of these concerns. For example, you supplied us with data on the Goodyear Wrangler HT that is used on the F-150, Expedition, and Bronco. That has a 13.7 per million claims ratio, which is in excess of a five claims per million that Ford used as a benchmark.

You also submitted to us information that the General Grabber APXL manufactured in Charlotte, admittedly a small run of only a half million tires, but nevertheless, a nearly 11 per million claims rate, indicating that yours—and both of these are replacement tires. So information we have—that has troubled us has come, in part, from you. I don't want you to think that we just pulled it out of the air. This is data you submitted to our staffers indicating that at least two of these replacement tires have claims ratios in excess of the five per million used as a benchmark by the Ford Motor Company in its recall decision. Are you aware of that?

Mr. JACKSON. Yes, sir. We acknowledge that some of the data that's been discussed here as part of this conversation is data that NHTSA has also obtained and has shared with you and your staff. To go to the larger question we need an architecture of how to pull together the relevant variables that will help us assess this data in a coherent and clear way, and that's what we propose to try to give you a summary of in the morning or in the afternoon tomorrow.

Chairman TAUZIN. You should also know that our staff's evaluation went beyond the years 1993 to 1998 in which you had information on one of those tires on the years 1995 to 2000 as you had on another tire. We supplemented that with some of the raw data that we've obtained, and we've, again, analyzed different numbers over the stretch, but numbers again that we would like you to look at——

Mr. JACKSON. Yes, sir.

Chairman TAUZIN. [continuing] and to come back to us on. Again, it's critical—I want to make sure everybody understands this. It's critical that you help us resolve what these numbers mean. If a replacement tire is in fact safe, despite these numbers, if, for example, the claims data is all about minor property damage rather than injuries and deaths, that makes a difference.

If, on the other hand, this claims data is accompanied by personal injury and death claims, it may have a much larger significance, and you have a lot of that information, and we obviously are counting on you to wrap that around the information we'll give you so that we can get a clear picture of this.

One final thought, and I'd like your response on this. We have obviously focused in the TREAD Act on the notion that the more your agency does in the kinds of testing that Ford says it did, extensive pressure heat, psi speed testing to take these tires to the limit, so that the American public knows in advance that a tire is either safe or potentially not safe, so that we're not relying upon post mortems in making decisions on recall, is a vital part of the reforms we initiated. I simply want your response on that. Is the agency properly gearing up to do what Ford Motor Company apparently felt a need to do on its own? And the answer I hope you give

me in a second is more important because of what we've seen in this Ford recall, because if we're going to count on the companies to do it, we'll never know how accurate and how comparable and how fair and how unbiased some of these tests and reports are when companies are running tests out of their own labs and challenging one another as to accuracy. We have to depend upon your agency, and so I'm asking you, are you gearing up, will you be in good position to begin doing this instead of us having to rely upon Ford tests and Firestone tests to make our decisions here?

Mr. JACKSON. Mr. Chairman, absolutely we are committed to this, and absolutely we have launched this type of work. The work that we're doing now on the Firestone tire investigation is the most comprehensive, complex and sophisticated analysis that NHTSA has ever undertaken on a tire-related issue. So we're working it now, and I want to take this chance to say to you in person and public how much we have appreciated the resources and the tools that you've given to us in the TREAD Act, and we are committed to implement those tools on time and to work—you have my personal commitment and that of Secretary Mineta that this is a priority of the Department of a significant order, and I'll be watching it, and he will too.

Chairman TAUZIN. Well, for a guy named Michael Jackson, you're singing a good tune.

Mr. STEARNS. The gentleman's time has expired. The gentleman from Massachusetts, Mr. Markey.

Mr. MARKEY. Thank you, Mr. Chairman, very much. Your agency needs a lot more money, doesn't it, Mr. Jackson, a lot more people to meet, all these deadlines, and to do a lot more things that come to your attention, what this committee might not know about?

Mr. JACKSON. Congressman Markey, we have a very important set of responsibilities at this agency, and some of those we have not pursued as quickly as I would like to see us do, and where we need some more resources, this administration is not going to be bashful about coming to the Congress and telling you exactly where we need them and what we have to do with them, but I do hope to accelerate the pace of our regulatory work, which is absolutely indispensable to the country.

Mr. MARKEY. The problem that I think many of the committee members have is that while you, speaking for the administration, say that you won't be bashful, on the other hand, there hasn't been an administrator named for the first 5 months. So you can imagine the confidence coefficient that our committee has looking at this agency in administration at this point is at an historic low point, because obviously we would want this agency to have had a gold star put over its forehead, given what had just transpired in the preceding year and all of these rulemakings, which have to be finished over the next couple of years. For example, it's my provision that calls for a dynamic test to be done.

Mr. JACKSON. Yes, sir.

Mr. MARKEY. Now, there's a 2-year window that you have to get it done, but obviously if you can get it done in 1 year, then that many more people's lives would be saved, injuries avoided.

Mr. JACKSON. Yes, sir. This is—if I may say, this is my second tour of duty at the Department of Transportation, and I have a

sense, honestly, of the depth on the bench that we have among the career people who are doing this type of analytical work. I want to assure you that from the very beginning of his tenure, Secretary Mineta has had to focus on these issues. In fact, one of the reasons that we have not had an administrator in place yet is that we launched a very extensive, nationwide search in cooperation with the White House to find an extraordinary candidate for this job, and the President announced his intention to nominate such a man yesterday. But in the interim, there has been no slacking off or resting on our laurels or sitting around on the core questions, and particularly the question that you——

Mr. MARKEY. When will the dynamic testing——

Mr. JACKSON. We will meet or beat the statutory requirement for implementing that rule.

Mr. MARKEY. So 2 years is not your goal? It's a shorter time period than that?

Mr. JACKSON. I will tell you that I'm an impatient man. I want to beat every single one of them that we have on the books, and that that is the approach that we're taking in our conversations to get this done quickly. These are urgent and important things to do.

Mr. MARKEY. A lot of members of this committee side, on the Republican side especially, want to put real deadlines on the Federal Communications Commission. They have to approve or disapprove every merger within 60 days. Every rulemaking has to be completed within a very brief period of time. I would like to see—then there nobody dies, you know, if a cable service is delayed an extra 30 days, you know. Here I think there's a real urgency——

Mr. JACKSON. Yes, sir.

Mr. MARKEY. [continuing] that attaches to the work that you do.

Mr. JACKSON. Absolutely.

Mr. MARKEY. And I would hope that you would ensure that it happens faster than 2 years.

Mr. JACKSON. I have a 6-year-old daughter at home that rides around in the type of vehicles that we've been talking about today here, sir, and I believe in my bones that this is an absolutely indispensable and urgent focus for us to take on in this safety mandate that we have and——

Mr. MARKEY. Well, here's a question that I'm sure every American who owns one of these vehicles and is now driving around in it, having purchased it with the notion that they could strap their children into the back seat and it would be safer than in some small vehicle. When it turns out ironically that the children are more vulnerable, because of this rollover propensity and the fact that there are no roof crush regulations that are on the books.

Why doesn't NHTSA begin a proceeding to put tough roof crush standards so the roof just doesn't collapse in on these family members? It's a 30-year-old standard that we're all living with and dying with now in the United States. It was before the advent of the SUV, and so now we have this vehicle that's out there. Now one in four vehicles coming out in the road or more are SUVs, and so all of these families are putting their children into vehicles without any roof crush or rollover or crash worthiness standards that are on the books.

Mr. JACKSON. Congressman, I asked this same question, and we——

Mr. MARKEY. Who did you ask?

Mr. JACKSON. One of my colleagues at NHTSA when I got to the department, and we have been working on this for some time, and I'm jumping the gun a little bit, but happy to tell you that this summer we will be publishing a notice in the Federal Register that summarizes the data, the information that we've gathered about the roof crush issue and solicits in a formal way input that could lead to a formal review of those standards and issues.

Mr. STEARNS. The gentleman's time has expired.

Mr. MARKEY. May I, Mr. Chairman, just have 30 additional seconds?

Mr. STEARNS. Absolutely.

Mr. MARKEY. I think he has just made big news here today, Mr. Chairman, if I may, in terms of an advance that I don't think anyone anticipated coming into today's hearing room. So do you anticipate that that will lead toward the promulgation of a rule dealing with——

Mr. JACKSON. We're going to get that data in, and we will assess it, and I would not like to forecast or speculate about the choices or options that we would make, but it will certainly create a public record that helps us evaluate, in a reasonable amount of time, this issue.

Mr. MARKEY. And, again, knowing that there hasn't been an upgrade of this standard in 30 years, is it fair to say that you believe it's time for us to review that standard and to update it?

Mr. JACKSON. I think it's time to do exactly what we're going to do, get this conversation going in the public arena with the information that we have on the table suggesting to us that we need to take a very, very careful look at it.

Mr. MARKEY. He's made less news than I thought he was making, Mr. Chairman.

Mr. STEARNS. Sounds like a——

Mr. MARKEY. I will listen more carefully the second time and——

Mr. JACKSON. I'm not trying to—market.

Mr. MARKEY. And I'll say this. I think it's a mistake that you're not doing it. I think you could do it on your own. We now know that thousands of lives could be saved if you put this standard on the books and the industry had to meet it, and we know that if they could increase the weight in these vehicles from 5,000 to 5,600 pounds over a 5-year period. It's not that they're afraid to add extra weight to the vehicles, because we know they're not concerned about fuel economy standards. They're the least fuel-efficient vehicles on the road. They're just packing it with all this additional weight. But all we need is a bar over the head of these families, so that when the vehicle rolls over because of its propensity, that their lives aren't going to be unnecessarily lost. So I think you should do it. I think you're making a big mistake if you don't and you're going to be held accountable.

And second, if it's a cost issue, if you don't have the money, you should ask us for the money. We'll give you the money to put something this important on the books. I appreciate the fact that you're commencing. I can see from your testimony today the sincerity of

your interest on the subject. I hope that we can help you to be successful inside your administration and——

Mr. JACKSON. Thank you, and we'll seek that help.

Mr. Chairman, if I just may, on this issue I am not trying to equivocate or be cute. I am trying to be responsible and tell you that this really is an important issue to look at and to reserve judgment about exactly how to proceed once we launch this conversation publicly.

Mr. MARKEY. Then I take that, Mr. Jackson, as a good faith, you know, promise to the committee, and I thank you for volunteering that information.

Mr. JACKSON. And I know of your interest in it. If you would like me to keep you personally involved and informed about what we're doing, then I would be happy to do that.

Mr. MARKEY. I would appreciate that. Thank you, sir. Appreciate it.

Mr. STEARNS. All right. The gentleman, Mr. Sawyer, is recognized for 5 minutes.

Mr. SAWYER. Mr. Chairman, some day I hope to be able to stretch 5 minutes as well as my colleague from Massachusetts.

Let me just say, first of all, thank you very much for your testimony here today and for all of the work that you have been doing. I have to confess that I am both troubled and comforted by what you've said here today. I am comforted by your willingness to go beyond what you have been requested to do to look at the questions of vehicle interaction with tires, and I think that's important for you to do. I'm troubled, in that you seem to operate from the presumption that it is the tire that fails and therefore causes the difficulty with the vehicle. I think that may well be true. But it is also true that the behavior of the vehicle affects the performance of the tire and may, in fact, be a causal factor in the failure.

It is—it is true that the tire standards have not changed since 1968, and the change in technology has been enormous. Simply going from bias to radial technology has been enormous. It seems to me that the testing protocols that go with that change in technology need to change as well and that the kind of in-depth analysis that you've listed in your testimony, the shearography, the sectioning, the adhesion testing, the rig testing on drums, important dynamic testing in its own right, but not vehicular dynamics. Chemical analyses and other physical measurements are all important, but we simply need to get to an understanding of the way each of the products affect the performance of the other.

If I could only suggest—you talked about the importance of the relevant variables. If you simply look at the difference in weight distribution between the Explorer and the Ranger, it seems to me that there may well be a reason to understand the difference in rear tire performance because of the polar moment of inertia that comes at the loss of adhesion. It's critically important.

Let me just turn in conclusion to—and then if you want to comment on any of this, please feel free to. If—when you were asked about any advice that you might give to the American people, I hope that the next time you're asked that, you will reply, inflate your tires; check them regularly; it has a profound affect on their

life and their performance, and it may have a profound affect on your life as well. Any comments?

Mr. JACKSON. I couldn't agree more with that.

Mr. SAWYER. Thank you very much, Mr. Chairman.

Mr. STEARNS. I thank my colleagues. We are now at the end of this hearing that has lasted almost 7½ straight hours. I want to thank the staffs on both sides for an excellent job of preparation. I want to thank you, Mr. Jackson, and your colleagues for waiting through this period. I think we've had a very thoughtful hearing. You've indicated you have the resources so that you can go ahead and accomplish what needs to be done. I also believe we've posed important questions for the American public by hearing both sides of these issues.

And in the end, you are the impartial body. You are responsible to make sure that the real answers come forward and not us on either side. So we're relying on you, because ultimately, the vehicles and the tires are going to be safe because of your work. So it's a very serious project you have before you. So I want to again thank you. I also want to thank my chairman, Jim Greenwood from Pennsylvania for his cochairmanship. And with that, the——

Mr. SAWYER. Mr. Chairman?

Mr. STEARNS. Yes.

Mr. SAWYER. I just wanted to thank you very much for the opportunity to participate. Because it has been so long, I'm even more grateful for the chance to——

Mr. STEARNS. Well, we particularly appreciate your staying through the whole 7½ hours.

With that, the two subcommittees are adjourned.

[Whereupon, at 5:50 p.m., the subcommittees were adjourned.]

[Additional material submitted for the record follows:]

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Copyright 1998 Knight Ridder/Tribune Business News

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AKRON BEACON JOURNAL

March 1, 1998, Sunday

KR-ACC-NO: AK-BRIDGESTONE

LENGTH: 916 words

HEADLINE: Bridgestone/Firestone Inc. Enjoys the Fruit of Long-Range Planning

BYLINE: By Glenn Gamboa

BODY:

While the tire industry digests the magnitude of Goodyear Tire & Rubber Co.'s new five-year plan, Bridgestone/Firestone Inc. is now enjoying the results of its own five-year plan.

In that time, production doubled. Earnings increased more than thirtyfold. And sales are up 39 percent.

On Friday, the Nashville-based subsidiary of Bridgestone Corp., the world's largest tire maker, reported record annual sales of $7.1 billion and record earnings of $207 million for 1997.

"We're quite satisfied with the results," said Masatoshi Ono, Bridgestone/Firestone's chairman and chief executive officer. "And we hope to continue to improve at the current level."

It was 1992 when Bridgestone/ Firestone began its turnaround. It opted to move its headquarters from Akron, Ohio, to Nashville, Tenn., to get a new lease on its corporate life. That year, the company turned a $6 million profit, after losing $1 billion over the three previous years, and managed sales of $5.1 billion.

Ono said last year's results show the improvement of cost-cutting and increased sales in the five-year period. During that time, Bridgestone/Firestone was the target of a brutal strike, the longest in the history of the rubber industry.

Bridgestone/Firestone officials are now eager to put that behind them, and to focus instead on future growth and new products.

The company is in the process of building a $435 million tire plant in Aiken, S.C., which will produce 25,000 tires daily when completed next year.

Ono said the new plant will reduce Bridgestone/Firestone's dependence on imported tires from Japan.

"The sales growth and business growth supported the need for local production," Ono said. "We cannot cope with the current demand now."

Ono said the company plans to take aggressive steps to increase that demand this year.

Bridgestone/Firestone plans to introduce four products this year, including a new version of its high-performance ice tire called the Blizzak, which uses the company's patented UNI-T technology, and a new ultra high-performance Potenza tire.

Company officials said the controversial Firestone FT70c will continue to be a key product. The FT70c was the subject of an advertising campaign that led Goodyear to sue Bridgestone/Firestone over claims about the tire's performance compared to Goodyear's Aquatred.

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In the end, Bridgestone/Firestone pulled the ads. But the company reported it sold 1.5 million of the premium wet-handling tires in nine months, making it an extremely successful launch, Ono said.

"Even after we stopped the commercials, the tires just kept on selling," Ono said.

Yesterday, Bridgestone Corp. reported earnings of $323 million on sales of $17.9 billion, due in part to strong sales in North America by Bridgestone/Firestone. The company said its earnings dropped 44.3 percent because of a change in its accounting procedures and the removal of debt associated with its 1988 purchase of Firestone Tire & Rubber Co.

Ono said Bridgestone/Firestone expects to continue expanding in 1998 at the same rate as in 1997.

He said the economic crisis in Asia actually helps Bridgestone/Firestone because it can import tires from Japan at a lower price. Plans to increase exports from Thailand to North America are already under way.

Kenji Shibata, president of Bridgestone/Firestone, said the company is already off to a good start for 1997.

"We have started with a good season," Shibata said. "Things have been very good, especially with light trucks and with the (automakers)."

Bridgestone/Firestone is looking to become a much larger supplier to the North American automakers, adding 14 new models, including the Toyota RAV4 and the Ford Crown Victoria, to the roster of cars that it outfits with its tires.

Goodyear is the largest supplier in North America with about 37 percent of the automakers' business. Bridgestone/Firestone is currently third with about 20 percent.

Those designations are becoming increasingly important since recent surveys show that about a third of all car owners replace their tires with tires made by the same manufacturer that supplied them originally.

"Increasing in that business allows us to make tires in big lots, rather than the smaller lots needed for replacement tires," Ono said. "We would enjoy that."

Bridgestone/Firestone is already enjoying its recent successes in racing and the interest that it generates with employees and its dealers.

"At the recent dealer conference, our competitor invited us to go after them,' " said Trevor Hoskins, Bridgestone/Firestone's senior vice president of public affairs. "Our racing success should have demonstrated by now that we would much prefer to lead."

And now the upcoming entry of Dayton Tires into the IndyLights race circuit gives each of the Bridgestone/Firestone brands a place in the sport.

"With Dayton coming in, everybody is excited now," Ono said.

That excitement has led to higher sales, he said.

In light of Goodyear's ambitious plans to grow from $13 billion in sales to $20 billion within the next five years to dethrone Bridgestone Corp. as the world's largest tire maker, company officials believe it will be a challenge to continue those higher sales.

"It is so difficult to forecast the future -- we will leave that to Goodyear," said Ono, laughing. "As for us, we believe we will continue to grow. How much? Who can say?"

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TREAD WEAR TESTS

10K IRREGULAR	UN105	RANGER 4x4
3.78K SHOULDER	UN105	RANGER 4x4
1K GRAVEL	SURROGATE VEHICLE	

CONTROL TIRE: FIRESTONE ATX SL531J (1D8041)

TEST TIRE: GOODYEAR WRL RT/S 1D0058K

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GOODYEAR TIRE
CONSTRUCTION COMPARISON

VENDOR: VEHICULAR TESTING SERVICES, INC.

TEST NO.: 1D005PU690

DATE: 06-06-1994 MILEAGE: 3784 ENGINEER: ELF ROTATION: CAR TO CAR
LOAD: C+D / C+D INFLATION F/R: 26 / 26

FASTEST WEARING GROOVE PROJECTIONS @ 3784 MILES

CONST #	1D0058K		1D0841	
SIZE	P235/75R15		P235/75R15	
TYPE	GOODYEAR		FIRESTONE ATX	
WP	MILES	GRV	MILES	GRV
RF	24511	5	13730	3
LF	22231	5	9670	1
LR	40229	5	31063	5
RR	42958	5	35398	4
AVE FRT	23371		11700	
RAT/FRT	100.00		50.06	
AVE REAR	41593		33231	
RAT/REAR	100.00		79.90	

ALL GROOVE AVERAGE PROJECTIONS @ 3784 MILES

CONST #	1D0058K	1D0841
SIZE	P235/75R15	P235/75R15
TYPE	GOODYEAR	FIRESTONE ATX
WP	MILES	MILES
RF	32511	18654
LF	29498	14847
LR	56059	40902
RR	53754	47403
AVE FRT	31004	16759
RAT/FRT	100.00	54.03
AVE REAR	54906	44153

BAAZ 0908

GOODYEAR TIRE
CONSTRUCTION COMPARISON

VENDOR: VEHICULAR TESTING SERVICES, INC.

TEST NO.: 1D005PU66I

DATE: 06-24-1994 MILEAGE: 10000 ENGINEER: ELF ROTATION: CAR TO CAR
LOAD: C+D / C+D INFLATION F/R: 30 / 35

FASTEST WEARING GROOVE PROJECTIONS @ 10000 MILES

CONST #	1D005BK		1D8041	
SIZE	P235/75R15		P235/75R15	
TYPE	GOODYEAR		FIRESTONE	
WP	MILES	GRV	MILES	GRV
RF	73839	1	64335	3
LF	64738	1	52598	1
LR	30721	4	19473	3
RR	29439	3	18409	3
AVE FRT	69289		58466	
RAT/FRT	100.00		84.38	
AVE REAR	30080		18941	
RAT/REAR	100.00		62.97	

ALL GROOVE AVERAGE PROJECTIONS @ 10000 MILES

CONST #	1D005BK	1D8041
SIZE	P235/75R15	P235/75R15
TYPE	GOODYEAR	FIRESTONE
WP	MILES	MILES
RF	102093	78810
LF	87751	67072
LR	49235	41607
RR	45839	35345
AVE FRT	94922	72941
RAT/FRT	100.00	76.84
AVE REAR	47537	38476
RAT/REAR	100.00	80.94

Approved Wilderness AT Replacement Tires

U.S. and Canada Markets Only

as of 6/15/2001 5:00pm, EDT

Ford and Lincoln Mercury Dealers will use the following approved replacement tires for vehicles affected by the Wilderness AT ONP program. Ford and Lincoln Mercury Dealers will need to claim the cost of the replacement tires through FCSD per the ONP ANNOUNCEMENT.

This list of tires is subject to change. Changes to this list will not affect reimbursement for any prio completed repairs.

RANGER APPLICATIONS

The following tires are approved for replacements for Wilderness AT on ALL Ranger size P215 / 75R15

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9002 15420750000	General	Grabber AT	100S	
AT	9001 137025783	Goodyear	Wrangler RT/S	100S S2	VSB
AT	9001 137025568	Goodyear	Wrangler RT/S	100S S2	OWL TL

The following tires are approved for replacements for Wilderness AT on ALL Ranger size P235 / 75R15

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9001 137406090	Goodyear	WRANGLER RT/S	105S S2	OWLRPTL
AT	9001 137719568	Goodyear	WRANGLER RT/S	105S S2	OWL TL
AT	9001 137441045	Goodyear	WRANGLER RT/S	108S X2	OWL
AT	9001 137441043	Goodyear	WRANGLER RT/S	108S X2	VSB
AT	9001 137719091	Goodyear	WRANGLER RT/S	105S S2	BSLRPTL
AT	9001 410920176	Goodyear	WRANGLER AT/S	108S	OWL
AT	9001 157770009	Goodyear	WRANGLER GS-A	S2	OWL
AS	9001 727699950	Goodyear	WRANGLER HT	108XL	BSL TL
AS	9001 727699952	Goodyear	WRANGLER HT	108XL	OWL
AT	9004 00754	Michelin	LTX A/T	105S	ORWL
AT	9004 36544	Michelin	LTX A/T	108S	ORWL
AS	9004 29394	Michelin	LTX M/S	108S	ORWL
AS	9004 26632	Michelin	LTX M/S	105S	ORWL
AS	9004 57653	Michelin	LTX M/S	108S	ORBL
AT	9004 90697	BFGoodrich	LONG TRAIL T/A	108S	ORWL
AS	9004 58002	Uniroyal	Laredo Nailgard	XL 108S	ROWL
AS	9002 15446930000	Continental	Contitrac Radial AP	XL	OWL 1.25
AT	9002 15420890000	General	Grabber AT	105S	OWL 1.00
AS	9002 15421410000	General	Grabber AP	105S	SBL 1.25
AS	9002 15421390000	General	Grabber AP	XL	SBL 1.25
AS	9002 15421400000	General	Grabber AP	XL	OWL 1.25

The following tires are approved for replacements for Wilderness AT on ALL Ranger size P265 / 75R15

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9001 137924568	Goodyear	Wrangler RT/S	S2	OWL TL
AT	9001 137753600	Goodyear	Wrangler RT/S	112S S2	BSL RP TL
AT	9002 15434550000	General	Grabber AP	SL	OWL 1.25

Approved Wilderness AT Replacement Tires

U.S. and Canada Markets Only

as of 6/15/2001 5:00pm, EDT

The following tires are approved for replacements for Wilderness AT on ALL Ranger size P235 / 70R16

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9001 137407568	Goodyear	Wrangler RT/S	104S S2	OWL TL
AT	9004 50373	BF Goodrich	Radial Long Trail T/A	104S	ORWL
AT	9004 96489	BF Goodrich	Radial Long Trail T/A	104S	BSW
AS	9004 79176	Michelin	Cross Terrain SUV	104S	ORWL
AS	9004 59257	Michelin	LTX M/S	104S	ORWL
AS	9002 15460150000	General	Ameri 550 AS	104S	OWL
AS	9002 15460160000	General	Ameri 550 AS	104S	BSW

The following tires are approved for replacements for Wilderness AT on ALL Ranger size P245 / 75R16

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9001 137694076	Goodyear	Wrangler RT/S	109S S2	OWL
AT	9001 137694324	Goodyear	Wrangler RT/S	109S S2	BSL
AT	9001 137217543	Goodyear	Wrangler RT/S	109S X2	OWL TL
AT	9004 59264	B.F. Goodrich	Radial Long Trail	109S	ORWL
AT	9004 50163	B.F. Goodrich	Radial Long Trail	109S	BSW

EXPLORER MOUNTAINEER APPLICATIONS

The following tires are approved for replacements for Wilderness AT on ALL Explorer Mountaineer P235 / 75R15

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9001 795698918	Goodyear	WRANGLER RADIAL	105S S2	OWLRPTL
AT	9001 137406090	Goodyear	WRANGLER RT/S	105S S2	OWLRPTL
AT	9001 137719568	Goodyear	WRANGLER RT/S	105S S2	OWL TL
AT	9001 137441045	Goodyear	WRANGLER RT/S	108S X2	OWL
AT	9001 137441043	Goodyear	WRANGLER RT/S	108S X2	VSB
AT	9001 137719091	Goodyear	WRANGLER RT/S	105S S2	BSLRPTL
AT	9001 157770009	Goodyear	WRANGLER GS-A	S2	OWL
AT	9001 410920176	Goodyear	WRANGLER AT/S	108S	OWL
AS	9001 727699950	Goodyear	WRANGLER HT	108XL	BSL TL
AS	9001 727699952	Goodyear	WRANGLER HT	108XL	OWL
AS	9004 29394	Michelin	LTX M/S	108S	ORWL
AS	9004 57653	Michelin	LTX M/S	108S	ORBL
AS	9004 26632	Michelin	LTX M/S	105S	ORWL
AT	9004 90897	BFGoodrich	LONG TRAIL T/A	108S	ORWL
AS	9004 58002	Uniroyal	Laredo Nailgard	XL 108S	ROWL
AS	9002 15446930000	Continental	Contitrac Radial AP	XL	OWL 1.25
AT	9002 15420890000	General	Grabber AT	105S	OWL 1.00
AS	9002 15421410000	General	Grabber AP	105S	SBL 1.25
AS	9002 15421390000	General	Grabber AP	XL	SBL 1.25
AS	9002 15421400000	General	Grabber AP	XL	OWL 1.25

Mountaineer

1991 through 1994, 1998 through 2001 size P235 / 75R15

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9004 00754	Michelin	LTX A/T	105S	ORWL
AT	9004 36544	Michelin	LTX A/T	108S	ORWL

Approved Wilderness AT Replacement Tires

U.S. and Canada Markets Only

as of 6/15/2001 5:00pm, EDT

The following tires are approved for replacements for Wilderness AT on ALL Explorer Mountaineer P255 / 70R16

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AS	9001 132840072	Goodyear	Wrangler AP	109S S2	OWL
AS	9001 132840037	Goodyear	Wrangler AP	109S S2	BSL
AT	9001 137840568	Goodyear	Wrangler RT/S	109S S2	OWL TL
AS	9004 39992	Michelin	LTX M/S	109S	RWL
AS	9002 15459700000	General	Ameri*660 AS	109S	OWL 1.12
AS	9002 15459870000	General	Grabber AW	109S	OWL
AS	9002 15459860000	General	Grabber AW	109S	BSW

The following tires are approved for replacements for Wilderness AT on ONLY Explorer Mountaineer 1995 through 1997 size P255 / 70R16

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AS	9004 67119	Michelin	Cross Terrain	109S	ORWL

EXPEDITION APPLICATIONS

The following tires are approved for replacements for Wilderness AT on ALL Expedition P255 / 70R16

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AS	9001 132840072	Goodyear	Wrangler AP	109S S2	OWL
AS	9001 132840037	Goodyear	Wrangler AP	109S S2	BSL
AT	9001 137840568	Goodyear	Wrangler RT/S	109S S2	OWL TL
AT	9001 137840039	Goodyear	Wrangler RT/S	109S S2	OWL TL
AS	9004 67119	Michelin	Cross Terrain	109S	ORWL
AS	9002 15459870000	General	Grabber AW	109S	OWL
AS	9002 15459860000	General	Grabber AW	109S	BSW
AS	9002 15459700000	General	Ameri*660 AS	109S	OWL 1.12

The following tires are approved for replacements for Wilderness AT on ALL Expedition P265 / 70R17

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9001 137930039	Goodyear	Wrangler RT/S	113S S2	OWL
AT	9001 137930552	Goodyear	Wrangler RT/S	113S S2	OWL TL
AT	9004 79964	BF Goodrich	Radial Long Trail T/A	113S	ORWL

Approved Wilderness AT Replacement Tires

U.S. and Canada Markets Only

as of 6/15/2001 5:00pm, EDT

F - SERIES and BRONCO APPLICATIONS

The following tires are approved for replacements for Wilderness AT on F-Series and Bronco P235 / 75R15

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9001 137058543	Goodyear	WRANGLER RT/S	108S X2	OWL TL
AT	9001 137441043	Goodyear	WRANGLER RT/S	108S X2	VSB
AT	9001 137441045	Goodyear	WRANGLER RT/S	108S X2	SlantdOWL
AT	9001 137441542	Goodyear	WRANGLER RT/S	108S X2	VSB
AT	9001 137441543	Goodyear	WRANGLER RT/S	108S X2	Slanted OWL
AT	9001 137920783	Goodyear	WRANGLER RT/S	108S X2	VSB
AS	9001 727699947	Goodyear	WRANGLER HT	X2	BSL TL
AS	9001 727699950	Goodyear	WRANGLER HT	108XL	BSL TL
AS	9001 727699951	Goodyear	WRANGLER HT	X2	XNW TL
AS	9001 727699952	Goodyear	WRANGLER HT	108XL	OWL
AS	9002 15421390000	General	GRABBER AP	XL	SBL 1.25
AS	9002 15421400000	General	GRABBER AP	XL	OWL 1.25
AS	9002 15434420000	General	AMERI WAY XT	108XL	OWL1.00
AS	9002 15441280000	General	AMERI WAY XT	108XL	BSW
AS	9002 15446930000	Continental	CONTI TRAC RADIAL AP	108S	OWL
AS	9002 15458170000	Continental	CONTI TRAC RADIAL ST	108S	OWL
AS	9004 90897	BFGoodrich	LONG TRAIL T/A	108S	ORWL

The following tires are approved for replacements for Wilderness AT on 1997 F-Series P235 / 70R16

Tread Design	Ford Part #	Manufacturer	Tire Brand	Speed/Load	Sidewall
AT	9004 50373	BF Goodrich	Radial Long Trail T/A	104S	ORWL
AT	9004 96489	BF Goodrich	Radial Long Trail T/A	104S	BSW
AS	9002 15460150000	General	Ameri 550 AS	104S	OWL
AS	9002 15460160000	General	Ameri 550 AS	104S	BSW

U.S. Department of Transportation
National Highway Traffic Safety Administration

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

CONSUMER ADVISORY

FOR IMMEDIATE RELEASE

NHTSA Rae Tyson
Contact: (202) 366-9550

The National Highway Traffic Safety Administration (NHTSA) is recommending that owners of vehicles with certain models and sizes of Firestone tires not already being recalled by Firestone take a number of actions to assure their safety, based on NHTSA's analysis of Firestone's data.

On May 2, 2000, NHTSA opened a defect investigation into approximately 47 million ATX, ATXII, and Wilderness tires manufactured by Bridgestone/Firestone, Inc. (Firestone). On August 9, Firestone announced that it was recalling 14.4 million of the tires under investigation. These include all Firestone ATX and ATXII tires of the P235/75R15 size manufactured since 1991 and all Wilderness AT tires of that same size manufactured at Firestone's Decatur, IL plant. Firestone has estimated that about 6.5 million of these tires were still in service as of that date.

NHTSA has continued its investigation into the remaining tires. As part of that investigation, NHTSA has reviewed data provided by Firestone on property damage claims, personal injury claims, and lawsuits regarding the tires under investigation. Although its investigation is not complete, that review indicated that the rate of tread separations for certain other tire models and sizes exceed those of the recalled tires, sometimes by a large margin. Therefore, NHTSA is concerned about the possible safety risk associated with those tires.

On August 30, 2000, NHTSA staff met with Firestone representatives in Washington and recommended that Firestone expand the recall to include these tire models. On August 31, Firestone advised NHTSA that it would not voluntarily expand the recall at this time. We are continuing our investigation, which may result in an order directing Firestone to recall these tires and any other defective tires. However, in view of the potential safety risk, NHTSA believes that it is important to alert the public of its concerns now.

The tire models with the high tread separation rates are set out in an Attachment to this advisory. A total of approximately 1.4 million of these tires were produced. However, since many of them were manufactured many years ago, it is likely that far fewer are currently on the road. Most of them were sold as replacement equipment and were not installed as original tires on new cars.



DOT AUTO SAFETY HOTLINE
1-888-DASH-2-DOT

Since Firestone has chosen not to expand the recall at this time, you may not be able to obtain free replacement tires from Firestone. However, in light of these concerns, NHTSA recommends that you consider replacing the tires in question and that you retain all documentation.

If you have one of these tires on your vehicle, you should take the following steps:

- Check your tires to be sure there are no visible signs of a problem.
- Be sure your tires are properly inflated.
- Do not drive at a high rate of speed, particularly in hot weather. If possible, choose roads with relatively low speed limits.
- Make sure your vehicle is not overloaded.
- Wear your seatbelt.

Please be aware that while these precautions are good general guidelines to tire safety, they may not prevent a tire failure.

NHTSA will be moving to rapidly complete its defect investigation into these particular tires as well as the remaining Firestone tires under investigation. If the agency concludes that other tires should be recalled, it will act promptly to assure that the public is protected.

Attached: List of Tires Included in 9/1/00 Consumer Advisory

TIRES INCLUDED IN THE SEPTEMBER 1, 2000 CONSUMER ADVISORY

Tire Line	Size	Plant Code	Original Installation
ATX	P205/75R15	VD	1991 Chevy Blazer
ATX	P225/75R15	HY	
ATX	30X9.50R15LT	VD	
ATX	31X10.50R15LT	VD	1991-94 Nissan Pick Up
ATX	32X11.50R15LT	VD	
ATX	31X10.50R16.5LT	VD	
ATX	33X12.50R16.5LT	VD	
Firehawk ATX	27X8.50R14LT	VD	
Firehawk ATX	235/75R15*	VD	
Firehawk ATX	30X9.50R15LT	VD	
Firehawk ATX	31X10.50R15LT	VD	
Firehawk ATX	32X11.50R15LT	VD	
Firehawk ATX	33X12.50R15LT	VD	
Firehawk ATX	265/75R16LT	VD	
Firehawk ATX	255/85R16LT	VD	
Firehawk ATX	31X10.50R16.5LT	VD	
Firehawk ATX	33X12.50R16.5LT	VD	
ATX 23 Degree	31X10.50R15LT	VD	
ATX 23 Degree	33X12.50R16.5LT	VD	
Widetrack Radial Baja	P225/75R15	HY	
Widetrack Radial Baja A/S	32X11.50R15LT	VD	
Wilderness AT	P235/70R16	W2	1996-98 Ford F150
Wilderness AT	33X12.50R16.5LT	VD	
Wilderness HT	P255/70R15	VD	

* Firestone's lists this model as a LTP235/75R15.

The majority of the tires listed above were sold as replacements in the aftermarket mostly for light trucks and SU
In the right column are vehicles upon which the tires were originally installed by the vehicle manufacturer when n

How do I know if my tires are included ?
A. First you need to read the model name off of the sidewall of your tire and verify that it's on the above list. Or
you establish that you have one of the models listed above, you need to check the tire size and verify it's on the l
The tire size is located on both sides of the tire in raised letters. The tire size should be one of the sizes listed abo

B. Next you need to locate the DOT code to determine where your tire was built (plant). The DOT number is
located on the blackwall side of the tire, under the F in Firestone and it is 10 characters long, and it starts with DO
Since this code is on the blackwall side of the tire, and not on the outside of the tire, you may need to crawl
underneath your vehicle with a flashlight to find the code. There may be spaces in between some of the numbers,
be sure to count all 10 characters to ensure you have found the proper code. Examples include:

DOT VDHL1PM046
DOT W2HL1M0470
DOT VDHLA16089

The first two letters of the DOT code are the DOT plant code (see right hand column above) If the first tow lett
of the DOT code are VD, HY, or W2 and you have the tire line and size shown above, then your tires are on the
consumer advisory list.

U.S. Department of Transportation
Office of Public Affairs
Washington, D.C.
www.dot.gov/briefing.htm
News

FOR IMMEDIATE RELEASE
Friday, September 1, 2000

NHTSA
Contact: Rae Tyson
Telephone: 202-366-9550

Media Advisory
NHTSA Administrator Issues Consumer Advisory

Dr. Sue Bailey, Administrator, National Highway Traffic Safety Administration, today issued the attached Consumer Advisory concerning an additional 1.4 million tires that were not included in the Firestone Tire Company's initial August 9, 2000 recall of 47 million ATX, ATX II, and Wilderness tires.

U.S. Department of Transportation
National Highway Traffic Safety Administration

ODI RESUME

INVESTIGATION: PE00- 039 DATE OPENED: 20-SEP-00
SUBJECT: Front Suspension Stabilizer Bar (Anti-Sway Bar) Link Failure
PROMPTED BY: IE00-074 / Chan
PRINCIPAL ENGINEER: Gregory Magno

MANUFACTURER: Ford Motor Company
MODEL(S): Explorer
MODEL YEAR(S): 1995-1996
VEHICLE POPULATION: T.B.D.

PROBLEM DESCRIPTION: One or both front stabilizer bar links break, contributing to vehicle oversteer and excessive suspension travel.

FAILURE REPORT SUMMARY

	ODI	MANUFACTURER	TOTAL
COMPLAINTS:	13	Unknown	13
CRASHES:	0	"	0
INJ CRASHES:	0	"	0
# INJURIES:	0	"	0
FAT CRASHES:	0	"	0
# FATALS:	0	"	0
OTHER:	N/A	N/A	N/A

DESCRIPTION OF OTHER: N/A

ACTION: A Preliminary Evaluation has been opened

ENGINEER: DIV CHF: OFC DIR:

9/20/00 9/20/00 9-20-00
DATE DATE DATE

Background

ODI has received twelve Vehicle Owner's Questionnaires (VOQ) and one consumer letter reporting failure of one or both front stabilizer bar links in Model Year (MY) 1995-1996 Explorers. In all cases, complainants report that vehicle stability is reduced- especially at speeds above 40 mph, and in turns and lane changes.

Subject Component

The subject component is the front stabilizer bar link. A link is attached to each end of the front stabilizer (or "anti-sway") bar, connecting it to the left and right front wheel control arms. The stabilizer bar reduces vehicle body roll in turns. Failure of one or both of the links renders the stabilizer bar essentially useless and therefore, the vehicle may become more unstable in abrupt maneuvers.

Continued on Page 2

TEE 9/20/00

A local Ford service department contact indicated that for MY 1997, Ford increased the diameter of the stabilizer bar link. The newly designed part is used on MY 1995-1996 Explorers as a replacement part.

DOT Headquarters Parking Garage Survey

Ford Explorers parked at DOT HQ were examined to get an idea as to the number of broken links in the field. A total of twenty-eight Explorers were examined:

Fourteen subject (MY 1995-1996) Explorers were examined. Of these, five contained recently replaced links and two contained broken links (both on MY 1995 models). It should be noted that a link was identified as replaced if it appeared to be substantially cleaner than the rest of the vehicle suspension.

Five pre-'95 Explorers were examined with no problems noted (pre-'95 Explorers contained a different suspension design).

None of the nine post-'96 vehicles contained replacement or broken links.

A Preliminary Evaluation has been opened to further assess the scope and severity of this phenomenon.

ODI RESUME

INVESTIGATION: PE00-039
SUBJECT: Front Suspension Stabilizer Bar Link Failure
PROMPTED BY: IE00-074 / Chan
PRINCIPAL ENGINEER: Gregory Magno

DATE OPENED: 20-Sep-00
DATE CLOSED: 30-Nov-00

MANUFACTURER: Ford Motor Company
MODEL(S): Explorer
MODEL YEAR(S): 1995-1996
VEHICLE POPULATION: 677,568

PROBLEM DESCRIPTION: One or both front stabilizer bar links break, contributing to vehicle oversteer and excessive suspension travel.

FAILURE REPORT SUMMARY

	ODI	MANUFACTURER	TOTAL
COMPLAINTS:	26	186	212
CRASHES:	0	2	2
INJ CRASHES:	1	0	1
# INJURIES:	2	0	2
FAT CRASHES:	0	0	0
# FATALS:	0	0	0
OTHER:	N/A	66	66

DESCRIPTION OF OTHER: CQIS field reports from Ford dealers

ACTION: The Preliminary Evaluation has been closed. Ford will perform Safety Recall 00V-402.

ENGINEER: _____ 11/30/00 DATE
DIV CHF: _____ 11/30/00 DATE
OFC DIR: _____ 11-30-00 DATE

On 20-Sep-00, ODI initiated PE00-039 based on thirteen consumer complaints reporting failure of one or both front stabilizer bar links in Model Year (MY) 1995-1996 Explorers. In all cases, complainants report that vehicle stability is reduced- especially at speeds above 40 mph, and in turns and lane changes.

Equipped with 8mm diameter front stabilizer bar links at the factory, the subject vehicles experienced link breakage, especially in cold-weather states. Vehicles built after Nov-96 were equipped with stronger 10mm links.

Ford will install new 10mm links in 810,000 MY 1995-1997 Explorer/Mountaineer vehicles built prior to Nov-96 under Safety Recall 00V-402. Owner notification is expected to take place during the third week of December, 2000.

The Preliminary Evaluation is closed.

12/7/00

The Goodyear Tire & Rubber Company

Akron, Ohio 44316-0001

June 14, 2001

Cliff Sterns
Chairman
Subcommittee on Commerce Trade
and Consumer Protection

James Greenwood
Chairman
Subcommittee on Oversight and
Investigations
U.S. House of Representatives
Washington, D.C. 20515-6115

Re: **TIRE SAFETY INVESTIGATION**

Gentlemen:

I am writing in response to your letter dated June 7, 2001 to Sam Gibara, Chairman and Chief Executive Officer of The Goodyear Tire & Rubber Company requesting the following documents:

1) All records relating to communications (whether written, oral or electronic) between any official, employee or agent of your company and any official, employee or agent of the Ford Motor Company, relating to the possible or actual provision of Goodyear tires for the Ford Explorer, Model Years 1995-1997.

2) All other records relating to the possible or actual provision of Goodyear tires for the Ford Explorer, Model Years 1995-1997.

We have been unable to locate any records or files responsive to these requests other than the attached Ford document dated October 5, 1992 along with the revised tire targets for the P235/75R15 tire.

I have however at the request of Tom DiLenge, Deputy Chief Counsel for Oversight and Investigations, also attached e-mail documents dated as follows:

11-4-94; 11-11-94; 11-15-94; 11-16-94; 11-18-94; 12-6-94; 12-7-94; 12-8-94; 12-12-94; and 12-13-94.

These documents relate to negotiations between Goodyear and Ford for original equipment tires on 1998 Ranger/Explorer vehicles. Also attached is a letter dated January 17, 1996 from L J Connolly, Director of OE Tire Marketing and Sales, to Chris Hole at Ford along with Ford's reply dated January 26, 1996 again relating to tire applications for the 1998 model year.

If we are able to identify any further documents responsive to these requests, we will certainly forward them to you immediately. If you have any questions or comments, please do not hesitate to call me directly.

Sincerely,

James C. Whiteley, Vice President
The Goodyear Tire & Rubber Company

jcw/csh
Attachments

Ford Automotive Operations
Ford Motor Company
Chassis Core Purchasing

Rotunda Drive at Southfield
MD 685, OAP
P.O. Box 1567
Dearborn, Michigan 48121

January 26, 1996

Mr. Les Connolly, Director
OE Tire Marketing & Sales
The Goodyear Tire & Rubber Co.
1144 E. Market St.
Akron, OH 44316-0001

Dear Mr. Connolly:

We recognize Goodyear's concern with the fluctuations in raw material prices outlined in your letter of January 17th. However, as we discussed in our meeting last week, the material cost increases incurred at Goodyear are not consistent across the industry and, therefore, are not addressed by the material clause in our agreement.

Your request for economic relief would also further exacerbate an already uncompetitive condition with Goodyear. You will recall in the 1995 negotiations, we repeatedly indicated that the settlement would not maintain your price competitiveness. As an example, the following eight tires are now priced at a 2-5% premium from Goodyear:

Vehicle	Fitment
CDW27	P185/70R14 AS BSW
CDW27	P205/60R15 AS BSW
→Explorer/Ranger	P235/75R15 AT OWL
F-Series/Econoline	P235/75R15 XL AS BSW
F-Series/Econoline	P235/75R15 XL AS OWL
F-Series	P235/75R15 XL AT OWL
F-Series	LT235/85R16 AS BSW
F-Series	LT235/85R16 AT BSW

The pricing level disparity between Goodyear and your competitors is a significant concern to us, and exists with your current price levels. Either an economic increase or foregoing the January 1996 contractual price reduction would obviously make the situation unacceptable.

We have a further concern that, as a result of your initial price quotes over the last year, Goodyear has been removed from consideration for several future model programs, including the 1998 UPN150, SN95, PHN131 19.5" tire, and the 1999 DEW98. Other programs may also be re-evaluated if your pricing continues to be above the market range.

Ford is willing to work with Goodyear in the TCM process to address costs throughout the value chain, and our experience of TCM is that we can identify potential cost savings, provided we can work openly together. However, as we discussed, the results of the TCM effort will not obviate the need for Goodyear to fulfill our agreement, and partially address today's uncompetitive price issue.

Sincerely,

C. J. Hole

/C. J. Hole, Director

cc: Mr. J. W. Barnett - Goodyear
Mr. G. F. Hagan
Mr. S. S. Holmes - Goodyear

CJH0126a:jp

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The Goodyear Tire & Rubber Company

Akron, Ohio 44316 - 0001

January 17, 1996

Mr Chris Hole
Ford Motor Company
NAAO Production Purchasing
Rotunda at Southfield, P O Box 1587-H
Dearborn, Michigan 48121

Dear Chris:

After our discussion yesterday, I thought it might be appropriate to forward the attached chart which I believe graphically illustrates the point we are attempting to make.

The band at the bottom of the chart indicates the range of fluctuation in raw material prices which we would consider normal. The movement outside this range which occurred during the third quarter of 1994, when coupled with future projections of higher costs, triggered our request for material relief which we initiated in September of that year. It also prompted our request for additional relief in January of 1995 when it became apparent that material prices would escalate far beyond our original forecast. I am sure your financial model which tracks tire costs will concur with our data.

As we emphasized during our discussion, we believe the current situation is covered by the material clause contained in our contract and that this situation at least merits further negotiation.

Although we do plan to aggressively pursue cost reduction activities, as we discussed yesterday, we nevertheless ask for your understanding in our present dilemma, and ask that you give our request favorable consideration.

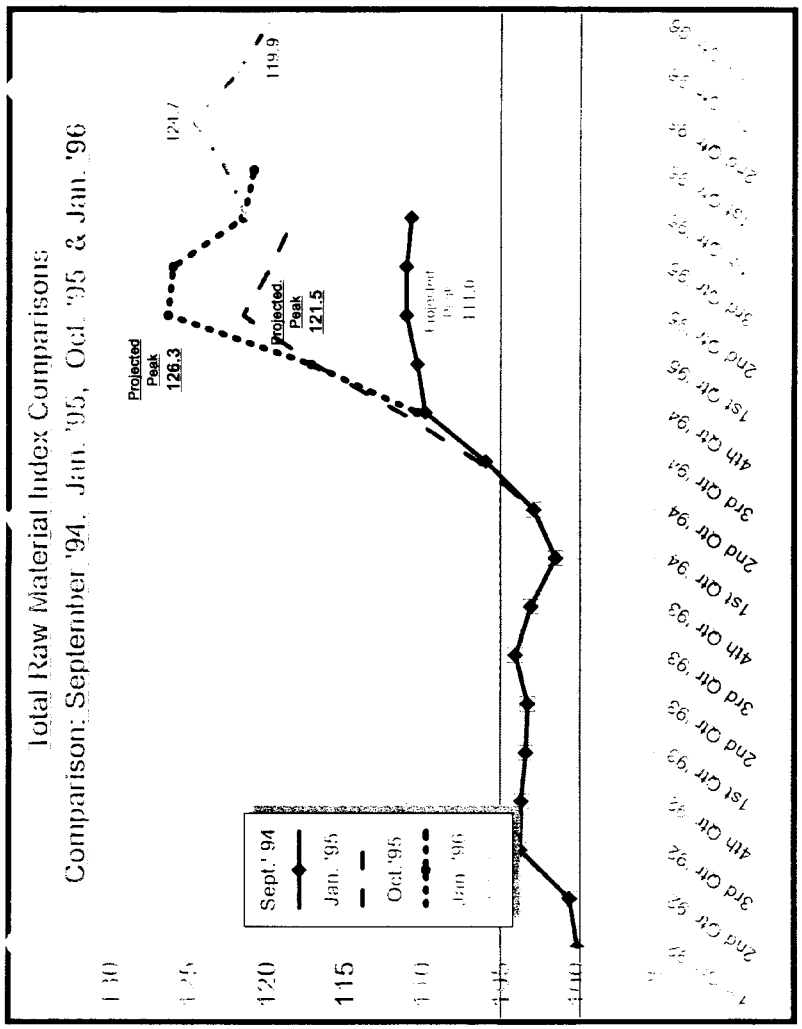
We enjoyed meeting with you, Gary and other Ford personnel yesterday, and look forward to working with you closely in the weeks to come.

Sincerely,

L J Connolly
Director
OE Tire Marketing & Sales

LJC/bah
Attachment

cc: J W Barnett
S S Holmes
Gary Hagan, Ford Motor Company


Total Raw Material Index Comparisons
Comparison: September '94, Jan. '95, Oct. '95 & Jan. '96
Projected Peak 126.3
Projected Peak 121.5
Projected Peak 111.0
124.7
119.9
Sept.' 94
Jan. '95
Oct.'95
Jan. '96
130
125
120
115
110
105
100
2nd Qtr '92
3rd Qtr '92
4th Qtr '92
1st Qtr '93
2nd Qtr '93
3rd Qtr '93
4th Qtr '93
1st Qtr '94
2nd Qtr '94
3rd Qtr '94
4th Qtr '94
1st Qtr '95
2nd Qtr '95
3rd Qtr '95
1st Qtr '96
2nd Qtr '96

****
* Note printed by GHAGAN on 13 Dec 1994 at 11:44:42 *
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From: USGTRKM7--IBMMAIL Date and time 12/13/94 09:24:41
To: USFMCGDC--IBMMAIL Gary Hagan
cc: T462G08 --RDSVM1 J J Tomin A036869 --AKRONHQ Les Connolly
T001640 --AKRONHQ Bruce Brown A001059 --RDSVM1 Sid Holmes

FROM: SID HOLMES
SUBJECT: 1998 UPN150 P235/75R15 AT OWL

Goodyear understands that due to competitive reasons we will not be sourced on the P235/75R15 AT OWL after the 1997 model year for the UPN150 program.

*** Forwarding note from USFMCGDC--IBMMAIL 12/12/94 17:00 ***
To: USGTRKM7--IBMMAIL SID HOLMES
cc: GHAGAN --DRBN004 AKONTULY--DRBN004

FROM: Gary F. Hagan
Subject: 1998 UPN150 P235/75R15 AT OWL
BECAUSE OF GOODYEAR'S RESPONSES TO THE INITIAL QUOTE AND TO THE REQUOTE, FORD IS EVALUATING THIS AS A PLATFORM ISSUE. YOUR UNCOMPETITIVE DIFFERENCE ON THE P235/75R15 AT OWL IS SIGNIFICANT. HOWEVER SINCE A THIRD QUOTE IS NOT REQUESTED, THE USUAL DETAILS OF THE UNCOMPETITIVE RANGE ARE NOT PERTINENT IN THIS CASE.

AT THIS TIME, WE ARE ASKING GOODYEAR TO CONFIRM THAT YOU UNDERSTAND YOU CANNOT BE SOURCED ON THE PROGRAM.

Regards,
G F. Hagan
Exterior Ornamentation Purchasing Department
NAAO Production Purchasing
*** Forwarding note from USGTRKM7--IBMMAIL 12/08/94 06:55 ***
To: USFMCGDC--IBMMAIL Gary Hagan
cc: A036869 --AKRONHQ Les Connolly T001640 --AKRONHQ Bruce Brown
T462G08 --RDSVM1 J J Tomin A001059 --RDSVM1 Sid Holmes

FROM: SID HOLMES
SUBJECT: 1998 UPN150 P235/75R15 AT OWL

We indicated in our second response that part of our reconfirmation process was to be informed as to the the % we are uncompetitive. What's the answer to our question? Twice you have referred to our uncompetitive level without the usual specifics and the question we asked in our second reply has gone unanswered. Pls provide the usual details of the uncompetitive range.

*** Forwarding note from USFMCGDC--IBMMAIL 12/07/94 17:28 ***
To: USGTRKM7--IBMMAIL SID HOLMES
cc: GHAGAN --DRBN004 AKONTULY--DRBN004

FROM: Gary F. Hagan
Subject: 1998 UPN150 P235/75R15 AT OWL
DUE TO BOTH YOUR INITIAL AND SECOND RESPONSES, WE DECIDED TO APPROACH THIS FROM A PLATFORM STANDPOINT. WE CONSIDER GOODYEAR'S UNCOMPETITIVE LEVEL TO BE SIGNIFICANT.

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Regards,
Gary F. Hagan
Exterior Ornamentation Purchasing Department
`AO Production Purchasing
* Forwarding note from USGTRKM7--IBMMAIL 12/06/94 17:05 ***

To: USFMCGDC--IBMMAIL Gary Hagan
cc: T462G08 --RDSVM1 J J Tomin T001640 --AKRONHQ Bruce Brown
A036869 --AKRONHQ Les Connolly A001059 --RDSVM1 Sid Holmes

FROM: SID HOLMES
SUBJECT: 1998 UPN150 P235/75R15 AT OWL

Our note of 11/18 gave a thorough response to the reasons why we were obliged to maintain our current price base for this tire.

We would be remiss, however, in not asking by what % we are uncompetitive and take this chance now to ask this question.

We need your reply as part of our reconfirmation process.

*** Forwarding note from USFMCGDC--IBMMAIL 12/06/94 10:20 ***
To: USGTRKM7--IBMMAIL SID HOLMES
cc: GHAGAN --ORBN004

FROM: Gary F. Hagan
Subject: 1998 UPN150 P235/75R15 AT OWL
ALTHOUGH GOODYEAR HAS PREVIOUSLY REVIEWED THE PRICE LEVEL, YOUR QUOTE FOR 100% OF THE TIRE VOLUME (WHICH IS THE SAME AS THE CURRENT PRICE BASED ON TODAY'S 68% SUPPLY) IS NOT COMPETITIVE. AS YOU ARE AWARE, WE ARE INVESTIGATING SINGLE SOURCING OF THE TIRE AND BASED ON YOUR UNCOMPETITIVE PRICE, GOODYEAR CANNOT BE SOURCED ON THIS FITMENT.

YOU ARE REQUESTED TO RECONFIRM THAT THIS IS YOUR UNDERSTANDING AS WELL.

Regards,
Gary F. Hagan

Exterior Ornamentation Purchasing Department
NAAO Production Purchasing

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* Note printed by GHAGAN on 18 Nov 1994 at 11:05:45 *
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om: USGTRKM7--IBMMAIL Date and time 11/18/94 08:37:05
To: USFMCGDC--IBMMAIL Gary Hagan
cc: A036869 --AKRONHQ Les Connolly T001640 --AKRONHQ Bruce Brown
A001059 --RDSVM1 Sid Holmes

FROM: SID HOLMES (810-423-5534, Fax=810-423-5649)
SUBJECT: UPN150 P235/75R15 A/T OWL

Pls understand that Goodyear applauds Ford for trying to seek production efficiencies that on the surface would seem to benefit both companies. A complete review of the implied efficiencies of this program was indeed undertaken prior to our quotation.

The perceived efficiencies of the added volume of this tire, however, are offset by an increase in the downstream caused by Ford's tight R1H and R2H uniformity limits and static balance for 1997 and 1998. Separately we are actually preparing the cost analysis of what it will take for us to achieve these limits for our currently sourced business without including the added 500-600,000 tires. Since the limits exceed our capability and there are no other industry requirements, we will be quoting Ford on the basis that the equipment to achieve the Ford only spec needs to be amortized in the piece price of the Ford only tire.

We could have taken this chance to increase the cost of this tire to reflect this uniformity issue but our internal studies are not yet complete.

Added to the above costs will be the costs of an additional 30 molds which also figured into the reasons we needed to maintain the current price (subject to the 1995, 1996 and 1997 long term economic agreement).

*** Forwarding note from USFMCGDC--IBMMAIL 11/16/94 15:44 ***
To: USGTRKM7--IBMMAIL SID HOLMES
cc: GHAGAN --DRBN004 GHAGAN --DRBN004

FROM: Gary F. Hagan
Subject: UPN150 P235/75R15 A/T OWL
I AM SURPRISED THAT A VOLUME INCREASE OF 500-600,000 TIRES DOES NOT AFFECT YOUR QUOTE. I RECOMMEND GOODYEAR REVIEW THIS QUOTATION TO REFLECT THE EFFICIENCIES OF THE ADDED VOLUME.

Regards,
Gary F. Hagan
Exterior Ornamentation Purchasing Department
NAAO Production Purchasing
*** Forwarding note from USGTRKM7--IBMMAIL 11/15/94 17:35 ***
To: USFMCGDC--IBMMAIL Gary Hagan
cc: T462G0B --RDSVM1 J J Tomin T001640 --AKRONHQ Bruce Brown
A001059 --RDSVM1 Sid Holmes

FROM: SID HOLMES
SUBJECT: UPN150 P235/75R15 A/T OWL

We have studied the opportunities offerred by this program and offer the following pricing subject to 1994 economics:

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From: A001059 --RDSVM1 Date and time 11/15/94 17:37:3
To: USFMCGDC--IBMMAIL Gary Hagan
cc: T462G08 --RDSVM1 J J Tomin T001640 --AKRONHQ Bruce Brown
A001059 --RDSVM1 Sid Holmes

FROM: SID HOLMES
SUBJECT: UPN150 P235/75R15 A/T OWL

We have studied the opportunities offerred by this program and offer the following pricing subject to 1994 economics:

P235/75R15 Wrgl RT/S OWL $42.15

Sid Holmes--Account Executive
The Goodyear Tire and Rubber Company
P.O. Box 5099
Southfield, Mi. 48086-5099 Tel: 810-423-5534 Fax 810-423-5649
*** Forwarding note from USFMCGDC--IBMMAIL 11/04/94 12:54 ***
To: USGTRKM7--IBMMAIL SID HOLMES
cc: GHAGAN --DRBN004 GHAGAN --DRBN004

FROM: Gary F. Hagan
Subject: UPN150 P235/75R15 A/T OWL
PLEASE SUBMIT A QUOTE FOR 100% OF THE VOLUME FOR THE 1998 RANGER /EXPLORER. THE TIRE WILL BE CARRYOVER OF THE CURRENT UPN105 DESIGN. THE 1998 VOLUME IS APPROXIMATELY 1.3 MIL TIRES.WE ARE EVALUATING SINGLE SOURCING ON THIS TIRE.

Regards,
Gary F. Hagan
Exterior Ornamentation Purchasing Department
NAAO Production Purchasing

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From: T462G08 --RDSVM1 Date and time 11/15/94 13:07:?
To: A001059 --RDSVM1 S S Holmes
cc: T462G08 --RDSVM1 J J Tomin A036869 --AKRONHQ L J Connolly

FROM: J J TOMIN
SUBJECT: UPN150 P235/75R15 A/T OWL

Sid,

I provide you the following quotation for 100% of the volume on the 98my Explorer / Ranger P235/75R15 A/T OWL. Please note that this is the current Wrl RT/S price at 1994 economics.

P235/75R15 Wrl RT/S OWL Vol: 130.0 / mo Price quote: 42.15

Should you have any questions, please let me know.

Regards.....John T

J J Tomin, Product Manager
OE Auto & Light Truck Tires
*** Forwarding note from A001059 --RDSVM1 11/11/94 18:41 ***
To: T462G08 --RDSVM1 J J Tomin

FROM: SID HOLMES
SUBJECT: UPN150 P235/75R15 A/T OWL

We forwarded this request to you on 11/4 and now need an answer by 11/15.

Sid Holmes--Account Executive
The Goodyear Tire and Rubber Company
P.O. Box 5099
Southfield, Mi. 48086-5099 Tel: 810-423-5534 Fax 810-423-5649
*** Forwarding note from USFMCGDC--IBMMAIL 11/11/94 11:50 ***
To: USGTRKM7--IBMMAIL SID HOLMES
cc: GHAGAN --DRBN004

FROM: Gary F. Hagan
Subject: UPN150 P235/75R15 A/T OWL
PLEASE HAVE YOUR QUOTE BY 11/15.

Regards,
Gary F. Hagan
Exterior Ornamentation Purchasing Department
NAAO Production Purchasing
*** Forwarding note from GHAGAN --DRBN004 11/04/94 12:54 ***
To: USGTRKM7--IBMMAIL SID HOLMES
cc: GHAGAN --DRBN004 GHAGAN --DRBN004

FROM: Gary F. Hagan
Subject: UPN150 P235/75R15 A/T OWL
PLEASE SUBMIT A QUOTE FOR 100% OF THE VOLUME FOR THE 1998 RANGER /EXPLORER. THE TIRE WILL BE CARRYOVER OF THE CURRENT UPN105 DESIGN. THE 1998 VOLUME IS APPROXIMATELY 1.3 MIL TIRES.WE ARE EVALUATING SINGLE SOURCING ON THIS TIRE.

Regards,
Gary F. Hagan
Exterior Ornamentation Purchasing Department
NAAO Production Purchasing

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Truck Operations

October 5, 1992

To: R. J. Reichenbach, Bridgestone/Firestone
H. S. Moore, Michelin
C. Turner, Goodyear
D. J. Zupec, General Tire

cc: L. Skynar
D. C. Fortunato
M. Cowley
G. P. Rama

Subject: Revised UPN105 Tire Targets

Attached are the revised Tire Targets for the UPN105 Program. These targets have been revised to reflect program objectives to maintain tirewear, traction, and maximize rolling resistance. The primary design emphasis is to be directed at (1) force and moment specification equivalent to the control tire, (2) maintain irregular and shoulder wear, and (3) no loss in dry, wet, and snow traction. The Rolling Resistance identified for each tire size is a target, not the main objective. The Candidate tires must maintain tirewear, equivalent F&M, dry, wet, and snow traction, while trying to achieve a reduction in Rolling Resistance that approaches the RR target. Please contact Mr. Ron Campbell on the particulars for the F&M requirements for this program. In general, the program goal for U/PN105 is to maintain and not to exceed the handling properties of control tires identified for each tire size.

T. A. Mast

Concur:

J. D. Avouris 10/4/92

R. M. Campbell

D. R. Wotton

R. J. Baciguplupi

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10/5/92 REVISED TARGETS - UPN105

CANDIDATE TIRE - P235/75R15 SL ALL TERRAIN OWL WITH 15X7.0JJ WHEEL
(INFO: TIRE ALSO AVAILABLE ON 15X6.0JJ WHEEL)

CONTROL TIRE - P235/75R15 SL AT FIRESTONE ATX SL531J WITH 15X7.0JJ WHEEL

Irregular wear (10K) (Supplier)	· Estimated life after 10K irregular wear test ≥ Firestone control for both outside and across tread wear. (Siping must be full depth on outside shoulders.) · Worn appearance - subjective ≥ Control (See ES-E8TA-1508-AA)
Shoulder Wear (5K) (Supplier)	· Estimated life ≥ Firestone control tire. · Worn appearance - subjective ≥ Control (See ES-E8TA-1508-AA)
Rolling Resistance - Target (Ford/Supplier)	· 67" Drum: ≤ 10.9 lbs. on Ford Test Machine, 7.0" rim, 1402 lbs. load, 38 psi. · Twin Rolls: TBD on Ford Test Machine, 7.0" rim, 1402 lbs. load, 45 psi. NOTE: Primary importance should be placed on the 67" drum rolling resistance. · Raw data and regression equations for above tests must also be submitted to LTE. See B. Whittle letter dated 8/2/90 for data format.
Traction: Dry/Wet(0.05" H_2O) (Ford/Supplier)	· ≥ Firestone control Rim - 15X7.0 Tire pressure - 30 PSI for Ranger 4X4 Loads: Dry- 855/2137 LBS., Wet- 1453 LBS. Tire pressure - 26 PSI for Explorer Loads: Dry- 796/1992 LBS., Wet- 1354 LBS. Speed: 20, 40, 60 MPH
· 1K Gravel (Supplier)	· Meet ES-E8TA-1508-AA requirement. Worn appearance - subjective ≥ Control
· DOT 109 Lab Test (Supplier)	· Meet ES-E8TA-1508-AA requirement.
· High Speed/Rolloff/Blow Out (Ford/Supplier)	· Meet ES target of 200 miles at 90 mph. Meet SAE "S" speed rating requirements.
· Handling - Dry/Wet (Ford/Supplier)	· Dry - subjective equivalent to Control · Wet - subjective ≥ Control tire on Ford developed wet handling course. · Groove Wander (Los Angeles Freeway test) ≥ Firestone Control

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10/5/92 REVISED TARGETS - UPN105

CANDIDATE TIRE - P235/75R15 SL ALL TERRAIN OWL WITH 15X7.0JJ WHEEL

CONTROL TIRE - P235/75R15 SL AT FIRESTONE ATX SLS31J WITH 15X7.0JJ WHEEL

· Ride (Ford/Supplier)	· Harshness at curb - subjective ≥ Control (Ranger), and 0.5 improvement over Control on Explorer. NOTE: 30/35 psi Ranger, 26/26 psi Explorer.
· Noise (Ford/Supplier)	· New .5 subjective rating better than Control Worn - After 10K Irregular & Shoulder wear test .5 subjective rating better than Control
· Indoor Noise	· Submit data per ES-E8TA-1508-AA
· Snow Traction (Supplier)	· ≥ Control tire (Desired: At 50% tread depth, traction should not drop more than 20% from full tread value.)
Snow - Handling/Braking Events (Ford/Supplier)	· TBD (To be developed by Tire Suppliers and Ford.)
· Weight (Supplier)	· 30 piece ave. ≤ 28.6 lbs.
· Uniformity Values (Supplier)	· Uniformity values must conform to those values outlined in the 12/12/88 BIC letter for the 1995 model year. Minimum Cpk = 1.33 NOTE: May be modified to suit vehicle sensitivity. Sidewall undulation = 0.05" max.
RPM (Supplier)	· SAE Average = 717 ± 7 RPM @ 1844 lb., 35 psi, 45 mph.
Sidewall, Shoulder, and Tread Design	· UPN105 tread, shoulder, and sidewall designs should provide the customer with a "Tough Truck" image. Tread depth to meet Engineering Design Information T&RA recommended practice. A square shoulder appearance is desired.
Residual Aligning Torque (Ford/Supplier)	· +0.5 to -2.5 Newton-meters
Force & Moment (Ford/Supplier)	· Force & Moment equivalent to Control tire with 15x7.0 rim width at 26 PSI. Use LTE Sept. 15, 1992 procedure. File Control Number is "FS316CWFZ"

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CARR ENGINEERING, INC.
12500 CASTLEBRIDGE DRIVE HOUSTON, TEXAS 77065-4532
TELEPHONE: 281/894-8955
FAX: 281/894-5455

January 23, 1999

RECEIVED
FEB - 8 1999
D.M. DUMAS

Mr. Lee Mickus
Wheeler Trigg & Kennedy
1801 California Street
Suite 3400
Denver, CO 80202

Re: Van Etten v. Ford

Dear Mr. Mickus:

Per your request, Carr Engineering, Inc. has investigated the crash that led to the referenced lawsuit. As part of that investigation I have analyzed the complaint, miscellaneous interrogatories, police report, laser copies of police photographs, vehicle information, documents produced by Bridgestone/Firestone, medical information, laser copies of photographs, drawing by Newton Bates, vehicle invoice, vehicle repair invoice, DelRay Toyota documents, and the scheduling order. In addition, I have analyzed the reports by Dr. Mel Richardson and Dennis Carlson as well as depositions of Michael Van Etten, Kim Van Etten, Rethema Ivy, Dina Karwoski, Matthew Wilson, Carlos Osequeda, Khori Ivey, Lester Bruce, Trooper Gary Thrift, Lt. Charles Byerly, and Dr. Mel Richardson. Carr Engineering, Inc. has also inspected the Ford Explorer and the crash scene and has conducted evaluations and tests of the handling and stability characteristics of a Ford Explorer 4 door 4x2 vehicle substantially the same as the one involved in this crash.

Based on the investigation to date, the following opinions and conclusions have been reached:

1. The crash occurred on March 9, 1997 on Interstate 95 in Camden County, Georgia. In the area of the crash, Interstate 95 is a relatively flat four lane divided highway with a concrete road surface, asphalt improved shoulders, and grassy unimproved shoulders and median. According to police information, Mr. Daniel Van Etten was driving a 1993 Ford Explorer 4x2 northbound when "...the left rear tire tread apparently separated from (the) tire." The driver steered to the right "... attempting to move to the emergency lane." The driver then input an inappropriate amount of steering to the left, which placed the vehicle in a counterclockwise spin across the traveled portion of the roadway. The Explorer began to overturn due to the forces of the tires and rims sliding on the pavement. The vehicle then

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rolled over towards the passengers side and the driver, Mr. Van Etten, was ejected from the vehicle and fatally injured.

2. The likely cause of the crash was that Mr. Van Etten failed to maintain control of his vehicle. The crash scene and the Ford Explorer were inspected for problems which could have caused or contributed to the crash. There were no such problems. Following the tread separation in the left rear tire, the driver apparently overreacted by steering abruptly rather than steering the vehicle in a controlled way. This caused the vehicle to slide across several lanes of travel and into the emergency lane.

3. The likely cause of the overturn is that lateral forces were exerted on the vehicle that overwhelmed its inherent stability. The sources of these forces are likely to be the vehicle's speed, the severity of the steering maneuvers undertaken by the driver, and the lean of the vehicle's body toward one side and then the other to augment vertical and lateral tire forces as the tires slid and the rims gouged into the roadway surface.

4. When the tread separates from a tire, the outer surface of rubber either partially or totally "peels off" of the inner rubber compounds or belts. A tire which is partially or totally missing its tread will have very different force and moment characteristics than the same tire with tread intact. Most importantly, the lateral or side force capability of the tire is reduced.

5. Although it is difficult to determine if a tire will or will not experience a tread separation at a given time, the process involved during a tread separation event on a moving vehicle does provide definite feedback to the driver and passengers in most circumstances. The feedback usually begins with a vibration in the vehicle similar to that created by a severely unbalanced tire. The vibration is followed by a "slapping" sound which is caused by the loose tread rubber contacting the pavement as the tire rotates. As the length of the loose tread grows, it begins to hit against vehicle body parts such as the inner fender well and outer sheet metal. The sound created by the tread hitting the vehicle body is very loud and resembles that of a beating drum. As the tread is separating, the rolling resistance of the tire increases which creates a force and moment on the vehicle. This moment acts to pull the vehicle slightly to the side of the separating tire.

6. Carr Engineering has conducted tests where a rear tire tread separation was induced on moving vehicles. These vehicles included a base model 1986 Ford Bronco II 4x4, a 1986 Ford Bronco II 4x4 XLT, a 1994 Dodge Intrepid, a 1987 Ford Club Wagon van, a 1994 Ford Bronco, a 1993 Ford Explorer 4x2, a 1990 Ford Aerostar van, and a 1987 Toyota van. The testing included multiple runs made at varying speeds, some in excess of 65 miles per hour. In every test run, the vibration and the "slapping" sound of the separated tread as it hit the ground and vehicle body were apparent prior to the tread ripping totally free from the tire carcass even though the test tire had been pre-cut to assure separation in a minimal amount of time. During the tread separation event, the tire did pull the vehicle slightly to one side but the driver kept a straight line path with a small steering correction. This amplitude of steer

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angle is small and on the order required to keep a vehicle in the lane on curved highways or in a straight path during other events such as wind gusts or driving through water puddles at highway speeds.

7. As discussed above, a tire with a separated tread has reduced lateral force capacity when compared to the same tire with tread properly adhered to the tire carcass. To objectively measure this difference, Carr Engineering has conducted constant radius circle tests on a 1993 Ford Explorer 4x2 according to the Recommended Practice of the Society of Automotive Engineers. This Recommended Practice, XJ266, includes testing to measure the steering required to follow a circular path at ever increasing speeds until the limits of tire traction are exceeded. This test was performed with both good tires and with a rear tire that had a totally separated tread. In the tests with good tires, the vehicle could achieve a maximum lateral acceleration in excess of 0.7 g's lateral acceleration in both clockwise and counterclockwise directions. In the constant radius test with the missing tread tire, the vehicle could achieve just over 0.6 g's lateral acceleration in a turn with the separated tire on the inside or unloaded side of the vehicle. However, when the vehicle was driven in a turn with the separated tire on the outside or loaded side of the vehicle, the lateral acceleration capacity of the vehicle was reduced to less than 0.5 g's lateral acceleration. These tests confirm that a tread separation will not in and of itself, cause the Explorer to go out of control. Vehicle control can be maintained by slowing down and avoiding sharp manceuvers. The Explorer, like other vehicles, will have diminished capacity when such problems occur and it, like other vehicles, will go out of control if it is subjected to extreme demands after such problems have occurred. This behavior is common to all motor vehicle types and does not mean that the vehicle's design capacities are defective.

8. Carr Engineering has conducted tests where a rear tire was intentionally caused to "blow-out" on moving vehicles. These vehicles included a base model 1986 Ford Bronco II 4x4, a 1986 Ford Bronco II 4x4 XLT, a 1994 Dodge Intrepid, a 1987 Ford Club Wagon van, a 1994 Ford Bronco, a 1993 Ford Explorer 4x2, a 1990 Ford Aerostar van, and a 1987 Toyota van. The testing included multiple runs made at varying speeds, some in excess of 60 miles per hour. Following the "blow-out", the tire did pull the vehicle slightly to one side but the driver kept a straight line path with a small steering correction. These tests confirm that a "blow-out" will not in and of itself, cause the Explorer to go out of control. Vehicle control can be maintained by slowing down and avoiding sharp maneuvers. This behavior is common to all motor vehicle types and does not mean that the vehicle's design capacities are defective.

9. The dimensional characteristics of the 1993 Ford Explorer 4x2 are not the cause of this crash. Based on measurements that Carr Engineering, Inc. has made, the center of gravity height of these vehicles is approximately 26.6 inches above the ground, depending upon tire size and equipment. This value typically ranges from 18 to 24 inches for passenger automobiles and from 23 to 30 inches for utility and multipurpose vehicles. The center of gravity height for other vehicles used safely on the highways exceeds 80 inches for such vehicles as loaded semi-trailer trucks.

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Also based on measurements made by Carr Engineering, Inc., the average track width for the Explorer is approximately 58.4 inches, although the value can be greater or lesser than this amount depending on wheel type and size. This width is similar to or greater than small passenger cars, trucks and other utility vehicles.

10. Simply dividing the track width by the center of gravity height to compute a "static stability ratio" is not a reliable technique to measure dynamic stability for any vehicle, including the 1993 Ford Explorer. Such computation will not predict the vehicle's behavior, nor will it allow valid comparisons to decide what is "safe" and "unsafe". However, even when such computations are made, the value that results for a Ford Explorer is within the range of values for other vehicles used safely on the highways.

11. The dimensional characteristics of the Ford Explorer allow it to perform in both "off-road" and "on-road" applications. For example, its length, wheel base, track width and ground clearance give it superior maneuverability and provide high "approach" and "departure" and "break over" angles so that it can negotiate narrow passageways and around and over obstacles "off-road." It incorporates relatively larger size tires that improve traction on unimproved surfaces. It is these characteristics that allow it to perform functions that common passenger cars cannot and which cause it in some circumstances to be different than some common passenger cars. Changing these dimensions in any significant way would diminish the vehicle's utility in its intended use.

12. The steering characteristics of the Ford Explorer are safe, stable and generally similar to those of other vehicles including passenger cars. In order to measure those characteristics objectively, Carr Engineering, Inc. has conducted testing according to the Recommended Practice of the Society of Automotive Engineers. This Recommended Practice, XJ266, includes testing to measure the steering required to follow a circular path at ever increasing speeds until the limits of tire traction are exceeded. In this test, Carr Engineering, Inc. found that the vehicle steering gain is appropriate and its "understeer" characteristic is similar to the value drivers have come to expect in passenger cars, trucks, and multipurpose vehicles sold in the United States. The vehicle has the capacity to follow a circular path at lateral accelerations exceeding 0.65 G's. This capacity is very high and will allow the vehicle to respond to expected driver inputs with a factor of safety beyond that required to maneuver in a highway environment in both normal and reasonable crash avoidance situations.

13. The handling and stability characteristics of the Ford Explorer when maneuvered in turns are reasonably safe. Those characteristics are extremely good when compared to other vehicles of its type and provide capacities significantly in excess of the demands of normal driving and reasonable crash avoidance situations. Carr Engineering, Inc. has conducted tests to determine this capacity. These tests include slalom tests in which the vehicle is steered violently side-to-side through a serpentine course at speeds from 50 to in excess of 70 miles per hour. Even at the limits of tire traction, the vehicle remained safe and stable in these

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maneuvers. Carr Engineering, Inc. has also conducted a severe lane-change test according to the procedure of the International Standards Organization (ISO). In this test, the vehicle is steered from one narrow lane to the left into a second narrow lane and then back to the right to a third narrow lane. The ISO Procedure envisions that any vehicle that can complete that maneuver at entry speeds of 48 miles per hour or more is reasonably safe and stable for normal highway use. Carr Engineering, Inc. found that the Ford Explorer would complete the maneuver at speeds in excess of that value without a problem. Carr Engineering, Inc. also conducted tests to determine the vehicle's stability at lateral accelerations in excess of 0.70 G's at speeds in excess of 70 miles per hour. Even though the tires are near their limit of traction under those conditions, the Ford Explorer remains safe and stable. Carr Engineering, Inc. has also caused the Ford Explorer to spin around on flat, level pavement through a full 180-degree turn to face back in its original line of travel (i.e. bootlegger turn). It accomplishes that maneuver without problem even though the maneuver by itself reflects a vehicle that has been caused to go completely out of control.

14. Carr Engineering, Inc. has evaluated the stability of the Ford Explorer in various braking maneuvers, including panic braking from speeds in excess of 60 miles per hour and panic braking while the vehicle is in a turn at the limit of its tires' traction. In these tests, the vehicle's braking system behaved predictably allowing the vehicle to be brought to a stop without loss of stability.

15. The Ford Explorer is equipped with a "twin I-beam" front suspension system. This is the same type of suspension used by Ford in its light trucks since the 1960s and is an appropriate suspension for the Ford Explorer. It is my understanding that plaintiffs have retained engineers who are critical of the twin I-beam suspension claiming that it "jacks." The term "jacking" has been applied in the past to the effect whereby a suspension's geometry transmits tire forces to a vehicle's body to actually lift it. Such a thing does occur to a small degree with any independent suspension and can occur to a substantial degree if and only if its geometry is chosen improperly. The geometry chose for the Ford Explorer is proper because it employs an arm of relatively long length that is mounted to the body close to the ground compared to that length. This eliminates the occurrence of significant "jacking" as described by plaintiff's experts. Carr Engineering, Inc. has confirmed this through testing of a 1991 Ford Explorer 4x4 with a twin I-beam front suspension and a 1996 Ford Explorer 4x4 with a short-long arm front suspension. This testing included standard accepted quasi-steady state and highly transient maneuvers at various speeds and up to the limit of the tire's traction. In these tests, the vertical movement of the center of gravity was measured and when compared show little difference between the performance of the 1991 Explorer and the 1996 Explorer. Carr Engineering, Inc. has also performed similar tests on 1986 Ford Bronco II 4x4, a 1990 Ford Bronco II 4x2, and a 1985 Buick LeSabre sedan.

16. All vehicles, including passenger cars and pickup trucks, will overturn when subjected to extraordinary conditions. Among such conditions is sudden and inappropriate steering on paved or unpaved surfaces. For example, Carr Engineering, Inc. has demonstrated this in

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tests conducted in November of 1984 in which a passenger car, a 4-wheel drive utility vehicle, and a pick-up truck were overturned due to steering inputs alone on a flat paved surface at speeds below 40 miles per hour. Others have found the same result in many tests. For example, the University of Michigan caused a Mercedes 4-door sedan and a Dodge Coronet sedan to overturn under similar conditions in a 1972 test that it conducted under a United States government contract. Overturn of vehicles, including all passenger cars, can and do occur under these and other conditions and that simple occurrence is not evidence of a defective design.

17. Carr Engineering, Inc. has investigated a variety of crashes in which a variety of circumstances caused the loss of control and overturn of a variety of vehicles. For example, Carr Engineering, Inc. investigated an overturn crash of a Ford Escort. Its driver failed to steer so that when the roadway curved to the left his Escort went straight to depart the paved road surface. The driver abruptly turned the steering to the left to regain the road causing the Escort to slide and overturn in the roadway. As another example, Carr Engineering, Inc. investigated a crash involving a Jeep Cherokee whose driver failed to steer to follow a right hand curve in the roadway and instead allowed his Cherokee to depart from the left hand side of the roadway. He responded to that situation by jerking the steering to the right to regain the road and then to the left while on the road. These maneuvers resulted in the Cherokee's overturn on-road. A final example involves a crash involving a Chevrolet S-10 Blazer whose driver allowed the vehicle to leave the traveled portion of an interstate highway and then steered abruptly to regain the road. His steering resulted in the S-10 Blazer's overturn on-road. Other investigators, such as those employed by the United States Department of Transportation's National Accident Sampling System, have recorded on-road overturn crashes involving passenger cars, light trucks, vans, and utility vehicles. The Department of Transportation has estimated that approximately 225,000 rollover crashes take place in the United States annually. Two thirds of those involve common passenger cars and approximately 10,000 passenger cars overturn on-road annually.

18. The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation has specifically responded to citizen petitions and other claims that various small utility vehicles are "defective" because of their handling, stability, and crashworthiness characteristics. Such investigations included vehicle models such as the Jeep CJ, the Suzuki Samurai, the Ford Bronco II, and the Isuzu Trooper. Each of those investigations have resulted in the Agency concluding that those specific vehicles and small utility vehicles as a class do not possess characteristics consistent with them being declared "defective" or any of those characteristics named above. In addition, NHTSA has studied rollover crashes since the early 1970s and has determined that it is inappropriate to promulgate any test or standard for rollover resistance. NHTSA has considered specific regulatory proposals for rollover resistance including a static stability factor (T/2H), a tilt table ratio, and a side pull ratio, and has determined not to adopt such proposals. NHTSA has concluded that different classes of vehicles have different uses and different functional characteristics, including rollover resistance. NHTSA has concluded that the fact that certain

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classes of vehicles have lower rollover resistance than full-size passenger cars does not render these vehicles defective or unsafe.

19. The tests used by Ford Motor Company to design and develop the Explorer are appropriate for this purpose and are consistent with industry practice. Successful completion of these tests would demonstrate that a vehicle had reasonably safe steering, handling, and stability characteristics. The nature of the tests is such that they would reveal "defective" conditions of handling and stability if such conditions existed. Ford also employs sophisticated computer simulation software called ADAMS as an added evaluation of vehicle safety. I have first hand knowledge of Ford's vehicle test procedures and it's use of the ADAMS software.

In summary, the design and manufacture of the 1993 Ford Explorer 4x2 is reasonably safe. The cause of this crash was that the driver apparently overreacted to the tread separation by steering abruptly rather than steering the vehicle in a controlled way. The Explorer's design and construction are reasonably safe, are appropriate for a vehicle of its type, and did not cause this crash.

I have worked as an automotive engineer for more than 12 years and have formal training as an engineer. A resume which summaries that experience is attached and it describes the background, experience, and training from which I may draw conclusions and opinions. Also attached is a list of my previous testimony. Carr Engineering, Inc. charges $285 per hour for my services in this matter.

Sincerely,

Donald F. Tandy, Jr.

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Injury Effects of Rollovers and Events Sequence in Single-Vehicle Crashes

Kimberly A. Krull, Asad J. Khattak, and Forrest M. Council

The effect that rollovers and tripping-event sequence surrounding rollover crashes have on the severity of driver injury was explored. Three-year crash and inventory data from Michigan ($N = 35,447$) and Illinois ($N = 24,296$) were analyzed to explore the effect of rollover, while controlling for roadway, vehicle, and driver factors. The results show that 9 percent of single-vehicle crashes are either fatal or cause incapacitating driver injuries (K + A injuries). Significantly more fatalities and incapacitating injuries occur in rollover crashes. Logistic regression models of fatal and incapacitating injuries (K + A) versus other injuries and noninjuries (B + C + O) were estimated separately and together for the two states. The results show that the effects of independent variables are largely consistent across the two states. Driver-injury severity increases with rollovers; failure to use a seat belt; passenger cars (as opposed to pickup trucks); alcohol use; daylight; rural roads (as opposed to urban); posted speed limit; and dry pavement (as opposed to slick pavement). Restricting the injury models to rollover crashes only, it was determined that hitting point objects or longitudinal objects before rolling over resulted in a more severe injury than rolling over first. The policy implications of the findings for restraint use, crash-testing, and roadside design and hardware are discussed.

The severity of single-vehicles crashes occurring outside of the roadway is a major concern when designing roadsides. When these crashes also involve a rollover, the severity of the crash increases. In 1997 there were 37,280 fatal crashes in the United States, involving 54,000 vehicles. Approximately 10,000 (18.3 percent) of those 54,000 vehicles rolled over. The proportion of rollovers in fatal crashes was almost 5 times as high as the proportion of rollovers in injury crashes and 14 times as high as the proportion of vehicles involved in property-damage-only crashes in which a vehicle rolled over [*Traffic Safety Facts 1997* (*1*)]. Viner (*2*) estimated that rollover crashes cost society between $18.9 billion and $25.4 billion annually (in 1988 dollars). A better understanding of the nature and severity of rollover crashes in relation to the crash sequence and the vehicle is necessary to provide effective countermeasures.

The purpose of this paper is to understand the aspects of drivers, the roadway, the environment, and the crash experience (rollover or nonrollover) that influence the occurrence of fatal or incapacitating injuries in a single-vehicle run-off-the-road crash. Another purpose of this paper is to understand the sequence of crash-related events that influence the occurrence of fatal or incapacitating injuries once a rollover has occurred. A *sequence-of-events* variable on a crash report presents the investigating officer's assessment of events occurring before and during the crash event itself (e.g., "ran off road—left, struck bridge abutment, rolled over"). To test hypotheses empirically, FHWA's Highway Safety Information System (HSIS) database was used for the analyses. The eight-state database contains police crash reports and attributes (driver, vehicle, crash, and environment factors) in combination with roadway inventory data. Michigan and Illinois were selected because the crash reports in both states contain sequence-of-events data.

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LITERATURE REVIEW

Two studies explored the causes of rollover in run-off-the-road crashes with respect to the roadway environment. Using Illinois crash and roadway data, Viner (*3*) explored the risk of rollover in ran-off-the-road crashes by land use, road type, and object struck. Hitting fixed objects was the tripping mechanism in one-fourth of ran-off-road crashes. Slopes were identified as the tripping mechanism in the remaining three-fourths of all rollovers outside the roadway. In a second study, (*4*), Viner concentrated on rollovers that were the result of tripping on sideslopes and ditches by analyzing Fatal Accident Reporting System (FARS) data and New Mexico crash data. Rollover on slopes and ditches was identified as the leading cause of fatalities in ran-off-road crashes, with 26 percent of them being rollover fatalities. The first Viner study (*3*) identified "guardrail" as the leading fixed object hit, with 3.7 percent of rural and 5.7 percent of urban rollovers attributed to it. Both studies identified rural ran-off-road vehicle crashes to be more likely to result in rollover than urban crashes. The first study showed an increase in rollover occurrence with increasing speed limits. It also found no difference in rollover rates for right or left side departures on two-lane roads, but it revealed a higher rollover rate for left-side (median) departures on Interstate highways.

Bligh and Mak (*5*) expanded on this effort and compared the roadway environment factors to injury rates in rollover crashes by evaluating the severity and frequency of roadside crashes for generic vehicle platforms using FARS, General Estimates System, and FHWA HSIS data. The study found that crashes involving embankments and rigid fixed objects have the highest injury rates; crashes involving longitudinal barriers such as guardrails have intermediate injury rates; and crashes involving nonrigid, fixed objects have the lowest injury rates.

Four studies compared the risk of rollover crashes by vehicle platform [Viner (*3*), Viner (*4*), Bligh and Mak (*5*), and Viner et al. (*6*)]. Light trucks were more likely to roll than passenger cars in all four studies. The Bligh and Mak study (*5*) identified sports-utility vehicles specifically in the light-truck category as most likely to roll over. Their study found that, in rollover crashes, injury rates are

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higher for passenger cars than for light trucks. The Viner et al. study (6) slightly disagreed. Their examination of rollovers versus nonrollovers in North Carolina data found no difference between platforms in fatal and severe injury (K + A) rates, but injury rates in passenger cars were slightly higher when compared with a group comprised of pickups, utility vehicles, and vans. However, when comparing FARS data with comparison vehicle registration data and geographic information system data, there were higher instances of pickup fatalities in fixed-object crashes compared with passenger cars. Viner et al. (6) hypothesized that some of this higher fatality risk may have resulted from ejections in pickup rollovers.

Bligh and Mak (5) explored contributing roadway factors by vehicle type. Rollovers associated with ditches and embankments were similar for both passenger cars and light trucks. However, light trucks were found more likely to roll over in fatal crashes involving utility poles, longitudinal barriers, culverts, and curbs.

Bligh and Mak (5) also examined the sequence of events involved in rollover crashes. The study used Illinois data to identify where rollovers occurred in the sequence of events. The Illinois data reported coding for three events in the impact sequence. However, the first event was usually coded as "ran-off-road," so rollovers in the second event were termed "primary," and rollovers in the third event were termed "secondary." The rollover ratio of primary to secondary rollovers was more than 3 to 1. The fact that no object was mentioned before the rollover in the "primary" category supports the findings of Viner that ditches and embankments were the cause of three-fourths of rollovers.

When viewed together, the relevant research supports that the risk of injury in rollover crashes is a complex relationship among the sequence of events surrounding the rollover, the vehicle type, and the surrounding environment. The Bligh and Mak study (5) starts to bridge the gaps among vehicle type, injuries, and the sequence of events in crashes when rollover occurs. However, injury as a function of the sequence of events was not explored. Additionally, vehicle class and sequence of events must be explored further. Some questions remain unanswered—where in the sequence of events is rolling over the most severe? Does the effect of vehicle platform change when sequence of events is taken into account?

METHODOLOGY

Injury severity in crashes relates to a variety of driver, vehicle, roadway, and crash factors. However, the nature of single-vehicle crashes is such that the set of factors affecting severity may be different than for crashes involving multiple vehicles. In multiple-vehicle collisions, severity is highly related to factors such as the type of collision, collision size/weight of impacting vehicles, and points of contact. Injury severity of single-vehicle, ran-off-the-road crashes is related to what the vehicle experiences outside of the roadway and to the shared set of other factors (e.g., driver factors). The severity is further complicated when rollover occurs. Rollover crashes usually occur when vehicles leave the roadway and encounter a tripping mechanism.

This analysis includes only single-vehicle crashes that did not impact another vehicle. The single-vehicle crashes that occur because the vehicle left the roadway or ran off the road are referred to as "single-vehicle crashes." Regression models are estimated to identify the set of factors that affect the severity of single-vehicle crashes and those that affect the severity of the subset of these crashes in which a rollover occurs. Additionally, the models provide a numeric relationship between the factors and the marginal probability of a fatal or incapacitating injury in a single-vehicle crash.

HSIS Crash Data

The 1994–1996 Michigan crash files and the 1993–1995 Illinois crash files from FHWA's HSIS were used for this analysis. HSIS is a multistate relational database that contains crash, roadway, and vehicle information. The states in the database are selected based on the quality of data available. The database is separated into individual files that can be linked together. The accident file, vehicle subfile, and roadlog file were linked together and used for analysis individually for each state. The merged files (Michigan and Illinois) contained single-vehicle crashes, both rollover and nonrollover. The only vehicle types analyzed were passenger cars, pickup trucks, and vans. All others (e.g., large trucks and buses) were removed. After the individual analyses were performed, the two states were merged into one large file and reanalyzed.

The crash and vehicle information was taken from police-reported crashes. The data are acquired annually by HSIS, processed into a common computer format, documented, and prepared for analysis. There are some inherent problems with police-reported crash data. Specifically, the accuracy of the crash data is dependent on the training and expertise of the police officer collecting the information and the difficulty of collecting the information. Seat-belt data, for instance, is problematic because it takes the judgment of a police officer after the collision has occurred, with no visual evidence in most cases. Alcohol indicators are measured with error, but they are less problematic because police are trained to detect drinking and routinely engage in driving under the influence-related patrols. Speed of impact often is not recorded in police crashes; however, posted speed limit and functional class are easily obtained surrogates.

Modeling

Logistic regression models were estimated using the SPSS (Statistical Package for the Social Sciences) software (7). The estimation gives the coefficients for the independent variables. Having estimated the coefficients, logistic regression can predict the presence or absence of a characteristic or outcome based on the values of a set of predictor variables. In this analysis, the presence of fatal or incapacitating injuries is the characteristic the logistic regression is predicting. Only driver injury is analyzed. Passenger injury is not included, to avoid controlling for vehicle occupancy. For the HSIS data set, independent variables such as road classification and driver gender are categorical, and variables such as driver age are continuous. Categorical independent variables are modeled in relation to a base category.

The KABCO injury scale is used on the Michigan and Illinois police reports. The investigating officer determines the level of injury. The most severe category is "fatal" (K); the next most severe category is "incapacitating injury" (A); the next most severe category is "nonincapacitating injury" (B); and the least severe category is "possible injury" (C). The last category is "no injury" (0). For this analysis, Categories K and A were grouped together to represent severe injuries. The emphasis in the safety community is on K + A collisions. Categories B, C, and 0 represent nonsevere injuries.

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Table 1 lists the independent variables considered for the single-vehicle crash model. The expected relationship and the reasoning behind the expectation are stated. Several variables have more than one alternative-expected relationship. The independent variables selected were requested from the accident file, vehicle file, or roadway log. Variables were chosen based on theoretical reasoning. A series of models using variable combinations was estimated. The ones that were most parsimonious and had the best statistical properties (e.g., goodness of fit, reasonable parameter magnitudes, and t-statistics) are reported as the final models.

The final single-vehicle crash model includes all independent variables listed in Table 1 except for driver gender, average daily traffic (ADT), right-shoulder width, and left-shoulder width. Driver gender is not included for consideration as an independent variable because of corrupt data from the Michigan files. The variable "ADT" is not included because a correlation matrix revealed that it was correlated to the variable "rural functional class" at the 0.533 level. Correlation over 0.5 can cause multicollinearity problems. Right-shoulder width was correlated to left-shoulder width and speed limit at the 0.591 and 0.563 levels, respectively, in the correlation matrix. Therefore, right-shoulder width and left-shoulder width were excluded. All other variables in Table 1 had acceptable levels of correlation.

Some of the estimated models were tested for interactions between variables based on theoretical reasoning. Some of the interactions were of interest per se, while others were to control for confounding factors (for a variable to be confounding, it must be related to injury and to the variable with which it is interacting). No statistically significant interactions (10 percent level) were found in the models.

It is theoretically possible that a driver can be injured during a crash, but before a rollover, which then accentuates the possibility of a rollover (e.g., a fixed-object impact that renders the driver unconscious). If this is true, then statistical techniques that account for such simultaneity between the rollover and injury variables should be used. However, given the dynamics of single-vehicle collisions, most severe injuries can be expected to occur during rollover. There may be situations in which previous injuries contribute to rollovers. However, due to researchers' inability to observe empirical evidence during actual collisions or strong theory to support this bidirectional relationship, estimating simultaneous models is not warranted.

The independent variables for restraint use, vehicle type, and driver age all had large percentages of missing values. Crashes with missing values are typically excluded from the regression. However, such exclusions can be problematic, particularly if a large number

TABLE 1 Independent Variables and Their Expected Relationships for the Single-Vehicle Crash Model

Variable	Reasoning	Expected Relationship
Driver Age	Susceptibility to injury increases with age	Increase in severe injury
Driver Gender	Women are physiologically more susceptible to injury	Increase in severe injury among women
Driver Restraint	Restraints prevent ejection and contact with vehicle interior	Decrease in severe injury with restraint use
Alcohol Involvement	Alcohol use may increase risky driving (e.g. higher speed)	Increase in severe injury with alcohol use
Slick Roadway	Slick roadways reduce breaking performance	Increase in severe injury
	Drivers may slow down on slick roads	Decrease in severe injury
Light	Daylight increases visibility	Decrease in severe injury during daylight
	Increased visibility increases speed	Increase in severe injury in daylight
ADT	Increased ADT causes congestion	Decrease in severe injury
Rural Functional Class (Versus Urban)	Rural roads are less likely to be congested (i.e. higher speeds)	Increase in severe injury
	Rural roads have more clear zone	Decrease in severe injury
Median Width	Increased median width provides some recovery before crashing	Decrease in severe injury
Right Shoulder Width	Wide shoulders may reflect better roadside design	Decrease in severe injury
Left Shoulder Width	Wide shoulders may reflect better roadside design	Decrease in severe injury
Average Lane Width	Wide lanes may reflect better road design	Decrease in severe injury
Speed Limit	Increased speed results in increased crash force	Increase in severe injury
Pick-up Trucks	Large vehicles provide greater protection than cars	Decrease in severe injury
	Pickups overturn more often in off-road crashes	Increase in incapacitating injuries
	Pickup drivers wear seatbelt less often	Increase in incapacitating injuries
Vans	Large vehicles provide greater protection than cars	Decrease in severe injury
Rollover Involvement	Rolling over results in greater energy transfer	Increase in severe injury

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of observations are excluded and if the missing variable(s) is systematically related to the dependent variable (e.g., restraint-use variable is more likely to be missing for noninjury crashes). To deal with the missing-data problems, dummy variables were created. They allowed the authors of this paper to retain some of the data that otherwise would not be used and to explore the relationship between missing data and injury severity.

The coefficients-of-logit model does not provide the marginal effects of the independent variables. That is, one cannot determine the effect on injury of a unit change in an independent variable from the model coefficient alone. To compute the marginal change in the probability of a severe injury, it is necessary to convert the estimated coefficients obtained from the logit model into changes in probability. The probability of a fatality or incapacitating injury ($y = 1$) is given by the following:

$$\text{Probability } (y = 1) = f(Z) \tag{1}$$

In Equation 1,

$$f(x) = e^x/(1 + e^x)$$

$$Z = \beta x^t + e \tag{2}$$

where

β = row vector of coefficients,
x^t = column vector of variables,
e = error term,
$f(x)$ = logistic probability function, and
$y = 1$ when incapacitating or fatal injury is observed and 0 otherwise.

For continuous variables, the marginal change in the probability is given by the following:

$$\partial \text{prob}(y = 1)/\partial x_i = [\partial f(Z)/\partial Z](\partial Z/\partial x_i) \tag{3}$$

The change in the logistic function with respect to Z is

$$\partial f(Z)/\partial Z = [e^z(1 + e^z) - e^z(e^z)]/(1 + e^z)^2 \tag{4}$$

$$= (e^z + e^{1z} - e^{1z})/(1 + e^z)^2 \tag{5}$$

$$= e^z/(1 + e^z)^2 \tag{6}$$

The change in Z with respect to a particular x_i is

$$\partial Z/\partial x_i = \beta_i \tag{7}$$

The marginal change in probability is then given by

$$\partial \text{prob}(y = 1)/\partial x_i = \beta_i e^{\beta x}(1 + e^{\beta x})^2 \tag{8}$$

Since the probability is a nonlinear function of x, it is necessary to find the marginal change in probability at a certain set of x variables. The marginal changes are calculated at the means of both the continuous and discrete x variables. Interpolation must not go far beyond these means without changing these values to meet the new assumptions.

For computing marginal changes in probability with respect to changes in the discrete variables, the change in probability is computed as the difference in probability between the variables at 1 and zero. The probability that $y = 1$ is given by

$$\text{Prob}(y = 1) = e^{\beta x}/(1 + e^{\beta x}) \tag{9}$$

Thus, the change in probability of observing a $y = 1$ from changing $x_i = 0$ to $x_i = 1$ is given by

$$\Delta \text{Prob}(y = 1)/\Delta x_i = \text{Prob}(y = 1)_{x_i=1} - \text{Prob}(y = 1)_{x_i=0} \tag{10}$$

where Prob $(y = 1)_{x_i=1}$ is the probability of observing $y = 1$ for $x_i = 1$, all other variables are at their mean, and Prob $(y = 1)_{x_i=0}$ is the probability of observing a $y = 1$ for $x_i = 0$ and all other variables at their mean. These are the indicator marginal effects.

FINDINGS

Overview

Driver injuries are split into a binary variable for (K + A) injuries and for nonincapacitating driver injuries (B + C + O). The incapacitating and fatal injuries are referred to as "severe injuries," and the nonincapacitating injuries are referred to as "nonsevere injuries." The resulting distribution between rollover and nonrollover single-vehicle crashes is presented in Table 2 for the Illinois and Michigan samples. The total number of single-vehicle crashes is 59,743–35,447 crashes from Michigan and 24,296 crashes from Illinois. The subset of those crashes that involved a rollover is 10,871. Of those 10,871, only 10,571 had relevant sequence-of-events data for the rollover-events sequence models. Of the crashes with relevant sequence-of-events data, 4,331 crashes were from Illinois and 6,240 were from Michigan.

For both states, 9 percent of single-vehicle crashes were severe (5,383 and 59,743, respectively). There is variation in severity across the two states, with Illinois single-vehicle crashes being more

TABLE 2 Distribution of Illinois and Michigan Driver Injuries for Rollover and Nonrollover Single-Vehicle Crashes

	Illinois (1993-1995)			Michigan (1994-1996)		
Crash Type	Severe Injury (K + A)	Non-Severe Injury (B + C + O)	Total	Severe Injury (K + A)	Non-Severe Injury (B + C + O)	Total
Non-Rollover	2059 (10.5%)	17552 (89.5%)	19611 (100%)	1286 (4.5%)	27475 (95.5%)	28761 (100%)
Rollover	1251 (26.7%)	3434 (73.3%)	4685 (100%)	787 (11.8%)	5899 (88.2%)	6686 (100%)
Total	3310	20986	24296	2073	33374	35447

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severe than Michigan crashes. Given somewhat equal speed limits and an urban/rural split, it is possible that Michigan reports more nonsevere crashes. This can result in proportionally less severe injuries in Michigan. Table 3 presents descriptive statistics for the two states, separately and combined.

Michigan

Seat-belt use reflected a high percentage of missing data (13 percent). When the seat-belt-use data were present, most drivers (90 percent) were reported to be wearing their seat belts. However, this is not always an accurate variable because the drivers report the seat-belt use to the investigating officer after the crash. Observational studies of seat-belt use have consistently indicated that crash-reported seat-belt use is inflated. The investigating officer, on the other hand, does verify alcohol use. Fifteen percent of the drivers were under the influence of alcohol. The average driver age was 33 years, with a range of 13 to 96 years old.

The largest percentage of the crashes occurred during daylight conditions (48 percent), while 52 percent occurred during nighttime, dawn, or dusk. The pavement condition was slick for 60 percent of the crashes and dry for 40 percent of the crashes. The majority of the crashes occurred on rural roads (54 percent), but the urban functional class closely followed (46 percent). The speed limit ranged from 40.3 km/h (25 mph) to 104.7 km/h (65 mph), with a mean of 89 km/h (55 mph).

Illinois

Seat-belt use also had a high percentage of missing data for Illinois (14 percent). When the seat-belt-use data were available, most drivers (83 percent) were reported to be wearing their seat belts. Compared with Michigan, slightly more drivers (17 percent) were under the influence of alcohol. The average driver age was 32 years old.

Slightly fewer crashes occurred during daylight conditions (45 percent) in Illinois than in Michigan (48 percent). The main difference between the two states was in the pavement condition. The pavement condition was slick for 40 percent of the crashes and dry for 60 percent of the crashes in Illinois—opposite of the Michigan distribution. The majority of the crashes occurred on rural roads (55 percent), and the mean speed limit was 83 km/h (52 mph).

Model Results

The results are presented in two models for both data sets. The first—the single-vehicle crash model—examined factors that affect driver-injury severity for all single-vehicle crashes. The examination includes the occurrence or nonoccurrence of rollover. The second—the rollover events sequence model—examines how the crash sequence affects injury severity in a rollover.

Single-Vehicle Crash Model

Table 4 displays the results of the single-vehicle crash model. The table displays the models for Michigan, Illinois, and the two states combined. In the pooled model (for which coefficients are restricted to be the same across the two states), an additional independent variable—"state"—was added to account for any differences in injuries between Illinois and Michigan that were not accounted for by the other variables. The *p*-values, coefficients, and marginal effects are provided for each independent variable. Independent variables with a *p*-value below 0.100 significantly affect the occurrence of an incapacitating injury (at the 10 percent cutoff level). Negative coefficients reduce the probability of severe injuries; positive coefficients increase the probability. The coefficients of each variable were used in the calculation of the marginal effects. The marginal effect of each variable on the probability of severe injury was found by holding the other independent variables at their mean. The marginal effect reported for the continuous variables is the change in the probability of having a severe injury for a unit change (increase) in the continuous variable. The indicator marginal effect reported for discrete variables is the change in the probability of having a severe injury for each category in relation to the base category. Positive marginal effects increase the probability of severe

TABLE 3 Independent-Variable Distribution for Michigan, Illinois, and Pooled Data

	Illinois (1993-95)			Michigan (1994-96)			Pooled		
Variable	Mean	Range	S_x	Mean	Range	S_x	Mean	Range	S_x
Alcohol Involvement	.1696	0/1	.3753	.1439	0/1	.3510	.1539	0/1	.3608
Daylight	.4474	0/1	.4972	.4778	0/1	.4995	.4656	0/1	.4988
Driver Age (yrs)	32.20	14-97	14.49	33.59	13-96	13.67	33.03	13-97	14.02
Driver Age Dummy (for missing values)	.0340	0/1	.1811	.1029	0/1	.3038	.0753	0/1	.2638
Rural Functional Class	.5368	0/1	.4987	.5349	0/1	.4988	.5357	0/1	.4987
Posted Speed Limit (km)	83.13	32-105	15.5	89.60	40-105	13.20	87.03	40-105	14.52
Restrained	.7142	0/1	.4518	.7777	0/1	.4158	.7523	0/1	.4317
Restraint Dummy (for missing values)	.1545	0/1	.3614	.1405	0/1	.3475	.1461	0/1	.3532
Rollover	.1928	0/1	.3945	.1865	0/1	.3895	.1890	0/1	.3915
Slick Roadway	.4144	0/1	.4926	.5950	0/1	.4909	.5239	0/1	.4994
Passenger Car Vehicle Type	.7782	0/1	.7383	.8292	0/1	.6646	.8087	0/1	.6964
Van/Motorhome Vehicle Type	.0667	0/1		.0527	0/1		.0583	0/1	
Pickup Truck Vehicle Type	.1551	0/1		.1181	0/1		.1329	0/1	
Vehicle Type Dummy (for missing values)	.0285	0/1	.1663	.1399	0/1	.3469	.0952	0/1	.2638
State (Illinois)	NA	NA	NA	NA	NA	NA	.5991	0/1	.4901

TABLE 4 Single-Vehicle Crash Model Results of Illinois, Michigan, and Pooled Data

	Illinois (1993-95)			Michigan (1994-96)			Pooled		
Variable	Beta	P-value	Margin	Beta	P-value	Margin	Beta	P-value	Margin
Alcohol Involvement	.4761	.0000	0.0466	.4287	.0000	0.00498	.4676	.0000	0.0291
Daylight	.0825	.0729	0.0056	.1371	.0109	0.00348	.1195	.0006	0.0065
Driver Age *	.0112	.0000	0.0009	.0128	.0000	0.00014	.0118	.0000	0.0006
Driver Age Dummy (for missing values)	-2.771	.0000	-0.0821	-1.303	.0000	-0.01246	-1.165	.0000	-0.0426
Rural Functional Class	.2533	.0000	0.0183	.1708	.0010	0.00265	.2114	.0000	0.0113
Posted Speed Limit *	.0025	.1429	0.0002	.0057	.0054	0.00006	.0044	.0007	0.0002
Restrained	-1.652	.0000	-0.2476	-2.044	.0000	-0.10178	-1.829	.0000	-0.1561
Restraint Dummy (for missing values)	-.6879	.0000	-0.0419	-.6559	.0000	-0.00818	-.6665	.0000	-0.0294
Rollover	.9737	.0000	0.1156	.9862	.0000	0.02780	.9871	.0000	0.0709
Slick Roadway	-.6065	.0000	-0.0581	-.8367	.0000	-0.02170	-.7255	.0000	-0.0402
Vehicle Type (Base Passenger Car)		.0003			.0455	0.00000		.0000	
Van/Motorhome	-.2253	.0109	-0.0185	.0014	.9901	0.00002	-.1401	.0468	-0.0071
Pickup Truck	-.2046	.0006	-0.0181	-.1938	.0135	-0.00299	-.2055	.0000	-0.0103
Vehicle Type Dummy (for missing values)	.6417	.0000	0.0669	-.1240	.0820	-0.00197	.0430	.4594	0.0024
State (Illinois)	NA	NA	NA	NA	NA	0.00000	.7573	.0000	0.0443
Constant	-1.507	.0000	NA	-2.775	.0000	NA	-2.313	.0000	NA
Number of Observations	21,669			34,586			56,255		
-2 Log-likelihood at zero	17,685.341			15,461.324			34,223.505		
-2 Log-likelihood at convergence	15,091.469			12,910.653			28,539.503		
Likelihood Ratio Test Statistic	2,593.872			2,550.671			6102.842		
Degrees of Freedom (DF)	13			13			14		
McFadden's R^2	.147			.165			.166		

* Denotes continuous variables with indicator marginal effects

injury, while negative marginal effects decrease the probability of severe injury.

From the likelihood ratio test statistics at 13 degrees of freedom, the hypothesis that all the coefficients are equal to zero can be rejected for the Michigan, Illinois, and pooled models. The informal goodness of fit shows that the pooled (restricted) model achieves the best fit. The Michigan model fit (Rho-squared or McFadden's R^2) is relatively better than the Illinois model fit. This informal goodness-of-fit statistic is based on the log-likelihoods at zero and convergence, and it is useful for comparing models. Based on a chi-squared test of the log likelihoods at convergence for the unrestricted (Michigan and Illinois) models versus the restricted (pooled) model, the unrestricted models better explain the data.

Restraint use has the largest marginal effect on the probability of severe injury, followed by rollover involvement, and then slick roadways. In the pooled data set, restraint use decreases the chance of a severe injury by 15.6 percent. Rollover involvement increases the chance of severe injuries by 7.09 percent, and slick roadways decrease the chance by 4.02 percent. This trend is consistent across all three data sets, but with varying magnitudes.

The significant independent continuous variables are "driver age" and "speed limit." "Speed limit" is slightly outside of the target level of significance for the Illinois data but was still included in the model because the posted speed limit is a surrogate for vehicle crash speed. The significant independent categorical variables report rollover involvement, alcohol use, rural versus urban, restraint use, daytime versus nighttime, slick versus dry roadway, and vehicle type.

The categorical independent variable—"vehicle type"—uses the category "passenger car" as the base. The vehicle category "vans/motor homes" does not have a significant relationship for the Michigan data, which indicate that there is no statistically significant difference in severe injuries between vans/motor homes and passenger cars in Michigan. However, in the Illinois data, vans/motor homes decrease the probability of severe injuries when compared with passenger cars. Pickup trucks show a decreased probability of severe injuries for all three data sets when compared to passenger cars.

The independent variable "state" was included in the pooled model to account for differences in the states not accounted for in the other variables. The differences in the two data sets reflected in this variable can be due to systematic differences in coding; differences in crash-reporting thresholds (to the best of our knowledge, the Michigan crash reporting limit was $400 in property damage, and the Illinois limit was $500 in property damage during the time the data were collected); and the incongruent years of data used (1993–1995 for Illinois and 1994–1996 for Michigan).

The missing data-dummy variables for driver age and restraint use are significant at the 0.1000 level for all three data sets. This reflects that there was a systematic reason for the missing variables. When driver age or restraint use was missing, severe injury was less likely. A possible explanation for this is that there is less attention to detail by the police officer in less severe crashes, and information such as driver age or restraint use was more likely to be omitted from the report form.

Rollover-Events Sequence Model

Michigan and Illinois crash reports contain sequence-of-events data. There are four possible events in the sequence in the Michigan reports and three in the Illinois reports. However, not all of the sequence-of-events data are relevant for crash modeling. Possible variables include "Loss of Control" and "Other Noncollision." Two investigating police officers could code the same ran-off-the-road, single-vehicle rollover crash in two completely separate ways. One could code the crash as "Other Noncollision," "Loss of Control," "Ran Off Road—Left," and "Rollover." Another officer might code

the same crash as "Ran Off Road—Left" and "Rollover." The rollover in the former scenario might be coded as an Event Four rollover and the latter coded as an Event Two rollover. This scenario exemplifies the problems with identifying the severity of rollover crashes as a function of sequence of events.

To mitigate these concerns, the subset of rollover, single-vehicle, ran-off-the-road crashes were recoded into five categories: (*a*) rolled over initially after leaving the roadway; (*b*) left the roadway, hit a point fixed object, and then rolled over; (*c*) left the roadway, hit a longitudinal object, and then rolled over; (*d*) left the roadway, hit a curb object (including traffic islands), and then rolled over; or (*e*) left the roadway, hit a ditch or embankment, and then rolled over. Crashes in the first category, "Rolled First," may or may not have hit objects after rolling over. Point objects include roadside objects such as bridge ends, traffic signs, signal posts, light supports, utility poles, mailboxes, trees, fire hydrants, impact attenuators, and culverts. Longitudinal objects include bridge rails, guardrail faces, guardrail ends, and median barriers. Crashes that did not fit into one of these five categories were excluded.

Table 5 presents the distribution of severe injuries by sequence-of-events category. The categories "Hit Point Object Then Rolled" and "Hit Longitudinal Object Then Rolled" appear to be the most dangerous event sequences when examining the severe-injury percentages.

Using the subset of rollover crashes that had a defined sequence of events, a set of models with alternative specifications was estimated. These rollover-events-sequence models used the independent variables identified by the single-vehicle crash models, in addition to the event-sequence categories. Table 6 lists the resulting model variables, *p*-values, and marginal effects for the Michigan, Illinois, and pooled data sets.

From the likelihood ratio test statistics at 16 degrees of freedom, the hypothesis that all of the coefficients are equal to zero can be rejected for the Michigan, Illinois, and pooled models. The informal goodness-of-fit statistic shows that the pooled (restricted) model achieves the best fit. The Michigan model fit is better than the Illinois model fit. Based on a Chi-squared test of the log likelihood at convergence, the separate models are better than the pooled model.

The rollover-events-sequence categories are reported in relation to the category called "Rolled First." The variables "Hit Point Object Then Rolled" and "Hit Longitudinal Object Then Rolled" significantly increase the probability of severe injury in the restricted and unrestricted models. The pooled-model marginals indicate that hitting a point object first and then rolling increases the chance of severe injury by 8 percent, whereas hitting a longitudinal object and then rolling increases the chance by 6 percent. Although the coefficient of the category "Hit Curb Object Then Rolled" is negative in relation to "Rolled First"—it is not significant at the 0.100 level for any of the data sets. Therefore, there is no statistically significant difference between rolling over first, or hitting the curb and then rolling over. The category "Hit Curb Object Then Rolled" has a relatively small sample size of 100 total.

The vehicle categories are reported in relation to the category "Passenger Cars." The categories "Pickup Truck" and "Vans/Motor homes" are not significant at the 0.100 level for the Michigan data. In the Illinois data, vans/motor homes decrease the probability of severe injury, followed closely by pickup trucks. It must be noted again that the probability of severe injury is reduced in relation to a passenger car for a single-vehicle, ran-off-the road rollover.

Policy Implications

This study supports earlier findings and presents new information. The analyses reiterated the importance of restraint use in preventing severe injury in single-vehicle crashes and the fact that rollover increases such injury. Research and implementation funds should continue to be spent on roadway and vehicle-related programs to reduce rollovers. However, the maximum effect on roadside injury is most likely to come from programs that increase restraint use among all drivers (e.g., well-enforced seat-belt usage laws that allow police officers to issue driver points as penalties).

However, because of the influence of rollover on the probability of severe injury, there is also a policy implication that the roadway- and roadside-design community must continue to build forgiving roadsides that do not produce rollover (e.g., clear roadsides, less severe sideslopes). Innovation in finding new designs (e.g., better ditch design, innovative curve treatments to prevent roadside excursions) may reduce the problem further.

In contrast with earlier studies, the vehicle platform effect is not present—that is, pickup-truck and van drivers do not appear to be more severely injured than passenger car drivers in these crashes. In fact, the opposite was indicated for the Illinois and the pooled data models for pickup trucks and vans—pickup truck and van drivers

TABLE 5 Distribution of Injuries for Each Rollover-Events Sequence

	Illinois (1993-95)			Michigan (1994-96)		
Event	Severe Injury	Non-severe Injury	Total	Severe Injury	Non-severe Injury	Total
Rolled first	671 (24.4%)	2077 (75.6%)	2748 (100%)	491 (9.9%)	4462 (90.1%)	4953 (100%)
Hit point object then rolled	231 (33.9%)	451 (66.1%)	682 (100%)	92 (22.7%)	314 (77.3%)	406 (100%)
Hit longitudinal object then rolled	114 (36.9%)	195 (63.1%)	309 (100%)	54 (21.4%)	198 (78.6%)	252 (100%)
Hit curb object then rolled	12 (21.1%)	45 (78.9%)	57 (100%)	4 (8.2%)	45 (91.8%)	49 (100%)
Hit ditch object then rolled	223 (25.2%)	662 (74.8%)	835 (100%)	89 (12.3%)	635 (88.8%)	724 (100%)
Total	1254	3430	4681	730	5654	6384

TABLE 6 Rollover-Events Sequence Model Results for Single-Vehicle Rollover Crashes of Illinois, Michigan, and Pooled Data

	Illinois (1993-95)			Michigan (1994-96)			Pooled		
Variable	Beta	P-value	Margin	Beta	P-value	Margin	Beta	P-value	Margin
Alcohol Involvement	.6253	.0000	0.1228	.3674	.0173	0.0202	.4861	.0000	0.0655
Daylight	.2689	.0010	0.0487	.2173	.0232	0.0163	.2698	.0000	0.0329
Driver Age	.0172	.0001	0.0020	.0171	.0000	0.0012	.0133	.0000	0.0017
Driver Age Dummy	-3.240	.0010	-0.2300	-.9253	.0000	-0.0482	-1.104	.0000	-0.0900
Rural/ Functional Class	.2070	.0384	0.0362	.1733	.0738	0.0118	.1786	.0095	0.0210
Posted Speed Limit	.0093	.0175	0.0017	.0111	.0180	0.0008	.0095	.0006	0.0012
Restrained	-1.485	.0000	-0.3001	-1.878	.0000	-0.2027	-1.668	.0000	-0.2617
Restraint Dummy	-.4452	.0001	-0.0797	-.6722	.0001	-0.0388	-.5216	.0000	-0.0651
Slick Roadway	-.6648	.0000	-0.1123	-1.030	.0000	-0.0794	-.8460	.0000	-0.1020
Vehicle Type (Base Category Passenger Car)		.0066			.4606			.0061	
Van/Motorhome	-.3275	.0152	-0.0548	-.0228	.9012	-0.0016	-.2294	.0360	-0.0256
Pickup Truck	-.2378	.0146	-0.0413	-.1622	.2134	-0.0108	-.2128	.0066	-0.0247
Vehicle Type Dummy	.4604	.0156	0.0820	-.1582	.1793	-0.0106	-.0073	.9400	-0.0009
Sequence of events (Base category Rolled First)		.0002			.0000			.0000	
Hit point object then rolled	.3673	.0005	0.0706	.7176	.0000	0.06575	.4811	.0000	0.0668
Hit longitudinal object then rolled	.5260	.0003	0.1056	.6732	.0001	0.06142	.5754	.0000	0.0834
Hit curb object then rolled	.0227	.9497	0.0041	-.4550	.4067	-0.0265	-.1507	.6123	-0.0173
Hit ditch object then rolled	.1177	.2452	0.0216	.2271	.0906	0.0172	.1626	.0436	0.0205
State (Illinois)	NA	NA		NA	NA		.7590	.0000	0.0878
Constant	-1.449	.0000		-2.219	.0000		-2.146	.0000	
Number of Observations	4,331			6,240			10,571		
-2 Log-likelihood at zero	5,061.373			4,463.187			9,939.525		
-2 Log-likelihood at convergence	4,411.592			3,757.848			8,216.690		
Likelihood Ratio Test Statistic	649.781			705.339			1722.835		
Degrees of Freedom (DF)	16			16			17		
McFadden's R^2	.128			.158			.173		

were less likely to be injured compared with passenger-car drivers in single-vehicle, ran-off-the road crashes (regardless of rollover). This may be due to the fact that more crash energy (e.g., higher speed) is required to cause a passenger car to overturn. If the passenger-car rollover requires more energy, then the results of such a rollover may be more severe in terms of injury. However, the most pertinent point is that severe injury levels are approximately equal (lower for pickup trucks and vans in this study). Therefore, another look at the crash-test issue of heavy pickup trucks in crash tests may be warranted (i.e., in current crash tests, the large pickup is used as a substitute for the heavy passenger car used under earlier test standards). Efforts to mitigate the rollover problem should be directed to all vehicle types and not necessarily to a given class of vehicles.

The analyses of sequence of events in rollover crashes have provided unique information. It is impossible, with police-level crash data, to separate the injury level sustained from when it occurred. Based on the dynamics of a crash, one would assume that an occupant is more likely to sustain severe injury in a rollover than in the impact with another object (but no rollover). One goal of this research was to determine which was more severe in terms of injury—the crash sequence involving rollover after impacting a fixed object or the sequence involving a rollover without first impacting a fixed object. The findings indicate that the risk of severe injury is greater if the rollover follows an impact with a point or longitudinal object than when rollover occurs without or before such an impact. Clearly, this does not imply that we should abandon the use of longitudinal barriers to protect dangerous roadsides. Indeed, the authors expect that this finding is partially due to the nature of the roadside when no point object or barrier is struck. Because each state has a policy of protecting the worst roadsides with longitudinal barriers, then the remaining sections without barriers must, by definition, be less severe than those behind the barriers. Therefore, the rollover comparison is not between barriers and all roadsides; rather, it is between barriers and the less severe roadsides that remain after barrier protection is in place.

From a policy viewpoint, the findings support the continuing need to design roadside hardware in a way that minimizes rollover harm. More effort should be concentrated on the development and testing procedures for the elimination of rollovers. Rollover crashes after striking hardware are significantly worse than rollover crashes without or before such impacts. This fact implies that there may be room for improvement in the hardware and that the roadside-safety community should continue to develop innovative designs that both minimize the risk of rollover crashes and lessen the severity of rollover crashes that occur.

CONCLUSION

This study analyzes the effect of rollovers on driver injury in single-vehicle crashes and explores how injury is influenced by the sequence of events leading to a rollover. The study is limited by the quality of

the police-reported crash files with regard to missing cases, self-reported variables (i.e., seat-belt use), miscoded variables, and the inherent assumptions of logistic regression. However, the authors have attempted to control for as many exogenous variables as possible by estimating models with alternative specifications.

The variables that increase the probability of severe injury are rollover involvement, passenger cars (as opposed to pickup trucks and vans/motor homes), failure to use a seat belt, alcohol use, daylight, rural roads (as opposed to urban), higher speed limits, and dry pavement (as opposed to slick pavement). These variables also increase injury severity in rollovers. Additionally, hitting point objects or longitudinal objects and then rolling over is more severe than rolling over first. The main policy implications are that there is potential for designing roadside hardware and clear zones that reduce the chances of rollover crashes. Furthermore, states need to continue their efforts to increase restraint use. In terms of vehicle types, rollover-prevention efforts need to focus on all vehicle types and not necessarily on any given vehicle class.

Finally, more research is needed on countermeasures such seat-belt usage, better ditch design, and innovative curve treatments that prevent roadside excursions. In-depth research on the effect of specific point and longitudinal objects in rollover crashes may also be beneficial for comparison with non-rollover crashes.

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REFERENCES

1. *Traffic Safety Facts 1997*. NHTSA U.S. Department of Transportation. 1997.
2. J. G. Viner. Harmful Events in Crashes. *Accident Analysis and Prevention*, Vol. 25, No. 2, 1993, pp. 139–145.
3. Viner, J. G. Risk of Rollover in Ran-Off-Road Crashes. In *Transportation Research Record 1500*, TRB, National Research Council, Washington, D.C., 1995, 112–118.
4. Viner, J. G. Rollovers on Sideslopes and Ditches. *Accident Analysis and Prevention*, Vol. 27, No. 4, 1995, pp. 483–491.
5. Bligh, R.P., and K. K. Mak. Crashworthiness of Roadside Features Across Vehicle Platforms. *In Transportation Research Record: Journal of the Transportation Research Board, No. 1690*, TRB National Research Council Washington, D.C., 1999, pp. 68–77.
6. Viner, J. C., F. M. Council, and J. R. Stewart. Frequency and Severity of Crashes Involving Roadside Safety Hardware by Vehicle Type. In *Transportation Research Record 1468*, TRB, National Research Council, Washington, D.C., 1994, pp. 10–18.
7. *SPSS for Windows, Rel. 7.5.1*. and *SPSS Advanced Statistics Guide*. SPSS, Inc., Chicago, Ill., 1996.

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Table

1999	**RATES OF OCCUPANT DEATHS IN VEHICLE ROLLOVER**: IMPORTANCE OF FATALITY- RISK FACTORS **Donelson**, AC; Ramachandran, K; Zhao, K; Kalinowski, A. Transportation Research Record - Journal of the Transportation Research Board 1665	More

Full

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Title: RATES OF OCCUPANT DEATHS IN VEHICLE ROLLOVER: IMPORTANCE OF FATALITY-RISK FACTORS

Author: Donelson, AC; Ramachandran, K; Zhao, K; Kalinowski, A

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Abstract: Fatality-based rates--for example, the numbers of occupant deaths per 10,000 registered vehicle years--are often used to compare the "real- world performance" of passenger vehicles. One assumption, often implicit, is that such rates reflect more the design or characteristics of vehicles and less the human and environmental factors that can increase the risk of fatality. The purpose of this study was to examine the importance of selected fatality-risk factors for the magnitude and meaning of fatality-based rates. The objectives were to quantify the influence of fatality-risk factors, to adjust fatality-based rates for that influence, and to assess how well adjusted rates measured differences for various groupings of vehicles. The focus of this study was on rollovers in single-vehicle crashes involving light-duty trucks. Statistical models of fatality risk were developed with multivariate logistic regression applied to data on single-vehicle rollovers of any severity. Raw counts of occupant fatalities based on data from the Fatality Analysis Reporting System were then adjusted. Finally, the statistical reliability of differences in adjusted rates was estimated. Results indicated that adjusted rates were a very small fraction of crude rates. Differences in rates for light trucks decreased greatly and, in general, became statistically insignificant. Studies comparing fatality-based rates among vehicles need careful, statistical control of factors that increase the risk of fatal injury. Fatal crashes are rare and have special attributes. Rollover research specific to vehicles would do well to concentrate on crashes of any severity, which, for vehicles grouped by make and model, demands reference to large-volume files maintained by states.

Notes: This paper appears in Transportation Research Record No. 1665, Statistical Methods in Transportation and Safety Data Analysis for Highway Geometry, Design, and Operations.

Descriptors: FATALITIES // ROLLOVER ACCIDENTS // LIGHT TRUCKS // SINGLE VEHICLE ACCIDENTS // RISK ASSESSMENT // STATISTICAL ANALYSIS // MULTIVARIATE ANALYSIS // REGRESSION ANALYSIS // RELIABILITY (STATISTICS) // FATALITY BASED RATES

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Rates of Occupant Deaths in Vehicle Rollover

Importance of Fatality-Risk Factors

ALAN C. DONELSON, KARUNA RAMACHANDRAN, KE ZHAO, AND ANN KALINOWSKI

Fatality-based rates—for example, the numbers of occupant deaths per 10,000 registered vehicle years—are often used to compare the "real-world performance" of passenger vehicles. One assumption, often implicit, is that such rates reflect more the design or characteristics of vehicles and less the human and environmental factors that can increase the risk of fatality. The purpose of this study was to examine the importance of selected fatality-risk factors for the magnitude and meaning of fatality-based rates. The objectives were to quantify the influence of fatality-risk factors, to adjust fatality-based rates for that influence, and to assess how well adjusted rates measured differences for various groupings of vehicles. The focus of this study was on rollovers in single-vehicle crashes involving light-duty trucks. Statistical models of fatality risk were developed with multivariate logistic regression applied to data on single-vehicle rollovers of any severity. Raw counts of occupant fatalities based on data from the fatality analysis reporting system were then adjusted. Finally, the statistical reliability of differences in adjusted rates was estimated. Results indicated that adjusted rates were a very small fraction of crude rates. Differences in rates for light trucks decreased greatly and, in general, became statistically insignificant. Studies comparing fatality-based rates among vehicles need careful, statistical control of factors that increase the risk of fatal injury. Fatal crashes are rare and have special attributes. Rollover research specific to vehicles would do well to concentrate on crashes of any severity, which, for vehicles grouped by make and model, demands reference to large-volume files maintained by states.

A definition of fatality-based rates and a discussion of sources of data used to estimate these rates introduce this study.

For occupants of passenger vehicles, the risk of fatal injury is typically estimated as a rate (or ratio)—for example, the numbers of fatally injured occupants per some unit of exposure. In the United States, counts of fatalities in motor vehicle crashes are complete and accurate. Measuring exposure, the denominator for a fatality-based rate, is far more problematic. Possible measures of exposure include the amount of travel expressed as time or distance. Different patterns or conditions of travel would undoubtedly entail various degrees of risk of crash involvement and, by extension, risk of fatal injury. Unfortunately, available data on amounts and patterns of travel are inadequate for the purposes of estimating fatality-based rates for different passenger vehicles. As discussed below, there is an alternative. Counts of vehicles registered for on-road use can serve as an indirect measure of exposure. Moreover, for those interested in the field performance and safety of motor vehicles, numbers of crashes or injuries per registered vehicle offer a way to directly compare different types and makes of vehicles.

In the United States, the fatality analysis reporting system (FARS) is the principal source of data on fatal motor vehicle crashes and the persons and vehicles involved. Developed and maintained by the NHTSA since 1975, FARS may well be the most accessible, and most frequently accessed, source of data on motor vehicle crashes. FARS contains comprehensive information on virtually all motor vehicle crashes on public trafficways that resulted in at least one death within 30 days. For research specific to vehicles, among the most important data captured by FARS are vehicle identification numbers (VINs). Accurately coded VINs permit precise, detailed characterizations of cars and trucks.

From 1988 through 1996, annual counts of fatal motor vehicle crashes (35,000 to 42,000) represented fewer than 1 percent of all motor vehicle crashes in the United States (*1*). Fatal motor vehicle crashes are truly very rare events. Nonetheless, their seriousness—from many perspectives including medical and social to legal and economic—along with ever-increasing emphasis on the safety of passenger vehicles, has made FARS a usual, if not obligatory, component of motor vehicle risk analysis.

Complementing FARS is the national vehicle population profile (NVPP). The Polk Company (Polk) has compiled the NVPP annually since the mid-1970s from official files of motor vehicle titles and registration provided by the 50 states and the District of Columbia. The NVPP is a census of automobiles and light trucks as of July 1 each year. This massive file contains VIN-derived information about the vehicle (make, model, model year, body style, engine size) and data on where registrants reside (state, county, zip code). Polk makes available for purchase hard-copy and electronic data on the identity, number, and geographic location of registered vehicles.

For many applications, counts of registered vehicles from the NVPP remain the best, if only approximate, measure of exposure to the risk of crash involvement. Exposure is usually calculated as the number of years of use (or registered vehicle years). Here, one must assume that a vehicle registered as of July 1 in a given year, with a model year greater than that calendar year, represents operation of the vehicle for one whole year. Along with corresponding data from FARS, one can estimate rates of occupant fatalities, or rates of involvement in fatal crashes, for vehicles grouped according to class, type, or make and model.

Fatality-based rates are often used as indicators of trends in traffic safety (*1*). Expressed as per 10,000 registered vehicle years, *rates* of occupant deaths or of vehicles with an occupant fatality are also used to compare on-the-road experience of cars and light-duty trucks (*2,3*). Many who make such comparisons appear to assume, either implicitly or explicitly, that differences in registration-based rates of occupant deaths meaningfully reflect influences of vehicular factors that can increase or decrease the risk of severe crashes. Thus, the Insurance Institute for Highway Safety (IIHS) has characterized "driver death rates by vehicle make and model" as "one important information source" to assist consumers in shopping for safer passenger vehicles (*3*).

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Even among contemporary vehicles of comparable size and type, however, occupant death rates can vary by a factor of 2 to 3, a fact that has occasioned comment by the IIHS itself (*4,5*). At the same time, factors like drunken driving and occupant ejection—reported very frequently for persons involved in fatal crashes—are known to increase the risk of fatality substantially, given crash involvement (*6,7*). Analyses in which probabilities of outcomes are conditioned on the occurrence of crashes (*8–10*) differ fundamentally from comparative risk studies that use data on vehicle registration to normalize simple counts of fatal crashes or occupant deaths. The latter kind of research is particularly susceptible to possible confounding effects of fatality-risk factors (*11*).

In summary, raw counts and crude rates of fatalities reflect influences of factors related both to risk of collision and to risk of fatal injury. Aims of this study were to examine the importance of selected fatality-risk factors. There were three objectives:

1. To quantify the influence of fatality-risk factors with statistical modeling;
2. To adjust counts of occupant fatalities by taking into account, statistically, the effect of fatality-risk factors; and
3. To estimate how reliably adjusted rates measured remaining differences among groups of vehicles.

Motor vehicle crashes are diverse and inherently complex events. There are at least four major categories or types of collisions: (frontal, side impact, rear end, and rollover. Because the scope of work included both developing and applying a statistical method, this study focused on one type of crash (single-vehicle rollover) and one class of vehicle (light-duty trucks). Moreover, for the past 10 years, rollovers have attracted much attention, mostly centered on sport utility vehicles. Fatality-based rates have occupied a prominent place in the ongoing debate (*12,13*).

METHOD

The approach to this study involved five steps:

1. Identify factors associated with fatal injury in single-vehicle rollovers of any severity.
2. Based on frequency of coding and the strength of association with the outcome variable fatal injury, operationally define and select variables for inclusion in statistical models.
3. Develop and evaluate statistical models for predicting fatal injury to occupants in light-duty trucks involved in single-vehicle rollovers of any severity.
4. Apply statistical models to data on occupants in fatal single-vehicle rollovers, estimate probability of fatal injury, and adjust counts and rates for the effect of higher-risk conditions.
5. Estimate statistical differences in adjusted rates for vehicles grouped by type and size and, for selected vehicles, by make and model.

The statistical method developed for and applied in this study is detailed below.

Among the many state motor vehicle crash databases maintained by Exponent Failure Analysis Associates, files from the state of Florida (1986–1996) were selected for analysis. Florida has substantial populations of people and vehicles and, of course, and a correspondingly large volume of data on motor vehicle crashes. Florida's crash files contained the data needed to identify and assess fatality-risk factors, including well-coded VINs.

Analysis of descriptive data involved a comprehensive survey of information on crashes, vehicles, and occupants. Frequently coded factors associated with fatal injury were defined as variables for inclusion in statistical models. The GENMOD procedure with logit link function in SAS (*14*, pp. 249–348) was used to predict fatality for occupants of light-duty trucks in single-vehicle rollovers. GENMOD was used instead of the LOGISTIC procedure because the variable belt use took three values (belted, unbelted, unknown). Results showed that unknown belt use was statistically insignificant. To obtain goodness-of-fit statistics, LOGISTIC was used. Cases in which an occupant was coded unknown belt use were dropped from these analyses, and the variable belt use had only two values (belted, not belted). In all instances, results of the two procedures were almost identical.

The risk of fatality in single-vehicle rollovers appeared to be strongly associated with total numbers of occupants in light-duty trucks. Percentages of vehicles with a fatally injured occupant were 2.9, 4.1, 5.8, 8.2, and 11.8 percent for vehicles with 1 to 4 occupants and with 5 to 10 occupants, respectively. Thus, based on vehicle occupancy, five statistical models were developed. Occupants of vehicles coded as having more than 10 occupants were excluded from analysis. This approach dealt with the increased risk of fatality due simply to increased numbers of occupants in a single-vehicle rollover. It also accounted for possible differences in factors associated with vehicle occupancy per se (e.g., driver condition and behavior, belt use by occupants, time and place of crash).

The assumption here was that each occupant's risk of fatal injury was independent not only of seating position but also of the presence of one or more other occupants. To some degree, risk of fatal injury for individual occupants in single-vehicle rollovers might depend on numbers, seating positions, and characteristics of other occupants in the vehicle. To account for these factors, however, would require treating each vehicle as a cluster for purposes of statistical modeling. Estimation of variance in cluster data is not straightforward. To proceed with analysis would require a robust procedure—for example, the "jackknife." That method, used in conjunction with logistic regression on large sets of data, is computer intensive and, in some cases, not even feasible. Likely effects of such factors were judged negligible for the purposes of this study and thus were ignored.

Data on occupants of light-duty trucks in fatal single-vehicle rollovers were next extracted from FARS (1978–1996). Statistical models developed with data from Florida were applied to estimate the probability of death for each occupant. Predictive capabilities of the five models were checked against the observed numbers of occupant fatalities. As expected, the models underpredicted the outcome variable fatal injury (see *Discussion of Results*). Therefore, predicted probabilities of death were adjusted in two steps. First, probabilities of death were estimated for occupants as if they had been involved in a baseline (or lower-risk) crash scenario—that is, any higher-risk values of explanatory variables were set to lower-risk values (e.g., driver drinking to driver not drinking, occupant unbelted to occupant belted), and the probability of death was re-estimated. Second, to account for likely differences in underprediction among occupants of different groups of vehicles, sums of probabilities of death adjusted in the first step were rescaled based on actual counts of occupant fatalities.

Table 1 provides a more formal description of the procedure. It presents data on occupants in three fatal single-vehicle rollovers

TABLE 1 Illustration of Method for Adjusting Raw Fatality Counts

Vehicle Group	Accident Number	Vehicle Occupant Number	Belt Use?	Alcohol Use by Driver?	Fatally Injured Occupant?	Predicted Probability of Death	Adjusted Probability of Death
G	1	1	No (1)	Yes (1)	Yes	p_{12}	π_2
G	1	2	Yes (0)	Yes (1)	No	p_{22}	π_2
G	1	3	Yes (0)	Yes (1)	Yes	p_{32}	π_2
G	2	1	No (1)	No (0)	Yes	p_{14}	π_4
G	2	2	No (1)	No (0)	Yes	p_{24}	π_4
G	2	3	Yes (0)	No (0)	No	p_{34}	π_4
G	2	4	No (1)	No (0)	No	p_{44}	π_4
G	3	1	No (1)	Yes (1)	No	p_{13}	π_3
G	3	2	Yes (0)	Yes (1)	Yes	p_{23}	π_3
G	3	3	Yes (0)	Yes (1)	Yes	p_{33}	π_3
Sum					6 Deaths	4 Deaths	2 Deaths

(accident numbers 1, 2, and 3). In the three crashes, vehicles belonging to Group G had three, four, and three occupants, respectively. The fourth and fifth columns indicate the presence or absence of two fatality-risk factors—belt use by occupant and alcohol use by the vehicle's driver—with (1) representing a higher-risk condition and (0) representing a lower-risk condition. The sixth column indicates whether the occupant was fatally injured. Entries in the seventh column represent predicted probabilities of death, estimated with either the three- or four-occupant models. Entries in the last column represent adjusted probabilities of death before rescaling. As mentioned above, the initial adjustment for each occupant involved changing values of explanatory variables from any higher-risk condition (1) to the lower-risk condition (0) and then reestimating the probability of death. Note that, in this example, the initially adjusted probability of death is the same for occupants in a given vehicle (e.g., π_3 for occupants in accident number 1). In fact, baseline risk scenarios were defined according to the total number of occupants in a vehicle. Thus, the adjusted probability is the same for all occupants in all vehicles with the same total number of occupants (e.g., the six occupants in accidents 1 and 3).

In Table 1, the sum of occupant deaths was six, the sum of predicted probabilities of occupant deaths was four, and the sum of adjusted probabilities was two. As a second step, initially adjusted probabilities were rescaled as indicated by the following ratio:

$$\text{Adjusted count of deaths (rescaled)} = Y_o \times \frac{\sum_{j=1}^{5} n_j \pi_j}{\sum_{j=1}^{5} \sum_{i=1}^{n_j} p_{ij}} = 6 \times \frac{5\pi_5 + 4\pi_4}{p_{15} + p_{25} + \ldots + p_{45}} = 3 \qquad (1)$$

where Y_o is the total number of fatalities observed for vehicle Group G, and n_j equals the total number of occupants for all vehicles in Group G that contain j occupants. For example, each vehicle in accident numbers 1 and 3 has 3 occupants, so n_3 is 6, n_4 is 4, and n_1, n_2, and n_5 are 0. The probability of death for the ith occupant in vehicles with j occupants is p_{ij}, estimated by the logistic regression model derived from the Florida data, and π_j is the probability of death at the baseline (or lowest) risk condition in models for vehicles with j occupants.

Based on logistic regression models, the fully adjusted count of occupant fatalities for a group of vehicles is given by the following equation:

$$Y_e = Y_o \times \frac{\sum_{j=1}^{R} n_j \pi_j}{\sum_{j=1}^{R} \sum_{i=1}^{n_j} p_{ij}} = Y_o \times \frac{\sum_{j=1}^{R} \frac{n_j e^{w_j}}{1 + e^{w_j}}}{\sum_{j=1}^{R} \sum_{i=1}^{n_j} \frac{e^{\alpha_j + \sum_{k=1}^{K} \beta_{jk} x_{jki}}}{1 + e^{\alpha_j + \sum_{k=1}^{K} \beta_{jk} x_{jki}}}} \qquad (2)$$

where

Y_e = estimated number of occupant fatalities,
Y_o = number of observed occupant fatalities,
α_j = intercept coefficient of the model j (for occupants in j-occupant vehicles),
β_{jk} = coefficient for variable k in the model j (for occupants of j-occupant vehicles),
X_{jki} = value of explanatory variable k for ith occupant (of a total of n_j occupants) from a j-occupant vehicle,
R = number of statistical models (here, based on j occupants in a vehicle),
n_j = total number of occupants in vehicles with j occupants, and
K = number of explanatory variables in the logistic model.

Because this study used the same model when there were 5 to 10 occupants in a vehicle, $R = 5$, and n_5 is the sum of n_5 through n_{10}.

Fatality-based rates are frequently expressed at the level of the vehicle—for example, numbers of vehicles with at least one occupant fatality per 10,000 registered vehicle years. To estimate the probability of a vehicle having at least one fatally injured occupant, one can use the following identity:

$$P(\text{at least one fatality in vehicle}) = 1 - \prod_{j=1}^{n} (1 - p_j) \qquad (3)$$

Initially adjusted probabilities for individual vehicles can be calculated as:

$$P(\text{at least one fatality in vehicle}) = 1 - \prod_{j=1}^{n} (1 - \pi_j) \qquad (4)$$

Here, n equals the number of occupants in a vehicle, p_j equals the probability of fatality for the jth occupant in a vehicle, and π_j equals the probability of fatality initially adjusted to the lower risk condition for the jth occupant in a vehicle.

After fully adjusting for the influence of fatality-risk factors, we compared rates of occupant death for various groups of light-duty trucks. Rates were calculated by dividing the fully adjusted count of occupant fatalities by the total number of registered vehicle years as discussed above. For purposes of comparing rates, we assumed

that adjusted fatality counts were Poisson distributed. We adopted a widely used approach in epidemiology to construct standardized mortality rates (SMR) and confidence intervals for the SMR (*15*, pp. 69–71). These confidence intervals determined whether differences in rates among groups of vehicles were statistically significant. When the observed or fully adjusted counts of fatalities were less than or equal to 20, exact confidence bounds for the SMR of the assumed Poisson-distributed observations (that is, counts of fatalities) were used. For counts of fatalities greater than 20, Byar's approximation to construct confidence limits was used. The two methods converge to the same values for the lower and upper factor when Poisson-distributed observations equal 20 or more (*15*, p. 71).

RESULTS

Identification, Assessment, and Selection of Fatality-Risk Factors

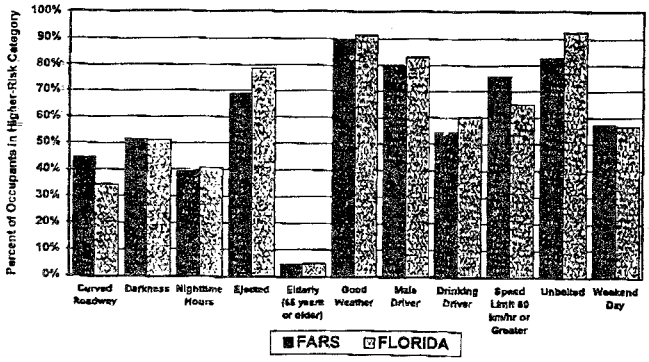
Records containing data on about 55,000 occupants of light-duty trucks (pickup trucks, utility vehicles, and vans) in single-vehicle rollovers were extracted from motor vehicle crash files from Florida (1986–1996). Information related to crash, vehicle, driver, and other occupants was examined for frequency and consistency of coding as well as for apparent association with fatal injury to occupants. Among factors found associated with occupant fatality were the following:

- Weekend (defined as 10 p.m. Friday to 4 a.m. Monday),
- Divided highway,
- Rural area,
- Male driver,
- Curve in road,
- Nighttime hours (defined as 10 p.m. to 4 a.m.),
- Darkness,
- Posted speed limit 80 km/h (50 mph) or greater,
- No adverse weather condition,
- Occupant 65 years or older,
- Alcohol or drug use by driver,
- Unbelted occupant, and
- Occupant ejection.

Characteristics of fatal single-vehicle rollovers in Florida were compared with those found in FARS (Figure 1). In general, profiles composed of selected factors were very similar. Notably, occupants of light-duty trucks in fatal single-vehicle rollovers in Florida were more often reported ejected (78 versus 69 percent nationally). Fatal single-vehicle rollovers in Florida had lower percentages for both curved roads and higher posted speed limits and slightly higher percentages for drinking driver and occupant unbelted.

Development and Evaluation of Statistical Models

Table 2 presents the five statistical models developed for light-duty trucks involved in single-vehicle rollovers of any severity and grouped by number of occupants. The total number of occupants included in these analyses was 54,830. About 60 percent of the vehicles had only one occupant and about 25 percent had two occupants. About 10 percent of all occupants were in vehicles with between 5 and 10 occupants. The models differed somewhat in the number and identity of explanatory variables. Among the variables, occupant ejection and elderly occupant had the greatest predictive strength, followed by not belted and alcohol use by driver. Values of statistics on goodness-of-fit indicated that each model was highly reliable and had good predictive capability.



SOURCE: FARS, 1978-1996, n = 57,515; Florida motor vehicle accident files, 1986-1996, n = 1,412. 1 km = 0.62 mi.

FIGURE 1 Percentage of occupants fatally injured in single-vehicle rollovers with higher-risk condition for selected factors.

TABLE 2 Single-Vehicle Rollovers Involving Light-Duty Trucks in Florida (1986–1996): Logistic Regression Models of Fatal Injury to Occupants

Variables	Models for Occupants in Vehicles Grouped by Total Number of Occupants														
	1 Occupant (n = 19,369)			2 Occupants (n = 16,488)			3 Occupants (n = 8,061)			4 Occupants (n = 5,360)			5-10 Occupants (n = 5,352)		
	Parameter Estimate	Std. Error	Odds Ratio	Parameter Estimate	Std. Error	Odds Ratio	Parameter Estimate	Std. Error	Odds Ratio	Parameter Estimate	Std. Error	Odds Ratio	Parameter Estimate	Std. Error	Odds Ratio
Intercept	-2.716	0.206		-5.526	0.287		-6.895	0.365		-6.697	0.474		-6.136	0.332	
Alcohol Use by Driver	1.179	0.165	3.3	0.885	0.121	2.5	0.876	0.168	2.4	1.256	0.195	3.5			
Speed Limit 80 km/hr or Higher	0.297	0.090	1.3	0.348	0.125	1.4	0.466	0.169	1.6				0.873	0.247	2.4
Belt (Not Belted)	1.886	0.204	6.6	0.819	0.097	2.3	0.906	0.379	2.4	1.531	0.483	4.6			
Belt (Unknown)	-0.537	0.738	0.6	0.190	0.849	1.2	0.477	0.702	1.6	0.790	0.768	2.2			
Ejected	3.758	0.169	42.9	3.256	0.164	26.0	3.287	0.221	24.7	2.443	0.228	11.5	3.197	0.256	28.6
Elderly	1.845	0.278	7.8	2.004	0.272	7.4	2.028	0.701	7.6				1.343	0.267	3.8
Divided Roadway				0.325	0.122	1.4				0.857	0.194	1.9	0.443	0.218	1.6
Curved Road													-0.484	0.247	0.6
Weekend													-0.343	0.181	0.7
Goodness-of-Fit Statistics*															
C Statistics		0.915			0.934			0.897			0.892			0.880	
Concordance		89.7%			92.4%			90.9%			88.5%			88.9%	
Discordance		6.4%			7.6%			7.5%			9.1%			9.6%	
Tied Pair		4.0%			0.0%			1.6%			0.5%			4.3%	

* Goodness-of-fit statistics for models estimated without the category "unknown belt use". 1 km = 0.62 mi.

Application of Statistical Models and Adjustment for Fatality-Risk Factors

Information on about 110,000 occupants of light-duty trucks in fatal single-vehicle rollovers was initially extracted from FARS (1978–1996). Statistical models presented in Table 2 were first applied to predict the probability of death for each occupant in light-duty trucks grouped by number of occupants. Note that permutations of explanatory variables gave rise to many risk scenarios for occupants in light-duty trucks. A scenario is a unique combination of risk conditions defined by the fatality-risk factors (that is, the explanatory variables). For example, Table 3 lists the 48 possible scenarios for occupants of vehicles that had only one occupant (see also Table 2). Scenario 22 was the baseline scenario for calculating relative odds of death for the other scenarios. At least one occupant was found in all but one scenario (Scenario 48). Scenario 19, with odds of death 3290.9 relative to baseline Scenario 22, had higher-risk conditions for all five explanatory variables. Scenario 21, with relative odds of death of 0.5, had lower-risk values for all variables. The highest number of occupants was found in Scenario 1 (7,118; 28 percent of all occupants in

TABLE 3 Relative Odds of Death for Occupants of Light-Duty Trucks in Fatal Single-Vehicle Rollovers: Occupants of Vehicles with Only One Occupant

Scenario No.	Belted	Drinking Driver	Ejection	Higher Speed Limit	Elderly	Relative Odds of Death*	Count of Cases	Percent of Total Cases	Scenario No.	Belted	Drinking Driver	Ejection	Higher Speed Limit	Elderly	Relative Odds of Death*	Count of Cases	Percent of Total Cases
1	No	Yes	Yes	Yes	No	470.1	7,118	28.4%	25	Yes	Yes	Yes	Yes	No	71.9	103	0.4%
2	No	No	Yes	Yes	No	144.7	3,816	15.3%	26	No	Yes	No	Yes	Yes	202.4	98	0.4%
3	No	Yes	No	Yes	No	28.9	2,429	9.7%	27	Yes	No	No	Yes	Yes	9.5	76	0.3%
4	No	Yes	Yes	No	No	348.2	2,218	8.9%	28	No	No	No	No	Yes	46.1	59	0.2%
5	No	No	No	Yes	No	8.9	1,460	5.8%	29	No	No	Yes	No	Yes	750.1	50	0.2%
6	No	Yes	No	No	No	21.4	1,023	4.1%	30	Yes	Yes	Yes	No	No	52.8	41	0.2%
7	No	No	Yes	No	No	107.2	1,019	4.1%	31	Unk	No	No	Yes	Yes	5.0	39	0.2%
8	Unk	Yes	Yes	Yes	No	37.8	816	3.3%	32	No	Yes	No	No	Yes	149.8	35	0.2%
9	Unk	Yes	No	Yes	No	2.3	552	2.2%	33	No	Yes	Yes	No	Yes	2437.7	33	0.1%
10	Yes	No	No	Yes	No	1.4	551	2.2%	34	Unk	No	Yes	Yes	Yes	81.4	24	0.1%
11	No	No	No	No	No	6.6	548	2.2%	35	Unk	Yes	No	Yes	Yes	16.3	21	0.1%
12	Yes	Yes	No	Yes	No	4.4	435	1.7%	36	Yes	No	Yes	No	No	16.3	21	0.1%
13	Unk	No	Yes	Yes	No	11.6	389	1.6%	37	Unk	No	No	No	Yes	3.7	14	0.1%
14	Unk	No	No	Yes	No	0.7	303	1.2%	38	Unk	Yes	Yes	Yes	Yes	264.7	12	0.0%
15	No	No	Yes	Yes	Yes	1012.6	290	1.2%	39	Yes	No	Yes	Yes	Yes	153.7	12	0.0%
16	Unk	Yes	Yes	No	No	28.0	249	1.0%	40	Yes	Yes	No	Yes	Yes	30.7	12	0.0%
17	Unk	Yes	No	No	No	1.7	195	0.8%	41	Yes	No	No	No	Yes	7.0	11	0.0%
18	No	No	No	Yes	Yes	82.3	179	0.7%	42	Unk	Yes	No	No	Yes	12.1	5	0.0%
19	No	Yes	Yes	Yes	Yes	3290.9	164	0.7%	43	Unk	No	Yes	No	Yes	60.3	4	0.0%
20	Yes	Yes	No	No	No	3.3	141	0.6%	44	Unk	Yes	Yes	No	Yes	198.1	3	0.0%
21	Unk	No	No	No	No	0.5	124	0.5%	45	Yes	No	Yes	No	Yes	113.6	3	0.0%
22	Yes	No	No	No	No	1.0	118	0.5%	46	Yes	Yes	No	No	Yes	22.8	2	0.0%
23	Unk	No	Yes	No	No	8.6	108	0.4%	47	Yes	Yes	Yes	Yes	Yes	499.4	1	0.0%
24	Yes	No	Yes	Yes	No	22.0	107	0.4%	48	Yes	Yes	Yes	No	Yes	369.9	0	0.0%

SOURCE: US Department of Transportation, Fatality Analysis Reporting System (FARS), 1978-1996.
*Odds of death relative to baseline scenario (no. 22).

single-occupant vehicles). Scenario 1 also had substantially elevated relative odds of death (470.1). Higher-risk conditions included unbelted, drinking driver, occupant ejected, higher-speed roadway, but not elderly occupant.

The method was then applied to occupants of groups of vehicles further defined by characteristics of type and size. A subset of occupant records was selected from FARS (1979–1995) for light-duty trucks, model year 1978 or later, with make, series, model, body style, and wheel drive coded and linked to corresponding data on registered vehicles from Polk. Occupants in fatal single-vehicle rollovers were subgrouped by characteristics of their vehicle—that is, by type and size or, for analysis of specific vehicles, by make and model. The statistical question posed for each occupant might best be expressed as follows:

> *Question:* But for the reported presence of higher-risk conditions defined by fatality-risk factors (e.g., unbelted, ejection, drinking driver), what was the probability that the occupant would have received fatal injuries?

At the level of the vehicle, the corresponding question was

> But for higher-risk conditions reported for each of a vehicle's occupants, what was the probability the rollover crash would have been included in FARS at all?

Rates based on fully adjusted counts of occupant fatalities were then compared among groups of vehicles.

Tables 4, 5, and 6 present findings from analyses of occupants in light-duty trucks. (Findings from vehicle-level analyses, not presented here, were very similar to those from occupant-based analyses.) Groups of light trucks were defined by type (pickup trucks, utility vehicles, and vans); size (according to length of wheelbase), and, for pickup trucks and utility vehicles, by wheel drive (four-wheel drive versus two-wheel drive). The footnote to Table 4 defines size for groups of vehicles in Tables 4 and 5. Each table presents data on total exposure in registered vehicle years, raw and fully adjusted counts of occupants, and raw and fully adjusted rates of fatality. In Table 4, using the SMR with confidence intervals estimated, each group of trucks is compared with the average for light trucks included in the analysis. Table 5 compares groups of light trucks with averages for the three types of light-duty trucks. In Table 6, the analysis was extended to pickup trucks and utility vehicles identified by make and model.

In general, rates of occupant deaths fully adjusted for fatality-risk factors were a small fraction of raw rates, ranging from 1.0 to 2.5 percent. Absolute differences among groups of vehicles decreased greatly, whether in reference to the average for light-duty trucks as a class (Table 4) or to the average for light-duty trucks grouped by type (Table 5). Four groups of vehicles had adjusted rates that were significantly higher than the average for all light-duty trucks included in the analysis. For comparisons within type of truck, only one group among pickup trucks (small, 4 × 4) and one group among utility vehicles (small, 4 × 4) had adjusted rates significantly above average for their type.

For vehicles specified by make and model (Table 6), rates of occupant deaths fully adjusted for fatality-risk factors were also greatly reduced, ranging from 0.9 to 1.6 percent of corresponding raw rates. Again, absolute differences among pickup trucks and utility vehicles decreased greatly. With one vehicle having a higher-than-

TABLE 4 Occupant Deaths in Single-Vehicle Rollovers—Raw Rates and Rates Adjusted for Fatality-Risk Factors: Light-Duty Trucks Grouped by Type and Size Compared with Average for Trucks

Vehicle Groups	Years of Use	Total Occupants	Occupant Fatalities	Adjusted Fatality Count	Raw Rate	Adjusted Rate	Standardized Mortality Ratio	Lower Bound	Upper Bound
Vehicle Groups Compared to Average for Light-Duty Trucks									
	445,882,476	53,885	28,295	393	0.63	0.009	1.00	—	—
Pickup Truck, Large, 4X2	61,567,414	5,356	3,163	38	0.51	0.006	0.69	0.49	0.95
Pickup Truck, Large, 4X4	34,951,231	3,957	2,371	26	0.68	0.007	0.85	0.55	1.24
Pickup Truck, Medium, 4X2	64,454,651	6,329	3,696	47	0.57	0.007	0.82	0.60	1.09
Pickup Truck, Medium, 4X4	17,330,702	2,952	1,874	20	0.97	0.012	1.32	0.81	2.04
Pickup Truck, Small, 4X2	69,966,141	8,284	4,919	59	0.70	0.008	0.96	0.73	1.24
Pickup Truck, Small, 4X4	16,746,292	4,413	2,553	31	1.52	0.019	2.11	1.44	3.00
Utility Vehicle, Large, 4X2	4,734,546	590	219	5	0.46	0.010	1.16	0.38	2.70
Utility Vehicle, Large, 4X4	2,661,060	309	126	3	0.47	0.010	1.13	0.23	3.31
Utility Vehicle, Medium, 4X2	6,391,827	1,344	631	11	0.99	0.018	2.00	1.03	3.50
Utility Vehicle, Medium, 4X4	43,653,011	6,259	2,969	48	0.68	0.011	1.24	0.92	1.65
Utility Vehicle, Small, 4X2	913,527	482	229	3	2.51	0.038	4.33	1.18	11.10
Utility Vehicle, Small, 4X4	13,740,872	4,923	2,551	34	1.86	0.025	2.82	1.96	3.94
Van, Large	32,670,397	3,278	1,068	25	0.33	0.008	0.86	0.55	1.27
Van, Small	76,100,805	5,429	2,126	47	0.28	0.006	0.70	0.51	0.93

Size of light-duty trucks:

Pickups: Small, wheelbase less than or equal to 2.85 m (112 in.); medium, 2.85 m (112.1 in.) - 3.05 m (120 in.); large, greater than 3.05 m (120 in.).

Utility Vehicles: Small, wheelbase less than 2.54 m (100 in.); medium, 2.54 m (100 in.) - 3.05 m (120 in.); large, greater than 3.05 m (120 in.).

Vans: Small, wheelbase less than or equal to 3.05 m (120 in.); large, greater than 3.05 m (120 in.).

Wheeldrive: two-wheel drive 4x2; four-wheel drive, 4x4.

In Tables 4–6 the dashes represent that there are no upper and lower bounds for the reference value of 1.00.

TABLE 5 Occupant Deaths in Single-Vehicle Rollovers—Raw Rates and Rates Adjusted for Fatality-Risk Factors: Light-Duty Trucks Grouped by Type and Size Compared with Average for Type of Truck

Vehicle Groups	Years of Use	Total Occupants	Occupant Fatalities	Adjusted Fatality Count	Raw Rate	Adjusted Rate	Standardized Mortality Ratio	Lower Bound	Upper Bound
Groups of Pickup Trucks Compared to Average for Pickup Trucks									
	265,016,431	31,271	18,376	221	0.69	0.008	1.00	—	—
Pickup Truck, Large, 4X2	61,587,414	5,356	3,163	36	0.51	0.006	0.73	0.52	1.01
Pickup Truck, Large, 4X4	34,951,231	3,957	2,371	26	0.68	0.007	0.90	0.59	1.31
Pickup Truck, Medium, 4X2	64,454,851	6,329	3,895	47	0.57	0.007	0.87	0.64	1.16
Pickup Truck, Medium, 4X4	17,330,702	2,952	1,674	20	0.97	0.012	1.40	0.86	2.18
Pickup Truck, Small, 4X2	69,966,141	8,264	4,919	59	0.70	0.008	1.01	0.77	1.31
Pickup Truck, Small, 4X4	16,746,292	4,413	2,553	31	1.52	0.019	2.24	1.52	3.17
Groups of Sport Utility Vehicles Compared to Average for Sport Utility Vehicles									
	72,094,843	13,907	6,725	104	0.93	0.014	1.00	—	—
Utility Vehicle, Large, 4X2	4,734,546	590	219	5	0.46	0.010	0.71	0.23	1.65
Utility Vehicle, Large, 4X4	2,661,080	309	128	3	0.47	0.010	0.69	0.14	2.02
Utility Vehicle, Medium, 4X2	6,381,827	1,344	631	11	0.99	0.018	1.22	0.63	2.14
Utility Vehicle, Medium, 4X4	43,653,011	6,259	2,969	48	0.68	0.011	0.76	0.55	1.01
Utility Vehicle, Small, 4X2	913,527	482	229	3	2.51	0.038	2.65	0.72	6.79
Utility Vehicle, Small, 4X4	13,740,872	4,923	2,551	34	1.86	0.025	1.73	1.20	2.41
Groups of Vans Compared to Average for Vans									
	108,771,202	8,707	3,194	71	0.29	0.007	1.00	—	—
Van, Large	32,670,397	3,278	1,068	25	0.33	0.008	1.16	0.74	1.70
Van, Small	76,100,805	5,429	2,126	47	0.28	0.008	0.94	0.69	1.25

TABLE 6 Occupant Deaths in Single-Vehicle Rollovers—Raw Rates and Rates Adjusted for Fatality-Risk Factors: Comparisons of Light-Duty Trucks Defined by Make, Model, and Range of Model Years

Vehicle Make, Model, Model Year Range	Years of Use	Total Occupants	Occupant Fatalities	Adjusted Fatality Count	Raw Rate	Adjusted Rate	Standardized Mortality Ratio	Lower Bound	Upper Bound
1987-1990 Ford Bronco II 4x2 Compared to Selected Sport Utility Vehicles									
1987-90 Ford Bronco II 4x2	649,742	374	176	2.80	2.71	0.043	1.00	—	—
1976-86 Jeep CJ7 4x4	2,986,246	1,324	687	9.16	2.30	0.031	1.40	0.29	4.10
1984-90 Ford Bronco II 4x4	5,057,413	1,459	751	9.99	1.48	0.020	2.18	0.45	6.27
1983-94 Chevrolet S10 Blazer 4x2	2,717,496	698	343	5.35	1.26	0.020	2.19	0.45	6.40
1987-94 Jeep Wrangler 4x4	1,484,660	339	171	2.09	1.15	0.014	3.06	0.53	8.94
1986-94 Suzuki Samurai 4x4	1,300,025	250	127	1.55	0.98	0.012	3.61	0.74	10.54
1983-89 Chevrolet T10 Blazer 4x4	6,139,472	839	387	6.52	0.85	0.011	4.06	0.84	11.84
1984-1986 Nissan 720 Short Bed 4x4 Compared to Selected Pickup Trucks									
1984-86 Nissan 720 Short Bed 4x4	306,171	114	70	0.73	2.29	0.024	1.00	—	—
1984-85 Toyota RN60 Short Bed 4x4	660,570	391	206	2.35	3.12	0.036	0.67	0.02	3.71
1986-94 Nissan D21 Short Bed 4x4	558,648	160	97	1.05	1.74	0.019	1.27	0.03	7.06
1983-87 Ford Ranger 4x4 (no super cab)	1,967,050	512	319	3.28	1.61	0.017	1.44	0.04	8.01
1983-94 Ford Ranger 4x2 (no super cab)	12,100,787	2,212	1,296	14.64	1.07	0.012	1.96	0.05	10.94
1982-86 Dodge D50/Ram 50 4x4	526,289	88	53	0.60	1.01	0.011	2.08	0.05	11.56
1986-94 Nissan D21 Short Bed 4x2	3,356,081	512	315	3.37	0.94	0.010	2.38	0.06	13.18
1984-86 Toyota RN50 Short Bed 4x2	3,155,518	504	283	3.32	0.90	0.011	2.26	0.06	12.67
1986-87 Ford Ranger 4x4 (super cab)	451,962	83	35	0.53	0.77	0.012	2.02	0.05	11.27
1979-93 Dodge D50/Ram 50 4x2	3,590,399	420	257	3.26	0.72	0.009	2.82	0.07	14.58
1983-87 Chevrolet T10 4x4 (incl. ext. cab)	1,833,535	219	131	1.47	0.71	0.008	2.96	0.07	16.49
1982-90 GMC S15/1500 (incl. ext. cab) 4x2	2,523,817	265	170	2.01	0.67	0.008	2.99	0.08	16.80
1982-94 Chevrolet S10 4x2 (incl. ext. cab)	13,283,050	1,444	881	10.55	0.66	0.003	2.99	0.08	16.66
1980-86 Nissan 720 Short Bed 4x2	3,357,324	351	209	2.71	0.62	0.008	2.95	0.07	16.41
1983-90 GMC T1500 (incl. ext. cab) 4x4	578,606	45	34	0.29	0.59	0.005	4.75	0.12	26.48
1986-94 Ford Ranger 4x2 (super cab)	2,471,665	215	110	1.73	0.45	0.007	3.39	0.09	18.89

average rate serving as reference, results for comparison vehicles indicated that rates adjusted for fatality-risk factors did not differ significantly.

DISCUSSION OF RESULTS

This study dealt generally with the magnitude and meaning of fatality-based rates. Of specific concern were rates (*a*) that define as numerator cases having two (or more) key dimensions—here, fatality (severity of injury) and rollover (type of crash)—and, further, (*b*) that use as denominator a measure of exposure with no constraints on either dimension (e.g., numbers of vehicles registered over time). To explain differences in rates of fatal rollover, therefore, requires consideration of two sets of factors: fatality-risk factors and rollover-risk factors. Certain factors may well be members of both sets. For example, drunken driving is associated with increased risk of fatal injury, given crash involvement. Impairment by alcohol also appears to increase the likelihood that crashes will result in rollover. Absent statistical control, the relative importance of these sets of factors to observed rates remains indeterminate.

The primary criterion for including motor vehicle crashes in FARS is fatal injury to one or more persons involved. Thus, the very choice of cases of interest—occupants of light-duty trucks in fatal single-vehicle rollovers—increases the likelihood of finding fatality-risk factors. Indeed, factors such as drinking drivers, failure to use seat belts, ejection, and higher-speed roadways are found with remarkable frequency in fatal single-vehicle rollovers.

Uncritical use of crude fatality rates to infer causes of differences in rates, with no statistical control over fatality-risk factors, appears to invite error and misinterpretation. For example, some vehicles might have disproportionate numbers of unbelted occupants involved in crashes; other vehicles may have higher-than-average rates of involvement in more severe crashes. The greater the emphasis on type of crash, as opposed to severity of injury, the more researchers must guard against possible confounding by fatality-risk factors. The question addressed by this study, therefore, was the extent to which fatality-risk factors influenced the magnitude of rates such as occupant deaths in single-vehicle rollovers per 10,000 registered vehicle years and fatal single-vehicle rollovers per 10,000 registered vehicle years.

To identify fatality-risk factors and to develop statistical models predictive of fatal injury to vehicle occupants, one must analyze data on crashes of any severity. Motor vehicle crash files from the state of Florida provided a large volume of well-coded data for this study. Examination of selected fatality-risk factors indicated that fatal single-vehicle rollovers and involved persons in Florida shared much the same profile as those reported in FARS for the United States as a whole. This finding suggested that what fatal single-vehicle rollovers have in common—for example, high frequencies of drinking drivers, unbelted occupants, occupant ejections, and higher-speed roadways—probably overwhelms differences that might have arisen otherwise among the states. Thus, it appears likely that statistical models developed with data from other states will closely replicate those reported here.

The procedure for adjusting raw counts of fatalities warrants detailed discussion. The adjustment involved two steps. The predicted probability of death was first adjusted to a lower-risk reference state. The initially adjusted probability was then rescaled in relation to actual numbers of deaths observed. The rationale for rescaling the adjusted probability of death involved three considerations:

1. The fundamental difference between predicting fatality given a single-vehicle rollover of any severity and predicting a fatality in a case known to be a fatal single-vehicle rollover, selected by a system that uses death as a criterion for inclusion (i.e., FARS);
2. The number and nature of factors that can influence the probability of death, given a single-vehicle rollover; and
3. The extent to which police-reported data, as computerized in motor vehicle crash files, identify factors that can influence the probability of fatality.

FARS achieves an annual census of fatal single-vehicle rollovers. For each case, one knows with absolute certainty that several or more injury-risk factors have somehow contributed to the death of at least one occupant. FARS, however, does not provide data sufficient to describe how and why occupants died. Although FARS contains information on some of the injury-risk factors that may be involved in cases, one will find no data whatsoever on many other injury-risk factors that could have been involved.

Most rollovers that result in fatal injury are very complex events—especially for the movements of, and mechanisms of injury to, both belted and unbelted occupants. Even careful reconstructions of such crashes can leave many specific questions about causes of fatal injury unanswered. For example, how a person sustained fatal injury, even the person's initial seating position and portal of ejection, may not be ascertained.

Police do capture and report data on many key factors that prove to be strongly associated with fatal injury to occupants of light-duty trucks—given a single-vehicle rollover of any severity. As demonstrated in this study, statistical models with good predictive capability can be developed with police-reported data. Nonetheless, statistical models that do well in estimating probability of death given a single-vehicle rollover of any severity will invariably underpredict the probability of death among occupants in fatal single-vehicle rollovers. Many other injury-risk factors can and do affect the likelihood of a fatality.

The extent of underprediction could vary among specific groups of vehicles. If risk of occupant fatality arises mostly from the influence of explanatory variables included in statistical models, the amount of underprediction may be less than average. If, however, risk of occupant fatality reflects greater influence of explanatory variables not included in the models—or the effect of factors for which no data are available for analysis—then the amount of underprediction may be greater than average.

In summary, the intent of rescaling initially adjusted probabilities of death based on actual counts of fatalities was to retain the effect of injury-risk factors not included as explanatory variables in statistical models. To ignore likely contributions of such factors could introduce substantial bias in comparisons among groups of vehicles. Therefore, the two-step procedure of adjusting raw counts of fatalities had a twofold purpose: to take into account effects of explanatory variables included in statistical models, and to minimize bias when calculating SMRs.

Results obtained by applying statistical models to occupants of light-duty trucks in fatal single-vehicle rollovers indicated that selected fatality-risk factors greatly influenced total counts and, by extension, observed rates of occupant deaths. Of interest, the magnitude of downward adjustment of rates was comparable for all groups of vehicles, with adjusted rates ranging from about 1.0 to 2.5 percent of crude rates. Adjusting raw counts of occupant fatalities also reduced statistical differences among vehicle groups. The smaller the group of vehicles defined, the less likely adjusted counts would yield

statistically meaningful comparisons. The smallest groups of vehicles compared were selected sets of pickup trucks and utility vehicles identified by make, model, and wheel drive. In each set, rates of occupant deaths adjusted for the influence of fatality-risk factors could not distinguish a vehicle with the highest rate from those with relatively lower rates. Questions about statistical significance aside, even for larger groupings of vehicles, absolute differences in adjusted rates were so small as to have no practical value in assessing or comparing their on-the-road experience.

In conclusion, studies that compare fatality-based rates among vehicles need careful, statistical control of factors that increase the risk of fatal injury. Given the rarity and the special characteristics of fatal crashes, research on the real-world performance of vehicles would do well to concentrate on crashes of any severity and to avoid use of data from FARS. For studies of vehicle rollover, comparisons of vehicles specified by make and model demand reference to data from large-volume motor vehicle crash files produced by state transportation agencies.

REFERENCES

1. *Traffic Safety Facts 1996.* DOT HS 808 649. NHTSA, U.S. Department of Transportation, Washington, D.C., 1997.
2. *Status Report for Rollover Prevention and Injury Mitigation.* Docket 91-68. NHTSA, U.S. Department of Transportation, Washington, D.C., 1996.
3. Driver Death Rates by Vehicle Make and Series. *Status Reports,* Vol. 29, No. 11, IIHS, Arlington, Va., 1994.
4. Comparative Driver Death Rates. Insurance Claims Information on Hundreds of Vehicles Show Very Wide Variations in Performance. Press Release, IIHS, Arlington, Va., Sept. 18, 1997. http://www.hwysafety.org/.
5. *Driver Death Rates by Make and Model. 1991–95 Models.* IIHS, Arlington, Va., 1997.
6. Evans, L., and M. C. Frick. Potential Fatality Reductions Through Eliminating Occupant Ejection from Cars. *Accident Analysis & Prevention,* Vol. 21, No. 2, 1989, pp. 169–182.
7. Waller, P. F., J. R. Stewart, A. R. Hansen, J. Stutts, C. L. Popkin, and E. Rodgman. The Potentiating Effects of Alcohol on Driver Injury. In *Proc., 29th Annual Conference,* Association for the Advancement of Automotive Medicine, Des Plaines, Ill., 1985, pp. 1–22.
8. *Technical Assessment Paper: Relationship Between Rollover and Vehicle Factors.* NHTSA, Washington, D.C., 1991.
9. *Addendum to Technical Assessment Paper: Relationship Between Rollover and Vehicle Factors.* Docket 91-68. NHTSA Office of Vehicle Safety Standards, Crash Avoidance Division, 1994.
10. Donelson, A. C., K. Ramachandran, and M. S. Davis. Vehicle Rollover: Assessing the Relative Importance of Risk Factors with Crash Scenario Analysis. In *Safety Engineering and Risk Analysis 1996* (F. J. Mintz, ed.). American Society of Mechanical Engineers, New York, 1996, Vol. 6, pp. 7–14.
11. Robertson, L. S. Risk of Fatal Rollover in Utility Vehicles Relative to Static Stability. *American Journal of Public Health,* Vol. 79, No. 3, 1989, pp. 300–303.
12. Stuffer, H. SUV Safety: Rollovers—and Debate—Escalate. *Automotive News,* June 8, 1998, pp. 36, 38.
13. Stuffer, H. US Maker Groups Ask NHTSA to Pull Out of Rollover Research. *Automotive News,* June 8, 1998, p. 37.
14. *SAS/STAT Software: Changes and Enhancements Through Release 6.12.* SAS Institute Inc., Cary, N.C., 1997.
15. Breslow, N. E., and N. E. Day. *Statistical Methods in Cancer Research. Volume II. The Design and Analysis of Cohort Studies.* Lyons, France: International Agency for Research on Cancer, World Health Organization, 1987.

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JAG207-04/00
VALENCIA, MAY 9TH, 2000

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MR. JOHN BEHR – BFOE

CC: MR. DAVE THOMAS – LEGAL DPT
MR. H. HORTON – LEGAL DPT.
MR. G. FERESTAD – BFVZ
MS. A. C. COLMENAREZ – BFVZ LEGAL
MR. O. BENITEZ – BAKER & MCKENZIE

FROM: JORGE A. GONZALEZ

SUBJECT: FORD PROPOSAL

AS AGREED DURING THE MEETING HELD ON FRIDAY MAY 5TH, YESTERDAY AFTERNOON THE FOLLOWING PEOPLE TOOK PART IN A MEETING AT FORD:

MS. ANA CECILIA COLMENAREZ - BFVZ LEGAL COUNSEL
MR. OMAR BENITEZ - BAKER AND MC KENZIE PARTNER
MR. OSCAR RODRIGUEZ - BFVZ SALES DIRECTOR
MR. PEDRO MARTINEZ - BFVZ OE SALES MANAGER.

WHEN WE VISITED FORD TO PRESENT THE LETTER STATING OUR PROPOSAL, FORD VENEZUELA PRESIDENT MR. E. CASSINGENA AGREED TO HAVE A MEETING IMMEDIATELY TO DEFINE AMONG THE LEGAL COUNSELORS OF THE TWO COMPANIES THE APPROACH TO TAKE IN ATTENDING CUSTOMERS TO AVOID CONFLICTING STATEMENTS AND MISUNDERSTANDINGS AND DEFINE OTHER ISSUES COVERED IN THE LETTER.

UPON THEIR ARRIVAL AT FORD, I AM TOLD THAT OUR PEOPLE FOUND A VERY AGGRESSIVE ATTITUDE ON THE PART OF FORD PERSONNEL IN PARTICULAR THE PRESIDENT OF FORD VENEZUELA WHO INSISTED THAT BFVZ HANDLE THE REPLACEMENT OF TIRES THROUGH ITS DEALER NETWORK AND OFFER THE PEOPLE THAT HAVE EXPERIENCED PROBLEMS WITH THE VEHICLE THE REQUIRED EXPLANATION.

FORTUNATELY OUR LAWYERS WERE PRESENT AND HAD BEEN BRIEFED ON THE SITUATION AND ADVISED FORD REPRESENTATIVES THAT THE PURPOSE OF THE

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MEETING WAS TO DEFINE THE STATEMENT TO BE ISSUED TO CUSTOMERS AND IT APPEARED THAT INSTEAD THEY WERE READY TO STATE THAT THE TIRE WAS THE

ONLY CAUSE OF THE PROBLEMS FACED WITH EXPLORERS AND WASH THEIR HANDS. OUR LAWYERS TOOK THIS OPPORTUNITY TO REMIND THEM THAT THE SAME TIRE IN THE SAME DESIGN "WILDERNESS", IS FITTED ON GRAND BLAZERS AND TOYOTA AUTANAS WHICH DO NOT ROLL OVER EVEN IN CASES OF TIRE FAILURE AND THAT IN THE CASE OF 15" TIRES ALL CHEVROLET BLAZERS ARE EQUIPPED WITH FIRESTONE TIRES AND THEY DO NOT ROLL OVER EITHER. AT THE END OF THE MEETING THEY ADVISED ALL PARTICIPANTS THAT THEY WOULD HAVE TO CONSULT WITH ME AND ULTIMATELY WITH OUR HEAD OFFICE. I HAVE ASKED OUR LAWYERS TO PREPARE A FULL REPORT OF THE MEETING AND FORWARD IT TO YOU AND H. HORTON IN CASE OF ANY FUTURE QUESTIONS.

IN A NUTSHELL, IT APPEARS THAT NOW FORD VENEZUELA WANTS TO TURN THE TABLES AND INSTEAD OF THIS BEING A PROPOSAL TO HELP RESOLVE A PROBLEM THEY WANT TO BLAME BRIDGESTONE FIRESTONE FOR THEIR PROBLEMS. BASED ON THE ITEMS DISCUSSED AT THE MEETING AND A CONVERSATION OF OUR SALES DIRECTOR, OSCAR RODRIGUEZ WITH FORD PURCHASING DIRECTOR MR. HECTOR RODRIGUEZ, FORD'S POSITION CAN BE DEFINED AS FOLLOWS:

- FOV WILL NOT INSTALL THE NEW TIRE ON THE NEW VEHICLES COMING OFF THE ASSEMBLY LINE.
- FOV WANTS THE TIRES AT NO CHARGE.
- FOV DOES NOT ACCEPT ANY CONDITIONS.
- THEY EXPECT BFVZ TO REPLACE THE TIRES, NO QUESTIONS ASKED. SIMILAR TO A "SILENT RECALL".
- OUR CONDITION OF CORRECTING THE SUSPENSION PRIOR TO INSTALLING THE NEW BRIDGESTONE TIRES IS NOT ACCEPTABLE TO THEM EVEN THOUGH FOV CONTINUES WITH THE SO CALLED ENHANCEMENT PROGRAM IN EFFECT THROUGHOUT VENEZUELA USING GOODYEAR TIRES, BUT IT APPEARS THAT THEY DO NOT WANT TO APPLY IT TO THE BRIDGESTONE TIRES. IT IS NOT CLEAR WHAT DO THEY INTEND TO DO

ONCE YOU HAVE SEEN THE REPORT FROM OUR LAWYERS, IT WOULD BE ADVISABLE TO LET FORD DEARBORN KNOW OF THE POSITION ADOPTED BY FOV. ALL ITEMS CONSIDERED, MY RECOMMENDATION IS THAT WE GO BACK TO JUDY SULLIVAN AND ADVISE THAT WE HAVE MADE THE OFFER BUT THEY DID NOT ACCEPT IT.

FROM OUR PERSPECTIVE, IF THEY DO NOT ACCEPT TO MODIFY THE SUSPENSION PRIOR TO INSTALLING THE NEW BRIDGESTONE TIRES, I DO NOT RECOMMEND TO GO AHEAD SINCE WE KNOW FOR A FACT THAT THE VEHICLE MAY ROLL OVER

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WITH ANY TIRE BRAND AND IT WOULD PUT IN JEOPARDY THE BRIDGESTONE BRAND IN VENEZUELA.

I SINCERELY QUESTION THEIR INTENTIONS PARTICULARLY CONSIDERING THAT THEY ARE GOING AHEAD WITH THE ENHANCEMENT PACKAGE INSTALLING AND CHARGING FOR GOODYEAR TIRES WHILE THEY ARE NOT WILLING TO DO IT WITH OUR PRODUCT AND IN ADDITION KNOWING THAT IN VENEZUELA THERE ARE MANY UNCONTROLLABLE FACTORS SUCH AS IGNORED SPEED LIMITS, EXTREME HEAT, POOR TIRE CARE, BAD TIRE REPAIRS, POOR ROADS AND A RECOMMENDED AIR PRESSURE ON THE EXPLORERS OF 28 PSI.

PLEASE ADVISE YOUR THOUGHTS AND RECOMMENDATION. CONSIDERING THAT FOV HAS BEEN MODIFYING THE SUSPENSION, OUR INTENTION WAS TO GO ALONG WITH YOUR PROPOSAL TO APPEASE AND HELP FORD DUE TO OUR LONG BUSINESS RELATIONSHIP BUT IT APPEARS THAT THEY WANT BRIDGESTONE FIRESTONE TO SOLVE THEIR PROBLEMS.

PLEASE CALL ME IF YOU HAVE ANY QUESTIONS.

BEST REGARDS,

JORGE A. GONZALEZ

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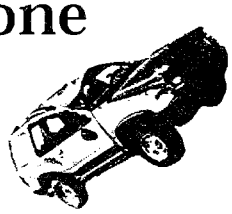
The Real Root Cause of the Ford-Firestone Tragedy:



Why the Public Is Still at Risk

April 2001



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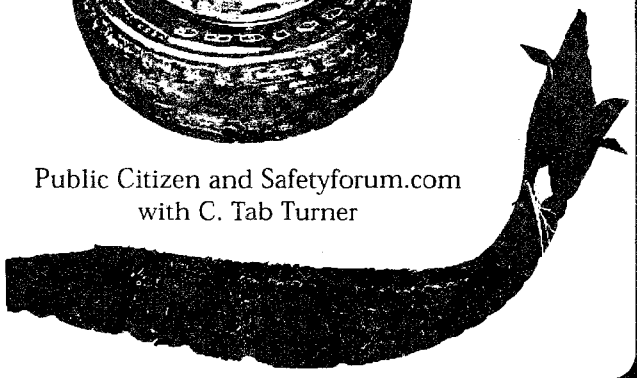

The Real Root Cause of the Ford/Firestone Tragedy: Why the Public Is Still at Risk

April 25, 2001

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The Real Root Cause of the Ford/Firestone Tragedy: Why the Public is Still At Risk

April 25, 2001

SUMMARY

This report examines why Firestone tires on Ford Explorers are experiencing abnormally high rates of tread separations[1] and why these separations cause catastrophic rollover crashes that maim and kill drivers and passengers.

Based on an analysis of all of the available evidence, the tires fail because they are poorly designed. These design problems are exacerbated in some instances by poor quality control in the tire manufacturing process. Importantly, design and production deficiencies appear in Firestone's Wilderness AT tires regardless of the tire's size or plant of manufacture. In contrast to the repeated claims of Ford and Firestone, according to Firestone's own expert, Dr. Sanjay Govindjee, the non-Decatur-made Wilderness AT tires may actually be more prone to tread separations than those manufactured in Firestone's Decatur, Illinois plant. The devastating rollover crashes occur because the poor design of the Ford Explorer makes it difficult for motorists to maintain control of their vehicle if a tire's tread belts separate from the tire.

Although both Ford and Firestone are to blame for the multitude of deaths associated with the lethal combination of this tire and vehicle, the real problem begins and ends with Ford Motor Company. Many of the key decisions were made by Ford: Ford created the original and continuing performance specifications for Firestone's tires; Ford chose to let air out of the tires to cosmetically fix a serious problem that caused the Explorer's wheels to lift off the ground in turns; Ford's request triggered an effort to take weight out of the tire after their reduction in the tire's inflation pressure harmed the Explorer's fuel economy; and Ford ignored every opportunity to fix the rollover and stability problems that plague their Explorer vehicle, despite many loud and continuous signals that such changes were needed to protect vehicle occupants.

Although Firestone's role in the debacle cannot be downplayed, the "root" of the problem lies with Ford Motor Company.

I. RECOMMENDATIONS/OBJECTIVES

A. Really "Making it Right": Recalling All of the Defective Tires Is the Only Way

On August 9, 2000, Ford and Firestone announced the recall of 6.5 million tires. Their recall included all 15-inch ATX II tires and those 15-inch Wilderness AT tires manufactured by Bridgestone/Firestone at a Firestone plant in Decatur, Illinois (the "Decatur Plant"). The tires had been sold as original equipment on Ford's Explorer sports utility vehicle, and manufactured according to specifications from Ford. At that time, the companies' jointly had decided that Decatur was the

appropriate focus for a recall of Wilderness AT tires, thus excluding millions of identical tires made in Firestone's Wilson, North Carolina and Joliette, Québec, Canada plants. This decision regarding the scope of the recall was later ostensibly justified by both Ford's and Firestone's "root cause" reports, issued in December, 2000, and January, 2001.

This report constitutes the consumer reply to the official Ford/Firestone story.[2] Its findings should cause grave concern about the limited scope of the tire recall conducted thus far, and about potential flaws in the millions of Firestone Wilderness AT replacement tires that have, since August, been retro-fitted on Ford Explorers. As this report documents in great detail, the initial recall should have included all 15-inch and 16-inch Wilderness AT tires used on Ford Explorers, regardless of the plant of manufacture.

This report reveals that Ford and Firestone's own data and the defect investigation database developed by the National Highway Traffic Safety Administration (NHTSA) show that the recalled Wilderness AT tires made in Decatur are no worse, and may in fact be better, than non-recalled Wilderness AT tires that were manufactured at Firestone's other plants.

Firestone's latest public relations campaign promises to "make it right" on consumer safety issues by upgrading manufacturing and quality control measures, "for as long as it takes to gain the public's trust." But only definitive action to address the continuing safety hazards posed by Ford and Firestone's limited tire recall should be the true measure of the companies' commitment to public safety.

Despite its recent promises to "make it right," Firestone has it wrong on the issue of tire size. When the documentation assembled for this report is combined with evidence in NHTSA's defect investigation file, it is clear that the tread separations afflicting Firestone's Wilderness AT tires are not limited to 15-inch tires. Sixteen-inch Wilderness AT tires are also highly prone to tread separation. Ford and Firestone should immediately recall all of the 15-inch and 16-inch Wilderness AT tires that have thus far not been recalled. This action to protect the lives of customers, rather than an empty advertising slogan, is what is needed for Firestone to gain the trust of the American people.

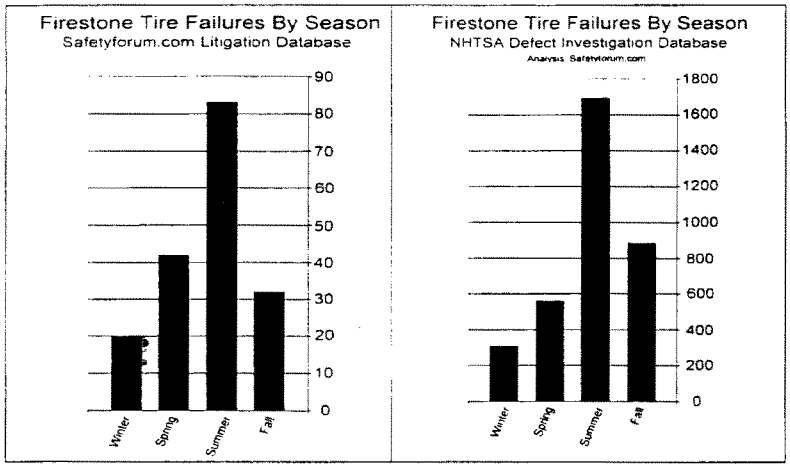
Firestone has also thus far made it wrong by replacing faulty tires with tires that are just as prone to fail. As this report demonstrates, the few distinctions between the 15-inch Wilderness AT tires manufactured in Decatur and those manufactured elsewhere fail to explain the wide-spread failure of tires from all three Firestone plants, and fail to address the "root cause" of these tire failures. Firestone's own expert consultant revealed, on page 50 of his "root cause" report, that according to a study conducted jointly by Ford and Firestone, the non-recalled tires are actually *more* prone to developing belt edge separations or cracks than are those made in Decatur.

While the companies' reports have blamed a wide variety of generally shared causes, such as vehicle loading and instability of the Explorer, they have nonetheless both sought to justify the scope of the original recall by reference to a single difference in the manufacturing process for those tires made at the Decatur plant. But in light of all the evidence, this attempt to make the "ant's back bear the elephant" is deeply dangerous for consumers and misguided policy for Ford and Firestone.

In short, Ford and Firestone have replaced bad tires with new, but equally dangerous, ones. During 2001, some of the non-recalled and replacement tires will accumulate sufficient mileage, wear and heat exposure that a tread separation – with its frequently catastrophic consequences – may be expected. NHTSA, Ford and Firestone must act now to anticipate and prevent these failures and to provide a truly adequate recall and replacement remedy.

Our analysis of the Ford/Firestone lawsuits involving death and serious injury reveals the real urgency to complete a comprehensive recall before the heat of summer again takes its toll on tires, and, in turn, on the vehicles' occupants. While the companies' "root cause" reports acknowledged the role of heat in tire deterioration and ultimate failure, the company investigators did not attempt to establish the importance of heat build-up and heat-related wear in causing real-world tire failures.

This omission was short-sighted, and threatens to create another summer as disastrous as last year's proved to be. Almost half – 47 percent – of crashes in *Safetyforum.com*'s Ford/Firestone litigation database occurred during the hot summer months of June, July and August. That result is consistent with NHTSA's related defect investigation database, in which it was recorded that 49 percent of crashes occurred during the same summer months. (See charts below.)



Ford and Firestone should complete a further recall of all the defective tires before the summer heat increases the danger these tires pose to the driving public.

B. Stepping Up: Ford Should Notify Owners of the Explorer's Serious Operating Limitations

The two-door Ford Explorer for model years 1995-97 has the worst rollover death rate of all of the SUVs and pickup trucks listed in a recent report by the Insurance Institute for Highway Safety, at 150 deaths from rollover per million registered vehicles.[3] The 2-door Explorer also maintains the dubious distinction of having the worst death rate overall in those vehicle categories, at 231 deaths per million registered vehicles. While the 4-door Explorer is relatively better, at 103 deaths per million registered vehicles, its performance is still a far cry from the study's low-end averages for passenger cars of 20 or 25 deaths per million.[4]

As this report shows, many of the risks to consumers posed by Firestone tread separations are the result of deliberate design decisions by Ford Motor Company. Ford's customers should therefore be fully informed of the dangerous limitations in the Explorer's performance, especially in the face of years of Ford advertising aimed at portraying the Explorer as a safe and stable passenger-carrying vehicle, with the goal of encouraging families to trade station wagons for the Explorer.

Ford should be honest with its customers and tell them of the dangers associated with operation of the Explorer at highway speeds, about necessary precautions and any potential safety hazards inherent in use of the vehicle as a passenger car. At a minimum, this owner notification and public information campaign should include:

(1) Information and specifications for cargo weight limits, to avoid overloading the vehicles' tires, despite the vehicle's considerable interior space to carry larger burdens;

(2) The trade-off in performance, i.e., a reduced risk of tread separation, but a greater risk of rollover during emergency maneuvers, between Ford's original recommendation that tires be inflated at 26 pounds-per-square-inch (psi) and the company's subsequent recommended tire inflation of 30 psi;

(3) Customers' well-demonstrated difficulty in controlling the Explorer following a tread separation;

(4) The risks posed by the vehicle's weak roof, which frequently crushes in rollover crashes, endangering occupants' heads and necks and creating a greater risk of partial or full ejection, regardless of the fact that the roof may satisfy the existing, minimal, 30-year-old federal roof crush standard; and

(5) The company's failure to design the Explorer with a pretensioning safety restraint system (seat belt) that provides protection in a rollover-type crash.

C. Looking Ahead: Future Action For The Nation's Highway Safety Agency

For the future, federal safety standards should be issued to upgrade at least the following five key elements of vehicle safety, in areas of federal regulatory oversight that were shown by the

Ford/Firestone tragedy to be utterly inadequate to protect the public. NHTSA should:

(1) **Provide A Meaningful Tire Safety Standard:** The agency's antiquated tire safety standard is now more than 30 years old, and was not written for radial passenger tires. A new tire safety standard is required by the recent Transportation, Recall Enhancement and Documentation (TREAD) Act to be issued in final form by June 30, 2002. NHTSA is currently preparing a proposal for public comment.

(2) **Prevent Roof Crush:** The federal roof crush standard, which is now more than 30 years old, is a static test merely designed to determine whether the roof can withstand a static load of one and one-half times the weight of the vehicle. There is no dynamic test – or real-world test of the vehicle in motion – which is essential for real-world protection of consumers. There is currently no movement at NHTSA to address this issue. The agency should act quickly and comprehensively to develop a new dynamic standard.

(3) **Issue a Dynamic Rollover Standard:** There is no federal dynamic rollover prevention standard, but there should be. Although a member of Congress petitioned the agency sixteen years ago to issue one, and in 1991 the Congress instructed NHTSA to conduct a rulemaking, the agency's efforts were diverted in 1994 to drafting a mere consumer information rule in lieu of the standard. Notably, the agency's work on a minimum safety standard was abandoned in large part due to an argument by the automobile manufacturers that even a minimum standard would prove impossible for SUV-type vehicles to meet. Finally, in late 2000, NHTSA issued its long-awaited consumer information static measurement ratings, available to consumers only over the Internet. But more on rollover is coming, due to instructions from Congress in the TREAD Act that NHTSA should develop a dynamic consumer information test. Good information could still be limited to the Internet, however: the auto manufacturers and dealers blocked a proposed TREAD Act rule that consumers would be informed of test results by vehicle window stickers on all new cars.

(4) **Provide Protection from Ejection In A Crash:** There is no federal window glazing or other occupant protection requirement to help ensure that occupants are not fully or partially ejected through side or rear windows when the vehicle rolls over. Nor are there restraint standards to adequately ensure that occupants are protected from the dynamics unique to rollover crashes, i.e., seat belt buckles that remain fastened, seat belts that pull occupants snug against their seats, or air bags that protect occupants during roof contact. These standards are sorely needed: the severity and frequency of rollover crashes causes one-third of all occupant fatalities.

(5) **Raise An Early Warning on Defects:** During the Congressional hearings, directed in part to an evaluation of why NHTSA was unaware of the ongoing Firestone/Ford Explorer tragedy, it became obvious that the agency has no standing information-gathering program on potential safety defects. New authority for requiring manufacturer submission of early warning information was provided in the TREAD Act. In January 2001, NHTSA issued an advance notice of proposed rulemaking laying out a preliminary plan for gathering regular information on deaths, injuries, crashes, lawsuits, consumer complaints, etc., by make and model and potential defect. This rule needs to be issued promptly and must require that summary information be submitted

monthly in electronic format so the agency is not overwhelmed with minutia.

D. A Call To Action For All Auto Manufacturers

The American public has for years wrongly believed that SUVs are safer than other passenger vehicles. In point of fact, as many have now learned, this is simply untrue. While the sheer mass of SUVs does make them a more aggressive vehicle in multi-car crashes, their poor record in single-vehicle and rollover crashes more than compensates for this somewhat suspect relative advantage. It turns out SUVs are very dangerous for their occupants overall. In addition, as William Clay Ford, chief executive officer of Ford Motor Company, has acknowledged, SUVs cause unnecessary harm to the occupants of other vehicles on the highway.

Rather than ramping up vehicle size for a new round of mega-vehicle competition, as we have seen for the next model year, SUVs need to be made far safer and more socially responsible. Manufacturers should reduce the size of SUVs to improve fuel efficiency and reduce harm to others, design them to be lower and wider in order to prevent rollover crashes and make any additional design changes that are required to reduce the likelihood that higher-framed SUVs will override the lower frames of smaller vehicles and crush their occupants.

Any less comprehensive approach will merely auger future adjustments, after another far-too-costly learning experience is triggered by the suffering and outrage of the American public. After Ford Firestone, the public won't easily be fooled again.

II. Defining the Problem: Evidence of Multiple Ford/Firestone Design and Production Flaws

This report examines why Firestone tires on Ford Explorers experience abnormally high rates of tread separations and why those separations cause rollover crashes that maim and kill.

Although both Ford and Firestone have published multiple "root cause" reports, all of which make valid technical points about the bad tires, neither company has satisfactorily explained to the consuming public why these tires are failing, whether consumers are at risk in continuing to operate on non-Decatur-made Wilderness AT tires, or why the Explorer is so difficult to control given a tread separation event at highway speeds.

The purpose of this report is to pull together all available evidence and provide consumers with answers to the questions that Ford and Firestone have continued to dodge throughout this lengthy ordeal. The following is a summary of the more significant points on causation:

- The design of the tire, particularly at the belt edges in and around the area of the wedge, is insufficiently robust for the loads applied by the Explorer at the inflation pressures recommended by Ford. Although both Ford and Firestone have made reference to Firestone's redesign of the wedge in 1998 due to tread belt separations, neither company has fully addressed the fact that the wedge gauge (thickness) is unusually small or that the placement of the wedge (length) has a direct impact on durability of the tire at the belt edges.

- Reducing the tires' weight in the mid-1990's resulted in insufficient coverage over the belt edges between the tire's tread blocks ("pockets") and eliminated any margin for error. The material removed from the tires to reduce weight restricted the engineers' ability to specify a durable belt edge design with a smooth transition from the rigid belt edges to the flexible upper sidewall. While the tire may have performed marginally when produced precisely to specification and operated lightly loaded and at maximum inflation pressure, the high incidence of failure indicates that the design was unacceptable when the tire was exposed to the Explorer loads and normal variations encountered during volume production. Firestone has acknowledged the weight reduction that occurred, but Ford continues to sweep the issue under the rug because the weight reduction in the tire was directly related to the fact that the Explorer was so poorly designed that its wheels would not stay on the ground during foreseeable turning maneuvers.

- The tire design is both unreasonably sensitive to variations in the production process and unreasonably sensitive to operating conditions, affording no margin of safety.

- The "pocket" shoulder design contributes to the generation of excessive internal heat at the belt edges.

- Radiographic analysis reveals "waviness" at the belt edges on both the 15- and 16-inch tires. This indicates that there is significant movement of the tread rubber to fill the shoulder blocks of the tread pattern during curing, causing increased stresses on the belt edges. The significant material flow during curing makes it more difficult to control the thickness of the tread rubber over the belt edges in the areas between the tread blocks. The waviness results in the creation of localized high stress areas, which result in crack formations at the belt edges. Neither Ford nor Firestone has addressed this "waviness" as a potential trigger for the development of the crack.

- Radiographic evidence demonstrates that the wire alignment within the belts is not uniform. It also reveals bad splices and excessive belt placement variation. The frequency with which these conditions appear indicates that they have a direct relationship with the tire's design.

- The wire cord chosen for use in the tires (1x5) is old technology chosen to reduce cost. It exacerbates the problems created by the shoulder design because it allows oxygen to interact with the rubber, resulting in degradation of the skim compound. The cord's characteristics increase the tendency of the belt edge cracks to spread inward between the steel belts. Neither Ford nor Firestone have addressed the role of the 1x5 wire cord characteristics as a contributing factor which enables the spreading of cracks, despite the history of this problem as revealed by the 1978 Firestone 500 recall.

- The tire's "skim compound" has inadequate rubber-to-wire adhesion for the particular design characteristics of the tire and steel wire. As the rubber loses adhesion from the steel belt

cords, cracks develop at the belt edges, particularly in the wedge.[5] The cracks propagate between the belts, resulting in separation.

- Inherent design problems in the Explorer created a danger that the Explorer would roll over in foreseeable turning maneuvers. Instead of modifying the design of the Explorer to fix the instability, Ford unilaterally chose to recommend that the tires be operated at 26 pounds per square inch (psi), significantly below the maximum allowed inflation pressure. Ford's recommendation was an attempt to cosmetically make the Explorer perform better in quick-turn, emergency-avoidance maneuvers, but the lower tire pressure increased the rolling resistance of the tires, thereby raising their operating temperature and decreasing belt-adhesion.

- The decreased inflation and increased rolling resistance also lowered the Explorer's fuel efficiency. To correct the fuel economy problem, Ford changed the tire design to make the tire lighter in weight, less durable, and more prone to the stresses created by use on an Explorer at Ford's recommended inflation pressure.

The combination of the foregoing factors cause unusually high stresses and heat at the belt edge area of the tires. This directly results in small cracks that spread inward, ending in complete tread belt separations, especially when the tires are used in hot climates in a loaded condition and at high speeds.

III. HISTORY AND CONTEXT

A. The Recall

On August 9, 2000, Ford Motor Company and Bridgestone/Firestone, Inc. jointly announced the recall of approximately 6.5 million ATX, ATX II and Wilderness AT tires. The recall included the P235 75R15 (15-inch) ATX and ATX II tires, but only those Wilderness AT tires manufactured at Firestone's Decatur, Illinois, plant.[6] The majority of the recalled tires were offered as standard equipment on Ford Explorers. The latest count by NHTSA shows that failures associated with these tires resulted in 184 deaths and more than 700 injuries.

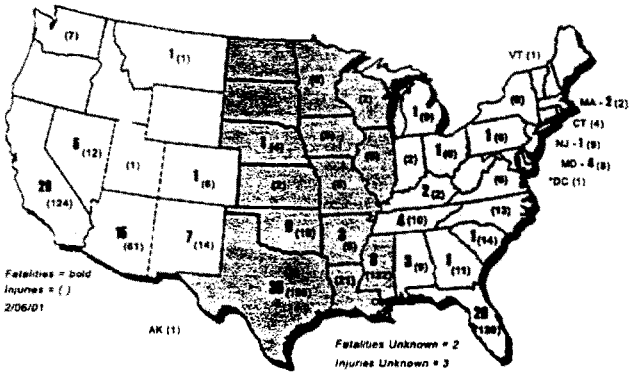
The number of fatalities resulting from the combination of the ATX/Wilderness AT tires and the Ford Explorer is extraordinarily high.

	ODI Consumer Complaint Database	Firestone Reports	Ford Reports	State Farm Reports	*Safetyforum.com*	FARS	TOTAL
Number of Non-Duplicative Fatalities Reported, by Source	126	19	5	3	19	2	174

In order to put these statistics in perspective, the 1978 Firestone 500 automobile tire recall was initiated following the reporting of 34 fatalities, which prompted the House Subcommittee on Oversight at that time to make the following observation:

> The Subcommittee is aware of only one other vehicle safety defect which has amassed a number of associated fatalities exceeding 34. This defect is that of the gas tank in certain Ford Pintos which the Ford Motor Co. recently agreed to recall following negotiations with the NHTSA.[7]

A majority of the recent Ford/Firestone tire failures that caused injury or death were crashes that occurred in the south and southwest regions of the United States. Virtually all of these cases involved Ford Explorers. The following chart illustrates the distribution of fatalities and injuries associated with the combination of Firestone tire failures on Ford Explorers, as collected by NHTSA.



B. NHTSA Investigation

The Motor Vehicle Safety Act, 49 U.S.C. § 30118(b) empowers the NHTSA Administrator, as the Secretary of Transportation's delegate, to require a manufacturer of a motor vehicle or equipment "contains a defect related to motor vehicle safety" to furnish notification of the defect to owners, purchasers and dealers and to remedy it without charge. Section 30102(1) of the Act defines "motor vehicle safety" as the protection "against [the] unreasonable risk of accidents occurring as a result of the design, construction or performance of motor vehicles and against unreasonable risk of death or injury in an accident and includes non-operational safety of a motor vehicle."

The Safety Act, 49 U.S.C. § 30102(a)(2), further defines "defect" as including "any defect in performance, construction, a component, or material of a motor vehicles or motor vehicle equipment." A showing of a safety-related performance problem, or a large number of failures in use, is sufficient to establish the need for a recall under the law, regardless of whether a particular "abnormality" is identified as the root cause.[8] Stated simply, knowing the "root cause" is not essential to a finding of a defect, if a clear pattern of safety-related failures that can cause death or injury is present in an identifiable group of tires.

Automobile safety recalls have been ordered by NHTSA (and sustained in court challenges to the recall) when only a "risk" of accident or injury exists. Recalls are also sometimes deemed "imperative" when the fatalities caused by the defect are well-documented.[9]

The agency initiated its Ford/Firestone investigation in May 2000. Subsequent to the August 9, 2000 agreement to recall 6.5 million tires, the agency has also issued two consumer advisories on Firestone tires made for the Ford Explorer and a consumer advisory on Firehawk and other tires that it has since also urged Firestone to recall. NHTSA is continuing an investigation to determine whether additional Wilderness AT tires (i.e., those not manufactured in Decatur) should be recalled.

A decision could be announced at any time. NHTSA originally had indicated that the Ford Firestone investigation would be complete by March 2001.

C. Firestone Interim Report And Root Cause Analysis

On December 19, 2000, in a report, Firestone acknowledged design flaws in its 6.5 million recalled tires and blamed both itself and Ford for the consequences of the tire failures.[10] The report concluded that the scope of the recall of the company's tires was sufficient to protect consumers. Firestone cited four major causes of the tire failures and crashes of the Explorers:

- Design problems in the Explorer triggered Ford's recommendation that the tires be inflated to 26 psi, significantly lower than the maximum level of inflation allowed. According to Firestone, the lower inflation level "increased the running temperature of tires and contributed to a decreased belt-adhesion level."

- Problems in the tire manufacturing process included the composition of the rubber used and the adhesion characteristics of tires made in Firestone's Decatur plant. According to Firestone, the recalled tires from Decatur "exhibited different belt-adhesion characteristics, including lower initial adhesion, than those same size and line of tires produced at other plants."

- A problem in the design of the shoulder of the tire, according to Firestone, "could lead to cracking . . . in the wedge area of the tire [and] result in a reduction of resistance against belt detachment or tread separation."

- Customers were misusing the tires. Firestone reiterated its recurrent contention that "many tread separations can be caused by various forms of tire damage encountered in daily use, such as punctures, improper repairs, [and] severe impacts."

Despite overwhelming evidence of a safety-related problem that cause in catastrophic injuries and death, Firestone persists in its claims that its tires have an "adjustment rate" that is within the norm.[11] and that the tires are "safe" and "not defective."

This position is reminiscent of the company policy on the dangers of its Firestone 500 tires in the late 1970s. The House of Representatives summarized Firestone's corporate attitude in August 1978 as follows:

> In this case, however, an entrenched and recalcitrant manufacturer [Firestone] has refused to take remedial action and moreover has sought to prevent the responsible Federal agency from doing so.[12]

The 1978 Committee further noted that Firestone seemed "committed, as a matter of apparently irreversible corporate policy, to stonewalling on the issue of a safety recall of the affected tires," and that Firestone steadfastly refused to acknowledge any safety problem that was responsible for the fatality and injury-producing failures.[13]

History is now repeating itself, as Firestone stonewalls and refuses to recognize the significant risk created by its choices to continue to place money before safety.

D. Firestone Consultant's "Root Cause" Report

Firestone retained Dr. Sanjay Govindjee, a professor from the University of California at Berkley, to conduct an "independent analysis" of the Firestone tires used on the Ford Explorer. On January 30, 2001, Dr. Govindjee issued a formal "root cause" report. Although not an expert in tire design, Dr. Govindjee specializes in materials. In brief, he concluded:

- The problem is "understood to include" the propagation of a fatigue crack in the bulk of the rubber separating the two steel belts of the tire, not at the interface between the steel and the rubber.
- The cracks occur in both new and used tires.
- Contrary to Firestone's limited recall of Wilderness AT tires, the cracks or belt edge separations were found in a greater percentage of tires produced at the Joliette and Wilson Firestone plants than the Decatur plant.
- The problem is "rather complex" and determining a "single cause" is an "unrealistic expectation."
- There are no "well-established criteria for in-service tire failures against which tire components are designed."

- The industry is not clear how its tire testing relates, if at all, to in-service – that is, real-world – tire failures.

- The materials from tires in southern climates have "reduced ductility" and "higher stiffness," independent of service condition.

- Aging contributes to degradation of internal components of the Firestone steel belted radial tires.

- The capacity of the belt skim compound to resist fracture is "markedly reduced" for tires manufactured at the Firestone Decatur, Illinois plant, although their properties are within the approved specifications for the tires. Although Firestone identified a manufacturing process called "pellitizing" as unique to Decatur and therefore supporting the limited recall, Dr. Govindjee's search into the process found no causative agent for the degraded material properties from the Decatur plant related to this process.

- The belt edges of the subject tires have a "pronounced" heat build-up as inflation pressure is lowered with a heavy cargo load and operated at high speeds.[14]

- The impact of tire design on tire temperature "has not yet been established."

E. Ford Interim Report and Root Cause Analysis

In its official "root cause" report of December 19, 2000, Ford also blamed the failures of the tires on a combination of design problems and manufacturing difficulties encountered at Firestone's Decatur plant. Ford, however, disputed Firestone's claim that design flaws in the Ford Explorer played a role in the crashes.

Ford reported that its "engineers and scientists" were involved in an "ongoing statistical analysis" and that the company's "test data" appeared to agree with many of Firestone's preliminary conclusions.[15] Ford's report included the following findings:

- Testing on Ford and other makes of vehicles and on tire test rigs showed that the P235/75R15 ATX and Wilderness AT tires do become hotter during use than similar competitive designs, although Ford did not know why.

- Test data showed that belt-area rubber cohesion is lower in Decatur-built tires. The data, however, did not identify what aspect of manufacturing may cause this.

- Ford did not test or analyze tires which had a puncture repaired, but reasoned that a tire already sensitive to heat because of design and manufacturing conditions could be progressively damaged if it was further heated because of lower inflation pressures before or after such a repair.

Although not mentioned by Ford in its root cause analysis, internal Ford records document that failed tires from Venezuela showed "no apparent reason for failure," from external damage such

as punctures, cuts, etc., and that there was no evidence of "reversion," defined as the overheating of rubber that is typically present when a tire is operated in an under-inflated condition.[16]

As for tires operated in the U.S., Ford noted that under-inflation was not a reasonable explanation for the significant number of failures because U.S. consumers typically "over inflate tires."[17]

While Ford did not define fully the cause of the tread separation problem, its "preliminary root cause hypothesis" was that:

> The design of the tire generates high stresses and heat in the wedge and belt area. Manufacturing processes at Firestone's Decatur Plant reduce the cohesion level of the rubber in that same area of the tire. This reduced strength permits cracks to propagate between the steel belts. We believe it is a combination of manufacturing factors and the reaction of the tire design to field operating conditions including hot weather and very low tire pressure that have caused the increased failure rate of these tires.

F. The Unanswered Question

Despite the differences of opinion between Ford and Firestone relating to the role of the Explorer in causing tread separations, crashes, and, most importantly, deaths and injuries, and despite the companies' ongoing refusal to define the cause of the problem, both Ford and Firestone have argued continuously that the current recall was "adequate" to protect consumers.

The companies therefore have asserted that the non-recalled tires were safe despite their lack of knowledge of the "root cause" of the problems, and the many holes in existing data.

IV. Tire History

A. Relevance of Tire Development History

Every tire design begins with the consideration of factors such as customer or market demand in terms of size, load carrying capacity, intended use, and any special tread design requirements. A typical radial tire has approximately 24 separate components and 12 or more rubber compounds, all of which impact load carrying capacity, proper inflation pressure, and intended use.[18]

Despite slight differences among companies, the basic manufacturing process is the same. The tire components are assembled and then cured or vulcanized. The purpose of curing the tire – sometimes called "cooking" – is to create both a mechanical and chemical bond between the internal components.

The bonding process, sometimes referred to as "adhesion," is impacted by the stress and forces applied to the tire. The shape of the tread, the internal design of the tire's components, and the material properties of those components dictate what stresses will be applied to each component while the tire is in operation. The forces and stresses exerted on a tire are subject to the combined effect of tire size, inflation pressure, dimensions, component gauges and vehicle characteristics.

Any examination of the cause of repeated tread separation events requires a thorough investigation of the history of the tire, its design, development, and the market needs that it was designed to satisfy.

B. Development of the Tire For the Ford Explorer

A fuller history of the ATX II tire was provided in a report published by Public Citizen and *Safetyforum.com* on January 4, 2001, entitled *Spinning Their Wheels*.[19] The following is a brief summary of the tire's design history.

The Firestone P235/75R15 ATX – informally referred to as the ATX II – was created for use on the Explorer.[20] Earlier versions were produced as a flotation[21] tire for Recreational Vehicles (RVs) and designed with aggressive tread patterns and zigzag treatment on the tire sides, or "shoulders." As the market for sports utility vehicles (SUVs) shifted to include traditional users of station wagons and other family passenger cars, Ford instructed Firestone to develop a "hybrid tire" which looked like an aggressive truck tire but performed like a passenger car tire.[22] Company documents show that Ford ordered this modified ATX tire from for marketing reasons: Ford believed that larger tires would better fit the image of the Explorer and help to increase vehicle sales.

Since the introduction of the ATX II tire, Firestone manufactured approximately 22,800,000 ATX and Wilderness AT 15-inch and 16-inch tires. Some 14,400,000 of the tires have been recalled. Of the remaining 8,400,000 tires sold, 3,500,000 are P255/70R16 Wilderness AT tires and 4,900,000 are non-Decatur-made Wilderness AT tires. Of course, some number of the tires sold are likely no longer in use.

The ATX II tire developed for the Explorer is commonly referred to as a "P Metric" or "passenger" tire. Although the Explorer is a light truck under applicable government regulations, Ford did not request, nor did Firestone provide, a "Light Truck" or "LT" metric tire for use on the vehicle. "Light Truck" tires are typically rated by load range from C-E, which means up to 3000 lbs with inflation pressure ranging from 50-80 psi. For "Light Truck" tires, the Tire and Rim Association (TRA) does not recommend operating "Light Truck" tires at speeds in excess of 65 mph unless the operator: (a) decreases the load on the vehicle; and (b) increases the inflation pressure of the tires.

The Wilderness AT tire was designed to replace the ATX II tire beginning with Ford's 1995 Explorer model.[23] Tires of both types were manufactured primarily at three Firestone facilities: Decatur, Illinois, Wilson, North Carolina, and Joliette, Québec, Canada. According to information provided by Firestone, the production of ATX II and Wilderness AT P235/75R15 tires varied by year and plant site.

The Ford Explorer was first produced in 1990 to replace the Bronco II. The Bronco II was known to have a dangerous tendency to flip over during typical emergency turning maneuvers. The Explorer was referred to as the "4-door Bronco II" during development. That name was changed when the Bronco II came under sharp scrutiny as deaths mounted in Bronco rollover crashes.

The stability problems of the Explorer were known early and were well documented. As further reported in *Spinning Their Wheels*, Ford management knew the Explorer had a stability problem, ignored its engineers' recommendations to fix the problem, and consciously disregarded the

safety of the consuming public because of the potential impact the changes would have on cost and market timing. The alternative Ford chose – deflating the tires – was a cosmetic attempt to improve the vehicle's stability. Ford's adaptation further undermined the capacity of the Firestone tires, with disastrous consequences.

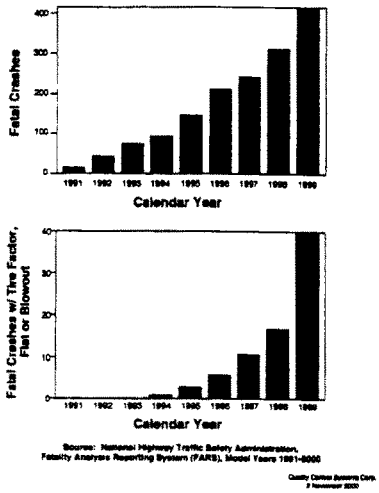
The tread separation problems of ATX tires on Explorers began not long after the SUV went on sale in 1990. Both corporations have been settling lawsuits over the defective tires ever since, typically after securing agreements to maintain the confidentiality of company documents. But, according to available records, these lawsuits were fairly sporadic until a tire weight design change was made in the mid-1990s, following the decision by Ford to deflate the tires when introduced. A summary of Ford's design decisions follows.

Following introduction of the Explorer, Ford initiated design changes in the tires used on the Explorer to correct rolling resistance problems that had been created by the company's decision to recommend lower tire pressure. One consequence of tire deflation was increased rolling resistance, or friction between the tire and the highway, which produces lower fuel economy. To improve rolling resistance and fuel efficiency, Ford decided to lower the tire's weight.

According to Firestone, the weight decrease in the tire was achieved by reducing the gauge of various internal components, modifying the sub tread compound, using a lightweight belt package, and making specific modifications to the tire sidewall.[24] In short, Firestone removed weight from the tire by reducing its rubber and steel components. The tire was made lighter, less durable – and therefore, as defined below, less "robust" – and more susceptible to tread separations.

After that change, tire failures and crashes – including deaths and injuries – escalated rapidly.[25] The following charts graphically illustrate this increase in tire-related deaths associated with Explorers.

Fatal, Ford Explorer Crashes in 1991-1999



The upper graph shows fatal injuries in Ford Explorers from all forms of crashes beginning in 1991, when the Explorer was introduced. The lower graph reflects those Explorer-related fatal injuries in which a tire-related problem was implicated. As the lower graph depicts, fatal crashes involving tire-related factors began to mushroom in 1995-96.

To improve tread wear and fuel economy, and in keeping with Ford's desire for an aggressive tire image, Ford again asked Firestone to redesign the ATX.[26] In 1995, Firestone released for production the Wilderness AT design, a tire specifically designed to accommodate Ford's request for a truck-looking tire that performed like a passenger car tire. The tire was a standard load[27] tire that incorporated internal components that were virtually identical to the ATX tire, but the new tire was equipped with a different, more aggressive-looking, tread pattern.[28]

The design for the Wilderness AT tire did not incorporate internal components of the size and gauge that a tire expert would typically expect to be included in a light truck tire because Ford had specifically requested that the tire deliver passenger car performance. The Wilderness AT tire was assigned a "C" rating for temperature/heat resistance, the lowest possible rating allowed under NHTSA's passenger car Uniform Tire Quality Grading System.[29]

Within 12 months of production of the first Wilderness AT tire for use on Ford Explorers, Firestone's engineers began trying to improve the tire's durability, and to reduce the risk of tread separation, by making certain design changes to the tire.[30]

V. METHODOLOGIES AND RESULTS OF THIS CONSUMER TIRE INVESTIGATION

A. Methods Used

The information in this report is based on: 1) the physical examination and photographing of more than 100 tires obtained from consumers in the U.S. and abroad, including tires that failed and ones that did not; 2) x-rays of a sample of tires produced at each of the three Firestone plants where tires for the Explorer were made (A chart listing the sample tires chosen for x-ray may be found at Appendix 1); 3) examination of indoor and outdoor test results produced by both Ford and Firestone; 4) examination of design documents from both Ford and Firestone; 5) examination of the internal components of the tire sizes in question; 6) independent laboratory tests and 7) actual vehicle testing of a Ford Explorer in a simulated tread separation event.

B. Investigation Results for the P235/75R15 (15-inch) and P255/70R16 (16-inch) Wilderness AT Tires

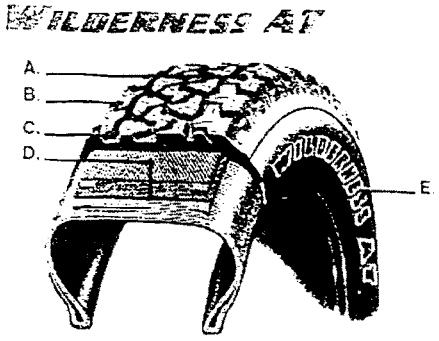
1. Tire Design

A tire's belt edge is a structural discontinuity that produces high local stress and can be a starting point for cracks. However, crack formation, and accompanying propagation, is usually not a problem because as the crack progresses inward, the stresses are relieved and the separation is limited.

The fundamental elements of strength between the steel belts are the adhesion strength of the rubber encasing the steel cords ("skim stock") and the design configuration of the material. Belt edge separations occur when the stresses at the belt edges exceed the adhesion strength of the skim compound between the belt edges and between the materials surrounding the belt edges, including the "wedge," a piece of rubber located between a tire's two steel belts. The concentration of stresses at the belt edges occurs because the steel belt wires are much more rigid than the rubber or the polyester radial plies.

Design strategy should seek to reduce this concentration of stress as much as possible. The features used to achieve this and improve durability at the belt edges include the geometric design of the internal components, belt edge step-off (the bottom belt is made wider than the top belt), the wedge between the belt edges, the distance from the top of the steel belt that is closest to the tread and inside the shoulder pocket, the configuration of the shoulder pocket, and the tapering of the total thickness of the tire from the belt edges to the upper sidewall area.

The following illustration shows the internal components of the Wilderness AT tire.



2. Description of the Failure Mode

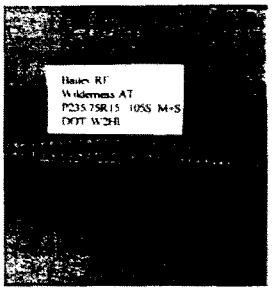
Several investigators have referred to the tire failures in question as "fatigue" failures, which is a general term used to scientifically describe the sudden and catastrophic separation of a device into two or more pieces caused by the application of loads or deformations over time. Fatigue failure typically occurs through the initiation and spreading of a crack. The loads and deformations typically necessary to cause failure by fatigue are less than those necessary for static failure.

To date, investigators from both Ford and Firestone agree that the tires at issue are experiencing steel belt separations (cracks) that begin at the belt edges. The separations most frequently begin at the edge of the #2 belt (the upper belt), which is the highest stress point in the tire.

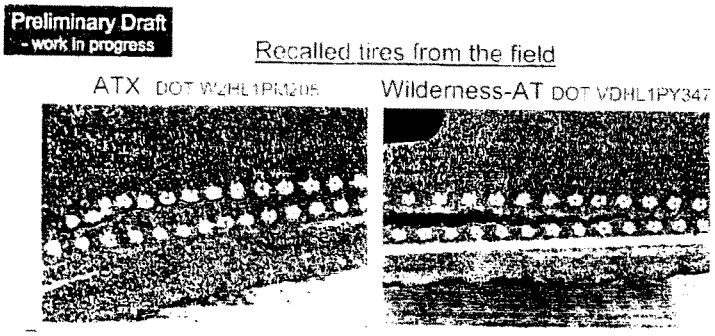
The cracks found in field tires are not resulting in reversion of the rubber (melting), as one would typically expect to find in the case of excessive heat. The lack of rubber reversion indicates that the tires are suffering from very high shear strain, which is due to heavy loading. The heavy loading strains the rubber beyond its capability and results in the formation of cracks. The existence of high temperatures tends to accelerate the growth of the cracks between the #1 (lower) and #2 (upper) belt. The growth rate of the separation cannot be defined precisely, and appears to vary by tire, load condition, inflation pressure and ambient temperature.

From the wedge, the tear tends to grow toward the center of the tire between the steel belts. The crack also tends to grow circumferentially. The final stage is total or partial separation of the #2 belt from the #1 belt and tire carcass.

The following figure shows the crack after it has spread inwardly between the two steel belts. The cross-section shown below was taken from a Wilderness AT tire manufactured in Wilson, North Carolina. When inspected, this tire's internal separation had not yet grown into a total separation.



The next pair of photographs shows a virtually identical condition in an ATX tire manufactured at Firestone's Wilson plant and a Wilderness AT tire made at Firestone's Decatur plant. Both of these tires have been recalled. Although the Wilson-made Wilderness AT tire in the photograph above shows the identical pattern of cracking and separation as in the two recalled tires below, the tire in the photograph above has *not* been recalled. The most striking feature of these three photographs is the identical nature of the crack and propagation spreading inward between the belts. The photographs demonstrate that the same failure mode is present in both recalled and non-recalled tires.



The individual filaments of the cut wire ends at the belt edge have razor-sharp profiles that introduce high stress conditions and cause the rubber to separate. As the rubber along the cord continues to tear, it typically leaves a ring pattern referred to as "socketing." When the degree of socketing allows sufficient movement of the belt, the torn rubber surfaces begin a polishing action. The extent of "polishing" is one indicator of the amount of movement that has occurred at the belt edges.

3. The Tire Design Lacks Adequate Durability

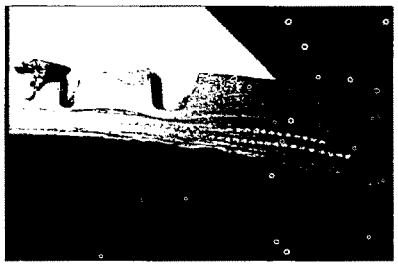
All SUV tires must be designed to carry both the heavy SUV and the occupants and cargo when the vehicle is fully loaded. The tire should be designed to accommodate a wide range of loads and inflation pressures in order to ensure safe operation at freeway speeds. This margin of safety should likewise include a consideration of the plant-to-plant manufacturing variances that are known to occur during mass production.

Ford Motor Company responded on February 5, 2001, to a report by Firestone's independent consultant concerning carrying capacity with the following statement:

> Ken Zino, a Ford spokesman, said today that the problem was that the tires were unusually sensitive to the loads on them, and not that the Explorer was too heavy for its tires. "We have studied that, and there's nothing unusual in the Explorer as far as loads," he said.[31]

All tires should be designed to be "robust."[32] That is, they should be designed to meet the customer's expectations of wear and durability on the vehicle for which they were designed during the life of the tire.[33] "Robustness" includes the ability to perform safely and appropriately given the conditions and load carrying capacity for which the tire was designed.[34] The tire should have appropriate internal components so that it can withstand the forces and loads it was designed to encounter in the real world.[35] A tire that is not robust presents the likelihood of catastrophic failure, such as tread separation.

The design of the ATX II and Wilderness AT tires is not robust. Representatives of Ford Motor Company have testified under oath that 15-inch Wilderness tires are not "robust" for the use for which they were created.[36] The following is a cross-sectional view of a Wilderness AT tire at the belt edge.



The cracks that start at the #2 belt edge result from a combination of a wedge that is poorly designed, both in its gauge and placement, a less-than-robust wedge compound, and a skim compound that is inadequate given the tire's other design characteristics.

The purpose of the wedge is to help separate the steel belts, assist in the local distribution of shear forces, and to provide durability in the sensitive area at the belt edges. Firestone chose a wedge design for the ATX and Wilderness AT tires that was designed for use in a passenger car. The gauge, or thickness, of the wedge is less than that found in other truck-type tires and results in low tearing forces, and therefore poor durability, at the belt edges. Firestone's placement of the wedge is also an important factor because the distribution of the stress/strain forces has a relationship to the distance between the edge of belt #2 and the shoulder of the tire. Greater distance between these points results in the tires that run hotter, and in more stress build-up in the tire.

The tires in question have a larger-than-expected distance between the edge of belt #2 and the tire shoulder. Ford's decision in the mid-1990s to reduce the tire's weight resulted in insufficient coverage over the belt edges between the tread blocks (or "pockets"), increased stress and strain on the already weak wedge section, and eliminated any margin for error. The significant amount of material removed from the tires to achieve the weight reduction restricted the engineers' ability to specify a durable belt edge design with a smooth transition from the rigid belt edges to the flexible upper sidewall.

While the tire may have performed adequately when produced precisely to specification and operated at maximum inflation pressure at low to moderate speeds, the high incidence of failure indicates that the design was unacceptable when exposed to the normal variations encountered during volume production, normal usage by consumers and the low inflation levels recommended by Ford (26 psi).

4. The Shoulder Design Creates Additional Heat and Stress

The ATX and Wilderness AT tires are designed with a pattern of cavities between the "lugs" around the edges of the tread on the tire's shoulder. Firestone refers to these spaces as "shoulder pockets."

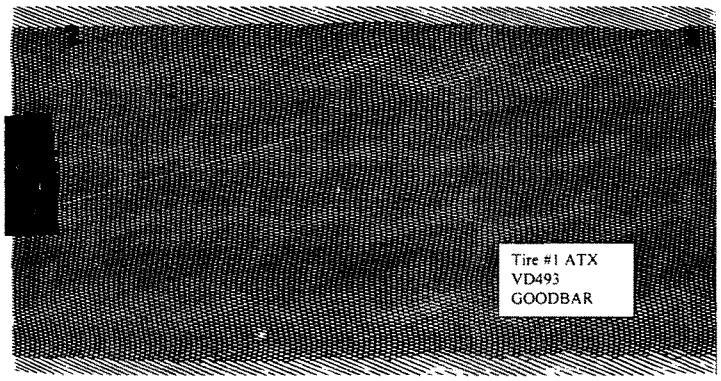
The "pocket" design invites additional stresses to occur inside the shoulder pocket, causing excessive heat at the belt edges internally and allowing small cracks to develop. An analysis confirmed that the temperature profile for the Firestone tire was "more severe" than Goodyear's, given the same speed, loading and pressure.[37] A Finite Element Analysis likewise confirmed that extremely high stress is exerted on the belt edges because of the tire's design. Analysis also found that the level of stress is elevated when the tire is exposed to high speed, low inflation and high ambient temperatures.[38]

The "pocket" design also has a tendency to allow the development of external cracks, both small and large.[39] These cracks tend to enlarge during rolling deformations and can act as a pump that allows the introduction of water or moisture when driven in wet conditions. If the moisture reaches the steel cord network, where belt separation resistance is lowest, separation can begin or be exacerbated.

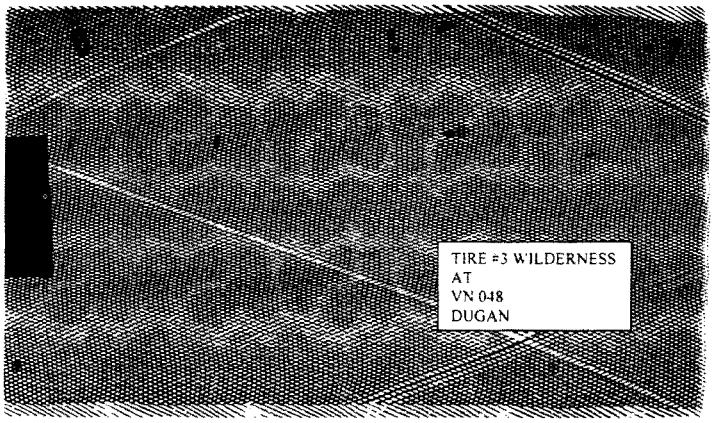
5. Radiographic Evidence Verifies the Design Problems

The belt edges radiographically demonstrate "waviness," which indicates significant movement of the tread rubber to fill the shoulder blocks of the tread pattern during the curing stage of manufacturing. This waviness results in increased stresses on the belt edges. Significant material flow during curing makes it more difficult to control the thickness of the tread rubber over the belt edges in the areas between the tread blocks.

The following figure, an x-ray of an ATX tire made in 1993 at Firestone's Decatur, Illinois Firestone plant, shows this "waviness."



The next figure, an x-ray of a Wilderness AT tire made in 1998 at the Joliette, Québec, Canada plant, also shows the waviness common to Wilderness tires.



This "waviness" is not present in the P255/70R16 Wilderness AT "Special Services" tire. The "Special Services" was a tire produced for the Saudi Arabian market and was obtained by *Safetyforum.com* as part of this investigation. That tire includes a nylon overlay, which not only adds to the tire's durability, but also reduces material flow during the curing process.

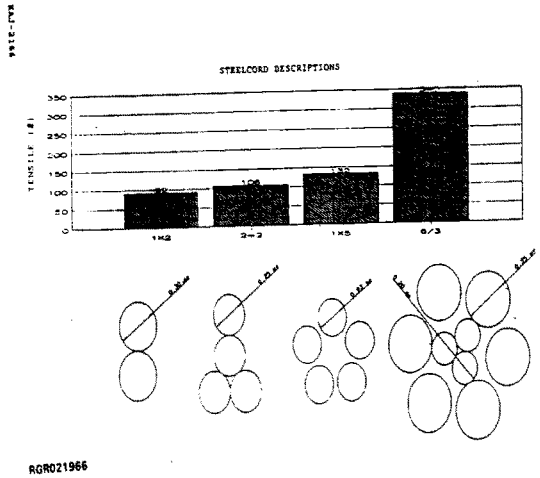
Radiographic evidence of a sampling of both recalled and non-recalled tires also demonstrates non-uniformity in the wire alignment within the belts, bad splices and excessive belt placement variation. The frequency with which these conditions appear on the sampled tires indicates a direct relationship with the design of the tire.

6. The 1x5 Wire Cord Increases the Likelihood of Failure

The wire cord (1x5) chosen for use in the tires is inappropriate given the shoulder design and the anticipated loads and usage of the Explorer. The chosen cord increases the tendency of the tires to develop separations and lose adhesion qualities. The illustration below shows the 1x5 wire configuration in the P235/75R15 (15-inch) Wilderness AT tire. The illustration documents the existence of breakdown at the belt edge, including cracks that are beginning to spread inward and the loss of adhesion between the steel cords and the skim or rubber surrounding the cords.



The following is a diagram illustrating the design and tensile strength characteristics of various wire designs, including the 1x5 design. Note the additional strength characteristics of the 6x3 cord design, which is a design typically incorporated into light truck-type tires.



The 1x5 wire design is old technology. Its use is one strategy for reducing the cost of production. In this design, the individual strands of steel are tightly wrapped and do not allow for rubber to penetrate to the core of the bundle. If the rubber does not penetrate to the core, the entire belt structure can become a conduit for circulating air through the belt. Inflation air can therefore permeate through the inner liner. Ford's specifications to Firestone did not include loss over time, so Firestone was free to choose a less expensive (and less reliable) inner liner compound, which allowed more air permeation into the tire.

Excessive moisture also contributes to tread separations. Moisture can enter through punctures, cracks, factory or manufacturing problems, as well as the simple permeation of air and moisture through the inner liner of the tire. Moisture tends to combine with chemicals in the tire's stock to erode the adhesion bond between the steel wires in the belts and the surrounding rubber matrix. This causes tread distortion and, ultimately, separation.

Firestone used the same 1x5 wire design in the Firestone 500 tires that were produced – and recalled – in the 1970's.

The Skim Compound has Poor Rubber-to-Wire Adhesion Characteristics

As a general proposition, tire compounds are polymer rubbers or polymer blends with fillers (highly developed carbon blacks), processing aids such as softeners, plasticizers or reclaimed rubber, vulcanization accelerants (sulfur and zinc oxide), and chemical protective agents, sometimes known as antioxidants and antiozonants.

Modulus and hardness can be controlled by varying either the amount of carbon black, the amount of extender-oil or softener, the fineness and structure of the black, or the number of molecular crosslinks introduced during the curing process. The high modulus of skim helps wire adhesion. Aging resistance is provided by the anti-oxidants and the zinc oxide. The gauge of the steel cord and the number of twisted strands chosen for the wire are additional important factors when considering skim compound.

The skim compound or "skim stock" is a rubber coating that surrounds the steel belts. The gauge of the steel cord and the number of twisted strands chosen for the wire are important factors when considering skim compound. One purpose of the compound is to hold the belts at a specific spacing to allow relative movement of the belts without fatigue or fracture.

The peel resistance of skim rubber loses an average of 50 percent of its initial strength during the first two years, primarily from oxidation. The belt wedge, on the other hand, oxidizes more slowly because it is thicker and has less contact with the belts. As Ford's internal documents show, the aging of the ATX and Wilderness AT tires, especially the aging in the belt wedge, was "classic" oxidative aging and was not due to excessive heat build-up. This means that the physical evidence does not support customer abuse – extreme under-inflation – as a cause of tire degradation in these tires.

The following table provides an overview of several critical components of the ATX II and Wilderness AT tires. Note the similarities between the various design characteristics, including the compounds.

CHARACTERISTIC	ATX II	WILD AT 15"	WILD AT 16"
Tread Depth	0.42	0.42	0.37
Load Reserve (F/R)	193/118	193/118	513/413
Inflation	26/26	26/26	30/30
Tread Compound	NA	V6607	V6187
Subtread Compound	V4277	V3647	V4277
BEI Compound	V1697	V1697	V0027
Skim Compound	J2757	J2757	J2757
Wedge Size	.20 x .75	.20 x .75/.4 x 1	.20 x .75
Wedge Compound	J2917	J2917 to J2757	J2919 to J2757

SOURCE: Ford Motor Company

The "wedge compound" and the gauge of the wedge were changed for the Wilderness AT tire in March, 1998. The changeover was completed the following month. Testing shows that wedge compound J2757, the revised wedge compound, is 25 percent stiffer, and has approximately 5 percent more hysterisis and 5 percent better adhesion to steel than compound J2917, which was used from 1995 to 1998.[40]

The increased durability characteristics chosen for the replacement wedge compound in 1998 can be viewed as direct evidence that Firestone knew the wedge compound initially chosen for the Explorer lacked appropriate "robustness." Notably, the gauge of the wedge on the Goodyear version of the Explorer tire is significantly more robust.[41]

In the case of the ATX and Wilderness AT tires, the skim compound has inadequate rubber-to- wire adhesion characteristics for the design characteristics of the ATX II and Wilderness AT tires. This contributes to more rapid loss of adhesion and the spread of belt edge separations.

By comparison, the Goodyear tire, for instance, has a similar tendency to "crack" at the belt edges, but propagation of the cracks through the skim compound (between the belts) does not occur as easily or as often as in the Firestone tires because of the significant difference between the tires in the amount of heat build-up. Aging and plant-to-plant variations also contribute to loss of adhesion characteristics of the skim.

Firestone conducted tests to measure the force required to pull apart a one-inch strip of material similar to that used in the belt package to compare the adhesion strength.[42] After sampling strips from various plants, Firestone concluded that Decatur-made tires exhibited "different belt adhesion characteristics," including lower initial adhesion. Firestone speculated that the reduced adhesion levels, although still within required tolerances, provided less strength than tires produced at its other plants.[43]

The decreased adhesion was thought to correlate with the existence of residual materials (processing lubricants) in the skim stock that were added during a process called "pelletizing."

However, Firestone's consultant was unable to find a correlation between the manufacturing process (pelletizing) and the material degradation at Decatur.

8. Ford's Recommended Inflation Pressure of 26 psi Exacerbates the Tire's Design Flaws

The tire industry universally accepts that low inflation pressure can adversely affect tread life, increase tire rolling loss, generate excessive heat, lower gas mileage, and lead to the sudden total failure of a tire during operation which, at highway speeds, can have catastrophic results in certain poorly designed vehicles.

All tires are designed to deflect under load. This deflection is what enables the tire to support a load. Deflection of the lower sidewall tends to alter the angle of the cord tension and reduces the vertical component acting on the "bead wires," the individual filaments that make up the steel belt. The upper sidewall tension pulls on the bead wire and actually provides support for the load from the top. The deflection of the tire also benefits traction and tread wear due to size and shape of the contact patch, or footprint, of the tire.

The mechanism by which inflation pressure affects tire performance and durability is straightforward. Low inflation tends to make the sidewall of the tire flex, or deflect more than it is designed to do. Flexing the sidewall builds up heat, which can cause irreversible damage to the internal components of the tire. The more under-inflated a tire is, the faster it rotates, or the more load it is made to carry, the more the tire tends to flex and the more quickly it degrades.

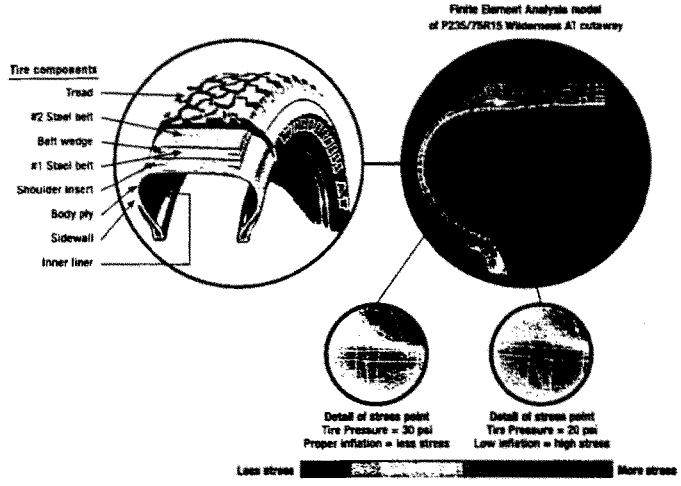
As a general rule, puncture resistance increases with lower inflation, but lower inflation also directly impacts the fatigue life of the tire. Key factors associated with fatigue life are the temperature inside the tire, the stress/strain field, and cycles at each condition. The operating variables that influence these parameters are speed, load, pressure and time. Speed and deflection (load and pressure) have the greatest influence on tire temperature, while deflection determines the stress/strain field of the tire.

Historically, the tire industry has held that under-inflating a tire by 4 psi or more can be dangerous to the internal components of the tire.[44] Studies by traffic safety groups dating back 20 years have shown that between 50 and 80 percent of all surveyed vehicles are running on tires at a lower inflation pressure than is recommended.

Both Ford and Firestone concede that the Firestone tires in question operate at higher temperatures than similar tires. Thermal imaging studies performed at Ford's request indicated that the left side of the vehicle operates hotter than the right side, and the temperature profile of the Firestone tire is higher than for equivalent Goodyear tires at a given speed, load and inflation pressure. Ford has also suggested that the shoulder design is a factor in the tire's increased internal operating temperatures.

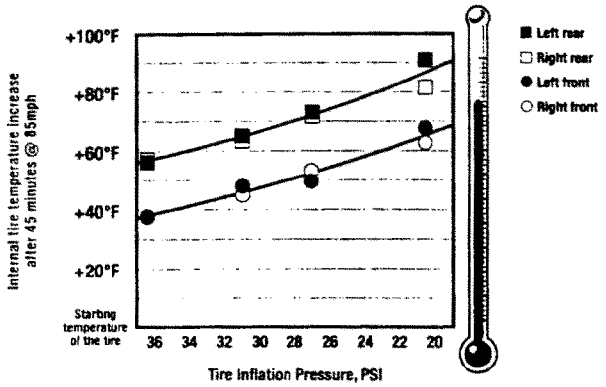
The relationship between inflation pressure and tire performance is well known and well-accepted. The following diagram demonstrates this fundamental proposition.

The effect of low inflation on internal tire stress



The effect of low inflation on internal tire temperature is illustrated by the following chart.

The effect of low inflation on internal tire temperature



As depicted, with decreased inflation pressure, internal tire temperature increases after 45 minutes of operation at 85 mph.

Inherent design problems in the Explorer created the risk that the Explorer would roll over during foreseeable turning maneuvers. Instead of modifying the design of the Explorer to fix this known instability, Ford unilaterally chose to recommend that the tires on its SUVs be operated at 26 psi, significantly below the maximum allowed inflation pressure. Ford's recommendation was a cosmetic attempt to make the Explorer perform better in these quick-turn maneuvers. The direct consequence of this decision was that the Ford-recommended lower inflation level increased the operating temperature of the tires, triggering a decrease in belt-adhesion properties over and above the inadequacies that already existed.

The decreased inflation pressure that was recommended by Ford also harmed the rolling resistance of the tire and, consequently, the fuel efficiency of the Explorer. To correct that fuel economy problem, Ford initiated design changes that compounded the tread separation problem: Ford ordered a lighter tire that was less durable and more prone to the stresses created by their use on an Explorer at the reduced inflation pressures chosen by Ford.

In addition to the low inflation problem that resulted from the Explorer's stability problems, testing by Firestone reportedly found that Explorer load levels, when coupled with Ford's specified

tire pressure of 26 psi, resulted in a tire that was "approaching the limits of its load carrying capacity."[45]

In sum, the tire specified for the Explorer when operated at 26 psi has virtually no margin of safety or "robustness" for operation in the real world. Unless the tire is in perfect condition, operated at perfect load levels, and maintains perfect inflation (in this case, 35 psi), the tire is highly susceptible to failure.

9. Lack of Adequate Quality Control Further Exacerbates the Tire Design Flaws

By the very nature of their construction, tires have anomalies caused by splices, belt misplacement, uneven cords, cord angle and cord count variation, as well as other variables. These potentially harmful variations must be kept within controlled limits during the manufacturing process, before the tires are placed in service. These variations, all subject to human inexactness, are the reason that manufacturing tolerances are created with both upper and lower bounds of acceptability.

Lack of adequate quality control of the manufacturing processes at all of the Firestone plants where the tires were manufactured led to poorly manufactured tires, thus increasing the likelihood of catastrophic failures. Descriptions of the quality control problems are documented in sworn testimony by employees at the various plants.[46] Moreover, Ford's "root cause" analysis confirmed production problems that ranged from variation in inner liner[47] gauge to "large variability" in belt "step-off"[48] and in belt placement in an axial direction.[49]

10. Decatur Does Not Explain the Poor Performance of the Tires

Ford and Firestone have strained from the outset to limit the recall to only those Wilderness AT tires manufactured in Decatur. Unfortunately, their own findings do not support this attribution. The following chart reflects data produced by Firestone's consultant, Dr. Sanjay Govindjee, as a result of a survey of returned tires which had not failed. Each tire was cut in a cross-section and examined to determine whether belt edge cracks existed. This investigation was conducted jointly by Ford and Firestone.

CATEGORY	BELT EDGE CRACKS (%)	SAMPLE SIZE
Joliette South	61%	46
Wilson South	48%	50
Decatur South	26%	172
Joliette North	23%	31
Wilson North	16%	31
Decatur North	4.6	152

Data published by Govindjee from Returned Tire Survey, p. 50, prepared for Firestone Tire Co.

As noted in the chart, the percentage of Decatur tires exhibiting evidence of belt edge cracking

was lower than the percentages of tires manufactured at either the Joliette or Wilson plants.[50] Despite this clear evidence from Ford and Firestone's own returned tire survey, both companies have continued to advise consumers that the non-Decatur Wilderness tires are "safe" and "world class performers."

While Ford and Firestone delay recalling the tires, 61 percent of consumers in the south with Joliette-made Wilderness tires and 48 percent of consumers in the south with Wilson-made Wilderness tires are likely operating their Explorer with tires that are already exhibiting belt edge separations. Many of these consumers are operating their Explorers with the Wilderness AT tires because Ford and Firestone have publicly represented that these tires are safe, free of any defect, and will not suffer catastrophic failure while in operation. By continuing to ignore reality, both Ford and Firestone are consciously placing the consuming public at risk.

With regard to the issue of differing manufacturing processes used at Decatur versus those used at other plants, the following chart demonstrates the plant-to-plant differences that do exist between Decatur, Wilson and Joliette. As the chart below shows, however, there is no pattern of differences that would indicate that Decatur was in some way unique in terms of manufacturing processes. The * signifies that the process used at that particular plant is different from the other plants producing the tires in question. As noted, Wilson has the most differences in the manufacturing process.

PROCESS	DECATUR	WILSON	JOLIETTE
Banbury	*		
Steel Cord			*
Tire Assembly Machine		*	
Curing		*	

The Banbury process is both a machine and a stage of production, wherein the rubber is mixed with steel cords. The Decatur plant uses "pellitizing" in its Banbury process and the other plants use slabs. If, as Firestone has stated, the "pellitizing" process introduces adhesion-damaging lubricants into the process in Decatur, are *all* Decatur tires failing like the ATX and Wilderness AT tires? If so, shouldn't they be recalled as well?

Statistical evidence has been produced by several different sources on a number of different occasions refuting the argument that Decatur should be stuck with the entire blame for the bad tires.[51] Moreover, Firestone has repeatedly refused to make adjustment data comparing the failure rates for all tires manufactured at Decatur during the relevant time periods publicly available.

11. Road Hazards and Repairs are Not Major Factors Associated with Failures

All tires are exposed to road hazards, punctures and repairs. According to Ford's analysis of claims filed following tread separations, only about 3 in 10 failures involved tires that had evidence of puncture repair. This means that 7 of 10 failures that resulted in claims were failures of puncture-free tires. This is consistent with analysis that the root cause of Firestone tire failures is not a customer problem, but a design problem. It should likewise be noted that neither Ford nor Firestone advises against puncture repair of steel belted radial tires.

12. The P255/70R16 (16-inch) Wilderness AT Tire Fails for the Same Reasons

In the mid-1990's, Firestone developed a P255/70R16 Wilderness AT tire for, among other things, use on the Ford Explorer. Due to a pattern of failures in the Gulf Coast countries, including Saudi Arabia and other nations, and in Venezuela, Ford moved quickly to recall 16-inch tires.

Both Ford and Firestone have refused to recall the 16-inch tires in the U.S., claiming that the environmental "circumstances" in the Gulf Coast countries and Venezuela were "unique." Both Public Citizen and *Safetyforum.com* have objected to this refusal and, citing repeated failures of 16-inch Firestone tires in the U.S., have urged an expansion of the recall to include these tires.

Evidence shows that the 16-inch tires remain a hazard. A case in point: Indoor wheel testing of a 16-inch Wilderness AT tire was performed at an independent laboratory using routine procedures designed to obtain the tire force and moment characteristics for use in computer simulation analyses of the Ford Explorer. During the testing, which included the use of new production tires, one of the 16-inch Wilderness AT tires suffered an unexpected tread separation. The following photo was taken following the testing.



The testing was not designed to evaluate the durability of the tire. To the contrary, the testing was designed to evaluate certain force and moment characteristics of the tires in turning maneuvers. Although the test protocol requires severe slip angles in order to evaluate the performance capability of the tire in severe maneuvers, the tire should not fail during testing. This type of failure is further evidence of the lack of robustness present in the tires from a design standpoint.

VI. THE ROLE OF THE EXPLORER

A. Firestone Speaks Out on Rollover

In October, 2000, John Lampe, Firestone's Executive Vice President, made the following statement:

> Tires will fail, and do so for a number of reasons. In most cases, a vehicle that experiences a tire failure can be brought safely under control. However, we have seen an alarming number of serious accidents from rollovers of the Explorer after a tire failure.

Ford's own internal investigation of Explorer rollover crashes in Venezuela that involved tire failures concluded that the problem was "unique" in that a "high incidence of vehicle roll over after a tire blow out or tread loss ha[d] not been detected for other vehicle brands," such as Toyota, General Motors and Chrysler.

Following an analysis of national and Florida crash statistics by the *Washington Post* which found that the Explorer has more tire-related crashes than other SUVs, James Fell, a retired NHTSA chief researcher, stated:

> The [findings] give an indication that there may be a factor with the Ford Explorer beyond the tire issue. It's a first indicator that they may have a stability problem.

Likewise, former NHTSA Administrator Sue Bailey verified that the Explorer was part of the agency's tire investigation:

> The Explorer is part of the ongoing investigation because we are concerned about the rollover capability.

Firestone's position regarding the Explorer is based on its own analysis of warranty records. Relying on adjustment data that it has refused to make public, Firestone says that its ATX and Wilderness AT tires do not fail more frequently than other tires, but that a failure on an Explorer more often results in someone dying or being injured. In other words, Firestone claims that the real culprit in the deaths and injuries is Ford.

B. In Their Research, Ford and Firestone Have Ignored the Risks Posed By the Explorer

Neither Ford nor Firestone have chosen to directly focus their "root cause" investigations on the role of the Explorer in causing the injuries and fatalities that result from tread separations. In its report of December 19, 2000, Firestone stated:

> This summary report does not address vehicle performance or driver response issues after a tread separation occurs. That interaction, which is certainly an important factor in determining the cause of the serious accidents related to tires and the vehicles upon which they are mounted, is beyond the scope of the company's review and this summary.

C. The Unique Role of SUVs and the Explorer in Rollover Crashes

The greatest harm associated with tread separations of the Firestone ATX, ATX II and Wilderness AT tires is rollover-related fatalities and injuries. According to the NHTSA defect investigation database, 86 percent of the fatalities associated with the defective tires are fatal injuries that were suffered when an Explorer rolled over after the tread separation. According to Firestone, the Explorer's rollover experience after a tread separation is unique in Firestone's history of providing radial tires to the auto industry.[49]

Almost 200 U.S. citizens have died when their Explorers rolled over following a tread separation on a Firestone tire. Although this toll is alarming, the overall death toll for rollover crashes in the U.S. is even more astonishing. Rollover deaths comprise nearly one-third of the total number of occupant fatalities in both 1999 and 2000.

Crashes in which a vehicle rolled over accounted for 56 percent of single-vehicle crash deaths and 11 percent of multi-vehicle crash deaths in 1999.[52] As this suggests, vehicle rollovers produce catastrophic crashes that are heavily associated with occupant fatalities. As yet another indicator, nearly 20 percent of fatal crashes are rollover crashes. In comparison, rollovers constitute 5 percent of the crashes that produce injury, and a mere 1 percent of the crashes that produce only property damage.

Using data from 1995-1999 in the National Accident Sampling System (NASS), NHTSA estimates that an average of 253,000 were towed from a rollover crash in each of those years and that 27,000 occupants of these vehicles were seriously injured, as defined by NHTSA's Abbreviated Injury Scaling System. The vast majority of those crashes, numbering some 205,000, were single-vehicle rollovers, incurring 19,000 serious injuries.[53]

Surprisingly, 35 percent of those who suffered a serious injury in a single-vehicle tow-away rollover were wearing safety belts at the time of the crash.[54] Safety belt use is always referenced as a "top priority" in reducing injuries in rollover and other types of crashes. Nonetheless, according to NHTSA, over 3 of every 10 consumers suffer serious injury, such as a broken hip, in single-vehicle rollovers, despite their use of a safety belt.

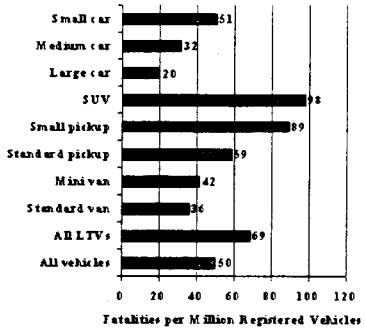
Deaths in pickups and utility vehicles have more than doubled since 1975.[55] According to NHTSA's National Center for Statistics and Analysis, in 1999, 10,133 people were killed as occupants of passenger vehicles in rollover crashes, including 1,898 people who were occupants of SUVs.[56] In even more recent data, SUVs continue to demonstrate that they pose a rollover hazard in comparison to other classes of vehicles.

In 2000, the number of rollover deaths in most vehicle categories remained the same, or decreased, in comparison to 1999 levels. The sole exception to this general positive trend was the higher number of rollover fatalities for occupants of SUVs. For the year 2000, the number of SUV occupants killed in a rollover crash rose 2.8 percent from 1999 levels to a total of 4,661 deaths.[57]

If the data are sorted based upon the outcome of crashes for occupants, SUVs fare badly. NHTSA notes that in 1999 "compared with other vehicle types, utility vehicles experienced the highest rollover rates: 37.8 in fatal crashes, 10 percent in injury crashes, and 2.5 percent in property-damage-only crashes."[58]

The following graph illustrates the elevated risk of fatality in rollover crashes in SUVs, and shows that SUVs have the highest number of fatalities in rollover crashes per million registered vehicles.

Fatality Rates in Rollover Crashes
1991-98 FARS Average Annual

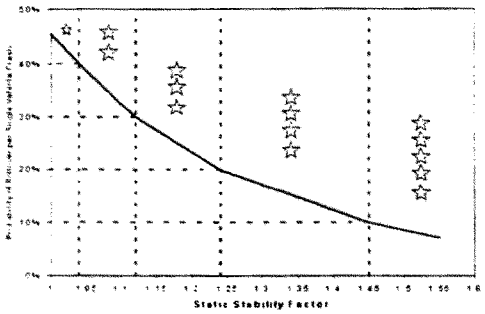


Such statistics make it abundantly clear that rollover crashes result in harm, that they are an especially severe problem for light vehicles and SUVs, and that the problem needs to be addressed from the standpoint of both crash prevention and crash protection. Addressing this issue in the context of catastrophic tire failures, although of critical importance given the Explorer's current tire-related problems, should properly be viewed as but one element of a much broader concern for occupant protection that requires prompt NHTSA and auto manufacturer action.

D. The SUV Design Characteristics That Lead to Vehicle Rollover

Applying some of the fundamental laws of physics, the stability of a vehicle can be characterized by a static measurement that is a ratio between the height and width of the vehicle's track. This is called the vehicle's static stability factor, or SSF (SSF = T/2H where T is the track width and H is the center of gravity height).

A vehicle's roll gradient – the tendency to lean during cornering – is defined as the amount of tip angle per cornering acceleration (i.e. degrees per "g" force). In layman's terms, it is a measurement of how much the vehicle tends to tilt sideways as the tires begin to slide on the pavement. As the following NHTSA graph shows, a vehicle's propensity to roll over increases as its SSF decreases. Another way of stating this is that the lower the SSF, the more likely it is that the vehicle will roll over in the real world.



NHTSA, starting this year after more than a decade of rulemaking discussion and delay, recently measured a variety of vehicles, including SUVs, to determine their SSF. As the following table indicates, the Ford Explorer, in all model years, has an SSF that is among the lowest of all SUVs measured. In fact, the only ones with worse SSFs are vehicles that are no longer manufactured or sold in the U.S. Also of significance is that the post-1995 model Explorers is worse, not better, than earlier ('90-'94) Explorers.

VEHICLE	MY	SSF
Toyota 4Runner	90-95	1.01
Isuzu Trooper	88-91	1.02
Bronco II	88-90	1.04
Explorer (4-door)	95-98	1.06
Isuzu Rodeo	91-97	1.06
Honda Passport	91-97	1.06
Toyota 4Runner	96-98	1.06
Explorer (4-door)	91-94	1.07
Isuzu Trooper	92-94	1.07
Grand Cherokee	93-98	1.07
Nissan Pathfinder	88-95	1.07
Jeep Cherokee	88-97	1.08
S10 Blazer	95-98	1.09
Acura SLX	95-98	1.09
Suzuki Samurai	88-95	1.09
S10 Blazer	88-94	1.11
Nissan Pathfinder	96-98	1.11
Geo Tracker	89-98	1.13
Honda CR-V	97-98	1.19
Jeep Wrangler	88-96	1.21

In addition to static measurements, NHTSA also conducted dynamic proving ground rollover resistance testing of a variety of vehicles, including a 1998 Ford Explorer. The J-Turn testing of the

Explorer was limited to approximately 53 mph due to the vehicle's tendency to "oversteer," or "spin-out," during the maneuver. During the higher speed testing that was conducted, the driver was required to "counter-steer" in an effort to keep the vehicle from spinning out. In laymen's terms, the design of the Explorer placed the test driver at risk, due to the tendency of the vehicle to go out of control during a turning maneuver that imitates the letter "J".

E. In Consumer Tests, the Explorer Performed Poorly

To assess the handling characteristics of an Explorer exposed to a simulated tread separation , a post-1995 model, 4-door Explorer was purchased to measure its static design characteristics. Initially, the vehicle was tested based on accepted industry procedures. Basic handling and stability characteristics were measured and converted to a computer simulation.

The measurements showed that the Explorer had design characteristics that directly influenced rollover propensity, including a poor static stability factor (T/2H), a tendency to over-steer at high levels of lateral acceleration, and a rear suspension compression bump-stop[59] influence on directional stability under severe maneuvering conditions that aggravated the vehicle's tendency to over-steer.

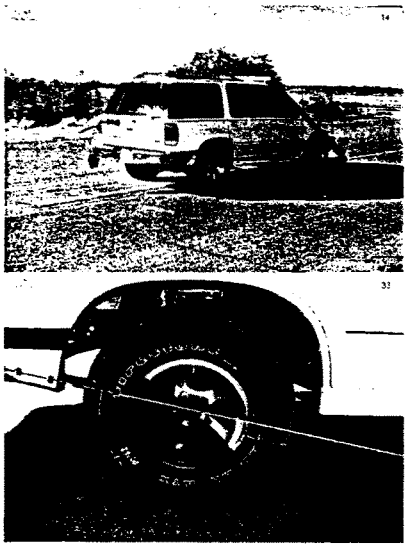
The over-steer phenomenon occurs when large roll angles cause rear suspension bump-stop contact, which then significantly increases the effective rear suspension roll stiffness, leading to rear tire side force saturation. To translate: "side force saturation" (i.e., the vehicle's tires are not gripping the road, but are sliding sideways) results in an over-steer response (the vehicle's back-end begins to slide around sideways), which in turn leads to larger side slip angles under emergency maneuvering conditions, followed by the tip-up of the vehicle and rollover.

The handling characteristics of the Explorer were then evaluated through both an on-track testing of simulated catastrophic tread separations and a computer simulation. The computer simulation, created for the U.S. Department of Transportation, evaluated the Explorer's performance in a variety of maneuvers, including a reversal steer maneuver designed to analyze the vehicle's directional stability and rollover propensity. The vehicle parameters were obtained for the simulation through the testing of an Explorer in a shop. Tire characteristics were obtained from Veridian (Calspan) tire tests using methods accepted by the industry. The Veridian test data were submitted to fitting procedures that were developed at Systems Technology, Inc., for preparing a tire model parameter file for use in a computer simulation. These tests confirmed the Explorer's tendency to lift its wheels off the pavement in turning maneuvers at reasonably anticipated speeds/steering wheel inputs.

The on-track testing was conducted in Arizona using an Explorer that had been outfitted with instruments to collect information about handling characteristics. One of the rear tires was prepared to experience a simulated tire tread separation while the vehicle was operated on a straight, flat asphalt surface at 60 mph. The following photograph shows the preparation process that was used to create a simulated tread separation on that vehicle.



The next figures show the prepared tire mounted on the rear of the instrumented test vehicle.



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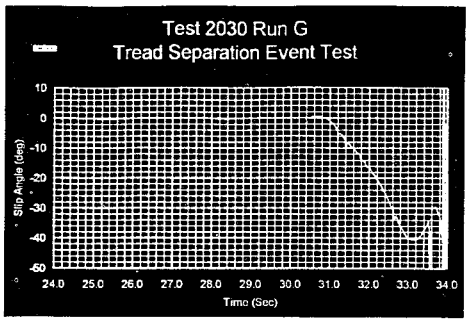
The test evaluated the vehicle's response to the simulated tread separation event. The steering wheel was held in a fixed position at 0±2 degrees, before and during the event, and the tread-separation event occurred over at least one second. The tests were videotaped.

The following figure shows the Explorer after one of the early tread separation runs, in which the vehicle rolled completely over after it jerked uncontrollably when the tread separated. The rollover occurred despite the fact that outriggers were attached. The professional driver was protected by both a five-point racing harness and a roll bar.

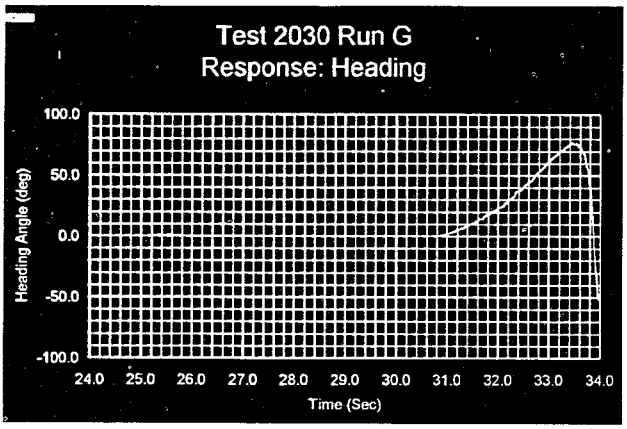


The next figure displays slip angle data for the Explorer in the simulated tread separation run. At approximately 31 seconds into the run, the Explorer began developing a high slip angle that exceeded 40 degrees during the maneuver.



The next figure shows the vehicle's heading during the run. At approximately 31 seconds into the run, the vehicle violently changed: within one second, it jerked approximately 25 degrees; at two seconds, it changed directions by more than 50 degrees, and in less than three seconds the change in direction peaked at about 75 degrees.

Given that typical reaction time in emergency situations is approximately 2.5 to 3 seconds, an ordinary driver would have had no ability to control the violent jerk exhibited by the Explorer following tread separation.



Once the test driver began to lose directional control of the vehicle, the Explorer became unreasonably prone to vehicle rollover because of its high center of gravity, relatively narrow track width, short wheelbase, and sensitive steering. Compounding the problem was that the vehicle is marketed for a use for which it is not designed: freeway driving as the functional equivalent of a station wagon. The relatively large tires contribute to the Explorer's propensity to roll over.

CONCLUSION

The summer heat is almost upon us once more, yet some of the Ford Explorers on the highway may still be at risk of catastrophic rollover crashes caused by tread separations on their faulty Firestone tires. A new round in this tragedy would devastate consumers, and further harm the reputations of Ford and Firestone, who have promised since the end of last summer that the problem was fixed.

This report shows that the design and subsequent re-designs of the Firestone tire are the result of a long series of cost- and weight-saving miscalculations and gambles by Ford. Ford addressed the handling and stability problems in the design of their Explorer vehicle by tinkering with the inflation levels and weight of its tires, thus making what was already a bad problem into a lethal one.

A direct and comprehensive solution is required. It must include the recall of all the defective tires, including the non-Decatur 15-inch Wilderness AT tires and all 16-inch Wilderness AT Tires, and a full public information and customer notification program to tell owners of Ford Explorers and the public about the demonstrated hazards associated with these vehicles. New safety standards and informational outreach on the part of NHTSA are also imperative.

The companies have thus far produced only false reassurances and partial explanations. As this report points out, since August of last year Ford and Firestone have failed to acknowledge the many weaknesses and omissions in their official account of the causes of these tragic crashes. It is time for them to step up, to fulfill their duties as corporate citizens, and to really "make it right" — before any more of their customers are unnecessarily injured or killed.

Appendix I

The following chart provides a list of the sample tires chosen for the x-ray portion of the project:

Tire #	Tire Size	Design	Plant	Date
24	P235/75R15	Wilderness AT	Wilson	396
43	P235/75R15	Wilderness AT	Decatur	219
46	P235/75R15	Wilderness AT	Wilson	047
38	P235/75R15	Wilderness AT	Joliette	165
26	P235/75R15	ATX	Decatur	024
7	P235/75R15	ATX	Joliette	272
27	P235/75R15	ATX	Joliette	272
3	P235/75R15	Wilderness AT	Joliette	048
4	P235/75R15	Wilderness AT	Joliette	058
5	P235/75R15	Wilderness AT	Joliette	058
6	P235/75R15	Wilderness AT	Joliette	058
25	P235/75R15	ATX	Decatur	535
28	P235/75R15	Wilderness AT	Wilson	059
45	P235/75R15	Wilderness AT	Wilson	147
40	P235/75R15	ATX	Oklahoma City	119
30	P235/75R15	ATX	Oklahoma City	119
33	P235/75R15	ATX	Joliette	283
1	P235/75R15	ATX	Decatur	493
2	P235/75R15	ATX	Decatur	493
14	P235/75R15	Wilderness AT	Joliette	2300
15	P235/75R15	Wilderness AT	Joliette	2300
16	P235/75R15	Wilderness AT	Joliette	2300
17	P235/75R15	Wilderness AT	Joliette	2300
13	P235/75R15	Wilderness AT	Aiken	1900
21	P235/70R16	Wilderness HT	Wilson	397
22	P235/70R16	Wilderness HT	Wilson	027
23	P235/70R16	Wilderness HT	Wilson	226
20	P235/70R16	Wilderness HT	Wilson	226
31	P235/75R15	Wilderness AT	Decatur	118
32	P235/75R15	Wilderness AT	Decatur	118
34	P235/75R15	Wilderness AT	Decatur	118
36	P235/75R15	ATX	Wilson	377
39	P235/75R15	ATX	Decatur	447
35	P235/75R15	ATX	Decatur	447
37	P235/75R15	ATX	Decatur	408

12	P255/70R16	Wilderness AT	Joliette	279
19	P255/70R16	Wilderness AT	Joliette	139
42	P235/75R15	Wilderness AT	Decatur	45"
44	P235/75R15	Wilderness AT	Decatur	45"
29	P235/75R15	Wilderness AT	Decatur	45"
41	P235/75R15	Wilderness AT	Decatur	45"
8	P235/75R15	Wilderness AT	Decatur	3""
9	P235/75R15	Wilderness AT	Decatur	3""
10	P235/75R15	Wilderness AT	Wilson	48"
11	P235/75R15	Wilderness AT	Oklahoma City	049
18	P225/70R15	Wilderness HT	Wilson	39"

Endnotes

[1] The word "tread separation" in the context in which it is used in the present report refers to a "belt leaving belt" condition, which is sometimes referred to as BLB. Although the tread clearly separates from the tire, the separation is actually between the two steel belts.

[2] Tab Turner is *Safetyforum.com*'s "attorney of record" for tires and vehicle stability.

[3] Insurance Institute for Highway Safety, *Status Report: Driver Death Rates*, Vol. 35, No. 7, Aug. 2000.

[4] Id.

[5] Belt Wedges are circular wedges placed around the circumference of both sidewalls between the two steel belts to stiffen and strengthen the tire. The function of the wedge is to: a) separate the edges of the two steel belts, thus minimizing strain; b) help distribute the shear forces (stress and strain) to adjacent components; and c) help the adhesion of the surrounding components.

[6] Approximately three weeks after the recall was announced, NHTSA asked Firestone to expand the recall to include other tires because of the consumer complaints that the agency had received and the early results from its own defect investigation revealed that other models were experiencing rates of tread separations that exceeded those of the recalled tires, sometimes by a large margin. Firestone refused to expand the recall. NHTSA responded by issuing a "consumer advisory" designed to warn consumers that about 1.4 million other Firestone tires, about half of which were still on the road, were experiencing high tread-separation rates, many of them other models of ATX and Wilderness tires made in the early 1990s. After being chastised during congressional hearings the following month, Firestone promised to replace the tires listed in NHTSA's consumer advisory at the consumer's request, but still refused to expand the scope of the recall. The burden of requesting that tires listed in the consumer advisory be replaced fell upon the consumer.

[7] *The Safety of Firestone 500 Steel Belted Radial Tires*, Report by the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, July 16, 1978, at 15.

[8] *The Safety of Firestone 500 Steel Belted Radial Tires*, Report by the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, July 16, 1978, at 34.

[9] *The Safety of Firestone 500 Steel Belted Radial Tires*, Report by the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, July 16, 1978, at 15.

[10] See Firestone press release, Dec. 19, 2000.

[11] *The Safety of Firestone 500 Steel Belted Radial Tires*, Report by the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, July 16, 1978, at 1. An "adjustment rate" is the percentage of tires produced by a company which it accepts back from customers because of some problem with tires that occurs before their useful tread is worn. The customer is allowed a credit (or adjustment) for the remaining tread life, to be applied toward the purchase of replacement tires. The adjustment rate for the Firestone 500 tire was 17.5 percent. In the case of the present ATX/Wilderness AT investigation, Firestone has not revealed a total adjustment rate for the tires thus making a comparison impossible.

[12] *The Safety of Firestone 500 Steel Belted Radial Tires*, Report by the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, July 16, 1978, at v.

[13] *The Safety of Firestone 500 Steel Belted Radial Tires*, Report by the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, July 16, 1978, at 3.

[14] *The Safety of Firestone 500 Steel Belted Radial Tires*, Report by the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, July 16, 1978, at 13. In response to Firestone's excuse that "high speed" was involved in many of the reported Firestone 500 crashes, the Subcommittee observed that it was "not willing to excuse Firestone from responsibility in these instances on the basis of evidence of high speed driving."

[15] *See* Ford Motor Company press release of Dec. 19, 2000.

[16] http://media.ford.com/article_display.cfm?article_id=6790>.

[17] Ford internal document no. PE00-20 4018, July 26, 1999.

[18] Id.

[19] Deposition by Tab Turner of James Gardner, Product Analysis Engineer, Firestone, Dec. 13, 2000.

[20] *Spinning Their Wheels: How Ford and Firestone Fail to Justify The Limited Recall*, by Public Citizen and *Safetyforum.com*, Jan. 4, 2001.

[21] Deposition by Tab Turner of Robert Martin, Vice President, Quality Assurance, Firestone, Nov. 27, 2000.

[21] A flotation tire is a large tire that is typically designated with a light truck designation and is designed to operate at high inflation pressures.
[22] Deposition by Tab Turner of Robert Martin, Vice President, Quality Assurance, Firestone, Nov. 27, 2000.
[23] Deposition by Tab Turner of Michael Reep, Design Engineer, Firestone, Dec. 13, 2000.
[24] Deposition by Tab Turner of James Gardner, Product Analysis Engineer, Firestone, Dec.13, 2000.
[25] Deposition by Tab Turner of Michael Reep, Design Engineer, Firestone, Dec.13, 2000.
[26] Id.
[27] "Standard Load" refers to a passenger tire with a maximum inflation pressure of 35 lbs. An "extra load" tire, on the other hand, is a passenger tire with a maximum inflation pressure of 41 lbs, which allows for greater load carrying capacity.
[28] Deposition by Tab Turner of Michael Reep, Design Engineer, Firestone, Dec.13, 2000.
[29] Deposition by Tab Turner of James Gardner, Product Analysis Engineer, Firestone, Dec.13, 2000.
[30] Deposition by Tab Turner of Brian Queisar, Firestone Design Engineer, Dec. 20, 2000.
[31] Keith Bradsher, "Expert Says Car Weight Was Key in Tire Failures," New York Times, Feb. 3, 2001.
[32] Deposition by Tab Turner of Brian Queisar, Firestone Design Engineer, Dec. 20, 2000.
[33] Id.
[34] Id.
[35] Id.
[36] Deposition by Tab Turner of Thomas Baughman, Chief of Engineering, Ford Motor Company, Dec. 21, 2000.
[37] Ford Motor Company press release, Dec. 19, 2000, <http://media.ford.com/article_display.cfm?article_id=6790>.
[38] Id.
[39] External cracking can also result from the failure to incorporate sufficient amounts of antioxidants in the compound.
[40] Bridgestone/Firestone Root Cause Report, by Firestone consultant Dr. Sanjay Govindjee, Feb. 2, 2001.
[41] Ford's "root cause" analysis speculated that Firestone had chosen a "cheaper" inner liner gauge because Ford did not specifically call for a requirement of air loss versus time in the initial tire specifications. Ford also noted a significant variability in the inner liner gauge from tire to tire as manufactured. See Ford Motor Company press release of Dec. 19, 2000, <http://media.ford.com/article_display.cfm?article_id=6790>.
[42] Firestone press release, Dec. 19, 2000, at 4-5.
[43] Id. at 5.
[44] *The Safety of Firestone 500 Steel Belted Radial Tires*, Report by the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, page 36, citing testimony of Firestone engineer Robert Lee, July, 16, 1978.
[45] Firestone press release, Dec. 19, 2000, at 6.
[46] Depositions by Tab Turner of Joe Roundtree and Derald Burke, Bridgestone/Firestone employees at the company's Decatur, Illinois, plant, July 23, 2000.
[47] The inner liner is the layer between the air inside the tire and the internal components of the tire.
[48] Belt "step-off" means that the lower belt is wider than the upper belt.
[49] Axial refers to an up and down direction.
[50] Bridgestone/Firestone Root Cause Report, by Firestone consultant Dr. Sanjay Govindjee, Feb. 2, 2001at 27, 50.
[51] See, e.g., *Spinning Their Wheels: How Ford and Firestone Fail to Justify The Limited Recall*, by Public Citizen and *Safetyforum.com*, Jan. 4, 2001.
[52] Data according to an interpretation of the Department of Transportation's Fatality Analysis Reporting System (FARS) by the Insurance Institute for Highway Safety, *Fatality Facts*, Oct. 2000.
[53] Consumer Information Regulations: Rollover Resistance, 49 CFR Part 575, Vol. 66, No. 9 Fed. Reg. Jan. 12, 2001.
[54] Id.
[55] Data according to an interpretation of the Department of Transportation's Fatality Analysis Reporting System (FARS) by the Insurance Institute for Highway Safety, *Fatality Facts*, Oct. 2000.
[56] National Center for Statistics and Analysis, *2000 Motor Vehicle Crashes Injury and Fatality Estimates Early Assessment*, Mar. 2001.
[57] Id.
[58] National Center for Statistics and Analysis, *Traffic Safety Facts 1999*, Dec. 2000, at 61.
[59] "Bump stop" refers to an elastic component of the suspension that is designed to limit compression travel of the

suspension system as the vehicle rolls.

Public Citizen Safetyforum.com

SPECIAL REPORT

Spinning Their Wheels: How Ford and Firestone Fail to Justify the Limited Tire Recall

Evidence assembled by
Safetyforum.com and Public Citizen
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I. Introduction

On August 9, 2000, Ford Motor Company and Bridgestone/Firestone, Inc. jointly announced the recall of approximately 6.5 million ATX, ATX II and Wilderness AT tires. The recall included the P235/75R15 ATX and ATX II tires, but only a certain number of Wilderness AT tires. The Wilderness AT tires included in the recall were only those P235/75R15 tires produced at Firestone's Decatur, Illinois plant. Most of these tires were used as standard equipment on Ford Explorers.

According to recent figures released by the federal auto safety regulatory agency, the National Highway Traffic Safety Administration (NHTSA), failures associated with these tires have so far resulted in 148 deaths and over 500 injuries. The majority of the tire failures that caused injury or death occurred in the south and southwest regions of the U.S. and virtually all involved Ford Explorers. This report investigates the causes for these tire failures, and marshals the evidence to show that the scope of the recall still underway is significantly too narrow to protect consumers from tire failures and potentially fatal rollover crashes.

A. The Word from Ford and Firestone

1. Firestone

On December 19, 2000, Firestone issued a report acknowledging design flaws in its 6.5 million recalled tires while blaming both itself and Ford for the consequences of the tire failures. Firestone's news release cited four major causes of the tire failures and crashes of the Explorers:

> Design problems in the Explorer triggered Ford's recommendation that the tires be inflated to 26 pounds per square inch (psi), significantly lower than the maximum allowed. According to Firestone, the lower inflation rate "increased the running temperature of tires and contributed to a decreased belt-adhesion level;"
>
> There were problems with the manufacturing process in the Firestone Decatur plant. Firestone specifically cited the composition of the rubber used and the adhesion characteristics of tires made in the Decatur plant. According to Firestone, the recalled tires from Decatur "exhibited different belt-adhesion characteristics, including lower initial adhesion, than those same size and line of tires produced at other plants;"

> There was a problem in the tire's design, specifically in the shoulder of the tire, which, according to Firestone, "could lead to cracking . . . in the wedge area of the tire [and] result in a reduction of resistance against belt detachment or tread separation;"
>
> Customer were misusing the tires. Firestone reiterated its common theme that "tire industry experience demonstrates that many tread separations can be caused by various forms of tire damage encountered in daily use, such as punctures, improper repairs, [and] severe impacts."

2. Ford

A report issued by Ford likewise blamed the failures of the tires on a combination of design problems and manufacturing difficulties encountered at Firestone's Decatur plant, but Ford disputed Firestone's claim that Ford Explorer design flaws played a role in the crashes. Ford reported that its "engineers and scientists" were involved in "ongoing statistical analysis" and that the company's "test data" appeared to agree with many of Firestone's preliminary conclusions. Ford's report included the following findings:

> Testing on Ford and other makes of vehicles and on tire test rigs showed that the P235/75R15 ATX and Wilderness AT tires do become hotter during use than similar competitive designs, although Ford did not know the cause of this.
>
> Test data also showed that rubber cohesion is lower in the belt area of Decatur-built tires. The test data, however, did not tell Ford what aspect of the manufacturing process may cause this.
>
> Ford did not test or analyze tires which have had a puncture repaired, but stated that it seems reasonable that a tire that is already sensitive to heat because of design and manufacturing conditions could be progressively damaged if it was further heated because of lower inflation pressures prior to or following a repair.

While Ford was unable to fully define the cause of the tread separation problem, its "preliminary root cause hypothesis" was as follows:

> "The design of the tire generates high stresses and heat in the wedge and belt area. Manufacturing processes at Firestone's Decatur Plant reduce the cohesion level of the rubber in that same area of the tire. This reduced strength permits cracks to propagate between the steel belts. We believe it is a combination of manufacturing factors and the reaction of the tire design to field operating conditions including hot weather and very low tire pressure that have caused the increased failure rate of these tires."

Despite these differences of opinion relating to the role of the Explorer in causing tread separations, crashes, and, most importantly, many deaths and injuries, and despite the companies' ongoing inability to define the cause of the problem, both Ford and Firestone argued that the current recall was "adequate" to protect consumers.

B. Why the Recall Should Be Expanded

The purpose of this report is to respond to these assertions by Ford and Firestone concerning the causes and mysteries of this tragic situation, and supplement the factual basis for the repeated calls of various consumer organizations, victims' groups, victims, and family members for an expansion of the recall to include the 15-inch and 16-inch Wilderness AT tires of the type used on the Explorer, regardless of the place of manufacture. The best available data indicate that this amounts to 5.6 million 15-inch tires and a much smaller number of 16-inch tires. This report presents ample proof of the need for an expanded recall of additional Wilderness tires, showing that:

The recalled Wilderness AT Tires, made in the Decatur plant, are identical in design to the Wilderness AT tires produced primarily in the Wilson and Joliette plants that have yet to be recalled. They are also virtually identical to the non-recalled Wilderness in the materials and process used to manufacture them.

The failure mode—or reason for failure—in the tires which causes the tread separations is virtually identical in every instance concerning both recalled and non-recalled tires.

Ford has now formally conceded that the non-recalled Wilderness AT tires, i.e., those made at Firestone plants other than Decatur, are not, in design terms, sufficiently "robust," and that the tires could very well fail under foreseeable operating conditions in the U.S.

Ford and Firestone are relying upon a very selective and limited database of unverified "statistical information" to support their continued refusal to recall the remainder of the tires. They refuse to evaluate warranty data (also called adjustment data) or to consider litigation information or consumer complaints in their evaluations.

Ford originally claimed that "unique environmental conditions" were the cause of tire failures in Saudi Arabia and both Ford and Firestone cited these conditions in support of their decision not to recall 16-inch tires in the U.S., even though the recalls (called "customer satisfaction campaigns by the companies") that were conducted in Saudi Arabia were for tires identical to those sold in the U.S. Ford has since conceded that these allegedly "unique" conditions did not in fact explain the tire failure problem in Saudi Arabia, that similar conditions exist in the U.S., and that those conditions may be the cause of tire failures here.

The large number of deaths and serious injuries associated with Firestone tread separations leading to Explorer rollover crashes raises serious safety issues concerning the design of Ford's Explorer. Although the majority of the discussion in Ford and Firestone's respective reports focuses on the "root cause" of the tire failures, as opposed to the role of the Explorer in causing the injuries, the unusually large number of Explorers that roll over following tread separations cannot be ignored. Firestone's consistent public position that the Explorer plays a significant role in causing deaths and injuries further emphasizes the need to include an analysis of safety problems in the Explorer's design and the lack of rollover safety margin.

Given the catastrophic results that flow from the combination of poorly-performing tires on a rollover-prone vehicle, Ford and Firestone shoulder a heavy burden in refusing to recall all the Ford Explorer Wilderness tires.

The real story behind the recall begins with the design history of the tires and the vehicle for which they were made.

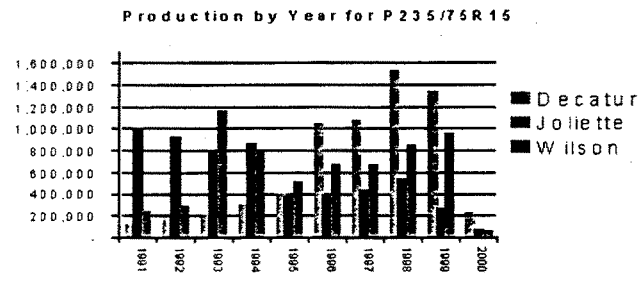
II. The Design History: Ford and Firestone Working Together

A. The ATX and Wilderness AT Tires

The Firestone P235/75R15 ATX – sometimes referred to informally as the ATX II – was specifically created for use on the Explorer. Earlier versions of the tire were produced as a flotation tire for Recreational Vehicles (RVs) and were designed with aggressive tread patterns and zigzag treatment on the sides, or "shoulders," of the tires. As the market for sports utility vehicles (SUVs) shifted to include traditional users of station wagons and other family passenger cars, Ford instructed Firestone to develop a "hybrid tire" which looked like an aggressive truck tire but performed like a passenger tire. Company documents show that this modified ATX tire to be developed by Firestone was ordered by Ford for marketing reasons: Ford wanted larger tires, which it believed would better fit the image of the Explorer and help to increase sales.

As is further explained below, the ATX II tire was redesigned in 1994. The modifications reduced the weight of the tire by approximately 10 percent.

The Wilderness AT tire was eventually designed to replace the ATX II tire beginning with Ford's 1995 Explorer model. Tires of both types were mainly manufactured at three Firestone facilities in Decatur, IL, Wilson, N.C., and Joliette in Quebec, Canada. According to information provided by Firestone, the production of ATX II and Wilderness AT P235/75R15 tires varied by year and plant site:



B. Rollover Risks and the Ford Explorer

The Ford Explorer was first produced in 1990 to replace the Bronco II starting in the 1991 model year. Bronco II was known to have a dangerous tendency to flip over during typical emergency turning maneuvers. The Explorer was referred to as the "4 door Bronco II" during development. The name was changed when the Bronco II came under severe scrutiny as deaths mounted from rollover crashes.

Stability problems associated with the Explorer developed as early as May of 1987 when engineers working within Ford's light truck department reported that the Explorer's static stability factor (SSF)— one measure of a vehicle's tendency to roll over— was worse than the Bronco II. The engineers recommended that Ford increase the vehicle's track width, lower the height of the vehicle's vertical center of gravity, and use smaller tires, called P215/75R15 tires. These proposals were all designed to result in a more stable vehicle with a better SSF rating. None of the

recommendations were adopted by management.

As development of the vehicle continued through the late 1980s, computer simulation testing of the prototype Explorer revealed that it still had a tendency to lift two wheels off the pavement in typical Ford emergency maneuver tests. Having experienced first-hand the devastation resulting from SUVs, such as the Bronco II, that had also experienced design-related rollover problems, Ford engineers suggested deflating the tires from 35 pounds per square inch (psi) to 26 psi in an effort to help keep the wheels of the vehicle on the ground during test maneuvers. Ford had investigated the possibility of deflating tires as a cosmetic adjustment that allowed the use of larger tires on SUVs as early as 1982.

In late spring and early summer of 1989, Ford management authorized the on-road testing of a prototype Explorer, a production level Bronco II, and a production level Chevy S10 Blazer at its Arizona Proving Grounds. The testing was begun in response to the adverse publicity generated by SUV wheels that had lifted off the ground in testing conducted by Consumers Union, an independent non-profit organization that tests cars and publishes Consumer Reports magazine. Ford's tests were focused on the performance of the Bronco II, because that vehicle had previously demonstrated a clear tendency to lift two wheels off the ground in steering maneuvers.

The Arizona testing revealed that the Explorer's wheels were lifting off the ground at speeds equivalent to the Bronco II's poor performance. Because Ford was aware of the significance of this finding in the marketplace, Ford engineers again recommended four design changes to the Explorer to help cure the wheel lift problem and achieve performance equivalent to the Chevy S10 Blazer.

But instead of following the recommendations of its own engineers, Ford management chose to adopt only two of the four design change recommendation, created a recommended inflation level of 26 psi and agreed to consider the remainder of the recommended design changes as "running changes" in subsequent model years. Ford's decision was based on the corporate unacceptability of any delay in production of the 1991 model Explorer, called "Job 1," and the costs associated with making late changes to the vehicle and subsequent delay in the launch date.

Although Ford has implied that these decisions were primarily intended to improve ride comfort, the company's documents, now public as a result of the congressional hearings, prove that the lower recommended tire air pressure was a specific remedy for the tendency of the vehicle to lift its wheels off the pavement, and consequently to roll over, in typical emergency maneuvers. Ford's decision to set the recommended tire pressure at 26 psi later became a central focus of the dispute between Ford and Firestone about the cause of the tread separation problem faced by consumers.

Ford successfully met its Job 1 deadline and, at least according to testimony, met the company's internal rollover guideline in testing.

C. Ford's Request for a Firestone Redesign of the ATX Tire

Ford's decision to lower the original equipment Firestone tires to a recommended 26 psi resulted in decreased fuel economy for the Explorer due to the greater friction between the lower-inflated tires and the road. Immediately following Job 1 in 1990, Ford management began raising "concerns" about the poor "rolling resistance," or higher friction, provided by the ATX tire and the resulting harm to the fuel economy of the vehicle. According to internal Ford documents, the Explorer was 7 percent worse than its competition from a fuel economy standpoint. Ford management ordered an improvement in the vehicle's relative fuel economy

performance. Ford employee Jim Burdette was charged with the responsibility of achieving this improvement through modification of the rolling resistance of Firestone tires.

There were three methods available for improving the rolling resistance of the tires: 1) modifying the rubber compounds by using low rolling resistance compounds; 2) increasing air pressure in the tires; or 3) reducing the weight of the tires.

Incorporating low rolling resistance compounds was not a good solution because the modified compounds altered the traction characteristics of the tires to the extent that the wheels of the Explorer would not stay on the ground in turning test maneuvers. After learning of this fact, Mr. Burdette requested that the engineers again increase the recommended tire inflation pressure from 26/26 psi to 30/35 psi. Mr. Burdette's request was never heeded because this change also caused the wheels of the Explorer to lift off the ground in turning test maneuvers, the condition that had prompted Ford's request to take air of the tires in the first instance.

When these first two methods failed, Firestone was told to take action to use the only other method available for improving rolling resistance: to reduce the weight of the tire by modifying and reducing the weight of certain components. The tire was eventually reduced in weight by approximately 10 percent in order to accommodate Ford's desire to improve rolling resistance--resistance which had originally been sacrificed in order to keep the wheels of the Explorer on the ground during turning maneuvers. The following chronology of tire construction detail sheets from both Ford and Firestone documents the history of proposed tire construction and the 1994 reduction in weight:

DATE	TIRE DESIGN	SIZE	AVG. WT
01-03-89	ATX – SL531J	P235/75R15	30.1 lbs
01-02-91	ATX – SL598J	P235/75R15	30.1 lbs
07-08-92	ATX – SL598J	P235/75R15	30.1 lbs
04-11-94	ATX – SR897J	P235/75R15	28.50 lbs[19]

According to Firestone, the weight loss was achieved by reducing the gauge of various internal components, modifying the sub tread compound, using a lightweight belt package, and making specific modifications to the tire sidewall. In short, Firestone removed weight form the tire by reducing its rubber and steel components. The tire was made lighter, less durable – and therefore, as defined below, less "robust" – and more susceptible to tread separations.

III. The Growing Tread Separation Problem

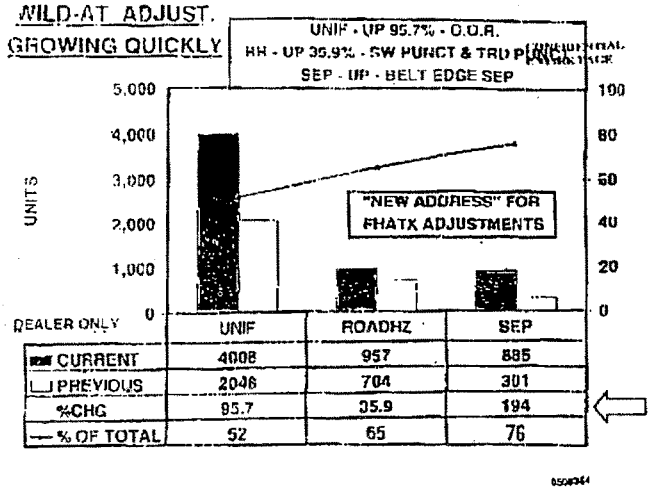
A. Early Knowledge

The tread separation problems of ATX tires on Explorers began not long after the SUV reached the consuming public in 1990, and both corporations have been settling lawsuits over the defective tires ever since, typically after securing agreements to maintain the confidentiality of company documents. According to the available records, the lawsuits were fairly sporadic until a tire weight design change was made in 1994. Following 1994, tire failures and crashes – including consumer deaths – mushroomed.

In an effort to improve tread wear and fuel economy, and in keeping with Ford's desire for an aggressive tire image, Ford again asked Firestone to redesign the ATX. In 1995, Firestone released for production the Wilderness AT design, a tire specifically designed to accommodate Ford's request for a truck-looking tire that performed like a passenger car tire. The tire was a standard load tire that incorporated virtually identical internal components as the ATX tire, but was equipped with a different, more aggressive-looking, tread pattern.

The Wilderness AT tire design did not incorporate internal components of the size and gauge that a tire expert would typically expect in a light truck tire because Ford specifically requested passenger car performance. The Wilderness AT tire was assigned a "C" rating for temperature/heat resistance, which is the lowest possible rating allowed under NHTSA's Uniform Tire Quality Grading System.

Within 12 months of production of the first Wildernesss AT tire for use on the Ford Explorer, Firestone engineers were making a design change to a part of the tire called a wedge in an effort to improve durability and reduce the risk of tread separation. The following internal Firestone document reflects the percentage change in adjustment, or warranty, data for tread separation problems in the mid-1990s [arrow added for clarity]:



According to Firestone's internal records, as shown in the third row of the third column, reports of tread separations increased 194 percent during the period covered in the document, some time after 1994.

IV. The Venezuelan Debacle

In 1997, Ford of Venezuela attended a meeting with lawyers there to discuss a rash of Wilderness AT tread separations and resulting Explorer rollover crashes. The problems included "mistakes" made by both Ford and Firestone that Ford has now admitted likely resulted in harm to citizens of Venezuela.

The Venezuelan scenario, and Ford's admissions in relation to its conduct

there, are important for U.S. citizens because a significant number of the tires that failed in Venezuela were made at Firestone's Wilson, North Carolina plant. Those tires are precisely the same tires U.S. citizens are continuing to use on U.S.-made Ford Explorers, and have not been made the subject of any recall.

After 100 deaths and 400 crashes in Venezuela were linked to tread separations on Firestone tires (out of a total vehicle population of about 39,800), Ford offered to replace the tires on Explorers in Venezuela, Colombia and Ecuador.

V. The Saudi Arabian Fiasco

At or about the same time in 1997 that Ford representatives were actively meeting with lawyers in Venezuela about tread separation rollovers involving Wilderness AT tires and Ford Explorers, a virtually identical situation involving bad tires and Explorer rollovers arose in the Arabian Gulf Coast Countries and, in particular, in Saudi Arabia.

These vehicles and tires were designed and manufactured in the U.S. and exported to the Arabian Gulf Coast Countries. Eight reports of Explorer rollovers following tread separations in that part of the world got the attention of Ford's internal quality oversight committee, the Critical Concern Review Group [CCRG], led by Thomas Baughman of Ford. As the American public now knows, the Saudi Arabian situation resulted in a recall or, as Ford refers to it, a "Consumer Assistance Program" or "Dealer Notification Program" to remove the bad tires from the market there

Firestone has denied responsibility for the crashes in Saudi Arabia, claiming: 1) that Firestone provided the tire that Ford had asked for in that market; 2) that "unique environmental conditions" of the Arabian Gulf Coast Countries, i.e., consumer abuse and extremely hot ambient temperatures, combined to cause the tire failures; and 3) claimed that no design problem existed.

Representatives of Ford, on the other hand, have suggested that Firestone's position concerning the "unique environmental conditions" in Saudi Arabia is unsupported by the facts. In a deposition, Mr. Baughman clarified this disagreement between the companies as follows:

Q You made a comment to Firestone's lawyer, just a minute ago, about a concern that was raised at Ford Motor Company about Firestone's explanation for the 16-inch Wilderness tire failures in Saudi Arabia; is that correct?
A Yes.
Q Would you explain what you mean by that?
A I was told by the people who accompanied the Firestone employees to Saudi Arabia during the investigation of the 16 inch that they saw tires that had failed. There was no evidence of a tire repair ever having been conducted to the tire, and when they interviewed the employee of the dealership, who owned the tire, he steadfastly claimed that the vehicle had never been operated off-road, he never drove it at high speeds, he only took it back and forth to work, and he had never operated the vehicle with the tire being underinflated. So there was a disagreement as to whether or not those unique operating circumstances totally described the population of failures that were seen in

13 Saudi Arabia. Not to say that it didn't describe most of
14 the failures, it just didn't describe all of the failures.
15 Q. So there were failures that Ford Motor Company became aware
16 of in Saudi Arabia involving P255/70R16 Wilderness AT tires
17 made by Firestone that were not explainable by reference to
18 these unique environmental circumstances?
19 MR. WOODROW: Objection, lack of foundation.
20 THE WITNESS: If you accepted that the statement
21 by the people being interviewed was 100 percent factual,
22 then yes, it was not fully explained by the unique
23 environmental operating conditions there.

Upon further questioning, Mr. Baughman agreed that the so-called "unique environmental conditions" that allegedly existed in the Arabian Gulf Coast Countries were no different than the conditions in certain areas in the U.S.— conditions that, not surprisingly, correlate with the geographic concentration of current tire failure-related death in the south and southwestern United States in data maintained by NHTSA.

Once a decision was made by Ford to remove the Wilderness AT tires from the market in the Arabian Gulf Coast Countries, a decision was made by both Ford and Firestone to conceal that action from NHTSA. Although both Ford and Firestone have repeatedly back-peddled from the clear and unequivocal language contained in the companies' internal documents that were produced to Congress, the record is crystal clear that both companies knowingly considered the ramifications of federal notification of a recall in the Arabian Gulf Coast Countries on tires sales in the U.S. and consciously chose to withhold from the American public the information concerning a recall.

In a deposition, Ford representative Mr. Baughman was unable to provide a clear answer to the question of why the risk posed by the tire/vehicle combination was not quickly shared with NHTSA and the American public in view of the fact that the identical tires were being operated under virtually the same or identical conditions within parts of the United States.

VI. Firestone Reacts to the Tread Separation Problem

Although both Ford and Firestone have maintained in response to the public outrage over this tragic safety problem that the danger to consumers was a "surprise," litigation-related discovery of internal company documents has started to flesh out the truth. In fact, Firestone knew of the tire separation problems and took action to fix the design of Wilderness AT tires that were repeatedly peeling apart on Ford Explorers.

On September 21, 2000, The Washington Post reported that Firestone had modified the design of the Wilderness AT tire in 1998 by widening a piece of rubber, called a "wedge," located between the two steel belts of the tires. While in the midst of Congressional hearings on the Ford/Firestone issue, the Post reported that Firestone spokesman Dan Adomitis said the 1998 wedge redesign was not designed to eliminate a particular problem: "'This was part of our continuous improvement program,' he said. 'That was not in response to some specific problem with Explorers or even the [recalled tires], for that matter.'"

However, subsequent litigation-related discovery has revealed what appears to be a significant difference between the facts as they actually occurred and those

reported by Firestone in the heat of questioning at the Congressional hearings in Washington. According to the deposition testimony of Firestone employees, the newer "wedge" redesign was incorporated into tires produced in 1998. Due to the lag time between design and production, the tire redesign must have begun some time before 1998.

In contrast to their public statements, the evidence demonstrates that the redesign was actually initiated by Firestone as a result of tire failure warranty claims, called adjustments. Firestone's adjustment data that indicated tread separation problems were on the rise. The redesign was aimed at increasing durability and was focused on tread separations that specifically involved sport utility vehicles. Given Firestone's unique position as virtually the sole tire supplier for the highest selling SUV model – Ford's Explorer – there can be little dispute that the redesign was designed to solve a growing problem associated with this specific combination of tire and vehicle.

In a deposition, Michael Reep, a Firestone engineer, initially tried to explain the wedge redesign as having occurred because Firestone was "learning" that consumers were beginning to use larger passenger tires on light trucks like the Ford Explorer. The implication was that these tires were originally designed for use on passenger cars and not on SUVs. As further questioning revealed, however, the Wilderness AT, the tire in question, was specifically designed by Firestone as original equipment for the Ford Explorer, a light truck/SUV:

Q. When this tire, this Wilderness AT tire was created, Mike, this was created for use on a light truck, wasn't it?
A. This tire was created primarily for the Explorer in this particular size. At that time sport utilities were kind of a new and emergent market. At that point in time from the load-carrying capacity and overall usage of the vehicle, passenger style tires with some revisions were deemed good tires for that type of vehicle.
Q. I'm a little bit confused. What I'm trying to make sure I'm clear on is, why it is that if the change -- when you were increasing the wedge, these areas right in here, if you were doing this because you realized or somebody at Firestone realized people using these kinds of tires on light trucks, why didn't you originally design the wedge that way because this tire was specifically designed for light truck, wasn't it? The Explorer is a light truck, right?
A. The Explorer is a light truck. At the time it was introduced its usage was going to be considerably different than a pickup truck. It was going to be kind of a dual purpose vehicle carrying more people and some cargo as well. So we made some changes into the actual tread pattern itself to make it more conducive to light truck usage but at that time it did not appear necessary to go beyond normal passenger tire design standards.

The essence of Mr. Reep's testimony, when confronted with the fact that the Wilderness AT was specifically designed for the Explorer, is that Firestone designed the Wilderness tire using "passenger tire design standards," i.e., thinking that passenger car standards would suffice for the types of uses that Ford expected from its Explorer customers. When Firestone learned of the problems generated by the use of this hybrid tire on the Explorer, Firestone decided that it better go back to the drawing board, take out the "passenger tire" wedge and replace it with a "light truck" wedge to increase durability. Mr. Reep further testified as follows:

Q. That's why that these wedges right here were not made like you typically made your light truck tire wedges, right?
A. Yes. At that time it was decided and tested that that gauge of wedge would in fact be more than suitable for this particular usage.

Brian Queisar, another Firestone tire engineer charged with responsibility for the Wilderness AT tire design, has stated that adjustments data – many involving actual tire tread separations in the real world – were the impetus for the redesign of the "wedge" for the 1998 model of the Wilderness tire. Mr. Queisar's testimony is as follows

Q But somehow it got into the system and the Quality Assurance people came over to the technical people and this change was made to the wedge in the terms of dimensions for not only the P235/75R15 but other lines of tires as well, correct?
A Other lines and other sizes. And again, I think you need to understand, it's important to understand in the context as far as adjustments go, we are tracking -- my understanding we are tracking adjustments lower and lower and lower every year. In the tire business, I believe differentiating yourself in the market -- there's obviously marketing concerns but there's also customer satisfaction and word of mouth and you want people who have your tires and buy your tires to be satisfied with them and continue to buy. So this type of change if it's going to improve customer satisfaction, I believe that's one of the reasons why they did it.
Q Because that kind of change we're talking about in the context of customer satisfaction means less tires failing and less people complaining, hopefully at least?
A You want to minimize customer complaints and you want them to be happy, whatever it takes.

Both Ford and Firestone repeatedly use the phrase "robust" in describing the proper design of a tire for consumer usage. Firestone engineer Brian Quiesar provided a definition of "robust" in this context:

Q. Do you design tires to have a robust design?
A. Absolutely.
Q. What does that mean?
A. Robustness?
Q. In the context of tire design, what does it mean?
A. It can mean a lot of things to a consumer. Robustness to the consumer --
Q. Let me interrupt. Not from a consumer standpoint. I want to know from a tire engineer's standpoint, from Firestone's standpoint. What is a robust tire design?
A. A robust design would be a design that meets the objectives of the customer and assures the customer satisfaction for whatever it may be and robustness is associated with tire wear and tire durability and a lot of other things with respect to the tire from when it's new to when it's worn out and discarded.
Q. For the life of the tire?
A. For the life of the tire.
Q. What is the expected life of a Wilderness AT tire?
A. That's probably varies. I'm not certain of what our marketing expected requirements are.
Q. Can you give me a range?
A. A tire like this, I think the average customer would expect the tire to be a 40, 50,000 mile tire, maybe higher depending on their expectations.
Q. Does robustness include good strength and durability in a tire?
A. Yes.
Q. Does robustness include the ability to perform safely and appropriately given the loads to which the tire was designed?
A. Yes.
Q. Does robustness include having the right components, right mix of components to withstand the expected forces given the loads that are going to be applied to it?
A. The components themselves are -- there's an individual robustness associated with components but I think that the robustness associated with the tires -- it's a combination of all those things put together.
Q. It's a combination of the dimensions of the various components that [are] used in a tire --
A. The components that go into it, the size that it is and what it's used on. Those are all variables associated with the tire robustness.
Q. Some of those factors would be things like the dimensions of the compounds, layers of the tire, type of steel cord, dimensions of the steel cord,

8 how much rubber is in the tire and those kinds of
9 things?
10 General factors, yes.

From the evidence, it appears that both Ford and Firestone knew, long before 1999, that the Wilderness AT tire being used on the highway was not "robust" for use on the Ford Explorer and that the resulting tread separations were directly related to tire design. Ford's quality control officer Tom Baughman stated:

2 Q. And let's put a range on a small amount.
3 A. That's really difficult because we've looked at lots of
4 tread separations from tires that have been returned. We
5 have simulated tread separations on a rig data and run
6 those tests and swept various psi range, and that data's
7 encompassed here. We start to see differences in the way
8 the tires perform with differences as small as 3 psi. We
9 see the failure mechanism sometimes change, predominantly
10 the failures of blowouts, and suddenly predominantly the
11 failures become tread separations, but it seems to vary
12 with manufacturer or tire manufacturer. And it's my
13 opinion that the Firestone 15-inch tires are not robust
14 against variations and inflation pressure and in operating
15 condition, load and speed.
16 Q. And the tires you are talking about are not robust, include
17 all Wilderness AT 15-inch tires and 16-inch tires?
18 A. I think my statement would be more strongly focused at the
19 15-inch tire than the 16-inch tire. Our evaluations of the
20 16-inch tire would suggest those tires by design, whether
21 intentional or by luck, run cooler than the equivalent
22 15-inch tire at the same operating conditions. [emphasis added.]

Given the catastrophic nature of the safety problem faced by the consuming public with the lethal combination of Ford Explorers and Firestone tires, the foregoing admissions by Ford and Firestone raise serious questions about the legitimacy of the positions asserted by these two companies in defense of the limited recall. In addition, the cumulative evidence suggests that both companies repeatedly made design changes in the tire based upon their developing record of consumer experiences and complaints.

VII. The Story Breaks—Ford and Firestone Blame Each Other While the Record of Deaths and Injuries Increases

As consumer complaints and injuries stacked up around the world, both Ford and Firestone sought first to blame tread separations on a peculiar set of circumstances, what it termed "unique regional usage patterns and environmental conditions."

As they had in the past, the corporations also blamed consumers, contending that the inordinate number of tread and belt separations should be attributed to various combinations of factors such as: 1) excessively loaded vehicles; 2) excessively hot climates (e.g., Saudi Arabia, Venezuela, West Texas, Arizona); 3) high speeds; 4) tires that had been deflated for better traction on desert sand and then never re-inflated properly for highway use; or, alternatively, 5) tires that were being operated in an under-inflated condition by unsuspecting consumers who were too lazy to check their tire air pressure.

Although the two corporations initially stood side by side in a display of unity, the public outrage that ensued after media exposure of the problems led both eventually to hurl blame at each other in public. Ford insisted that the problem was a ?tire problem.? Although slow in responding, Firestone countered by insisting that it was a ?vehicle problem,? citing the performance of its tires on vehicles made by other companies. Consumers were caught in the middle, as they were repeatedly assured that their tires were ?safe? and that they had no reason for concern, even though Firestone was now recommending ? contrary to Ford's opinion ? that its tires be operated at no less than 30 psi.

By November 2000, Firestone?s Chief Executive Officer, John Lampe, conceded that both tire and vehicle were implicated. ?The performance issue with the tire," he said, ?ultimately will be the cumulative effect of tire design, tire components and the interaction of the tire with the vehicle." Both Ford and Firestone still maintain, however, that they have isolated the problems on 1996 and later model years to those 15-inch Wilderness AT tires that were produced in the Decatur, Illinois plant. Although both corporations said they did not know the ?root cause? of the tire failures, they assured the public that the cause was isolated in Decatur, as originally claimed, because a disproportionate number of tires made there were involved in damage claims. Neither offered a plausible explanation of why this was so.

VIII. The Recall Should Be Expanded

On August 9, 2000, prior to any findings about the "root cause" of the problems, Ford and Firestone limited the recall to only a subset of the Wilderness AT tires that had been produced and put onto Ford Explorers. Specifically, Ford and Firestone chose to recall only those Wilderness AT tires manufactured at Firestone's plant in Decatur, Illinois. To everyone's surprise, Ford and Firestone proposed replacing the bad Wilderness AT tires with Wilderness AT tires made at plants other than Decatur. The reasoning underlying this decision included the following:

> "Company officials said they do not know the cause of the problem, but are confident that whatever the problem, it is isolated to the tires being recalled."

In other words, although both companies claimed ignorance as to what was causing the tread separation problem, both assured the American public that whatever the problem, it was limited to the Decatur plant. When pressed on the issue, the companies responded as follows:

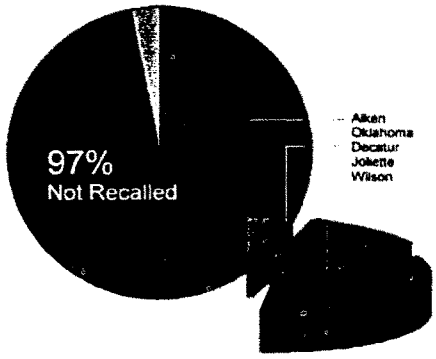
Ford and Firestone officials, however, said their data, some of which was released this past weekend, show that only 15-inch Wilderness tires made in Decatur showed higher-than-normal numbers of tread-separation problems.

Independent analysis challenges Ford and Firestone's conclusion that only ATX and Decatur-made Wilderness tires are defective. The following briefly summarizes what an enlarged analysis reveals.

NHTSA complaint data show non-recalled tires should be recalled.

Notwithstanding Ford and Firestone's public statements regarding the safety of non-recalled Wilderness AT tires, information available from NHTSA data reveals that 97 percent of the consumer complaint letters received by the agency, containing sufficiently detailed information, concerned tires that have not been included in the recall:

Complaints Received By NHTSA
Firestone Wilderness Tire Failures



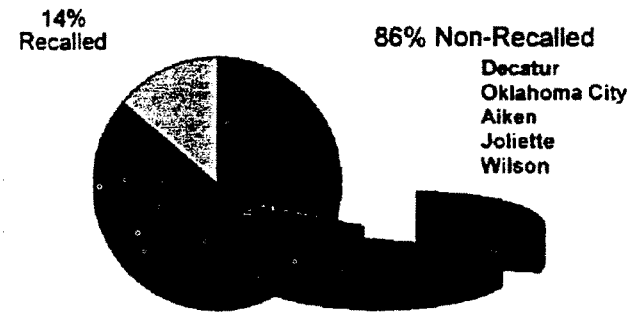
The information above is derived from the NHTSA database as of December 6, 2000, which contained a total of 4,308 incidents. Safetyforum.com determined that, of the 4,308 complaints, 1,094 Wilderness tire complaints included enough information to ascertain whether the tire involved had been included in the recall. Of the 1,094, 1060 were non-recalled Wilderness tires and 34 were recalled Wilderness tires. Of the 1060 non-recalled Wilderness tires identified, the production plants divide as follows: 16 were from Aiken, SC; 7 from Oklahoma City, OK; 155 from Joliette, Canada; 363 from Wilson, NC; and 496 were from unknown plants.

Of the 1,094 Wilderness tire complaints, 336 can be clearly identified as Wilderness AT P235/75R15 (15-inch) or Wilderness AT P255/70R16 (16-inch) tires. The Firestone plant of origin can be determined for 246 Wilderness At tires. Of these, NHTSA has 125 reports of the tires made in Wilson, North Carolina (51%), 73 reports of tires made in Canada (30%), 38 reports of tires made at Decatur (15%). The remaining 4% were made at the Oklahoma City or Aiken South Carolina plants.

These Wilderness tire complaints produce a picture that undercuts the Firestone and Ford claim that the bulk of failures occur in the Decatur-made Wilderness tires. In fact, failures of Wilderness AT tires produced at Firestone's other facilities have been reported to NHTSA six times more than failures of tires made in Decatur (86% vs. 14%).

Wilderness AT Tire Failures
Complaints Received By NHTSA
P235/75R15 and P255/70R16

(Figures include Wilderness tires where size and plant of manufacture were provided.)



Source: NHTSA

The design of the non-recalled tires is identical to that of the recalled tires.

Firestone has conceded that all 15-inch and 16-inch Wilderness AT tires are identical by design. As stated by Robert Martin, Firestone's head of Quality Assurance:

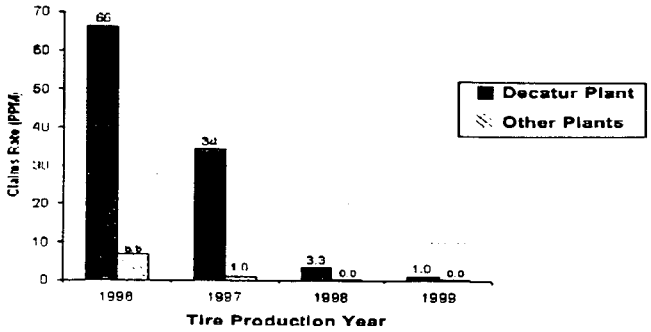
> Q: When we talk about these different plants and the tires being made in different plants, just to make sure everybody is crystal clear on this, each of those plants is making, for instance, if they're making the Wilderness AT P235/75R15, they're making the same tire. They're not making a different design tire in one plant than they are in the other plant. It's the same design basically, isn't it?
> A: Yes, it is.

Not only did Ford and Firestone intend for all of the tires to be virtually identical from a design and manufacturing standpoint, Firestone was required to – and did – provide Ford with documentation verifying that all Wilderness AT tires, regardless of the plant of manufacture, were identical in both dimension and performance.

Decatur production is not the sole problem.

Although Ford attempted to lay blame directly at the doorstep of the Decatur plant alone, Firestone defended its plant with the following statement: "We are confident in the quality of our tires and in the effectiveness of our inspection processes at the Decatur, Ill., plant and at all of our plants." Despite Firestone's confidence in Decatur, both Ford and Firestone limited the recall of Wilderness AT tires to Decatur-made tires and demonstrated their reasoning using the following graph, which depicts property claims sorted by the plant of tire production:

Rate of 235/75R15 Wilderness Claims of Alleged Tire Separation by Tire Production Year and Plant



This chart is solely based upon Ford's analysis of Firestone "property damage claims data" and does not include data from litigation-related claims, Firestone warranty or tire failure claims, called adjustments, or consumer complaints.

Both Ford and Firestone have claimed that a "pellitizing" process is used at Decatur to coat the steel belts with rubber is a "likely" source of some adhesion-related problems in the Decatur-built tires. Although the companies point to this process as a factor that appears to distinguish Decatur from the other plants, both now likewise concede that the adhesion characteristics of Decatur-made tires are within the specifications created for these tires, and so should have the same level of durability on the road as other tires built by Firestone for use on Ford Explorers.

There may be some validity to the suggestion that pellitizing does result in less adhesion than other available manufacturing methods. But because that the adhesion characteristics of tires produced in Decatur were within Ford and Firestone specifications, it seems likely that Firestone's use of the pelletizing process in Decatur cannot fully explain this particular demonstration in differences in tire performance as to property claims.

Then what factors might explain the over-representation of Decatur-made tires in the damage claims data cited by Ford and Firestone? Decatur may appear to be over-represented in terms of tire failures for some of the following reasons:

Firestone representatives testified that the failure rate for Decatur-made tires is likely the result of the fact that more Decatur-made tires ended up on vehicles provided to the south and southwest regions of the United States, which represent the areas of the U.S. where tread separations of the tires are more concentrated. Litigation claims tend to confirm this distinction: For example, Decatur-made tires were on 83 percent of St. Louis-produced Explorers involved in lawsuits, but only 42 percent of those built in Louisville, Kentucky. Ford publicly disagrees with Firestone's conclusion.

Decatur was Firestone's oldest plant and is commonly referred to as a "short-run" plant. Industry insiders note that "short-run" plants – plants that make tires for short as opposed to long runs of production – are historically over-represented in terms of adjustments and claims. The increased rate of failure is based on: a) unfamiliarity with the production process; b) lack of continuity in the production process; and c) the lack

of time necessary to obtain good uniformity in the production process.

A well-publicized labor strike at the Decatur plant likely played a role in the increased frequency of failure rates with Decatur tires. Although Firestone has repeatedly denied a relationship between the strike and the increased failure rate in tires, common sense suggests that the strike very likely was a factor, albeit small, in the increased rates of failure.

If pellitizing were the cause of the problem, then other tire brands produced at the Decatur plant should have similar failure rates. There is no evidence that this is the case.

The companies' own design analysis shows that there is a common pattern in all of the tire failures.

All of the tires, regardless of their plant of manufacture, have a common pattern of failure. Representatives of Ford Motor Company now concede that the tire failures in question do form a common pattern and that the ATX and Wilderness tires, including the 15-inch non-Decatur, non-recalled tires, are not "robust," meaning that these tires are failing in the same manner due to a design flaw across the group.

Although Ford and Firestone continue to maintain that the "root cause" of the failures has not been formally identified, the forensic evidence that has been released to date does indicate a common pattern of failure:

Internal Ford records indicate a pattern of failure in the area described as the "wedge." The "wedge" is designed to provide increased durability at the tire's belt edges.

Internal Firestone records from forensic inspections of failed tires in both the U.S. and Arabian Gulf Coast Countries pinpoint problems in the "wedge" area of the failed tires.

Firestone employees have conceded that the "wedge" used in the original Wilderness AT tire was a "passenger car-type wedge" as opposed to a "truck-type wedge," despite the fact that the Ford Explorer is built upon a light truck chassis.

Firestone employees have conceded that the "wedge" of the Wilderness AT tire – along with other similar tires – was redesigned for the 1998 model year due to a review of tire tread separation failure claims and adjustments, and that the tire was redesigned, with a stronger, more durable "wedge" in hopes of reducing the risk of tread separation.

Although the public has yet to receive a final report, the foregoing is further supported by Firestone's retained "consultant," Sanjay Govindjee, a professor from California, who issued preliminary findings that included the following statement: ?All evidence to date points to a slowly developing fatigue crack.? The crack he described included fatigue in the area called the "wedge," which spread to the area between the steel belts. Professor Govindjee reported no differences among tires from different plants.

The statistical data relied upon to support the limited recall is incomplete and may be flawed.

In the discussions on the scope of the recall in the U.S., Ford and Firestone have repeatedly retreated to statistical analyses in defending their refusal to recall additional tires. Although Ford now concedes that the non-recalled Wilderness AT tires are not "robust" and are therefore susceptible to failure when operated within foreseeable conditions, Ford and Firestone continue to defend the decision to allow consumers to use the tires.

Ford and Firestone based their statistical analyses on "property damage claims" information produced by Firestone. According to Firestone, the "property damage claims" data have never before been used by the company to evaluate the real world performance of its tires. According to Ford, the claims data, albeit limited to less than 2,000 incidents of failure, is "more reliable" than the usual method used by Firestone -- a adjustment data or warranty claims data – to evaluate field performance. Ford claims, at least to date, that it is unable to understand the manner in which Firestone "codes" customer complaints at dealerships.

Adjustment claims, which number in the thousands, represent much broader sources of information. These data include customers who show up at Firestone dealerships across the country with a tread-separated tire that did not cause an incident which resulted in property damage or personal injury. Additionally, Ford and Firestone originally included only property damage in their analysis, omitting any evaluation of litigation-related claims involving personal injury. Information regarding their own litigation is of course readily available to both companies.

Another potential problem with Firestone's internal claims data that Ford has not publicly acknowledged is a concern about the reliability of the property damage claim information provided by Firestone. As Tom Baughman of Ford testified, Ford has no way of determining whether the data that Ford relied upon has been "manipulated" or is incomplete in some manner:

That is fact. I mean, unless the databases in some way have been manipulated to not portray the correct situation and I can't be a judge of that, it is Firestone's database as provided to me. But if that database is factual then the facts are that statistically those tires are performing at what is almost of sixth sigma level of capability, if you are familiar with.

Mr. Baughman also stated that the Firestone property damage database that Ford relied upon does not include highly relevant tire failures from the warranty, or adjustment, data, a source that neither Ford nor Firestone have shared with the American public nor included in their own analyses. In fact, his only, very weak, explanation for Ford's failure to analyze the warranty claims data is that Ford has a current interest in the performance of tires made at Decatur that are other than ATX or Wilderness AT brands. Obviously, Ford could have looked at Firestone warranty data in addition to analyzing information regarding these other Decatur-made tires. But this is not what Ford chose to do:

Q. And you don't think it would be important if there are another 50,000 tread separations in the adjustment database over and above your 1,703 to evaluate how frequently these tires are, in fact, coming apart in the real world?

THE WITNESS: I think your suggestion is undoubtedly a good one, okay. There is probably some insight to be gained by doing that analysis. Quite frankly, we are much more interested in understanding the

5 data sets associated with the other tires that went on Ford
6 vehicles that were produced from tires that were produced
7 at Decatur. So we have prioritized our data analysis going
8 back through and looking at the June, July and August
9 update was very important because it validates the original
10 campaign scope, and also, I think validates that we don't
11 need to expand the recall. But I must tell you that all
12 Decatur may be at risk and I need to go through that. I
13 have to do that before I start getting reports of accidents
14 and deaths on other tires.

Ford and Firestone have stonewalled the use of any real world warranty, litigation or consumer complaint data to fully evaluate the safety performance of the non-recalled Wilderness tires. Regardless of their rationales, however, what cannot be overlooked is that the American public has been—and is being—told that the non-Decatur Wilderness tires are "safe" for use on America's highways. This is unconscionable give Ford's admissions that the Wilderness AT tires are not "robust" and have little or no built-in safety margin for low tire pressure, heavy vehicle load or the possibility of rollover.

The same 16-inch tires recalled in Saudi Arabia should be recalled in the U.S.

Ford and Firestone have refused to recall P255/70R16 Wilderness AT tires in the U.S. despite the admission that the identical tire was the subject of a voluntary recall-type campaign in the GCC countries, including Saudi Arabia. The 16-inch tires failing in the Arabian GCC countries were manufactured in the U.S. and are identical by design to those sold on U.S. Explorers.

When Ford learned of tread separations and rollovers in Saudi Arabia in 1997, they consulted Firestone to determine why the tires were failing. Firestone blamed the problem on "unique environmental problems," including consumer usage and high operating heat conditions. Ford chose to conduct a voluntary campaign to replace the tires. Ford now concedes that Firestone's claim of "unique environmental conditions" did not explain all of the tire failures occurring in the Arabian GCC countries. Mr. Baughman testified as follows:

15 Q. So there were failures that Ford Motor Company became
aware
16 of in Saudi Arabia involving P255/70R16 Wilderness AT tires
17 made by Firestone that were not explainable by reference to
18 these unique environmental circumstances?
20 THE WITNESS: If you accepted that the statement
21 by the people being interviewed was 100 percent factual,
22 then yes, it was not fully explained by the unique
23 environmental operating conditions there.

Evidence shows that 16-inch Wilderness tires are failing in the U.S. as well. Using NHTSA's database, analysis shows that of the 1,060 non-recalled Wilderness tires that failed, almost one-third (320) involved 16-inch Wilderness tires.

Similarly, an analysis conducted by Ford of Venezuela of a random sample of 367 Wilderness AT tires revealed that 16-inch tires— not subject to recall in the U.S — had a worse failure record than 15-inch tires: tread separation of an inch or more was found in 16 percent of the 15-inch tires but in 21.7 percent of the 16-inch tires.

Litigation claims data further support the need for an expanded recall.

As of December 2000, information has been collected on 276 lawsuits that involved Firestone tires. Sixty-one percent of the cases (161) had sufficient information to identify the tire model, size and manufacturing plant. Thirty-nine involved Wilderness AT tires, more than one third (14) of the 39 tires would not have qualified for the Ford-Firestone recall.

The numbers of potentially-affected tires may be inaccurate.

Firestone's record relating to the production volume of the tires at issue is unclear. Early figures released by the NHTSA indicated that approximately 47 million tires were under investigation.

More recent numbers indicate that may have been an over-estimation of the relevant number of tires. In an August 9, 2000, press release, Firestone stated that the recall of ATX, ATX II and Wilderness AT tires included 14.4 million tires, approximately 6.5 million of which were still in the marketplace. Those 6.5 million tires purportedly included 3.8 million ATX and ATX II tires and 2.7 million Decatur-made Wilderness AT tires.

According to data produced by Firestone to Congress, Firestone produced 10,850,939 P235/75R15 ATX II tires between 1991 and March 2000, and 8,987,362 P235/75R15 Wilderness AT tires between 1995 and March 2000. Assuming that the Firestone documents filed with Congress are accurate, total production for P235/75R15 ATX II and Wilderness AT tires is 19,838,301 for the period 1991 through March 2000. Based on these numbers, 5,617,286 P235/75R15 Wilderness AT tires were manufactured by Firestone between 1995 and March 2000, none of which are subject to the recall.

Production volume of P255/70R16 Wilderness AT tires has not been publicly released by Firestone to date. Firestone has previously represented that only ATX II and Wilderness AT tires were placed on Ford Explorers. Why ATX tires – as opposed to ATX II tires – were included in the recall is unknown as is the production volume associated with these tires.

VIII. Conclusion

The authors of this report, alongside victims and the victims' family members who support these efforts, continue to advocate for the recall of the remaining Wilderness AT tires, both 15- and 16-inch, that were produced for the Explorer. The overwhelming weight of the evidence supports this expansion of the recall before more consumers are placed at risk and harmed by the combination of bad Firestone tires on dangerous Ford vehicles.

Appendix A

The following are selected milestones in the history of the Ford-Firestone tire problem.

May 1, 1987 - A Ford internal memo states that the stability of the Ford Explorer prototype is worse than that of the Bronco II.

November 25, 1988 - A Ford Test Report states that the Explorer lifts two wheels off the ground in a cornering test at 55 miles per hour (an action not unlike what might happen when a tire fails and control of the vehicle is wrenched from the driver's hands). The report blames the SUV's high center of gravity, front suspension system and tires.

January 26, 1989 - In another internal memo, Ford engineers state that the Explorer still lifts two wheels at 55 mph, despite 'larger tires' 'suspension revisions and tire pressure reduction' to limit its 'cornering capacity.'

February 9, 1989 - A tire-testing firm reports to Ford that certain Firestone tires being considered for use on the Explorer 'showed a severe 'tread package' separation from the tire carcass at 29 psi of pressure. Firestone subsequently modifies the test procedure, re-runs the tests and concludes that our testing used a more realistic procedure and we don't think it will be a problem.

September 11, 1989 - In an internal email, Ford's Office of General Counsel raises concerns that the Explorer is the only vehicle of its type 'that has a significant chance of failing the CU (Consumer's Union) rollover test.' One of the chief engineers on the program states that 'I believe that management is aware of the potential risk w/P235 (Firestone) tires and has accepted risk.'

February 1990 - Despite warnings from its own engineers, and in order to meet production deadlines and avoid losing profits, Ford management rejects two of four design modifications recommended to improve the Explorer's stability, one of which included widening the track width. (Although Ford says it will make the other modifications in later model years, the automaker later admits the 'running changes' were never made.)

March 1990 - The Ford Explorer goes into production. Engineers recommend that Ford immediately begin redesigning the Explorer's suspension system for the 1995 model year to allow lowering the engine and, thus, the SUV's center of gravity. Management again refuses to fix the Explorer's rollover problem because of 'timing and cost' considerations.

June, 1990 - Concerned that increased rolling resistance from lowering tire pressure is giving the Explorer worse fuel economy than its competition, Ford and Firestone start redesigning the tire, including reducing its weight.

February 12, 1991 - The first tread-separation lawsuit is filed against Firestone. Three more are filed in the spring of 1992.

1996 - Wilderness tires go into production and replace ATX tires as original equipment on Explorers and other Ford-made SUVs and light trucks to correct deficiencies in the ATX tire?s rolling resistance and tendency to wear poorly. Internal documents indicate that one goal is to increase tire pressure above 26 psi, but Ford also learns that 26 psi is still needed to keep the SUV's wheels from lifting off the ground in emergency turns.

July 12, 1996 - The Deputy Yuma County (Arizona) Attorney advises

local law enforcement officers that Firestone ATX Firehawk tires are experiencing tread separation: 'Firestone is aware of the problem and will be replacing tires where needed. (A shipment of tires is currently on its way for various sheriff's vehicles.) 'It is strongly recommended that you do not drive vehicles equipped with these tires at 'freeway speeds' (or at all, if possible) until you have them ... evaluated.'

August 19, 1996 - A dealership in Danbury, Conn., reports to Ford that it has 16 Explorers with tires whose belts are 'obviously distorted and about to separate.'

August 1997 - As lawsuits accumulate in the U.S., Ford and Firestone are notified of tire separation problems in Saudi Arabia.

January 1998 - Ford's regional marketing manager in the United Arab Emirates e-mails Ford executives: 'If this was a single case, I would accept Firestone's response as they are the experts in the tire business, case closed. However, we now have three cases and it is possible that Firestone is not telling us the whole story to protect them from a recall or a lawsuit.'

June 24, 1998 - An internal Bridgestone/Firestone memo acknowledges that in 1997, tread separations accounted for 92.8 percent of all ATX II tire claims and 53.6 percent of all Firestone light truck claims. It states that the tires' warranty claims jumped from 42 in 1995 to 279 in 1997, an almost sevenfold increase, and that by 1998, tread separations accounted for 469 light truck claims, compared to only eight claims attributed to road hazards.

July 22, 1998 - A State Farm Insurance research administrator emails NHTSA that the insurer knows of 21 Firestone ATX tire failures that caused injuries, 14 of them on 1991-1995 Fords. NHTSA dismisses the problem as 'unremarkable.'

October 24, 1998 - A Saudi Arabian Ford dealer writes Firestone to complain that he is being "kept in the dark" about his warning that tires are unsafe. 'As you know, this concern goes back to mid-1997 when we first notified you.' I have to state that I believe this situation to be of a safety concern, which could endanger both the vehicle and more importantly the user of the vehicle. So I am asking what is going on? Do we have to have a fatality before any action is taken of this subject? I would recommend to ensure that we do not have any further incidents regarding tyres, that Firestone recall all 1995/1996/1997 Explorers fitted with this type of tyre, as this is a safety related concern."

January 27, 1999 - A memo from Venezuela Firestone to the corporation's Nashville office reports 47 tread or belt separations.

February 14, 1999 - Yet another tire tread separation in Saudi Arabia causes the dealership to write Ford that the dealer 'will not accept any liability whatsoever for any vehicle or human damage caused by any accident, over any time frame, that is the result of thread [sic] separation of this nature.'

August 17, 1999 - After 19 rollover crashes, 14 fatalities and 10 injuries in the Middle East, Ford begins replacing all Wilderness 16-inch tires on about 6,800 Explorers and Mountaineers in nine countries: Saudi Arabia, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Oman, Qatar and the

United Arab Emirates. Ford insists it is not a recall but a 'customer notification enhancement action' and blames "unique" usage patterns, environmental conditions and maintenance practices' for tread separations.

February 2000 - Ford offers free replacement tires for vehicles in Malaysia and Thailand. Meanwhile, briefing charts at a Firestone sales meeting in the U.S. warn that tread separation reports involving Wilderness tires jumped 144 percent from 1998 to 1999.

February 7 and 10, 2000 - KHOU-TV, the CBS affiliate in Houston, breaks the story of numerous deaths and lawsuits attributable to tread separations of Firestone tires on Ford Explorers; the media coverage unleashes an outpouring of consumer complaints to NHTSA.

March 6, 2000 - NHTSA opens a preliminary investigation.

May 2000 - After 100 deaths and 400 crashes in Venezuela have been linked to tread separations on Firestone tires (out of a total vehicle population of about 39,800) Ford offers to replace tires on Explorers in Venezuela, Colombia and Ecuador.

May 2, 2000 - NHTSA opens a formal investigation into 47 million Firestone ATX, ATX II, and Wilderness tires.

August 9, 2000 - Firestone announces it will recall the 6.5 million 15-inch tires of the ATX, ATX II, and Wilderness AT series that it estimates are still on the road out of the 14.4 million manufactured. It limits the Wilderness tires to those made at its Decatur, Illinois, plant.

Appendix B

Litigation Involving P235/75R15 (15") Non-Decatur or P255/70R16 (16") Wilderness Tire Failures

DATE	LAWSUIT	TIRE BRAND	PLANT	SIZE	FAILURE	DAMAGES	TIRE DESCRIPTION
6/27/96	UNK	Wilderness	VN	16	Blowout	Injury	P255/70R16
2/15/97	Burroughs	WildernessAT	VN	15	Blowout	Injury	P235/75R15
2/13/00*	Garzon	WildernessAT	W2	15	UNK	Fatality	P235/75R15
6/24/00*	Telegadis	WildernessAT	W2	15	Separation	Fatality	P235/75R15
9/12/00	Villar	WildernessAT	W2	15	Separation	Injury	P235/75R15
4/25/00	Alborn	Wilderness	W2	15	Blowout	Injury	P235/75R15
3/10/00	Bailey	Wilderness	W2	15	Separation	Quadriplegia	P235/75R15
5/22/00	Boone	Wilderness	VN	15	Separation	Fatality (2)	P235/75R15
8/5/00	Fehmer	Wilderness	W2	16	Separation	Injury	P255/70R16
6/18/99	Heath	Wilderness	W2	16	Blowout	Fatality	P255/70R16
11/14/99	Kaplan	Wilderness	W2	15	Separation	Fatality	P235/75R15
UNK	Martin	Wilderness	W2	15	UNK	UNK	P235/75R15
12/15/97	Oines	Wilderness	VN	15	UNK	Fatality	P235/75R15
3/15/00	Smith	WildernessAT	VD	16	Separation	Injury	P255/70R16

*Also found in NHTSA's Consumer Complaint Database

Endnotes

1 Approximately three weeks after the recall was announced, NHTSA asked Firestone to expand the recall to include other tires because of the consumer complaints that the agency had received and the early results from its own defect investigation revealed that other models were experiencing ?rate(s) of

tread separations?(that) exceed[ed] those of the recalled tires, sometimes by a large margin.? Firestone refused to expand the recall. NHTSA responded by issuing a "consumer advisory" designed to warn consumers that about 1.4 million other Firestone tires, about half of which were still on the road, were experiencing high tread-separation rates, many of them other models of ATX and Wilderness tires made in the early 1990s. After being chastised during congressional hearings the following month, Firestone promised to replace the tires listed in NHTSA's consumer advisory at the consumer's request, but still refused to expand the scope of the recall. The burden of requesting that tires listed in the consumer advisory be replaced fell upon the consumer.

2 See Firestone press release dated 12-19-00.

3 See Ford Motor Company press release dated 12-19-00 [http://media.ford.com].

4 Deposition of Robert Martin, Vice President, Quality Assurance, Firestone [11-27-00].

5 Deposition of Robert Martin, Vice President, Quality Assurance, Firestone [11-27-00].

6 Deposition of Michael Reep, Design Engineer, Firestone [12-13-00].

7 Deposition of Roger Simpson, Explorer Program Manager, Ford Motor Company [11-14-00].

8 Deposition of Roger Simpson, Explorer Program Manager, Ford Motor Company [11-14-00].

9 The Blazer was found to perform superbly in the maneuver when equipped with OE P205/75R15 tires in that the wheels of the vehicle would not lift off the ground. Ford's finding was consistent with independent testing previously conducted by Roger McCarthy of Failure Analysis. Mr. McCarthy had undertaken deliberate tip-up testing for Suzuki in an effort to prove that all SUVs regardless of design, could be made to lift wheels on flat, level surfaces when driven by expert drivers. The McCarthy testing revealed that the Chevy S10 Blazer, Jeep Cherokee and Jeep Wrangler could not be made to lift wheels in the CU maneuver regardless of steering input.

10 Deposition of Don Tandy, Engineer, Ford Motor Company [3-20-00].

11 Deposition of Don Tandy, Engineer, Ford Motor Company [3-20-00].

12 Lawyers representing victims of rollover crashes involving the Explorer have been unable to independently evaluate Ford's contention that it met the internal rollover standard because Ford claims that the key documents surrounding the test – the wheel lift charts, both input and output – were destroyed, allegedly shortly after the simulations were conducted.

13 Deposition of Roger Simpson, Explorer Program Manager, Ford Motor Company [11-14-00].

14 Deposition of Roger Simpson, Explorer Program Manager, Ford Motor Company [11-14-00].

15 Deposition of James Burdette, Fuel Efficiency Engineer, Ford Motor Company [12-21-00].

16 Deposition of James Burdette, Fuel Efficiency Engineer, Ford Motor Company [12-21-00].

17 Deposition of James Burdette, Fuel Efficiency Engineer, Ford Motor Company [12-21-00].

18 Deposition of James Burdette, Fuel Efficiency Engineer, Ford Motor Company [12-21-00].

19 The January 2, 1991 and July 8, 1992 detail sheets were never approved by Ford due to the wheel lift problem referenced in the text of the report. These are included as part of the historical overview of the attempts at modifying the tire to accommodate the fuel economy problem/concern.

20 Deposition of James Gardner.

21 A chronology of significant events in the 12-year history of the Ford-Firestone tire defect is included at Appendix A.

22 Deposition of Michael Reep, Design Engineer, Firestone [12-13-00].

23 Deposition of Michael Reep, Design Engineer, Firestone [12-13-00].

24 Deposition of Michael Reep, Design Engineer, Firestone [12-13-00].

25 Deposition of James Gardner, Product Analysis Engineer, Firestone [12-13-00].

26 Document made available to Congress during Ford/Firestone hearings.

27 Deposition of Thomas Baughman, head of the Critical Concern Review Group, an internal Ford quality oversight committee. While Ford has previously taken the position that these problems were highlighted much later, subsequent discovery of internal documents and deposition testimony of Ford employees charged with responsibility for the oversight of the problems in Venezuela have shown that these problems actually came to light in 1997, not in 1999 as previously disclosed.

28

4 Q Now this particular document, and this was the interesting
5 part, to me at least, it says in July 1997 FOV, that means
6 Ford of Venezuela, correct?
7 A. Correct.
8 Q. In July 1997 Ford Venezuela representatives were called to
9 a meeting in Caracas with a group of independent lawyers
10 representing Ford customers."

Did I read that correctly?
A. You read it correctly.
Q. You didn't join the Explorer situation until when?
A. Well, this gets a little more complicated now. I did not start working on Explorer and tire related-issues until, you know, the first quarter of 1999.
Q. So in July of 1997 you were not involved nor were you made aware of the meeting between Ford of Venezuela representatives and the lawyers in Caracas about these tread separation rollovers of Explorers?
A. No, I was never made aware of it.

29 Deposition of Thomas Baughman, Chief of Engineering, Ford Motor Company [12-21-00].
30 Deposition of Thomas Baughman, Chief of Engineering, Ford Motor Company [12-21-00].
31 Deposition of Thomas Baughman, Chief of Engineering, Ford Motor Company [12-21-00].
32 See, e.g., http://www.safetyforum.com.
33 Deposition of Michael Reep, Design Engineer, Firestone [12-13-00].
34

Q. There is no information you can give us today about how that change came about or why it came about?
A. Only from what I can briefly recall as to why that change was made and I believe the main reason, if I'm recalling correctly, is that we had been seeing a lot of large P metric tires that were normally used on passenger tires before were now in fact being used on light truck and as such they were being subjected to different stresses and loads than a normal passenger tire.
So a decision was made and I'm not sure of the testing involved to go to the thicker wedge that we in fact use on all light truck radials, but I believe that was the main reason to make this change?
Q. What you just told me if I heard you correctly was that as you understood it, people were beginning -- consumers were beginning to use passenger tires on light trucks?
A. Yes, that's correct. We were seeing larger metric tires especially
Q. Like 235s or 245s or 255s or what?
A. Yes
Q. Those are good examples?
A. Those are very good examples, and even larger tires than that
Q. People used to use those on their cars and now they were putting them on their light trucks and so this change was being made in order to reflect the changing use of those kinds of tires?
A. Yes, as I recall, that is the main reason that we did this wedge change

35 Deposition of Michael Reep, Design Engineer, Firestone [12-13-00].

36 Deposition of Brian Queisar, Design Engineer, Firestone [12-20-00].

37 Deposition of Robert Martin, Vice President Quality Assurance, Firestone [11-27-00].

38 Statement of Christine Karbowiak, Vice President of Public Affairs. [8.13.00]

39 Robert Martin, Firestone's Vice President of Quality Assurance, recently testified that the Decatur plant's tires were more heavily represented among claims because of Firestone's and Ford's distribution patterns. Firestone tires made in Illinois are more likely to be shipped for installation on Explorers made in St. Louis, Mo., which supplies the SUVs to hot climate states in the Southwest, where the problems surfaced earlier, due to the combination of speed and higher ambient temperatures. According to Firestone, tires made elsewhere were more likely to end up in Ford's Louisville, Ky., plant, which supplies Explorers to the more temperate eastern states. Deposition of Robert Martin, Vice President Quality Assurance. Firestone [11-27-00].

40 Design "robustness" has been defined in a desposition to include the following:

18 Q. What is a robust tire design?
19 A. A robust design would be a design that meets the
20 objectives of the customer and assures the customer
21 satisfaction for whatever it may be and robustness
22 is associated with tire wear and tire durability and
23 a lot of other things with respect to the tire from
24 when it's new to when it's worn out and discarded.
25 Q For the life of the tire?
1 A For the life of the tire.
12 Q Does robustness include the ability to perform
13 safely and appropriately given the loads to which
14 the tire was designed?
15 A Yes. Deposition of Brian Queisar, Design Engineer, Firestone [12-20-00].

41 Deposition of James Gardner, Product Analysis Engineer, Firestone [12-13-00].

42 Firestone internal document 74 as submitted to Congress.

43 Deposition of Michael Reep, Design Engineer, Firestone [12-13-00].

44 Deposition of James Gardner, Product Analysis Engineer, Firestone [12-13-00].

45 Deposition of James Gardner, Product Analysis Engineer, Firestone [12-13-00].

46 Deposition of James Gardner, Product Analysis Engineer, Firestone [12-13-00].

47 Deposition of James Gardner, Product Analysis Engineer, Firestone [12-13-00].

48 Deposition of James Gardner, Product Analysis Engineer, Firestone [12-13-00].

49 Deposition of Thomas Baughman, Chief of Engineering, Ford Motor Company [12-21-00].

50 Deposition of Thomas Baughman, Chief of Engineering, Ford Motor Company [12-21-00].

51 Deposition of Thomas Baughman, Chief of Engineering, Ford Motor Company [12-21-00].

52 Deposition of Thomas Baughman, Chief of Engineering, Ford Motor Company [12-21-00].

53 A chart describing this litigation may be found at Appendix B



foods," says Chris Lewis, director of the FDA's Office of Nutritional Products, Labeling, and Dietary Supplements. But she would not say whether the agency would actually do that kind of testing to verify herb levels in off-the-shelf spot checks of foods if the methodology existed.

In fact, such standardized tests may be five years away because of the lengthy development and review process, says Mark Lange, science director for the Institute for Nutraceutical Advancement, a nonprofit association supported by the supplements industry and formed to develop and validate such test methods. "Looking for botanicals in almost any food product can be a nightmare for chemists," he says.

Consumers Union has tested the contents of several nutritional supplements. For our latest findings, see page 60. But the lack of reliable analytical methods for testing such herbs in foods has so far deterred us from analyzing the herbal content of beverages, soups, energy bars, and snack chips.

Meanwhile, the FDA says it has sent warning letters to several functional-food makers. For example, in a January letter to Robert Ehrlich, president of Robert's American Gourmet, the agency questioned ingredients such as echinacea, ginkgo biloba, kava, and St. John's wort on some labels, saving the FDA is "not aware of a basis for concluding" that those ingredients are generally recognized as safe in foods. Ehrlich says he's phasing herbals out of his snacks.

Consumers Union believes the FDA should vigorously enforce existing laws, and develop regulations on the evidence needed to document the safety of herbal ingredients in foods. Safety information should be required on food labels. And Congress should restrict the claims manufacturers can make about them.



INVOLVED "It was a real reading experience, not a game, not a toy," author Toni Morrison said of the e-book. But screen glare ruled out reading on the porch, she said.



THE FUTURE? James H. Billington, librarian of Congress, said e-books have "great possibilities for extending reading." He cautions, however, that they take some getting used to.

e-book to navigate, however.

With both e-books, our staffers said that electronic navigation and "bookmarks" were somewhat awkward. And you can't just flip pages idly to estimate how much more is left of an e-book. "Clicking pages was driving me nuts," said one staffer. You also can't lend a friend a book without giving your machine. (Each book will work only in the machine that downloaded it.)

Most agreed that e-books might be best for doctors, students, and others who must read a lot in several volumes—or vacationers who want to pack light.

The market is changing, and RCA now licenses this technology. The *RCA REB1100*, about $300, is replacing the *Rocket eBook*, but has a built-in modem (no PC needed). The *RCA REB1200*, about $700, is replacing the *SoftBook*, but has a color screen. Both can hold at least 10 books; you can also upgrade their memory, or store books on an online "bookshelf" they provide.

E-book titles can be cheaper than real books, but not always. Some e-book bestsellers are just as expensive as the hardcover edition.

Consumer alert

Don't overload your SUV

Many people buy a sport-utility vehicle because it has room for lots of cargo—that's the utility part of sport-utility. But in the renewed focus on SUV safety following the firestorm surrounding the *Ford Explorer* and its Firestone tire failures, the question has emerged about just how much cargo is safe to carry in *any* SUV.

The answer is surprising. Our research shows that many SUVs are easy to overload. The vehicle may be huge, but you may not be able to fill it.

For example, the *Explorer* has a cargo volume of more than 50 cubic feet by our measure, but a total rated load capacity of about 1,000 pounds. A *Ford Taurus* station wagon, by contrast, has less cargo space—32 cubic feet—but more load capacity—1,200 pounds. Keep in mind that load capacity includes both people and luggage. So if you seat five 180-pound adults in an *Explorer*, you're allowed only 100 pounds for their luggage or other gear. You'd exceed the load capacity with those people alone in the *Infiniti QX4* or *Lexus RX300*, two "luxury" SUVs with small load capacities (but also small cargo space).

Overloading any vehicle is potentially dangerous; overloading an SUV is arguably worse. Loading up an SUV raises its center of gravity, which is already high, making it more prone to roll over. Overloading any vehicle also stresses the brakes, degrades the handling, and can overheat the tires, increasing the risk of a blowout. If the tire is underinflated, the risk increases.

Finding an SUV's load capacity isn't easy. Some automakers post such figures online. Ford and other manufacturers, in their owner's manuals, suggest you calculate it yourself by weighing the empty vehicle on a commercial scale (located at a truck stop or grain elevator, Nissan suggests), then deducting that figure from a stated "gross combined weight," the maximum allowable weight of people and luggage. The *Jeep Grand Cherokee*, whose relatively small cargo space and heavy load capacity make it one of the better SUVs in this regard, usefully puts the figure inside the glove compartment.

All manufacturers can calculate load capacity. Consumers Union thinks this figure should be prominently displayed in every vehicle. To compare load capacities of specific models, check out *www.ConsumerReports.org*.

PHOTO OF TONI MORRISON COURTESY OF THE ASSOCIATED PRESS. PHOTO OF JAMES H. BILLINGTON COURTESY OF LIBRARY OF CONGRESS

Ford and Mazda jointly developed the *Escape* and *Tribute*, which combine components from the *Mazda MPV* minivan and 626 sedan. Both models are powered by either a 2.0-liter Four or a 3.0-liter V6. A high-trim *Ford Escape XLT* like the all-wheel-drive version we bought starts at $20,820. With the V6 engine, sunroof, alloy wheels, leather upholstery, power seat, and a trailer-towing package, the price came to $24,855, including destination charge. The CR Wholesale Price is $22,515.

To see if there were meaningful differences between these cousins, we bought a mid-trim *Mazda Tribute LX* V6 with all-wheel drive. It starts at $22,020. Options raised the price to $24,500, including destination. The CR Wholesale Price is $21,906.

RECOMMENDATIONS

The redesign of the *Toyota RAV4* is a marked improvement. The model performed well enough to become our top-rated small SUV, outscoring the *Subaru Forester* by a slim margin. It's small on the outside, yet flexible inside. The *RAV4* handles nimbly and confidently and has excellent brakes and a seamless all-wheel-drive system, although the ride is not as comfortable as it could be. The lack of a rear bumper means that damage from even a minor rear-end collision could be expensive. Reliability should be top-notch.

The other vehicles in this group scored close together, landing between the *Forester* and *Honda CR-V*. The *Ford Escape* outscored the *Santa Fe* by the slimmest of margins. The *Escape* is a more well-rounded package than the *Tribute*, with a more compliant ride. Both offer spirited acceleration, excellent brakes, and generous interior space that stretches the definition of "small SUV." But both suffer from too much road and wind noise and high fuel consumption. Reliability is unknown.

Overall, the *Santa Fe* is a pleasant vehicle that offers a lot for the money. It rides nicely, and it has a quiet interior and a smooth, refined powertrain. Handling, although secure, is not particularly nimble. Unfortunately, the vehicle's weight takes its toll on acceleration and fuel economy. Reliability is as yet unknown.

The *Mazda Tribute* scored slightly below the *Escape*, owing to subtle differences between the two vehicles. With a more firmly tuned suspension, the *Tribute* handled a little more crisply than the *Escape*, but its stiffer ride compromised comfort. Reliability is unknown.

SUV safety update

The massive Firestone tire recall that started last August raised anew some safety issues regarding sport-utility vehicles. Here, some recent news and developments.

ROLLOVER

The rollover-prone tendencies of SUVs have been a concern for years.

This January, the National Highway Traffic Safety Administration (NHTSA) initiated its first attempt to establish a rollover rating for all passenger vehicles, including SUVs. This five-star rating system, called the Rollover Resistance Rating, is designed to provide an estimate of rollover risk in a single-vehicle accident. A list of the 2001 model-year vehicles that have been rated so far can be found at the NHTSA web site, *www.nhtsa.dot.gov*. As of mid-January, the vehicles tested for this month's report were not included in the NHTSA rating list.

Although the rating is a step in the right direction, we consider it overly simplistic. Our biggest concern is that it isn't based on a road test, so it can't account for what could be critical differences in emergency handling caused by varying suspension designs, choice of tires, steering response, or the presence of an electronic stability-control system.

In the main, cars mostly do well in the five-star rating system and light trucks mostly do not. That conforms to real life, where rollovers are much more prevalent with light trucks like SUVs than they are with cars.

Most 2001 SUVs that have been rated get two or three stars out of a possible five. Most cars get four stars. That's OK for differentiating between SUVs and cars, but not as helpful if you're trying to decide among several SUVs.

In short, we believe the star rating does not present a full enough picture of vehicle stability in an emergency.

What we hope will be a better guide is in the works. Congress has directed NHTSA to develop and implement a dynamic test for rollover. The agency has until November 2002 to devise and begin conducting actual on-road handling tests to gauge and score rollover propensity.

LOAD CAPACITY

In "Front Lines" for December, we focused on the limited load capacity of some SUVs—the maximum weight of both passengers and cargo that a vehicle can safely carry. We noted that although some models have a large cargo area, they have a relatively small load capacity and so can easily be overloaded. Some SUVs reach or exceed their maximum with five 180-pound adults sitting in the vehicle, which leaves no capacity to haul cargo. The *Toyota RAV4* tested this month is a prime example.

Few manufacturers make the load capacity of their vehicles easily available, so owners have no guidelines by which to judge how much weight their vehicle can safely carry. Jeep and Mercedes-Benz are two that do make load capacity easy to find.

Since our report appeared, some other automakers have announced that they will begin providing this critical information to owners. These include Ford (which will provide it on a sticker in the doorjamb of all of its *Ford, Lincoln,* and *Mercury* SUVs and pickups), Kia, and Toyota. We believe every manufacturer should make this information easy to find and understand. (To compare load capacities of specific models, see below or go to *www.ConsumerReports.org.*)

Cargo capacity

Listed alphabetically

MAKE AND MODEL	CARGO-FLOOR LENGTH BEHIND		REAR OPENING		CARGO AREA		MAXIMUM CARGO BOX				LOAD CAPACITY
	FRONT SEAT	REAR SEAT	FLOOR WIDTH	MAX. HEIGHT	MIN. WIDTH	REAR HEIGHT	LENGTH	WIDTH	HEIGHT	VOLUME	
SMALL SPORT-UTILITY VEHICLES											
Chevrolet Tracker	48.5 in.	27.0 in.	40.5 in.	35.0 in.	38.0 in.	38.0 in.	41.5 in.	37.0 in.	31.5 in.	28.0 cu. ft.	870 lbs.
Ford Escape	66.0	35.0	40.5	35.0	40.5	38.5	57.5	31.5	32.0	33.5	900
Honda CR-V	58.0	31.0	45.5	33.5	33.5	37.0	53.0	32.0	31.5	31.0	850
Hyundai Santa Fe	63.0	37.0	43.5	32.0	42.0	36.0	53.5	35.0	31.0	33.5	880
Kia Sportage	50.0	31.0	42.5	32.0	41.0	38.5	44.0	39.5	30.0	30.0	860
Mazda Tribute	66.0	35.0	40.5	34.5	40.5	38.5	59.0	31.5	32.0	34.5	900
Nissan Xterra	69.5	38.5	45.5	33.0	41.5	36.5	65.0	40.0	29.0	43.5	885
Subaru Forester	67.0	35.0	40.5	31.0	37.5	33.5	59.0	36.0	29.0	36.0	900
Suzuki Grand Vitara	48.5	27.0	40.5	35.0	38.0	37.5	41.5	37.0	31.5	28.0	895
Toyota RAV4	60.5	30.0	39.5	39.5	39.0	42.5	50.0	33.0	38.0	36.5 †	760

† With rear seats removed.

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December 2000

Consumer alert

Don't overload your SUV

- Load capacities of specific models of various vehicle types

Many people buy a sport-utility vehicle because it has room for lots of cargo--that's the utility part of sport-utility. But in the renewed focus on SUV safety following the firestorm surrounding the *Ford Explorer* and its Firestone tire failures, the question has emerged about just how much cargo is safe to carry in *any* SUV.

Consumer Reports and ABC News team up to bring you an important report on sport-utility vehicle safety. Visit abcnews.com for additional details.

The answer is surprising. Our research shows that many SUVs are easy to overload. The vehicle may be huge, but you may not be able to fill it.

For example, the 1997 *Explorer XLT* that we tested has a cargo volume of more than 50 cubic feet by our measure, but a total rated load capacity of about 1,000 pounds. A tested 1997 *Ford Taurus LX* station wagon, by contrast, has less cargo space--32 cubic feet--but more load capacity--1,200 pounds. Keep in mind that load capacity includes both people and luggage. So with five 180-pound adults in our *Explorer*, there's only 100 pounds left for their luggage or other gear. In some SUV models, you can exceed the load capacity with driver and passengers alone.

Overloading any vehicle is potentially dangerous; overloading an SUV is arguably worse. Loading up an SUV raises its center of gravity, which is already high, making it more prone to roll over. Overloading any vehicle also stresses the brakes, degrades the handling, and can overheat the tires, increasing the risk of a blowout. If the tire is underinflated, the risk increases.

Finding an SUV's load capacity isn't easy. Some automakers post such figures online. Many manufacturers, in their owner's manuals, suggest you calculate it yourself by weighing the empty vehicle on a commercial scale (located at a truck stop or grain elevator, Nissan suggests), then deducting that figure from a stated "gross vehicle weight rating," the maximum allowable weight of people and luggage. The *Jeep Grand Cherokee*, whose relatively small cargo space and heavy load capacity make it one of the better SUVs in this regard, usefully puts the figure inside the glove compartment. Honda and Mercedes-Benz also include it in their owner's manuals, and Ford has recently announced that it will begin including payload information on stickers inside the doorjambs of its SUVs and pickup trucks.

All manufacturers can calculate load capacity. Consumers Union thinks this figure should be prominently displayed in every vehicle.

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December 2000

Load capacity comparison

- Main report
- Minivans
- Wagons
- Sedans
- Coupes and sports cars
- Pickup trucks

It's natural to assume that if a vehicle has a large cargo area then you should be able to fill it without worrying about overloading the vehicle. But that's not always the case. Some vehicles have a large cargo area but a relatively low load carrying capacity—the maximum combined weight of people and cargo that the vehicle is designed to safely handle. In fact, some vehicles can be overloaded with just five adults.

Overloading a vehicle can compromise safety, affecting its handling, braking, and tires. Unfortunately, most auto manufacturers don't include load capacity either on the vehicles or in the owner's manuals. (Exceptions include Jeep, Honda, and Mercedes-Benz, which all provide this information in their owner's manuals.) In addition, the load capacity for a given nameplate can vary, depending on the model. A vehicle's trim level, model year, amount of optional equipment, the type of transmission, and even the amount of sound deadening can affect the maximum amount of weight that a vehicle can safely carry. That's why a higher trim level, loaded with a lot of optional equipment, can have a lower load capacity than a base model.

If a vehicle's load capacity isn't provided by the manufacturer, it can be hard to calculate. You would have to:

▶ Obtain the Gross Vehicle Weight Rating from the vehicle's doorjamb sticker.

▶ Have the vehicle weighed on a commercial-grade scale to determine its curb weight—what the vehicle weighs with a full tank of gas but without any passengers or cargo.

▶ Subtract the curb weight from the Gross Vehicle Weight Rating. This figure is the vehicle's load-carrying capacity. Not many consumers have easy access to commercial-grade scales. To help, *Consumer Reports* calculates and publishes this figure for each vehicle it tests.

Sport-utility vehicles

Reading the table

The following table shows the load capacity of all SUVs that *Consumer Reports* has tested since 1993. Vehicles are listed in alphabetical order by **make and model**. The **maximum load**, in pounds, was calculated at our Auto Test Facility using the manufacturers' specifications and our own vehicle scales. Since these figures apply only to the specific model year and trim line listed, use them only as a comparative guide. In addition, the chart includes the **cargo volume**—or total usable amount of cargo space—for SUVs, minivans, and wagons, as measured by *Consumer Reports* ' auto engineers.

Make	Model	Trim line	Model year	Maximum load capacity	Cargo volume cu. ft
Sport-utility vehicles					
BMW	X5	4.4	2000	1,290	35.5
Chevrolet	Blazer	LS	1995	1,120	42.5
Chevrolet	Blazer	LT	1998	1,040	40.0
Chevrolet	Suburban	LT	2000	1,610	77.0
Chevrolet	Tahoe	—	1995	1,485	65.5
Chevrolet	Tracker	—	1999	870	28.0
Dodge	Durango	SLT Plus	1998	1,690	47.5
Ford	Excursion	XLT	2000	1,630	84.0
Ford	Expedition	XLT	1997	1,710	70.0
Ford	Explorer	Limited	1995	980	47.5
Ford	Explorer	XLT	1997	1,025	52.0
Geo	Tracker	LSI	1996	750	24.5
Honda	CR-V	—	1997	970	31.5
Honda	CR-V	EX	2000	850	31.0
Honda	Passport	EX	1994	820	37.0
Infiniti	QX4	—	1998	795	34.5
Isuzu	Rodeo	S	1996	915	38.5
Isuzu	Trooper	LS	1996	1,080	44.0
Jeep	Cherokee	Sport	1997	1,360	36.5
Jeep	Grand Cherokee	Limited	1995	1,410	34.5
Jeep	Grand Cherokee	Laredo	1997	1,150	34.0
Jeep	Grand Cherokee	Limited	1999	1,150	37.0
Jeep	Wrangler	Sahara	1997	820	17.5
Kia	Sportage	EX	1995	860	30.0
Land Rover	Discovery	—	1995	1,485	42.0
Land Rover	Discovery	—	1995	1,330	46.5
Lexus	RX300	—	1999	880	37.5
Lincoln	Navigator	—	1999	1,350	67.0
Mercedes-Benz	ML320	—	1998	1,340	45.5
Mercedes-Benz	ML430	—	2000	1,340	45.5
Mercury	Mountaineer	—	1998	1,080	50.5
Mitsubishi	Montero Sport	LS	1997	1,210	33.0
Nissan	Pathfinder	LE	1996	1,060	33.5
Nissan	Xterra	SE	2000	885	43.5
Subaru	Forester	S	1998	900	35.5
Subaru	Forester	S	2001	900	35.5
Suzuki	Grand Vitara	JLX+	1999	895	28.0
Suzuki	Sidekick	Sport	1998	770	24.5
Suzuki	X90	—	1996	480	NA
Toyota	4runner	SR5	1996	1,320	44.0
Toyota	Land Cruiser	—	1994	1,320	44.5
Toyota	Land Cruiser	—	1998	1,240	50.0
Toyota	RAV4	—	1996	910	27.0
Toyota	RAV4	—	1997	895	28.0

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Ford Motor Company

NHTSA – Ford Motor Company Review

March 28th and 29th, 2001

Firestone Tire Root Cause Update
And
Explorer Vehicle Dynamics Presentation

PE00-029, Category 1
00021586

Draft
- work in progress

Ford's Conclusions

The elevated rate of tread separation claims and Explorer rollover reports that result in injuries and fatalities is completely explained by tire design, manufacturing and in-use factors. The other four Technical Hypotheses have no discernable effect.

TRUE

Technical Hypothesis 1

Tires experience an elevated rate of tread separation claims due to a combination of tire design, manufacturing, or in-use factors

and/or

Technical Hypothesis 2

FALSE

The Explorer design causes an elevated rate of tread separation claims

and/or

Technical Hypothesis 3

FALSE

Explorer controllability in a tread separation is deficient, compared to peer vehicles

and/or

Technical Hypothesis 4

FALSE

Explorer rollover rate a loss of control is deficient compared to peer vehicles

and/or

Technical Hypothesis 5

FALSE

Explorer crashworthiness in a rollover is deficient compared to peer vehicles

PZ00-410. Category 1
00021600

March 28, 2001

I 10

488

Draft
- work in progress

Draft Root Cause Statement:

The root cause of the elevated rate of tread separation failures of certain Firestone P235/75R15 tires is due to a combination of:

1) the sensitivity of the tire design to stress and ageing,
2) design differences between ATX and W-AT tires
3) manufacturing properties which differ between plants.

These three factors result in higher sensitivity of the tires to failure in field conditions (such as high ambient/operating temperature, high load, high speed, and low inflation pressure). These three factors combine with more than one of the field conditions to cause the elevated incidence of claims.

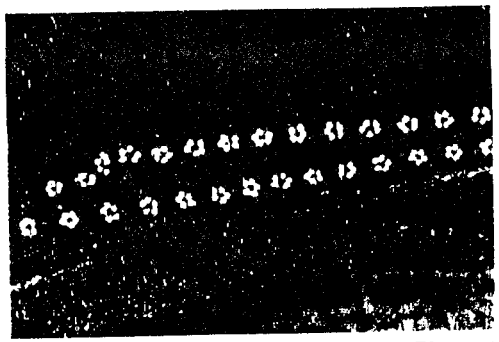
The root cause is therefore a complex interaction, and not attributable to any one of the elements in isolation.

P000-428, Category 1
00021605

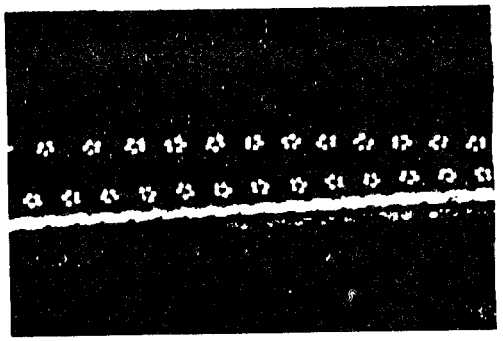
Draft
- work in progress

Recalled tires from the field

ATX DOT W2HL1PM205



Wilderness-AT DOT VDHL1PY347

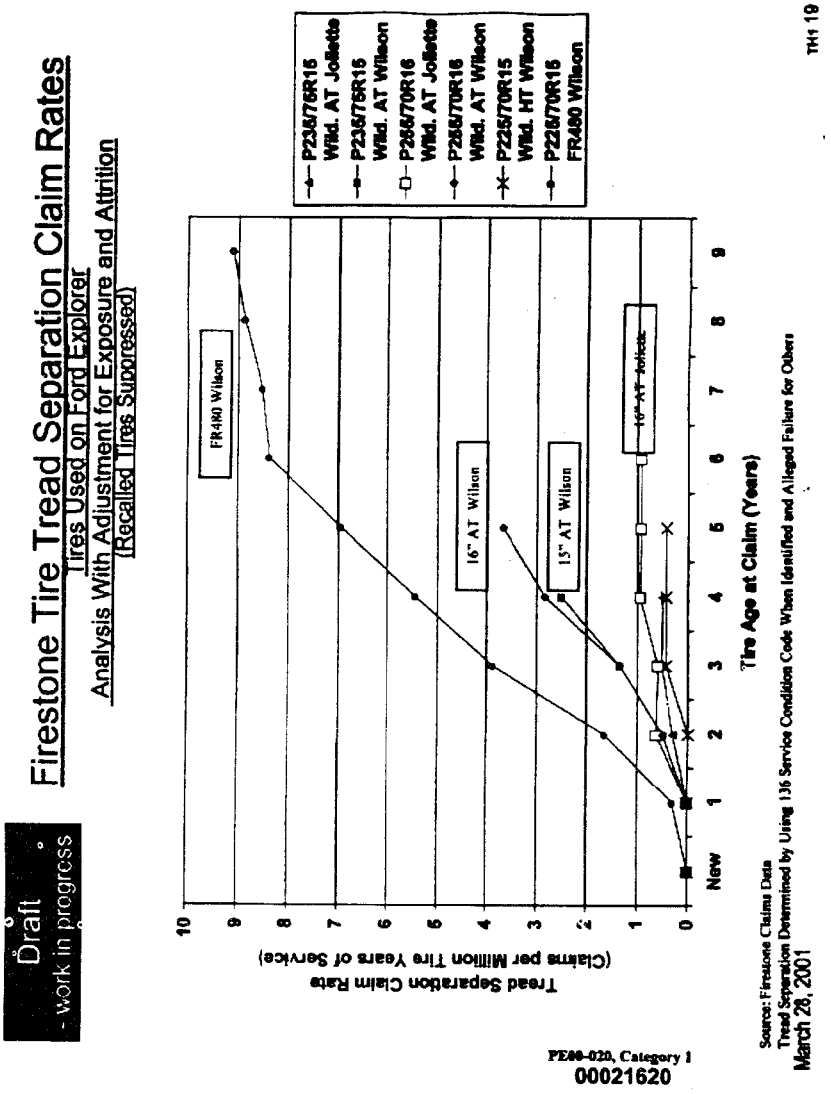


The pictures above show Firestone 15" tires with a few thousand miles service history in the field.

LEFT – shows that the crack has initiated at the edge of the belt and progressed into the wedge material between the belts.

RIGHT – shows the progression of the crack into the skim coat between the belts.

PE00-020, Category 1
00021613


Draft
- work in progress
Firestone Tire Tread Separation Claim Rates
Tires Used on Ford Explorer
Analysis With Adjustment for Exposure and Attrition
(Recalled Tires Suppressed)
Tread Separation Claim Rate
(Claims per Million Tire Years of Service)
Tire Age at Claim (Years)
New
FR480 Wilson
16" AT Wilson
15" AT Wilson
16" A/T Jolietc
P235/75R15 Wtd. AT Joliette
P235/75R15 Wtd. AT Wilson
P265/70R16 Wtd. AT Joliette
P255/70R16 Wtd. AT Wilson
P225/70R15 Wtd. HT Wilson
P225/70R15 FR480 Wilson
Source: Firestone Claims Data
Tread Separation Determined by Using 136 Service Condition Code When Identified and Alleged Failure for Others
March 28, 2001
TH1 19
PE00-020, Category 1
00021620

K F STEWART

Subject: UN46 Status

DRAFT/PRELIMINARY

Overview:

Current "strategies" for development of utility vehicle stability have changed over the past few years due the increased availability of rollover accident data and analyses. Previous strategies were partially driven by the Insurance Institute tests of the Jeep CJ7 in the early 80's which emphasized risk from rollovers caused by extreme (rate and magnitude) steering inputs in emergency maneuvers. Independent DOT, GM and Ford studies have confirmed that rollovers directly induced by extreme steering inputs are rare for any Utility vehicle (including the CJ7). The following quote from GM's recent SAE Paper (Reconstruction of Rollover Collisions, SAE 890857), summarizes current wisdom: "A common pre-rollover maneuver is an off-road path by the car, followed by heavy steer correction back towards the road leading to a side slide, and, ultimately, a trip followed by the rollover". Based on this new information, the UN46 was developed using a handling philosophy notably different from the BII. A comparison of BII and UN46 handling strategies is summarized below:

Model	Response	Cornering Capacity	Body Roll
BII	"Quick" steering and moderate understeer for good response and minimal tire "squeal". Develop vehicle for high speed through lane change pylons.	Maximize for good accident avoidance capability and fast "lap times" on handling track.	Minimize for "flat" feel and high cornering confidance.
UN46	Reduce steering gain and increase understeer to slow steering response. This will increase driver feedback (more tire "squeal") and reduce sensitivity to driver over-correction (common with drivers "under the influence").	Not to exceed current BII levels. Limit cornering capacity with larger tires through suspension revisions and tire pressure reduction.	Increase body roll to reduce cornering confidence and thereby discourage aggressive driving.

Parametric Comparison:

Parameter	2 dr UN46 4x2	2 dr UN46 4x4	4 dr UN46 4x2	4 dr UN46 4x4	'89 BrII 4x2	'89 BrII 4x4	S-Blaz(4x4) Std	S-Blaz(4x4) Opt	Path/Fdr 4x4
Avg Track Width	58.1	58.3	58.1	58.3	56.9	56.9	55.8	55.8	55.6
C.G. Height (curb)	26.9	26.8	27.1	27.1	27.5	26.7	25.7	25.7	26.3
(4) Stability Index	2.16	2.17	2.14	2.15	2.07	2.13	2.17	2.17	2.11
(1) Versace Metric 1/	.349	.348	.336	.336	.3760	.3650	.3459	.3459	.3447
(7) Roll Gain (°/g)	5.6e	5.6	5.6e	5.7	N/A	3.7	6.9e	N/A	9.0
(6) U/steer @ .3g (°/g)	TBD	6.5	TBD	6.5	N/A	4.4	4.2	N/A	3.2
Overall Str Ratio- Wheelbase	19:1 102:1	19:1 102:1	19:1 111.9	19:1 111.9	19:1 94.0	19:1 94.0	20:1 100.5	20:1 100.5	20:1 104.3
(2) B/Tan(20°/SR) 2/	463.0	463.0	507.5	507.5	426.3	426.3	479.8	479.8	497.9
Engine Disp.	4.0L	4.0L	4.0L	4.0L	2.9L	2.9L	2.8L	4.3L	2.9L
Horsepower	170	170	170	170	140	140	125	160	139
Curb Weight	3576	3791	3719	3907	3278	3371	3217	3267	3715
(3) HP/Weight 3/	.048	.045	.046	.044	.043	.042	.039	.049	.037

1/ This a measure of stability that shows high correlation with actual FARS rollover data. Unlike the "Stability Index", this measure includes wheelbase effects (important for "directional stability") ... lower is "better".

2/ This is an analytical measure of steering gain. The smaller the value, the "quicker" is the perceived steering response.

3/ High power/weight is believed to promote aggressive driving.

Limit Handling - "J" Turn Test Status:
Due to inconsistencies with the computer analysis program ADAMS, the UN46 2 Dr 4X4 will be signed-off for rollover stability by actual "limit" testing at the Arizona Proving Grounds (April 18th to 29th). Testing will include an '89 S-10 Blazer with 4.3L engine along with a current production BII 4x4. The BII provides an essential "baseline" for UN46 Rollover Stability sign-off because our analysis of the BII FARS data indicates almost no propensity for rollover during "handling" maneuvers. Testing will begin at relatively low speed (40 mph) and steer angles (90 deg.) and gradually increase to 55 mph and 360 deg. to establish the limit "threshold". The UN46 must at least be equivalent to the BII in these maneuvers to be considered acceptable for production.

Track Handling (Non-limit Subjective):
The UN-46 2 door and 4 door models, both 4x2 and 4x4, exhibit track handling performance superior to the 1989 Bronco II models. Evaluations on the handling and serpentine courses demonstrate that the vehicle body roll induced during increasingly severe maneuvers provides ample feedback to the driver of impending limit conditions. Increased understeer during severe cornering reduces the lateral acceleration and enhances control. The UN-46 models are superior to the Bronco II for all available options, including tires currently released for the program. The UN-46 models have been rated superior to the Chevrolet S-10 Blazer and Nissan Pathfinder for overall subjective handling.

Tire Pressure Reduction:
Engineering has recommended use of tire pressures below maximum allowable inflation levels for all UN46 tires. As described previously, the reduced tire pressures increase understeer and reduce maximum cornering capacity (both "stabilizing" influences). This practice has been used routinely in heavy duty pick-up truck and car station wagon applications to assure adequate understeer under all loading conditions. Nissan (Pathfinder), Toyota, Chevrolet, and Dodge also reduce tire pressures for selected applications. While we cannot be sure of their reasons, similarities in vehicle loading suggest that maintaining a minimal level of understeer under rear-loaded conditions may be the compelling factor.

Summary:
Based on an analysis of FARS accident summaries and BII & Competitive handling characteristics, it is impossible to identify any type of vehicle "defect" that could explain the BII FARS performance. It is most likely that the handling strategy used during the development of the BII, which fully exploited the vehicles inherent quickness (due to its short wheelbase), encourages aggressive driving and makes the vehicle more sensitive to the large steering wheel "over-corrections" that seem to be part of most rollover scenarios. This sensitivity is aggravated by the fact the most operators in rollover accidents are either inexperienced drivers, under the influence of alcohol or both. The UN46, designed with the benefit of the FARS experience for all utility vehicles, has been intentionally developed to resolve these issues.

From: RSTORNAN--DRBN001 Date and time 09/12/89 09:01:29
To: CWHITE --DRBN001

FROM: Roger F. Stornant
Subject: UN46 Steering Linkage Issue - Index Bars

UN46 with P225 tire on both 2 dr and 4 dr was literally "bullet-proof" (i.e., no 2 wheel lift on long or short course with "saturation" tendency similar to T-Blazer). The 4 dr with the P235 ATX tires was significantly better than BII, especially on the short course where it was impossible to generate 2 wheel lift (on the long course,"reserve" was 3 mph, better than BII's 0 mph reserve).

However, the 2 dr with P235 ATX tires performed similarly to the BII on both the short and long courses. Addition of the lowered front roll center gave the P235 tire performance similar to the P225 even without the increased track width. Based on the variability of the test, as demonstrated by our own drivers, it is possible to pass the CU test with the P235 tires; however, if we were using the CU test as sign-off requirement, we would not accept this combination (P235 ATX & 2dr).

In the "real world", tire size has not been demonstrated to be a significant factor; in fact, analysis of the FARS incidents would suggest that larger tires may be an advantage (reduced tendency for rim-road contact). Our analysis would indicate that the Explorer will have much better FARS performance than BII regardless of tire size due to it's longer wheelbase, increased understeer and slower dynamic response (also a WB effect).
Regards,
Roger F. Stornant
*** Forwarding note from CWHITE --DRBN001 09/11/89 16:01 ***
To: RSTORNAN--DRBN001 R. F. Stornant

FROM: Charles White
Subject: UN46 Steering Linkage Issue - Index Bars
Isn't is also true that the UN46 is better than BII in CU test even with P235?

Isn't it also true that UN46 with P235 is much better than BII with P205 in real world FARS analysis standpoint (longer wheelbase, etc.)?
*** Forwarding note from RSTORNAN--DRBN001 09/11/89 12:20 ***
To: CWHITE --DRBN001

FROM: Roger F. Stornant
Subject: UN46 Steering Linkage Issue - Index Bars
I believe my attached note to RRS will answer your question on "What tire issues?".
Regards,
Roger F. Stornant
*** Forwarding note from RSTORNAN--DRBN001 09/11/89 12:18 ***
To: RSIMPSO1--DRBN001

FROM: Roger F. Stornant
Subject: UN46 Steering Linkage Issue - Index Bars

Nothing new on tires. Our tests indicate a high confidence of passing CU with P225 tires and less confidence on the P235. All tires meet engineering J-Turn test. I believe new info is that our competitors are recognizing CU Test as a requirement and have designed their new utility vehicles to meet. OGC is concerned we will be only OEM with a vehicle that has a significant chance of failing the CU test. I believe that management is aware of the potential risk w/P235 tires and has accepted risk. CU test is generally unrepresentative of real world and I see no "real" risk in failing except

what may result in way of spurious litigation.

From an engineering standpoint, I am not comfortable with the warning label approach to avoid use of an index bar. I do not believe we could even count on B&AO to orient correctly, much less service personnel; however, if you obtain ASO concurrence in this approach, I will go along.
Regards,
Roger F. Stornant
*** Forwarding note from RSIMPSO1--DRBN001 09/11/89 11:01 ***
To: RSTORNAN--DRBN001

*** Reply to note of 09/11/89 09:55
FROM: Roger R. Simpson
Subject: UN46 Steering Linkage Issue - Index Bars
IN MY MIND, THERE IS SUFFICIENT RATIONALE TO ELIMINATE ALL OF THE INDEX BARS IF A DECAL ON THE LINKAGE IS EMPLOYED. LET'S DISCUSS.

REGARDING TIRES, I THINK TRUCK SHOULD STAND ON IT'S ORIGINAL POSITION. IS THERE ANY NEW INFORMATION THAT WOULD CAUSE A CHANGE?

cc: WGILLIES--DRBN001 CWHITE --DRBN001

Regards,
Roger R. Simpson

cc: RCAMPBEL--DRBN001 DWOTTON --DRBN001
DHOUSTO1--DRBN004

From: RSTORNAN--DRBN001 Date and time 09/11/89 09:55:10
To: CWHITE --DRBN001 RSIMPSO1--DRBN001

FROM: Roger F. Stornant
Subject: UN46 Steering Linkage Issue - Index Bars
Based on testing performed by Carron last week, it appears that resolution of the index bar concern is near. At this time, index bars will not be required on any 4x4 models and only on one side of the 4x2 models. Carron believes that, with minor re-design of the stabilizer bar link, only one index bar will eventually be required (a full complement of index bars is 4 per linkage ... 2 on each side, @ appox. $2.50 per bar thus the $10 value for a complete linkage). With this approach, we would probably launch with a pair of bars on the 4x2 linkage and shortly after Job #1 go to the single bar with an UN46 average cost effect of < $1. B&AO is currently reviewing the imapct of this proposal but, because a single bar does not significantly hamper the tie rod adjustment process, they are expected to buy-in to both the short term (two bars on one side) and long term (one bar on one side) plan.

Final resolution is expected for later this week. Other actions required are proceeding for Job #1 according to plan.

I have heard via the "grapevine" that OGC is arming themselves for one more attempt to revise the intial tire release plan. They have heard that Nissan and Toyota are designing their utility vehicles to meet the CU test (GM already meets). I understand they will be asking us to restrict to the P225 tire and make additional changes to increase confidence in the optional tires.

cc: DHOUSTO1--DRBN004

Regards,
Roger F. Stornant

From: RSTORNAN--DRBN001 Date and time 09/18/89 12:28:23
To: DHOUST01--DRBN004

FROM: Roger F. Stornant
Subject: UN46 FRONT SUSPENSION

CAW's absolutely correct but you can be sure that any new suspension we execute will be best in class in the suspension parameters that impact vehicle stability.
Regards,
Roger F. Stornant
*** Forwarding note from CWHITE --DRBN001 09/15/89 17:19 ***
To: DHOUST01--DRBN004 DREPLOGL--DRBN001
DDUKATZ --DRBN001

FROM: Charles White
Subject: UN46 FRONT SUSPENSION
There is discussion starting to revise the Ranger and UN46 suspension due to out-of-date performance of the Twin-I beam. The issues we will address are drift/pull, tire wear, and clear vision. There is the indirect benefit to handling, but pls keep in mind that the BII and the improved UN46 are both safe, well-handling vehicles. Earliest possible timing is around 1994 or so. There is no way to do earlier due to massive changes required in frames and suspension.

The current cycle plan shows 1998 MY as the Job 1 date, but at the 9/15/89 QSC mtg it was agreed that we would look at earlier incorporation of a new front suspension out-ot-cycle for the reasons stated above, not safety.
*** Forwarding note from DHOUST01--DRBN004 09/15/89 16:19 ***
To: DREPLOGL--DRBN001 CWHITE --DRBN001

FROM: David R. Houston
Subject: UN46 FRONT SUSPENSION

In the event you a take a poll, my vote would be to change the cycle plan for the UN46 vehicle to replace the current front suspension at the earliest possible opportunity. I believe that this would positively position the vehicle to be immune from criticism arising from allegations regarding limit handling maneuvers. This would also help keep the vehicle free from any public relations or competitive attack, while NHTSA makes up its' mind on what stability tests might be appropriate.

cc: RSTORNAN--DRBN001 AHOWLAND--DRBN004
TSPEAR --DRBN004

Regards,
David R. Houston
PHONE X41312, FAX X25457, PROFS ID "DHOUST01"

cc: RSTORNAN--DRBN001 R. F. Stornant

From: RSTORNAN--DRBN001 Date and time 09/18/89 12:28:23
To: DHOUSTO1--DRBN004

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cc: RSTORNAN--DRBN001 AHOWLAND--DRBN004
TSPEAR --DRBN004

Regards,
David R. Houston
PHONE X41312, FAX X25457, PROFS ID "DHOUSTO1"

cc: RSTORNAN--DRBN001 R. F. Stornant

From: DHOUSTO1--DRBN004 Date and time 09/18/89 08:39:45
To: AHOWLAND--DRBN004 TSPEAR --DRBN004

FROM: David R. Houston
Subject: UN46 FRONT SUSPENSION

JUST CLOSING THE LOOP REGARDING MY NOTE TO CHUCK WHITE.

I HOPE THE DISCUSSIONS HE REFERED TO DON'T DAMPEN THEMSELVES OUT. IT IS ALSO COMFORTING TO HEAR THAT THERE ARE "OTHER" REASONS FOR REVISION OF THE "TWIN-I-BEAM" OTHER THAN THOSE WE ARE CONCERNED WITH. IF EITHER OF YOU HAVE ANY IDEAS HOW WE, "ASO", COULD HELP THAT SNOW BALL GATHER A LITTLE SNOW, LET'S DISCUSS IT AT OUR NEXT DESIGN REVIEW.
Regards,
David R. Houston
PHONE X41312, FAX X25457, PROFS ID "DHOUSTO1"
*** Forwarding note from CWHITE --DRBN001 09/15/89 17:19 ***
To: DHOUSTO1--DRBN004 DREPLOGL--DRBN001
DDUKATZ --DRBN001

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cc: RSTORNAN--DRBN001 AHOWLAND--DRBN004
TSPEAR --DRBN004

Regards,
David R. Houston
PHONE X41312, FAX X25457, PROFS ID "DHOUSTO1"

cc: RSTORNAN--DRBN001 R. F. Stornant

cc: DHOUSTO1--DRBN004

St. Petersburg Times, June 16, 2001

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St. Petersburg Times

June 16, 2001, Saturday

SECTION: NATIONAL; Pg. 1A

LENGTH: 1951 words

HEADLINE: Attention shifts from Firestone to **Ford** Explorer

BYLINE: ANITA KUMAR

BODY:
Many experts now say the rollover propensity of the SUV is more to blame for fatal accidents than faulty tires.

Robert Harold Miller was traveling north on Interstate 75 in Lee County on March 29 when a rear tire ripped apart. His 1996 sport utility vehicle spun out of control at 70 mph before resting on its side.

Miller, 57, of Fort Myers was killed instantly.

The vehicle was a **Ford** Explorer. But the tires were not Firestone.

That accident, involving a Cooper tire, is one of the many that have come to light in recent weeks in which an Explorer flips after a tire - not made by Firestone - falls apart or after a driver swerves to avoid something in the road.

The crashes, and the most recent data that has just been compiled and examined by Firestone and by the Safety Forum, a consumer safety group, have shifted much of the blame for deadly rollovers across the nation from Bridgestone/Firestone to **Ford** Motor Co. and the Explorer, the world's best-selling sport utility vehicle.

Firestone, of course, has an ax to grind. The tiremaker has taken the majority of the blame in this crisis. But now, the company is fighting back, doing its own research to try to shift responsibility to **Ford.**

It was Firestone, for example, that broke off its 100-year-old relationship with **Ford** last month just before **Ford** told owners of its light trucks and SUVs equipped with Firestone tires to take their vehicles back to dealerships for replacement tires.

Industry experts such as Safety Forum, Ralph Nader's Public Citizen and the Center for Auto Safety say that **Ford** is even more responsible than the tiremaker for the problem that the government estimates led to 174 deaths nationwide. They want the company to be punished, and they want the vehicle to be taken off the road.

"At its core the **Ford**-Firestone tragedy was largely the responsibility of **Ford** Motor Co.," said Joan Claybrook, president of the consumer advocacy group Public Citizen. Claybrook headed the National Highway Traffic and Safety Administration during the Carter administration.

Ford is facing some backlash from consumer groups who think the automaker didn't do enough to prevent the deaths and injuries caused in the hundreds of accidents worldwide. Forces rallying against **Ford** include:

Consumer groups are asking **Ford** to notify Explorer owners of what the groups say are the

vehicle's safety flaws.

Firestone CEO John Lampe is requesting the federal government investigate the Explorer's safety concerns.

Venezuela is considering banning Explorers sales after accidents there claimed 37 lives.

Lawyers are asking a federal judge to force **Ford** to recall 4-million Explorers.

Congress is examining Firestone's claim during hearings Tuesday that the Explorer suffers from a steering problem that leads to rollovers.

Ford and Firestone have been feuding for months about which company is most responsible for the accidents. Though Firestone has taken the most heat, safety experts who are not involved in any litigation against either company, now say the automaker is ultimately responsible and must take further action.

"The problem was created by **Ford** at the outset," said Ocala lawyer Bruce Kaster, a tire litigation expert who has several clients suing both **Ford** and Firestone. "**Ford** could have completely eliminated the problem. But it didn't."

That's because the world's second-largest automaker's design produced a vehicle with a dangerous tendency to flip, say lawyers like Kaster and Tab Turner, a vehicle rollover litigation expert who also has clients suing both companies, and consumer experts like Safety Forum and Public Citizen. They also say **Ford** directed Firestone to design an unsafe tire and assured customers they could keep their tires underinflated and their vehicles overloaded.

Ford officials have repeatedly denied that the Explorer has problems, describing the vehicle as one of the safest on the road. **Ford** says Firestone is pointing the finger at the Explorer - one of the automaker's biggest moneymakers - only to take attention away from defective tires.

Ford and Firestone have recalled 27.4-million tires. And as a federal inquiry into those tires and more enters its second year, consumer groups have been crunching numbers and releasing statistics that back up the accusations against **Ford.**

Groups such as Safety Forum report that Explorers are four times more likely to roll over than other SUVs, and Firestone estimates that in Florida, Explorers are twice as likely to flip as other SUVs in tire-related crashes.

A four-month St. Petersburg Times analysis found that 41 people have been killed in Florida since 1997 in sport utility vehicles equipped with Firestone tires. No list of Explorer rollover accidents has been compiled nationwide, but the Times has found several accidents in Florida that involve Explorers but not Firestone tires.

"Both companies are to blame," Claybrook and Ralph Hoar, who heads the Safety Forum, said in a joint statement. "But the ultimate responsibility lies with **Ford** because many keys decisions leading up to the tragic deaths were made by **Ford.**"

The focus shifts fo **Ford**

Most SUVs are considered more likely to flip than passenger cars after sudden movements. But some auto experts, like Strategic Safety, another consumer safety group, and the Center for Auto Safety, say the Explorer's design makes it even more dangerous than other SUVs. That, combined with **Ford's** poor decisions about the tires' specifications, low inflation pressure and weight reduction, helped create the situation, they say.

Ford officials say the Explorer is not the problem, despite being socked by a $ 25-million jury verdict in a recent Texas case involving a fatal rollover of a Bronco II, the predecessor to the

Explorer.

Ford's SUVs had rollover problems long before defective Firestone tires came into the picture. Consumer Reports criticized the Bronco II, the Explorer's predecessor, for being prone to flip. In the 1980s, **Ford** overhauled the Bronco and kept that history in mind as it designed the Explorer.

In January, the federal government gave the Explorer just two stars on a new scale of from one to five that indicates the risk for a rollover. Two stars means the vehicle has a 30 percent to 40 percent chance of flipping in a single-vehicle crash.

Experts say some characteristics that make the Explorer unstable are its top-heavy nature; a wheelbase that is too narrow; a high cargo floor; and suspension that slows braking and allows wheels to slip. Some of those elements are being redesigned in the 2002 Explorer, but **Ford** spokeswoman Kathleen Vokes said that has nothing to do with Firestone-related accidents.

Firestone officials acknowledge that design and manufacturing mistakes led to some faulty tires but are frustrated by what they describe as **Ford's** lack of candor about the Explorer's safety problems.

"Our analysis suggests that there is a significant safety concern with a substantial segment of **Ford** Explorers," Firestone's Lampe said. "**Ford** Explorers on non-Firestone tires continue to experience tread separations and tragic rollover accidents."

An analysis of National Highway Traffic and Safety Administration data by Safety Forum shows that the wave of rollovers involving Explorers may have more to do with the vehicle than the tire. Tire failures on Explorers are four times more likely to produce catastrophic rollovers than on other SUVs, the analysis of more than 3,500 tire failures found.

Recent studies by Firestone reflect a rollover problem with Explorers. The tiremaker said a review of Firestone claims data showed the Explorer is twice as likely to have a rollover in a tire-related crash than other SUVs.

Dennis Guenther, an Ohio State University engineer who tested the Explorer and two other SUVs for Firestone, said a steering problem makes the **Ford** vehicle more difficult to control.

"This is a vehicle problem, not a tire problem," Guenther said.

Clarence Ditlow, executive director for the non-profit Center for Auto Safety said only about 10 percent of rollovers are tied to tire failures. Most, he said, occur after some other kind of sudden move.

A sample of crashes in Florida shows that Explorers have been involved in accidents without Firestone tires or, sometimes, without any tire problem.

One person was killed April 4 when an Explorer flipped on Interstate 4 in an accident with no tire failure. Another was killed May 16 when a non-Firestone rear tire on an Explorer fell apart on I-75 in Lee County. On May 27, an Explorer spun out of control when another car slid in front of it on I-275 in Pinellas County.

"The **Ford** Explorer is uniquely dangerous," Kaster said. "It is a vehicle that is much more susceptible to catastrophic crashes. They can no longer say to people, "This is a safe vehicle."'

This time, recall Explorers?

Ford's lack of action regarding the Explorer has prompted Firestone and consumer advocates to search for other ways to get the vehicle recalled and the company punished.

Lawyers representing hundreds of people killed or injured in Explorers asked the federal judge overseeing a class-action case against **Ford** and Firestone to recall 4-million Explorers.

The unusual request seeks the recall of all Explorers made since its inception in 1990, excluding the 2002 model, and a refund or replacement vehicle for owners. A **Ford** spokesman called the request frivolous and said the Explorer "has been, and continues to be, one of the safest vehicles on the road."

Federal Judge Sarah Evans Barker has yet to rule.

Lampe, the Firestone CEO, went to Washington to lobby another arm of the government about his request. He met with the federal transportation secretary about possible Explorer steering problems and asked for an investigation by the federal agency that oversees the auto industry.

"What we are concerned about is when something like this happens, a person should be able to pull over and not roll over," Lampe said after the meeting.

The National Highway Traffic Safety Administration has not responded but Congress has.

The House Commerce Committee scheduled a hearing for Tuesday to examine both companies' products and accusations. Committee spokesman Ken Johnson said it would examine **Ford's** analysis of Firestone tires and Firestone's claims of **Ford** steering problems.

Meanwhile, two national consumer groups, Safety Forum and Ralph Nader's Public Citizen, are lobbying the government, the media and **Ford.** They want the automaker to tell owners about the Explorer's tendency to roll, difficult handling after a tread separation, weak roof and lack of protection in a rollover crash.

While the federal government, Firestone and consumer safety groups are turning up the heat on **Ford** in the United States, things aren't much better for **Ford** overseas. In **Venezuela,** attention also has shifted to the automaker.

The **Venezuela** consumer protection agency asked that country's attorney general to seek a nationwide ban on Explorer sales and advertising, saying design flaws may have caused 50 accidents that claimed 37 lives since August.

The agency, known as Indecu, first reported that both **Ford** and Firestone were responsible for the deaths but recently changed its stance. The attorney general's office and Venezuelan congress are looking into the accusations.

As **Ford** and Firestone continue to fight, some people are starting to conclude that the two companies share the blame for their own flawed products, which together, formed a deadly combination.

"You can't separate these two," Turner said. "I know everybody wants to. But this is just a unique combination of a bad tire on a bad vehicle."

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Peoria Journal Star
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Monday, April 30, 2001

City

Toluca family faults **Cooper** tires for crash

SUV driver's death raises questions about company safety rec

SARAH OKESON

PEORIA - Richard Brown thought his red 1998 **Ford Explorer** was safe. After all, he had replaced his Firestone tires with tires made by **Cooper** Tire & Rubber Co.

"He said, 'This is safe,"' recalled Brown's sister, Sandra Carey of Toluca. "I have the good tires."'

But on March 30, Brown was driving on Interstate 80 about 48 miles east of Reno, Nev., on a trip from his Sacramento home to Toluca. One of the rear tires failed. Brown, who was driving in a 75 mph zone, veered to left and then right. The sport utility vehicle hit a pole, spun around and rolled over six times.

Brown still was alive when troopers from the Nevada Highway Patrol arrived, but they weren't able to save him. The 54-year-old was pronounced dead at 11:45 a.m.

"My brother thought he had a safe car because he thought he had safe tires," Carey said. "He was traveling along, doing everything right - and he was killed."

Firestone tires are believed to have played a role in more than 170 fatal crashes of **Ford Explorers.** The company recalled 6.5 million tires in August because of safety concerns.

After his death, Brown's family learned that questions also have been raised about the safety of **Cooper** tires. Premature tread separation of **Cooper** tires may have caused accidents that led to more than 30 deaths in the past six years.

"**Cooper** doesn't make a very good tire," said attorney Hugh Smith of Tampa, Fla., who is investigating Brown's death. "It's a

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competitive market, and they're trying to skimp on cost."

But a company spokeswoman said **Cooper** tires are safe.

"We have very few lawsuits, and our quality record is very good," said spokeswoman Pat Brown. "The reason we are in business is because people are happy with our product."

Cooper, which is based in Findlay, Ohio, makes about 40 million tires a year and has sales worldwide of $1.5 billion. Its tires are sold as replacements for the original tires on passenger cars and light trucks.

The company has been hit by a series of class-action lawsuits demanding that the it replace millions of tires made since 1985. The lawsuits claim **Cooper** workers damaged the tires when they used a tool similar to an ice pick to remove air bubbles.

Earlier this month, a jury in El Paso, Texas, awarded $10 million to the relatives of four people killed in a 1997 van accident after they found a defective tire from **Cooper** caused the van to roll over.

Brown said there are many reasons the tread could come apart on a tire besides manufacturing defects.

"We are certainly sorry for the family and the tragedy, but we do have a very good safety record," she said. "There are many reasons why this tread could separate. He could have picked up a nail. He could have had some impact damage."

Smith said he doesn't know yet which of **Cooper's** manufacturing plants produced the tire or what caused it to fail. He said the National Highway Traffic Safety Administration, which is investigating the Firestone deaths, is too understaffed to do proper investigations of tire companies.

"Unless you have a true epidemic like you have with Firestone, the NHTSA simply is not equipped to deal with these problems of consumer safety," Smith said. "The manufacturer is constantly weighing the costs of the deaths of people and whether those costs outweigh the costs of making a better tire. The answer to that question is generally no."

Richard Brown was born in Peoria, where he attended Manual High School before joining the Air Force. He used to manage the Old Country Buffet in Peoria and was thinking about moving back home to open a fast-food restaurant, his sister said.

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"He said, 'I'm coming home for a couple months,"' Carey said. "'I'm going to scout around for some restaurants, and I want to relax."'

Richard Brown was the type of person who didn't get perturbed about things very easily. He liked nature and would drive to Lake Tahoe in Nevada and call relatives to tell them what it looked like. When he died, he had a Bible and pictures of his two sons with him.

"I don't want my brother just to die in vain for nothing," Carey said. "He was everything to us."

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYA

Caption: This is the 1998 **Ford Explorer** owned by formerPeorian Richar [illegible] March 31 offinjuries sustained in an accident.; On the Net ([illegible] current under same headline.)

---- INDEX REFERENCES ----

NAMES: BROWN, RICHARD; CAREY, SANDRA; SMITH, HUGH

NEWS SUBJECT: English language content; Product Safety; Corporate Issues; News (ENGL C26 CCAT)

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Ford Motor Company

James P. Vondale, Director
Automotive Safety Office
Environmental & Safety Engineering

July 23, 2001

VIA HAND - DELIVERY

The Honorable James C. Greenwood
Chairman, Subcommittee on Oversight
And Investigations
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515-6115

The Honorable Cliff Stearns
Chairman, Subcommittee on Commerce,
Trade and Consumer Protection
Committee on Energy and Commerce
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Follow-up Questions from June 19, 2001 Hearing – Firestone Tires

Dear Chairman Greenwood and Chairman Stearns:

This responds to your letter of June 29, 2001 containing two follow-up questions related to the June 19 hearing on Ford Motor Company's Tire Replacement Program involving certain tires manufactured by Bridgestone/Firestone, Inc.

Question No. 1.

In Mr. Lampe's testimony, he mentions Ford's own internal documents – specifically Document 54 in last year's hearings – state Goodyear tires have had 10 tread separations. This is not what Ford has said in the past. Why the discrepancy?

Response

We appreciate this opportunity to clarify what Document 54 means and to address the claim that there have been 10 tread separations on Goodyear tires. Document 54 (copy attached) was written by a Ford engineer as part of Ford's investigation into reports of tread separations on Firestone tires in the Gul Coast Countries (GCC). The engineer was investigating whether there were similar tread separation reports in the United States. Document 54 shows that he queried several data sources to determine whether there were similar reports. Those data sources are Vehicle Owner Questionnaires sent to NHTSA, warranty reports in Ford's Analytical Warranty System (AWS) database, reports from dealer technicians in Ford's Common Quality Indicator Systems (CQIS) database, and customer contacts in Ford's Master Owner Relations System (MORS). These customer contacts are most often telephone calls to what was then called our Customer Assistance Center.

The section describing the Ford engineer's search of the customer contacts database (MORS) states "Found 32 possible tread separation claims on Firestone (22) and Goodyear (10)," and later states "10 of 32 possible claims were for the P235/75R15 tire from Goodyear." As Document 54 indicates, this search involved a manual review of 4236 total reports to locate these 10 reports that possibly related to a tread separation. It is important to note that uniquely in this section, Document 54 uses the term "possible" to describe the reports because the generalized descriptions contained in the reports did not allow the engineer reviewing them to make a determination that any of the reports actually involved a tread separation. Because the engineer could not make a determination whether these reports truly relate to tread separation, he listed them in Document 54 as "possible" tread separations to be fully inclusive. Therefore, it would be incorrect to conclude, based on Document 54, that there were 10 incidents of treac separations on Goodyear tires.

For a variety of reasons, including the fact that tire manufacturers, not vehicle manufacturers, have warranted their tires, tire companies have collected and retained substantially more information related to tread separation reports than vehicle manufacturers. It wasn't until July 2000, when Firestone supplied their claims data to Ford, that we became aware of the substantial number of tread separation claims involving Firestone ATX and certain Wilderness AT tires. Firestone's claims database contained hundreds of claims of tread separations that were not contained in Ford's databases. In order to make a fair comparison of the Firestone claims experience, in August 2000, we reviewed with Goodyear their claims data related to tires fitted on Explorers. We subsequently received a letter from Goodyear summarizing their claims data in September 2000 and a further correspondence from Goodyear on June 5 2001 reiterating their claims information. It is this Goodyear claims data and subsequent investigation that provided reliable documentation of two tread separation claims involving P235/75R15 Goodyear tires.

Question No. 2

Why didn't Ford change all of its tires over to Goodyear when it became obvious the tire failure rate on Goodyear was so much less than that of Firestone?

Response

In order to answer this question, we are providing a timeline of the tread separation claims information available to Ford. Ford initially received Firestone's tread separation claims data on July 28, 2000. Until that time, Ford did not possess this critical information. Firestone's claims data showed that ATX and certain Wilderness AT tires built at the Decatur plant had a substantial number of tread separation claims.

During the first week of August 2000, Ford reviewed Goodyear tread separation claims data for the tire installed on the 1995-1997 Explorer. The data showed that the Goodyear tire performed substantially better than the Firestone ATX and Decatur-built Wilderness AT tires. It is important to not that the July 2000 claims data for Wilderness AT tires built at other Firestone plants did not show an elevated failure rate.

Firestone declared the ATX and Decatur-built 15-inch Wilderness AT tires defective and announced a recall of those tires in August 2000. At that time, Ford discontinued the recalled tires in Explorer production and helped Firestone administer its safety recall.

Ford received updated Firestone claims data in December 2000. Although the new data contained additional claims on non-recalled Wilderness AT tires, it did not show an elevated rate of tread separation claims. It wasn't until May 11, 2001 that Ford received further Firestone claims data that showed elevated tread separation rates for certain additional Wilderness AT tires. By that time, Ford also had compiled substantial information about the performance of Wilderness AT tires from its extensive root cause investigation. This, coupled with other information obtained in the course of Ford's investigation, formed the basis for the announcement of Ford's Tire Replacement Program on May 22, 2001.

Please feel to call me at (313) 845-4320 if there are any questions.

Sincerely,

James P. Vondale

James P. Vondale

Attachment

1995 / 99 Explorer / Mountaineer Firestone P255/70R16 Tire Separation in the United States

1. PROBLEM DESCRIPTION

While driving vehicle, the tire tread separated from the main carcass of the tire. The tire failure is discovered when the driver hears the tire tread hitting the wheel house or the tire goes flat.

2. PROBLEM STATISTICS (MAGNITUDE OF CONCERN)

A. VOQ (Vehicle Owner Questionnaire)

-VOQ Database is showing 2 reported tire separations on 1996 vehicles. Tire size is TBD on one vehicle because of no VIN number reported and the second vehicle had the P235 tire.
-Two (2) additional tire claims that might be tire separation on 1996 vehicles. Tire size is TBD on one vehicle because of no VIN number reported and the second vehicle had the P235 tire.

B. AWS (Analytical Warranty System)

-Reviewed all 95 / 99 AWS claims (39) for tires with verbatims.

Found no reports of tire separations.

C. CQIS (Common Quality Indicator System)

-Reviewed all 95 / 99 CQIS reports (497) for tires and wheels.

Found one (1) report for Firestone tire separation; on a 1998 vehicle, but it was the Firestone P235/75R15 tire size and not the P235/70R16 tire.

D. MORS (Master Owners Relation System)

-Reviewed all 95 / 99 MORS reports (4236) for tires and wheels

Found 32 "possible" tread separation claims on Firestone (22) and Goodyear (10)

3 of the 32 possible claims were for the P225/70R15 tire from Firestone
10 of the 32 possible claims were for the P235/75R15 tire from Goodyear
18 of the 32 possible claims were for the P235/75R15 tire from Firestone

Found one (1) possible report for Firestone tire separation on P255/70R16, which sounds like it was caused by driving on a flat tire to the tire store to get air in the tire.

REDACTED

Note: Tire build dates on GCC incident tires has been between 10/25/95 and 2/19/97.

Ford Motor Company

James P. Vondale, Director
Automotive Safety Office
Environmental & Safety Engineering

July 23, 2001

Peter Kielty
Committee Clerk
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

VIA HAND - DELIVERY

June 19, 2001 Hearing – Firestone Tires

Dear Mr. Kielty:

This letter responds to your June 28, 2001 communication requesting written responses to certain questions raised during the Committee's June 19, 2001 hearing on Ford's Tire Replacement Program involving certain tires manufactured by Bridgestone/Firestone, Inc. Specifically, you identified two questions requiring written responses. We have paraphrased your questions and provided our responses below.

Question No. 1

Rep. Deal asked Mr. Nasser about Ford's possession of Firestone field data when Ford made the decision in December 1994 to source 100% of Explorer tires to Firestone for the 1998 model year and Mr. Nasser committed to respond to that question.

Response

Ford did not receive the Firestone claims data that caused us to determine that a safety recall was necessary on ATX and certain Wilderness AT tires until July 28, 2000. Similarly, it was not until May 11, 2001 that Ford received previously requested updated Firestone claims data on the rest of the Wilderness AT tires that formed part of the basis for our decision to replace all remaining 15-, 16-, and 17-inch Wilderness AT tires on Ford products. As Mr. Nasser testified, Ford made its decision to source 100% of Explorer tires to Firestone for the 1998 model year in December 1994. Therefore, Ford did not possess the claims data indicating tread separation concerns on Firestone ATX and Wilderness AT tires in December 1994 when the decision was made.

Question No. 2

Rep. Towns asked Mr. Nasser for information about the percentage of Firestone tread separatio claims originating in the "hot weather states." Mr. Nasser answered that the majority of reports came from the hot weather states, but that Ford would need to respond later with the exact percentages.

Response

Ford has categorized Arizona, California, Florida, and Texas as "hot weather states" for the purposes of analyzing tread separation claims data. While other states may also experience hot weather, these four states consistently have demonstrated the highest rates of tread separations on Firestone ATX and Wilderness AT tires. Including the latest claims data received from Firestone on May 11, 2001, abc 72% of the tread separation claims originated in these four hot weather states.

Please feel free to call me at (313) 845-4320 if there are any questions.

Sincerely

James P. Vondale

James P. Vondale

Ford Motor Company

James P. Vondale, Director
Automotive Safety Office
Environmental & Safety Engineering

July 23, 2001

VIA HAND - DELIVERY

The Honorable James C. Greenwood
Chairman, Subcommittee on Oversight
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Chairman, Subcommittee on Commerce,
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June 19, 2001 Hearing – Firestone Tires

Dear Chairman Greenwood and Chairman Stearns:

Ford would like to take this opportunity to provide additional information related to some of the subjects that Mr. Nasser addressed during his testimony on June 19, 2001 as well as to clarify some of th details of his testimony. This information supplements our responses to written requests for further information from Mr. Peter Kielty on June 28, 2001 and Chairmen Stearns and Greenwood on June 29, 2001. The format of this letter provides page number references to the unofficial transcript along with relevant excerpts from the testimony.

Pages 67-68

Chairman Stearns asked Mr. Nasser about the statistical significance of Ford's temperature testin of Firestone tires and Mr. Nasser offered to provide that data to the Subcommittee in the following exchange:

```
25                  CHAIRMAN STEARNS:  Was that decision
0068
 1   on your part on that test dealing with temperature,
 2   which I'm from Florida, it's a very important test,
 3   I'm trying to understand how you could make a
 4   decision under that kind of statistics where you had
 5   33 were Firestone and out of the 40 --
 6                  MR. NASSER:  Every test that we did
 7   went through a statistical analysis in terms of its
 8   significance and we will share that data with you
 9   and if you look at it, we believe it is
10   statistically significant.
```

As part of our responses to questions posed by Subcommittee staff prior to the hearing, Ford provided the information related to the temperature testing that includes its statistical significance. That data can be found in our June 8, 2001 submission in response to Question 7 in attachment Q7-2.xls. Another copy has been provided with this letter.

Page 99

In his testimony regarding how Ford made tire sourcing decisions between Firestone and Goodyear, Mr. Nasser stated that Firestone was "ranked as the No. 1 quality tire supplier."

MR. NASSER: It is, and I should say we're perhaps painting everything in a very negative sense here. Firestone and Ford had a very long history, and Firestone produced incredibly good tires over a long, long period. And during that period when -- in the early '90s, when the sourcing decisions between Firestone and Goodyear were being undertaken by the company, Firestone ranked as the No. 1 quality tire supplier, so there was no question at that point of Firestone's quality and their commitment to high standards.

The rankings to which Mr. Nasser refers in his testimony are part of an internal process in which Firestone was ranked as the top overall tire supplier with quality being one of the factors in the ranking. In the years 1989 through 1999, Firestone was ranked as the top overall tire supplier in nine of the eleven years.

Pages 100-101

There was a discussion between Mr. Deal and Mr. Nasser about when the reports of more than 1100 Firestone tire tread separations on Firestone tires became available to Ford:

MR. DEAL: Thank you, Mr. Chairman. Mr. Nasser, in your opening state (sic) you made a great deal about the differences between the Firestone tire's performance and a Goodyear tire performance, and the failure of Firestones in excess of 1100 versus two failures by Goodyear. When did that information first become known to Ford?

MR. NASSER: We started to look at that information during last year's 6 1/2 million recall. Up to that point -- even the 1183, although it sounds like a high number, you know, when you're dealing with millions and millions of tires it

0101
really wasn't very evident to us, so it was during the investigation of last year's recall.
MR. DEAL: So not until 2000 did these statistics begin to attract any attention?
MR. NASSER: I'm sure they were around both in the company and in the tire companies as well, but they didn't raise the awareness to a point where it was alarming to us.

It was not until July 28, 2000 that Ford received from Firestone the claims data that showed a high number of tread separation claims. Once the data was made available to us, Ford acted quickly to encourage Firestone to recall ATX and certain Wilderness AT tires in August 2000. In August 2000, Ford also reviewed Goodyear's claims data. Ford subsequently received a letter from Goodyear summarizing their claims data in September 2000. A further correspondence from Goodyear on June 5, 2001 reconfirmed their claims data.

Pages 102-103

In the following testimony, Mr. Nasser stated that the decision to source 100% of the Explorer tires to Firestone for the 1998 model year was made prior to fitting any Goodyear tires on any Explorers.

MR. DEAL: So, if the chairman's data of 1998 is correct when you switched to Firestone as a sole source and dropped the Goodyear tires, which in 2000 you learned had been performing very, very well, you indicated that it obviously was not on a price factor, because Goodyear had reduced their prices greater than Firestone between '94 and '97 you said.
MR. NASSER: Yeah. Congressman, I should say that the decision to drop the Goodyear tires on Explorer was actually made before we fitted the first Goodyear tire on an Explorer. So there wasn't any field data available anywhere.
MR. DEAL: So it was -- so when you say that you looked at the field --
MR. NASSER: We dropped the tire
0103
before it was even sourced on the Explorer. We made the decision to source Goodyear and we made the decision to desource Goodyear on Explorer before the first Goodyear tire was actually installed on an Explorer.

While our records do not allow us to determine precisely when the first Goodyear tire was fitted to an Explorer in the assembly plant, the beginning of production for the 1995 Explorer was in November 1994. The decision to source 100% of Explorer tires to Firestone for the 1998 model year was made in December 1994. Therefore, it is possible that some of the very first Explorers fitted with Goodyear tires at the assembly plant may have rolled off the line, but Ford did not have any data reflecting field experience with the Goodyear tires at that time.

Pages 109-110 and Pages 114-115

In the following question and answer, Mr. Nasser offered to provide additional information to clarify the tread separation reports on Ford Explorers and Rangers using the same Wilderness AT tires:

MR. GORDON: Okay. Yet you're not having problems with Ford Rangers?
MR. NASSER: We're recalling the Ford Rangers.
MR. GORDON: But did you have problems?
MR. NASSER: I think the incidence level is about the same in terms of the tread separation. I don't think there's any significant difference. But I'd have to get back to you on that.

Again, on pages 114-115, Mr. Nasser was questioned about tread separation rates for Explorers and Rangers equipped with the same Firestone tires:

CHAIRMAN GREENWOOD: Mr. Nasser, I just would like to point out to you from data that was supplied to us charged (sic) the Explorer and Ranger tread separation in rollover comparison 1993 through 2001 model years, the number of claims for a Ford Explorer was 299. The number of claims for the Ranger was apparently three. Well, let me compare '97 to 2001. In those cases it's 299 versus three, so there does seem to be a significant number. I don't know if that represents the percentage of vehicles on the road, but it seems to -- and the claims rate is a 47 rate -- claims per million with the Explorer versus only four. There seems to be a ten-fold difference between the Ranger and the Explorer, and I would ask to get a unanimous consent for a minute of time so you might respond to that since it seems to be quite different than the answer you responded to.

MR. NASSER: No. It's very much consistent. Ranger is having a problem. That's why we've recalled and replaced these tires. The Ranger 4x4 is the vehicle that has the tires that are also on the Explorer. The -- and the Ranger 4x4, with the Explorer tires, is a very small percentage of

0115

Ranger. So the sample size is small. That, in itself, isn't the issue. The other issue is that because they 4x4 models, they tend to be in the north, not in the south. And, in addition to that, it is used -- it's used Decatur tires on the 4x4, so you've got a mishmash of different geography, low installation rates on the 4x4 model, and a different plant, because of the heavy use of the --

CHAIRMAN GREENWOOD: I won't question those facts as you've just laid them out or take this any further than we need to, but I think you did respond to Mr. Gordon that the claims rates were similar.

MR. NASSER: They are similar when you adjust to an apples-to-apples comparison.

CHAIRMAN GREENWOOD: That may be a fair answer that when you adjust out for climate and so forth, that -- so I don't have data on that.

While the Explorer and Ranger have different overall tread separation rates, as Mr. Nasser explained, that is not an apples-to-apples comparison. Indeed, Mr. Brian O'Neill, head of the Insurance Institute for Highway Safety, pointed this out in the June 1, 2001 issue of *Business Week* when he described an Explorer-Ranger comparison as "an apples-to-oranges comparison that has no validity in my opinion." The difference in tread separation rates can be more than explained by several significant differences in the geographic distribution and use of the two different vehicles. As Mr. Nasser indicated, the tire size at issue, P235/75R15, was used as original equipment only on 4x4 versions of Rangers, while that tire was used on both 4x2 and 4x4 Explorers. This difference is significant in that 4x2 vehicles are much more likely to be sold in hot weather states where tread separation claims predominate. (Based upon Firestone claims data, the hot weather states of California, Florida, Texas, and Arizona account for approximately 72% of all tread separations.) When the data is analyzed to properly account for this one variable by restricting the analysis to these four hot weather states only, the ratio of tread separations on Explorer (338 ppm) compared to Ranger (161 ppm) is 2 to 1, not the ten-fold difference discussed at the hearing.

In addition to the significant geographic effect noted above, tread separation rates for any compact pickup truck (such as the Ranger) would be expected to be lower than for any compact sports utility vehicle (such as the Explorer.) Our analysis and the field data show that higher speeds, higher temperatures and higher loads can increase the risk of tread separations. Comparisons of typical usage patterns between compact pickups and SUV's suggest that these tread separation risk factors would apply differently to Explorers and Rangers. SUV's travel many more highway miles than pickup trucks as SUV's have become a favorite choice of American families for traveling long distances for vacations. They offer a combination of seating capacity to carry four or more people with additional storage for luggage along with off-road capabilities in the event the vacation involves camping or other outdoor activities. A compact pickup truck like a Ranger does not always offer this same versatility.

Finally, Firestone tires fitted to Rangers demonstrated a substantially higher tread separation rate than Goodyear tires fitted to Explorers. When subjected to higher temperatures, speeds, and loads, certain Wilderness AT tires have demonstrated an elevated rate of tread separation without regard to the vehicle to which they are fitted.

Pages 154-155

In the following testimony, Mr. Nasser was asked to compare the testing of Mr. Guenther to Ford's testing of SUV handling characteristics.

```
23                 MR. NASSER:  We have looked at the
24   study that Firestone commissioned on the handling of
25   Sports Utility Vehicles and we think that study is
0155
 1   seriously flawed.  We do not agree with it and we
 2   think the sample for the testing was inadequate to
 3   draw any meaningful conclusions at all.  They used
 4   three vehicles compared to 15 that we used.  They
 5   tested a limited number of models, they only tested
 6   on one road surface.  They did not test under actual
 7   event of tread separation and the data is
 8   inconsistent with real world data.
 9                 We then looked at the criteria that
10   they used.  By the way, understeer/oversteer, in the
11   end, you want a vehicle that's responsive and the
12   Explorer is a very responsive vehicle but we used
13   the criteria that Firestone used in terms of vehicle
14   handling and we looked at 19 other vehicles.  12 of
15   the 19 vehicles would fall outside of the criteria
16   that they established as a good handling vehicle.
```

To clarify, Mr. Guenther tested four vehicles whereas Ford tested 28 total vehicles. Further, when comparing the test results to the oversteer/understeer criteria Guenther proposed, 21 of 28 models tested exhibited the linear range steering characteristic that Guenther criticized in the Explorer.

Pages 156-157

In discussing the increase in the weight of the Explorer over time, Mr. Nasser offered to share more detailed information in the following excerpt:

MR. BRYANT: The load increase was insignificant?
MR. NASSER: The vehicle weight of the Explorer was insignificant. The data that you're looking at there is not apples to apples.

0157
What they did, if you go back and look at the Explorer, there are optional -- there was optional equipment on the Explorer that was made standard. That optional equipment was heavily marked as options by our customers. So there wasn't a very large increase in weight at all. Insignificant weight.
MR. MARKEY: 5,000 pounds to 5,600 pounds is more than a 10 percent increase in the weight of the vehicle.
MR. NASSER: That does not take into account optional equipment. The 5,000 pound and the 5,600 pounds is standard equipment. If you add a typically equipped vehicle, the difference is very small. We can share that data with you.

Before we address the history of the changes in weight rating for Explorer vehicles, we want to emphasize two points that demonstrate Explorer weight changes should not be responsible for tread separations on Firestone tires. First, the maximum load rating of Explorer vehicles was always substantially below the load carrying capacity of the Firestone tires. The maximum load rating of the P235/75R15 tire at 26 psi inflation pressure is 1753 pounds. Total load capability of the four tires on the Explorer is 7012 pounds. The highest maximum Gross Vehicle Weight Rating (GVWR) for the Explorer was 5640 pounds leaving a comfortable 19.5% margin for the tires. Even when derated by 10%, according to Tire &Rim Association practice, the tire reserve load is 94 pounds, or at least a 6% margin for each tire. Second, Goodyear tires fitted to the same Explorer vehicles, specified at 26 psi and with the same weight changes, have not experienced a tread separation problem. The 1995 ¼ model year that added standard features and more weight to the Explorer was also the model year that introduced Goodyear tires on the Explorer. While Firestone would like to claim that this additional weight played a factor in causing tread separations on their tires, Goodyear tires that met the same Ford requirements have not experienced a tread separation problem. Similarly, Goodyear tires were equipped on Explorers in 1996 when the 5.0L All Wheel Drive was introduced. Again, even with additional weight, Goodyear tires have not experienced a tread separation problem. There is simply no credible evidence that changes in the weight of the Explorer should cause tread separations on the Firestone tires originally equipped on the Explorer.

When the Explorer was introduced in 1991, the maximum 4.0L 4x4 Automatic GVWR was 5360 pounds. It increased to 5420 in 1992 and then to 5500 for the 1995 ¼ redesign. The 1995 ¼ redesign added standard features including safety equipment such as a passenger air bag, rear head restraints and adjustable shoulder harness D-rings, and functional equipment such as suspension changes, a larger fuel tank and 4-wheel disc brakes. The GVWR was increased to 5520 for the 1996 model year. The total GVWR increase was 160 pounds or 3% over 6 model years.

In 1996, the 5.0L All Wheel Drive Explorer was introduced. The GVWR for the heavier engine was 5600, which was increased to 5640 in 1997 where it remained unchanged through the 2001 model year. The increase over the 4.0L 4x4 Automatic was 120 pounds or about 2%. The GVWR change over 7 model years was 280 pounds or about 5%. Further, it is important to understand that this additional weight was distributed primarily to the front axle. Of the 280 pounds added to the maximum vehicle GVWR over the years, 210 pounds were added to the front axle weight rating primarily due to the 5.0L engine. (As you know, the large majority of reported tread separations involve rear tires.)

From this review of the Explorer weight rating history it should be clear that a claim that the weight of the vehicle rose 600 pounds over the model years is not supported by the facts. The maximum GVWR of the Explorer actually rose 280 pounds. The maximum GVWR for an Explorer in 1991 was 5360 pounds and the highest it ever reached was 5640 pounds.

Pages 164-165

In this section of the transcript, Mr. Nasser committed to provide more details about Ford's position regarding tire pressure monitoring systems.

25 MR. SAWYER: In our last hearing --
0165
1 this is the final point and then I just have a
2 request to make of you -- you talked about Ford's
3 commitment to doing early warning. What I was
4 talking about a moment ago is statistical early
5 warning. It seemed to me that you were talking
6 about direct pressure measurement early warning
7 systems within the vehicle.
8 It seems to me that some of your
9 competitors are talking about using ABS derived
10 sensory information that's secondary. I would hope
11 that you could share information with this committee
12 about what direction we ought to urge NHTSA to go
13 in.
14 MR. NASSER: We will share that
15 direction and specification. More than that, we're
16 actually moving on it, we're incorporating inflation
17 gages in our vehicles almost as we speak and we'll
18 lay out the plans that we've got in terms of the
19 other technology that's coming into vehicles across
20 the board.

Ford has been working with NHTSA to develop appropriate rules for tire pressure monitoring systems. Our position on tire pressure monitoring systems includes: 1) tire pressure monitoring systems are not a substitute for robust tire designs; 2) design flexibility is important to allow both ABS based and direct pressure sensor based systems; and 3) the rule should be consistent with available technology and safety needs so that systems do not provide excessive warnings to consumers, who then may disregard them in the future. Additionally, Ford supports the Alliance of Automotive Manufacturers' views that warning threshold values should be 20% below the Tire & Rim Association minimum recommended tire pressures or 20 psi, whichever threshold is higher, and that a phase-in for implementation is essential to allow for proper testing and design of systems for different vehicles.

Thank you for the opportunity to provide clarifying information to help the Subcommittee review these issues.

Sincerely,

James P. Vondale

Attachments

Question 7

Provide either the raw test data, or if an analysis has been completed, then th[redacted]e final analysis, on the temperature tests run on tires other than the Firestone A[redacted]T 15" produced at the Wilson plant, and the Goodyear Wrangler RT/S 15" (p.4)

Response:

The Excel file Q7-1.xls provides summary tables of the raw data for the temperature response surfaces. We have included additional data for 15" Wilderness AT tires produced at the Wilson plant as well as the 15" Goodyear Wrangler RTS 15" tire. The Excel file Q7-2.xls provides calculations, graphs a[redacted]d plots of the tire surface temperature.

Click here for Q7-1.xls

Click here for Q7-2.xls

DOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0
10	–	0	0
11	++	0	0
12	0	–	0
13	0	++	0
14	0	0	–
15	0	0	++

Lab Test condtions

				Firestone	Firestone	General	Continental	Firestone
			DOT Code	W2CU1PX029	8XL1PY3700	GS60	SUV	VNHL1PY2500
				255 70 R16	235 75 R15	235 75 R15	235 75 R15	235 75 R15
Test Number	**Speed**	**Load**	**Capped Pressure**	**Max Temp.**	**Max Temp.**	**Max Temp.**	**Max Temp.**	**Max Temp.**
	(mph)	(lbs)	(psig)	(deg F)	(deg F)	(deg F)	(deg F)	(deg F)
1	65	1250	18	138.4	145.8	121.8	125.1	140.3
2	85	1250	18	151.4	167.7	125.3	140.2	152.4
3	65	1750	18	163.2	174	126	162	169.5
4	85	1750	18	187.7	197	173.9	184.7	183.5
5	65	1250	30	122.6	129.1	100.3	109.5	128.6
6	85	1250	30	130.6	137.1	108.6	116.6	128.9
7	65	1750	30	138.5	149.3	112.8	133.7	146
8	85	1750	30	153.3	176.6	124.8	143.4	155
9	75	1500	24	142.3	155	123.7	131.4	148.5
10	55	1500	24	130.8	141.2	111.5	125.6	139.2
11	95	1500	24	164	164	139.7	152.5	151.9
12	75	1000	24	122.4	132.3	103.8	109.8	127.4
13	75	2000	24	167.1	153	139.2	164	172.6
14	75	1500	12	184.6	180	157	186	188
15	75	1500	36	132.1	128	108.9	119.9	133.4

DOE Set Up

Test Number	Speed (mph)	Load (lbs)	Capped Pressure (psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0
10	-	0	0
11	+	0	0
12	0	-	0
13	0	+	0
14	0	0	-
15	0	0	+

Lab Test condtions

Test Number	Speed (mph)	Load (lbs)	Capped Pressure (psig)	M6HLTBDR509 Goodyear Wrangler RTS FY1664 Max temp (deg F)	W2HL1PY2900 Firestone Wildersness AT FF2155 Max temp (deg F)	Michelin LTS MS Max temp (deg F)
1	55	1000	20	110	132	123.7
2	75	1000	20	122	148	135.3
3	55	1800	20	139	173	156.3
4	75	1800	20	161	185	148.8
5	55	1000	36	97	106	105.4
6	75	1000	36	106	117	115.3
7	55	1800	36	125.6	143	
8	75	1800	36	138	157.4	139
9	65	1400	28	124	111	136.3
10	55	1400	28	117	128	133.1
11	75	1400	28	132	156	147.2
12	65	1000	28	106	124	118.8
13	65	1800	28	137	164.4	153.9
14	65	1400	20	133	160	148.3
15	65	1400	36	118.5	135	129.3

DOE Set Up

Test condtions

st Num	Speed	Load	ed Pressure		Test Number	Speed	Load	Capped Pressure	Firestone W2HL 1M0 454	Firestone VDHL 1PM 186	Firestone W2HL 1M0 372	Firestone VNHL 1NX 222
									235 75 R15	235 75 R15	235 75 R15	235 75 R15
	(mph)	(lbs)	(psig)			(mph)	(lbs)	(psig)	(deg F)	(deg F)	(deg F)	(deg F)
1	-	-	-		1	55	1000	20	119.9	117.3	126.2	116
2	+	-	-		2	75	1000	20	129.9	132.1	138.4	134
3	-	+	-		3	55	1800	20	162.9	169.1	171.6	166.5
4	+	+	-		4	75	1800	20	186.1	190.5	186.8	189.4
5	-	-	+		5	55	1000	36	113.2	109.9	116.1	111.2
6	+	-	+		6	75	1000	36	112	108.6	117.2	115.9
7	-	+	+		7	55	1800	36	132.5	131.3	139.9	133.6
8	+	+	+		8	75	1800	36	144.7	149.9	149.2	147.8
9	0	0	0		9	65	1400	28	135.5	140.1	142.1	131.5

Experimental Set Up			Test Number	Speed (mph)	Load (lbs)	Capped Pressure (psig)	Firestone VDHL1PV189 235 75 R15 Max Temp. (deg F)
				Lab Test conditions			
-	-	-	1	60	1250	18	138.5
+	-	-	2	70	1250	18	147.4
-	+	-	3	60	1750	18	137.9
+	+	-	4	70	1750	18	178.8
-	-	+	5	60	1250	30	120.4
+	-	+	6	70	1250	30	126.2
-	+	+	7	60	1750	30	143.7
+	+	+	8	70	1750	30	149.4
0	0	0	9	65	1500	24	143.2
--	0	0	10	55	1500	24	135.7
++	0	0	11	75	1500	24	156.5
0	--	0	12	65	1000	24	121.5
0	++	0	13	65	2000	24	170.9
0	0	--	14	65	1500	12	181
0	0	++	15	65	1500	36	131.8
			1A	60	1250	18	

DOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0

Lab Test condtions — LT225/75R16 D

Test Number	Speed	Load	Capped Pressure	Front Camera	Rear Camera
	(mph)	(lbs)	(psig)	(deg F)	(deg F)
1	65	2000	50	125.8	147.3
2	85	2000	50	143	166.8
3	65	2600	50	146.5	165.6
4	85	2600	50	173.8	203.8
5	65	2000	70	122.8	145.2
6	85	2000	70	132.7	160.4
7	65	2600	70	136.3	165.3
8	85	2600	70	150.9	194.4
9	75	2300	60	140.3	170.6

DOT Code

LT225/75R16 D	VD 1L 1XE 109	Steeltex Radial R4S
LT225/75R16 E	VD 1L 1XD 119	Steeltex Radial R4S
LT235/85R16 Ea	VN 0R 1WW 436	Steeltex Radial R4S
LT235/85R16 Eb	VN 0R 1WT 394	Steeltex Radial R4S

Run tests on a 7 inch rim

DOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0

Lab Test condtions — LT225/75R16 E

Test Number	Speed	Load	Capped Pressure	Front Camera	Rear Camera
	(mph)	(lbs)	(psig)	(deg F)	(deg F)
1	65	2300	65	135.9	144.9
2	85	2300	65	155	169.4
3	65	2900	65	156.8	170.8
4	85	2900	65	178.3	197
5	65	2300	85	134.4	150.6
6	85	2300	85	149.8	163.9
7	65	2900	85	150.6	161.8
8	85	2900	85	173.5	187.7
9	75	2600	75	150.8	166.9

DOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0

Lab Test condtions — LT235/85R16 Ea — LT235/85R16 Eb

Test Number	Speed	Load	Capped Pressure	Front Camera	Rear Camera	Front Camera	Rear Camera
	(mph)	(lbs)	(psig)	(deg F)	(deg F)	(deg F)	(deg F)
1	65	2700	65	130.9	143.5	128.7	143.9
2	85	2700	65	141	154.4	141	157.1
3	65	3300	65	138.5	153	140.5	158.6
4	85	3300	65	149	166	160.1	180.8
5	65	2700	85	122.2	135.2	127	141.4
6	85	2700	85	132.2	142.5	133.9	153.7
7	65	3300	85	132.1	144.8	136.8	154.8
8	85	3300	85	148.2	160.6	151.2	174.5
9	75	3000	75	140.8	151.7	140.8	162.6

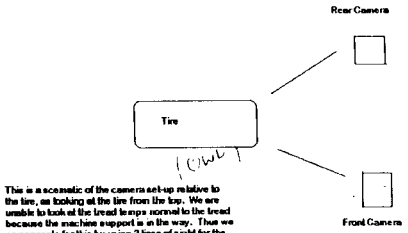
DOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0

Lab Test conditions

Test Number	Speed	Load	Capped Pressure	FR480 #1 W2UU80D220 Front Camera	FR480 #1 W2UU80D220 Rear Camera	Wilderness HT #1 W2UU1PO3200 Front Camera	Wilderness HT #1 W2UU1PO3200 Rear Camera	FR480 #2 W2UU80D220 Front Camera	FR480 #2 W2UU80D220 Rear Camera	Wilderness HT #2 W2UU1PO3200 Front Camera	Wilderness HT #2 W2UU1PO3200 Rear Camera
	(mph)	(lbs)	(psig)	(F)	(F)	(F)	(F)	(F)	(F)	(F)	(F)
1	65	1250	20	129.2	x	123	112	128.6	152.1	120.5	125.2
2	85	1250	20	147	x	144	132.2	145.1	167.9	140.3	146.3
3	65	1750	20	154	x	146.9	142	158.7	179.4	143.8	151.4
4	85	1750	20	181	180	190.3	178.3	187	186.8	186.4	187.9
5	65	1250	36	115	115	116.4	100.4	120.1	122.2	104.2	111.4
6	85	1250	36	119.5	120	121.7	109.2	123.4	128.4	115.3	122.7
7	65	1750	36	131.2	130.4	127.3	109.7	135.3	136.5	118.1	131.2
8	85	1750	36	147	143	142.6	128.3	156.9	152.7	132.9	142.3
9	75	1500	28	138.1	132.3	135.9	133.3	139.2	138.8	122.5	135.8

FR480avg Front Camera	FR480avg Rear Camera	Wilderness HT avg Front Camera	Wilderness HT avg Rear Camera
(F)	(F)	(F)	(F)
128.9	152.1	121.75	118.6
146.05	167.9	142.15	139.25
156.35	179.4	145.35	146.7
184	183.4	188.35	183.1
117.55	118.6	110.3	105.9
121.45	124.2	118.5	115.95
133.25	133.45	122.7	120.45
151.95	147.85	137.75	135.3
138.65	135.55	129.2	134.55



This is a scematic of the camera set-up relative to the tire, as looking at the tire from the top. We are unable to look at the tread temps normal to the tread because the machine support is in the way. Thus we compensate for this by using 2 lines of sight for the cameras, as diagramed above. I believe that when Dave looked at the data, he used all data from one camera, the front. But Dave would need to verify this.

DOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0

Lab Test condtions

P255 70 R16

		Explorer Wilderness AT				Explorer Sport Trac WAT	
DOT Code		VNCU 1PX 4000		VDCU 1PX 429		VDCU 1PX 429	
DST #		D2592		D5292 Alum Wheel		D5292 Steel Wheel	
Test Number	**Speed** (mph)	**Load** (lbs)	**Capped Pressure** (psig)		Front	Back	Front	Back	Front	Back
1	65	1250	18		120.2	131.4	118.4	125	121.5	127.7
2	85	1250	18		136.3	148.7	132.8	138.5	137	143.9
3	65	1750	18		141	153.6	138.5	148	143.7	150.1
4	85	1750	18		165.5	185.4	165.2	174.1	169.2	175.4
5	65	1250	30		110.3	121.3	109	114.9	111.1	118.6
6	85	1250	30		116.3	126	119	123.9	Skip	Skip
7	65	1750	30		122.4	132.6	122.8	129.8	Skip	Skip
8	85	1750	30		135.8	147.4	135.4	142.4	136.7	144.7
9	75	1500	24		127.6	139.1	127.7	135.9	Skip	Skip

DOE Set Up	Lab Test condtions	DOT Code	8X08IRC2000		DST #	D6169			

F150 Wilderness
HT P235/70R16

Test Number	Speed	Load	Capped Pressure		Front	Back
	(mph)	(lbs)	(psig)			
1	65	1400	25		124.9	123.5
2	85	1400	25		135.2	132.8
3	65	2200	25		148.3	145.6
4	85	2200	25		176	166.1
5	65	1400	35		119	119.3
6	85	1400	35		124.5	123.5
7	65	2200	35		135.4	135.2
8	85	2200	35		153	147.4
9	75	1800	30		137.8	136.1

DOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0

Lab Test condtions

					Expedition Wilderness AT							
			DOT Code		VNCU 1RD 400		W2 CU 1RD 4600		MDCUC6HR4000		W2T6 IRE 060	
			DST #		D5279		D5326		G644		D5924	
Test Number	**Speed**	**Load**	**Capped Pressure**		Front	Back	Front	Back	Front	Back	Front	Back
	(mph)	(lbs)	(psig)									
1	65	1600	25		128.6		126.2		135	138.5	127.9	129.9
2	85	1600	25		142.7		140.6		155.8	156.9	146.3	142.9
3	65	2400	25		153.2		158		171.1	170.9	154.1	155.8
4	85	2400	25		185.9		182.6		204.9	202	185.8	186.6
5	65	1600	35		126.8		121.8		130.1	130.3	118.3	123.5
6	85	1600	35		127.6		129		138	135.8	127.6	127.3
7	65	2400	35		139.7		140.6		151.6	149.5	138.1	143.3
8	85	2400	35		157.8		164.2		178.3	172.4	151.9	158.3
9	75	2000	30		142.3		145.2		155.8	153	140.7	142.2

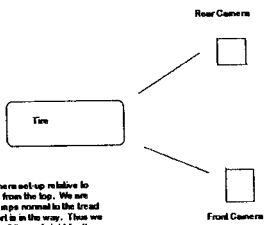
DOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0

Lab Test condtions

Test Number	Speed	Load	Capped Pressure	Tire #1 V225 Front Camera	Tire #1 V225 Rear Camera	Tire #2 V221 Front Camera	Tire #2 V221 Rear Camera	Tire #3 V231 Front Camera	Tire #3 V231 Rear Camera	Tire #4 Front Camera	Tire #4 Rear Camera
	(mph)	(lbs)	(psig)	(F)	(F)	(F)	(F)	(F)	(F)	(F)	(F)
1	65	1250	20	126.5	132.2	125.5	131.7	130	144.8		
2	85	1250	20	150.4	159.7	139	151.2	139.9	157.6		
3	85	1750	20	154.3	161.4	149.3	159.1	150.8	169.8		
4	85	1750	20	179.7	188.7	178.7	190.4	173.1	189.7		
5	65	1250	36	118.6	125.5	128.7	140.7	116.4	131		
6	85	1250	36	123.1	129.9	119.1	134.6	120.5	132.8		
7	85	1750	36	132.2	139.3	129.7	135.3	128.1	140.5		
8	85	1750	36	148	158.8	141	152	141.4	157.1		
9	75	1500	28	138	147.8	132.4	143.9	134.9	147.2		

V225=P235/75R15 NO DOT
V221=P235/75R15
V231=P255/70R16



This is a cosmetic of the camera set-up relative to the tire, as looking at the tire from the top. We are unable to look at the tread temps normal to the tread because the machine support is in the way. Thus we compensate for this by using 2 lines of sight for the cameras, as diagramed above. I believe that when Dave looked at the data, he used all data from one camera, the front. But Dave would need to verify this.

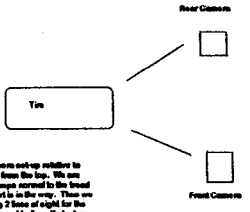
OOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0

Lab Test conditions

Test Number	Speed	Load	Capped Pressure	Tire #1 V21		Tire #2 VG122		Tire #3 V42		Tire #4 VG134		Tire #5 V21 on 15 X 7.0	
				Front Camera	Rear Camera	Front Camera	Rear Camera	Front Camera	Rear Camera	Front Camera	Rear Camera	Front Camera	Rear Camera
	(mph)	(lbs)	(psig)	(F)	(F)	(F)	(F)	(F)	(F)	(F)	(F)	(F)	(F)
1	65	1250	20	129.6	135	131.1	134.3	132.1	146.4	128.3	132.6	127.2	129.2
2	85	1250	20	147	138.7	148.1	147.3	141.4	154.3	141.3	148.2	139.3	148.5
3	65	1750	20	148.4	147	150	150.5	152.7	165.6	148.6	157.7	146.9	147.8
4	85	1750	20	175	174	175.9	192.6	172.5	184.8	166.2	179	172.4	183.5
5	65	1250	36	100.6	101.9	120.2	122.7	114.8	123.1	120.5	126.2	110.3	109.6
6	85	1250	36	118.3	109	123.6	129	124.8	135.2	123.7	132.2	115.6	118.6
7	65	1750	36	126.1	124.1	134.6	139.4	134	145.2	132.4	133.3	123.6	120.6
8	85	1750	36	136.2	133.7	149.7	157.8	149.2	166	146	147.7	133	132
9	75	1500	28	129.1	126.2	138.2	145	139.6	148.4	133.1	139.2	129.6	129.3

V21 = P235/75R15 on 15 X 6.0
V42 = P255/70R16 on 16 X 7.0
VG122 = LT235/75R15 on 15 X 7.0
VG134 = P255/70R16 on 16 X 7.0



This is a scematic of the camera set-up relative to the tire, as looking at the tire from the top. We are unable to look at the tread in ego normal to the tread because the machine support is in the way. Thus we compensate for this by using 2 lens of sight for the cameras, as diagramed above. I believe that when Dave looked at the data, he used all data from one camera: the front. But Dave would need to verify this.

DOE Set Up

Test Number	Speed	Load	Capped Pressure
	(mph)	(lbs)	(psig)
1	-	-	-
2	+	-	-
3	-	+	-
4	+	+	-
5	-	-	+
6	+	-	+
7	-	+	+
8	+	+	+
9	0	0	0

Lab Test condtions

P235 75 R15

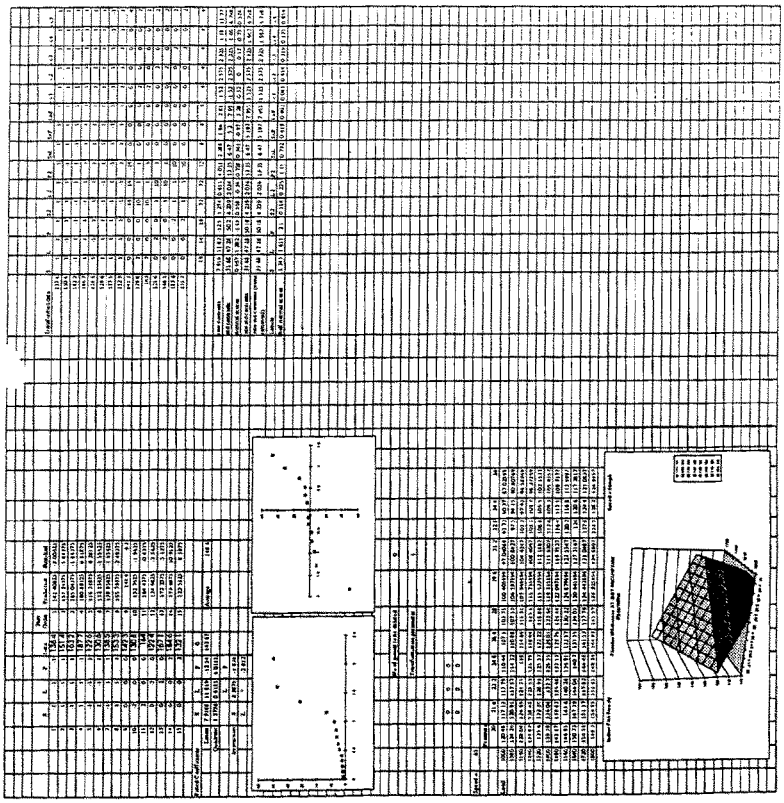
DOT Code

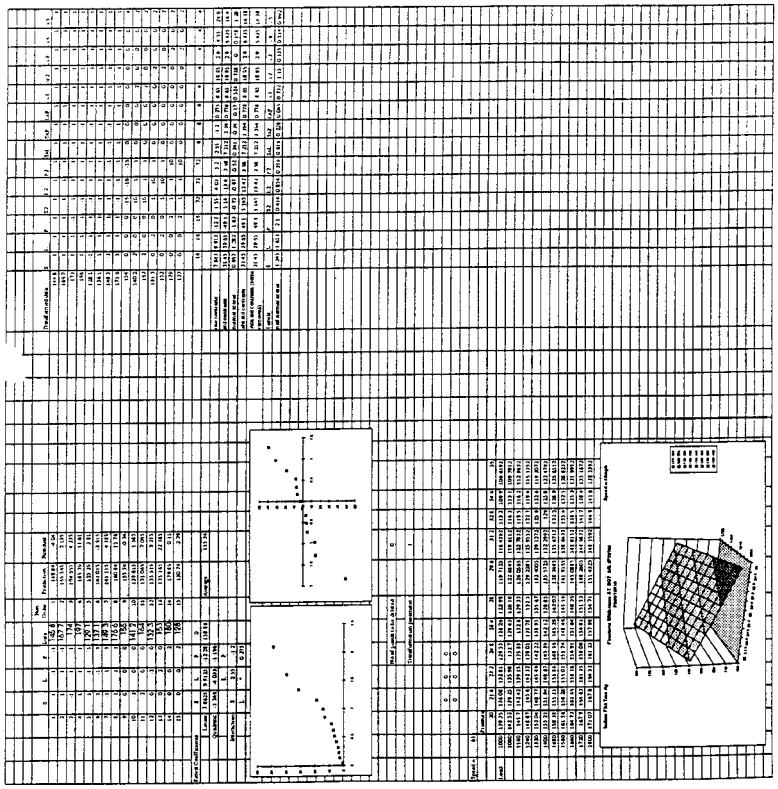
General Grabber AT

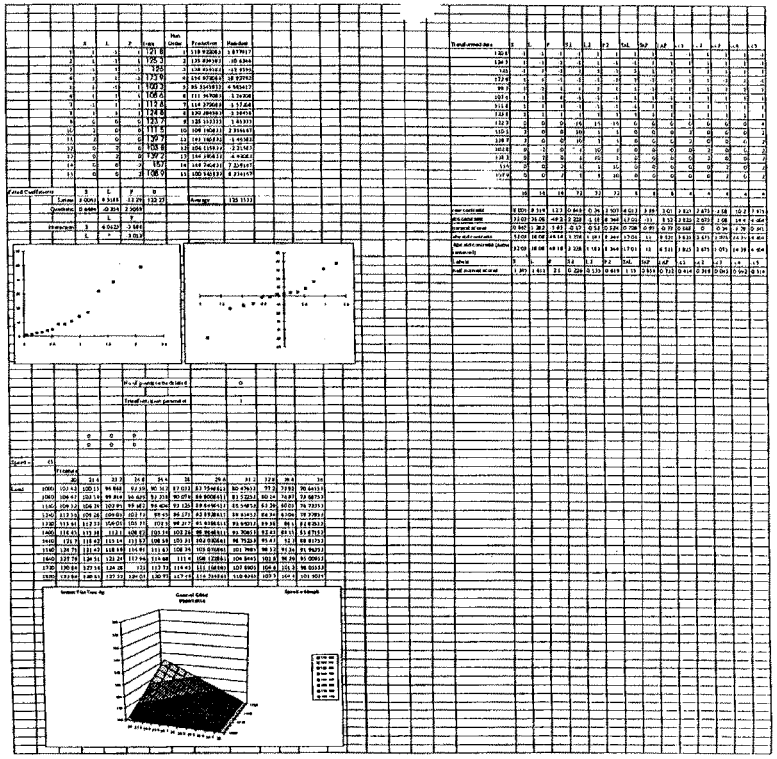
WYHL 439 3100 15X7 Steel

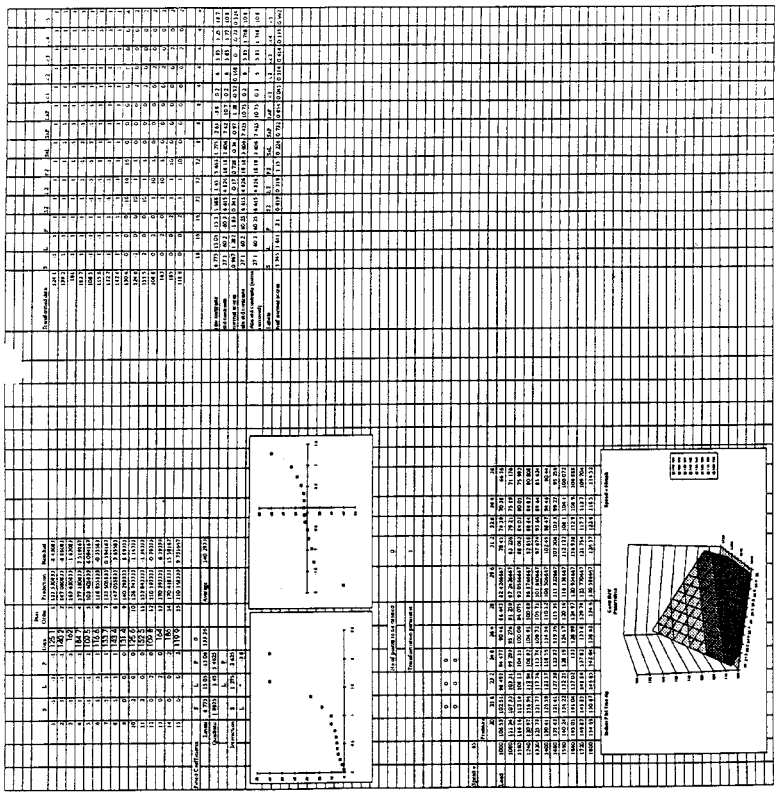
Test Number	Speed	Load	Capped Pressure		Front	Back
	(mph)	(lbs)	(psig)			
1	65	1250	18		157.3	N / A
2	85	1250	18		185.6	N / A
3	65	1750	18		189.2	N / A
4	85	1750	18		222.2	N / A
5	65	1250	30		125.2	N / A
6	85	1250	30		147.2	N / A
7	65	1750	30		173.6	N / A
8	85	1750	30		169.2	N / A
9	75	1500	24		151.8	N / A

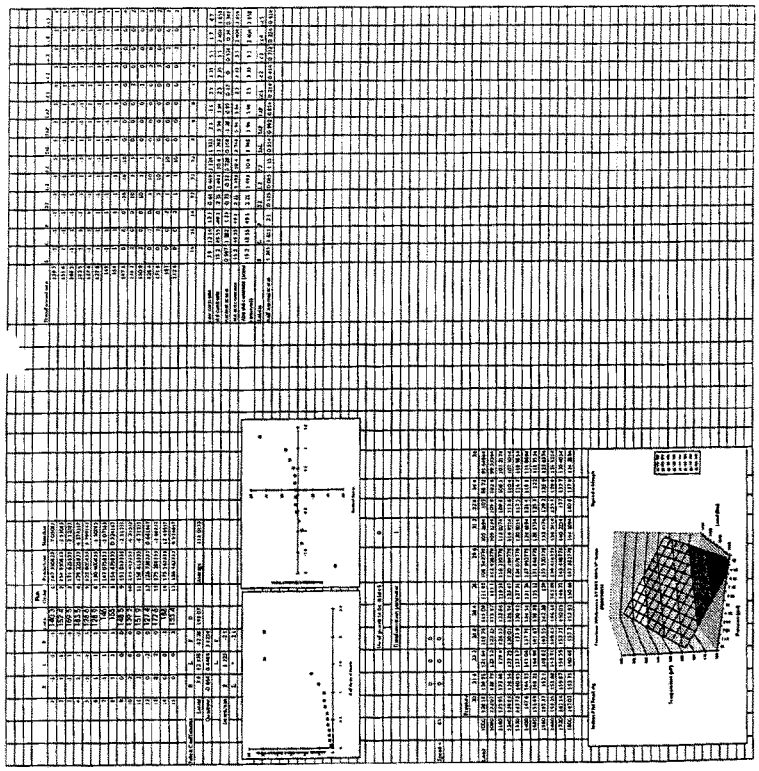
Experimental Set Up			Lab Test conditions					VNHL1PY2500 NewFF2177		VDHL1PV189 Used, Driver rear 6076289 FF2164		VDHL1PY189 Used, Drivers Front 6076269 FF2165		VDHL1PY507 Used, Driver Front FF2166	
			Test Number	Speed (mph)	Load (lbs)	Capped Pressure (psig)	Ambient Temp (deg F)	Firestone 15" (deg F)	Ambient Temp (deg F)	Recalled Firestone A (deg F)	Ambient Temp (deg F)	Recalled Firestone B (deg F)	Ambient Temp (deg F)	Recalled Firestone C (deg F)
-	-	-	1	60	1250	18	74.9	140.3	74.9	138.5	74.7	136.4	74.3	142.2
+	-	-	2	70	1250	18	74.9	152.4	74.9	147.4	74.9	144.9	74.5	150.4
-	+	-	3	60	1750	18	75.1	169.5	75.1	137.9	75.1	165.4	74.7	173.2
+	+	-	4	70	1750	18	74.9	183.5	75.4	178.8	75.1	175.3	74.9	184.7
-	-	+	5	60	1250	30	75.1	128.6	75.4	120.4	75.1	116.1	74.7	122.5
+	-	+	6	70	1250	30	74.9	128.9	74.9	126.2	75.1	121.9	74.7	125.2
-	+	+	7	60	1750	30	74.9	148	75.1	143.7	75.1	140.3	74.5	142
+	+	+	8	70	1750	30	74.9	155	75.4	149.4	75.4	145.2	74.5	148.7
0	0	0	9	65	1500	24	74.9	148.5	75.1	143.2	75.4	141.5	74.5	144.4
–	0	0	10	55	1500	24	75.1	139.2	75.2	135.7	73.8	131.5	74.5	137.2
++	0	0	11	75	1500	24	74.9	151.9	75.4	156.5	74.9	151.7	74.3	152.6
0	–	0	12	65	1000	24	74.5	127.4	75.1	121.5	73.2	113.3	74.7	116.7
0	++	0	13	65	2000	24	74.7	172.6	75.4	170.9	74.1	165.3	74.7	169.7
0	0	–	14	65	1500	12	74.9	188	74.9	181	74.5	177.2	74.1	185.5
0	0	++	15	65	1500	36	74.9	133.4	75.1	131.8	74.1	121.2	74.3	127.6
			1A	60	1250	18	75.1	143						

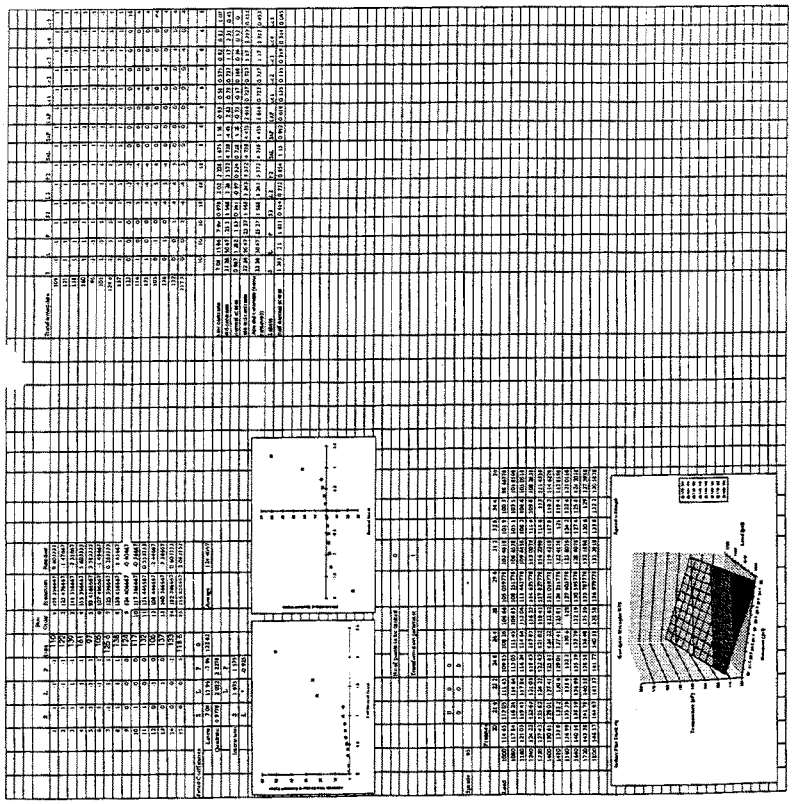




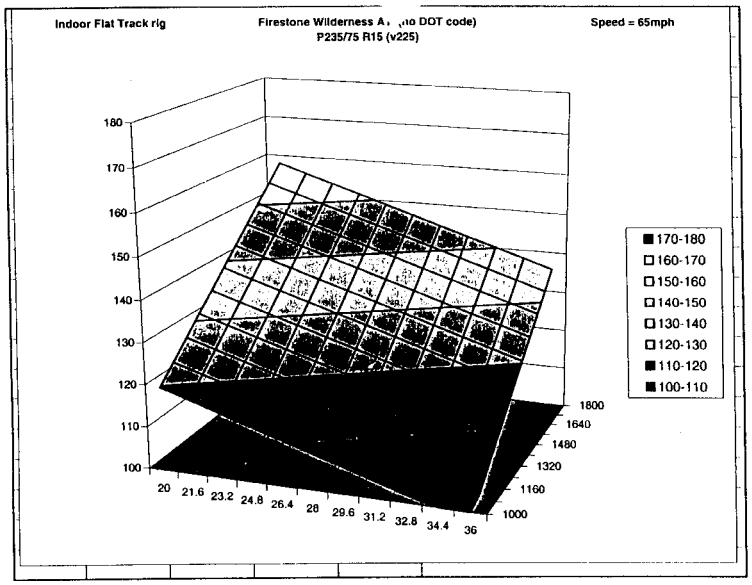




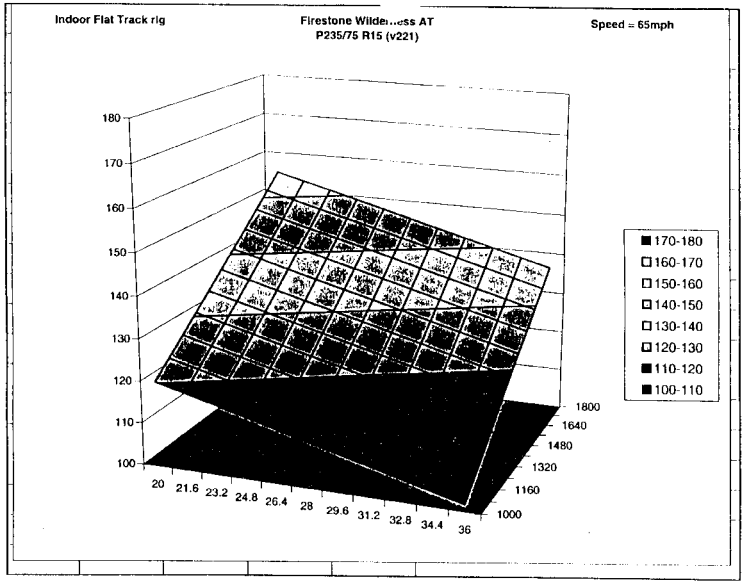




Q7-2


Indoor Flat Track rig
Firestone Wilderness A, no DOT code)
P235/75 R15 (v225)
Speed = 65mph
180
170
160
150
140
130
120
110
100
20
21.6
23.2
24.8
26.4
28
29.6
31.2
32.8
34.4
36
1800
1640
1480
1320
1160
1000
170-180
160-170
150-160
140-150
130-140
120-130
110-120
100-110

Q7-2


Indoor Flat Track rig
Firestone Wilde...ess AT
P235/75 R15 (v221)
Speed = 65mph
180
170
160
150
140
130
120
110
100
20
21.6
23.2
24.8
26.4
28
29.6
31.2
32.8
34.4
36
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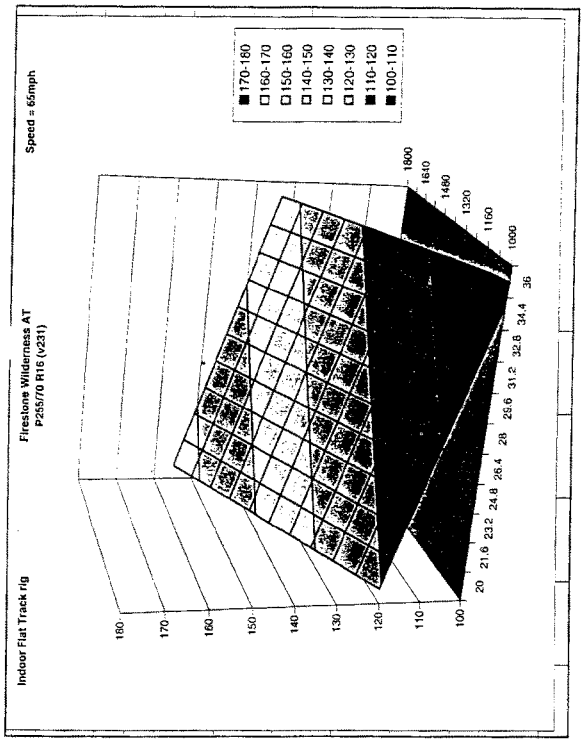
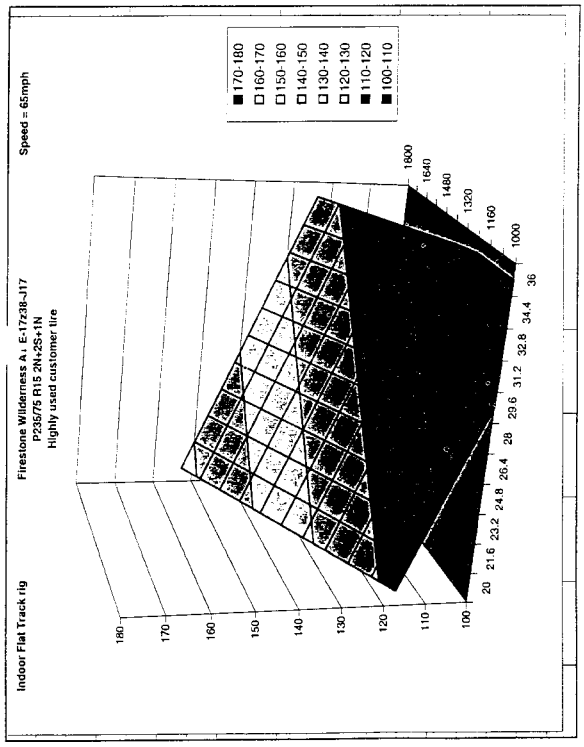
120-130
110-120
100-110



Q7-2

liminary Data
rk in Process



liminary Data
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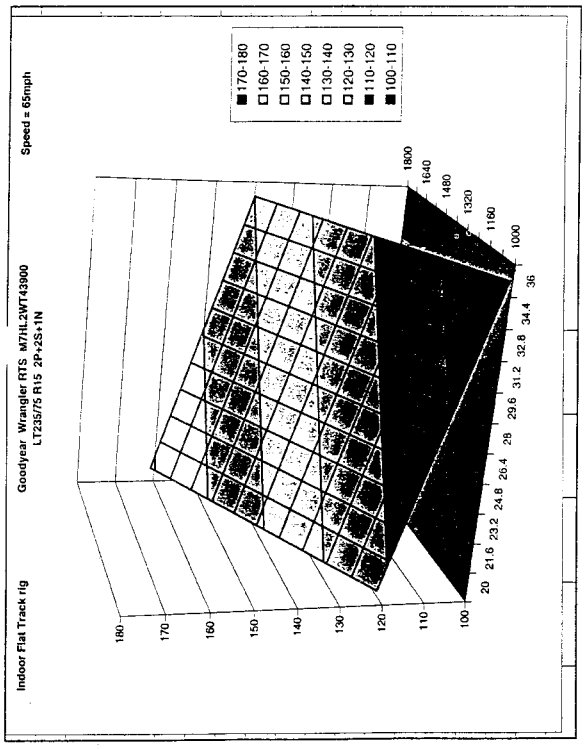

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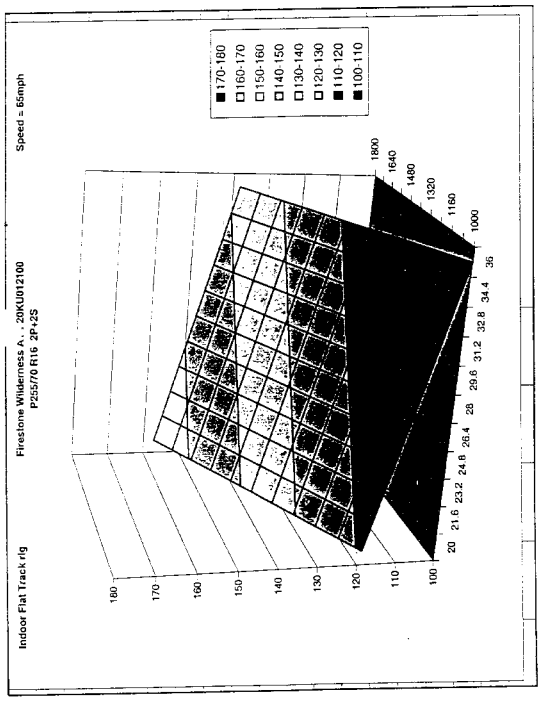

Q7-2

liminary Data
rk in Process

Date Issued: 6/5/2001
Date Revised: 6/6/01

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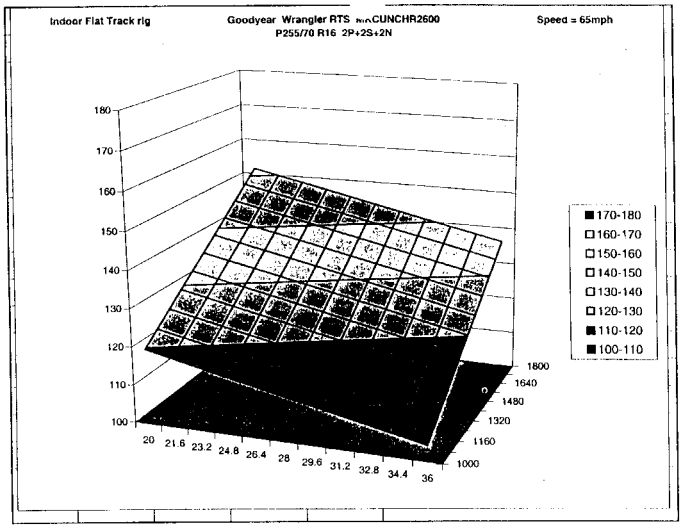
nator. d rol/dsds

liminary Data
rk in Process

Q7-2



Std Order	S	L	P	Data	Run Order	Prediction	Residual
1	-1	-1	-1	197.6	1	190.105833	7.494167
2	1	-1	-1	186.8	2	178.920833	7.879167
3	-1	1	-1	188.2	3	193.920833	-5.720833
4	1	1	-1	227.2	4	213.045833	14.154167
5	-1	-1	1	124.2	5	124.420833	-0.220833
6	1	-1	1	147.2	6	144.145833	3.054167
7	-1	1	1	173.6	7	159.145833	14.454167
8	1	1	1	188.1	8	178.870833	9.229167
9	0	0	0	163.8	9	169.033333	-5.233333

Fitted Coefficients		S	L	P
	Linear	9.8625	17.363	-17.38
		S	L	P
	Interaction	S	-2.788	-5.463
		L	*	0.2375

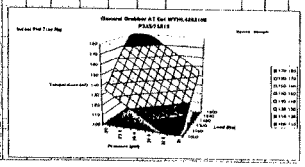
Average	169.0333

No of points to be deleted: 0

Transformation parameter: 1

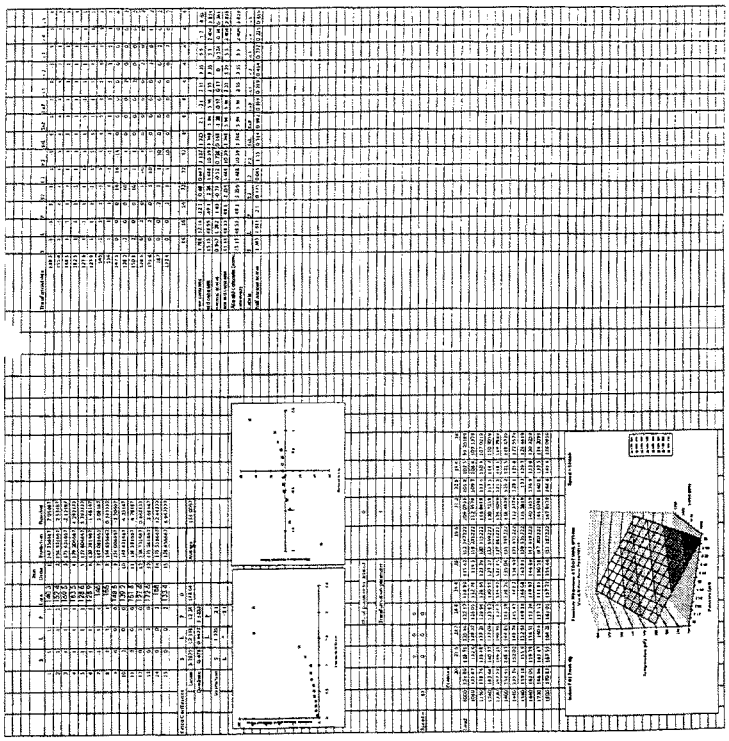
Speed = 65

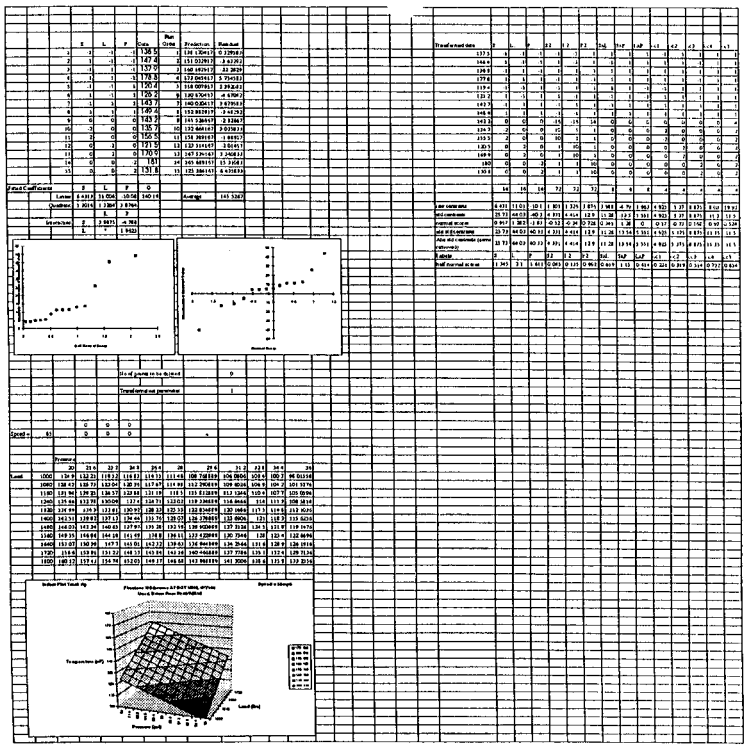
Load \ Pressure	20	23.6	23.2	24.8	26.4	28	29.6	31.2	32.8	34.4	36
1000	136.04	131.4	126.76	122.13	117.49	112.85	108.2175	103.5808	98.94	94.31	89.67083
1080	141.39	136.96	132.32	127.68	123.05	118.41	113.7735	109.1368	104.5	99.86	95.22683
1160	147.15	142.31	137.68	133.24	128.6	123.97	119.3295	114.6928	110.1	105.4	100.7828
1240	152.73	148.07	143.43	138.8	134.16	129.52	124.8855	120.2488	115.6	111	106.3388
1320	158.26	153.62	148.99	144.35	139.71	135.08	130.4415	125.8048	121.2	116.5	111.8948
1400	163.82	159.18	154.54	149.91	145.27	140.63	135.9975	131.3608	126.7	122.1	117.4508
1480	169.33	164.74	160.1	155.46	150.83	146.19	141.5535	136.9168	132.3	127.6	123.0068
1560	174.93	170.29	165.66	161.02	156.38	151.75	147.1095	142.4728	137.8	133.2	128.5628
1640	180.48	175.85	171.23	166.58	161.94	157.3	152.6655	148.0288	143.4	138.8	134.1588
1720	186.06	181.4	176.77	172.13	167.49	162.86	158.2215	153.5848	148.9	144.3	139.6748
1800	191.6	186.96	182.32	177.69	173.05	168.41	163.7775	159.1408	154.5	149.9	145.2308

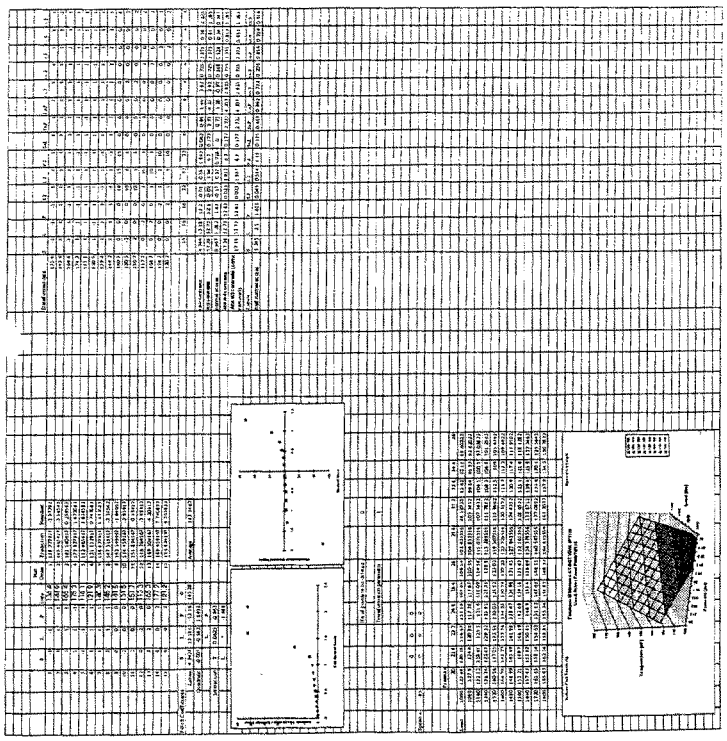


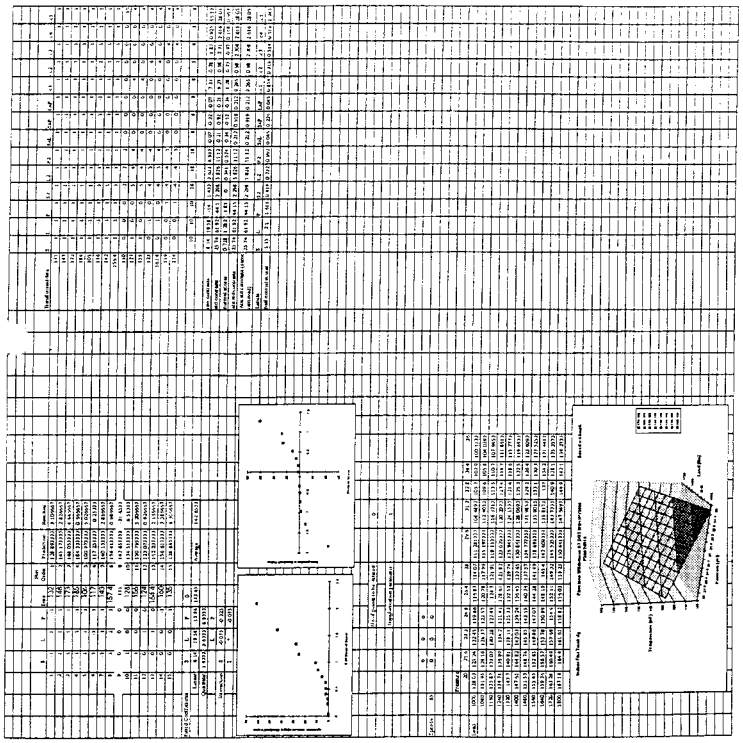
Transformed data	S	L	P	Sel.	SxP	LxP	xcl
156.5	-1	-1	-1	1	1	1	-1
184.6	1	-1	-1	-1	1	-1	1
188.2	-1	1	-1	-1	-1	1	1
227.2	1	1	-1	1	-1	-1	-1
124.2	-1	-1	1	1	-1	-1	1
146.2	1	-1	1	-1	1	-1	-1
173.6	-1	1	1	1	1	1	1
188.2	1	1	1	-1	-1	1	-1
170.8	0	0	0	0	0	0	0

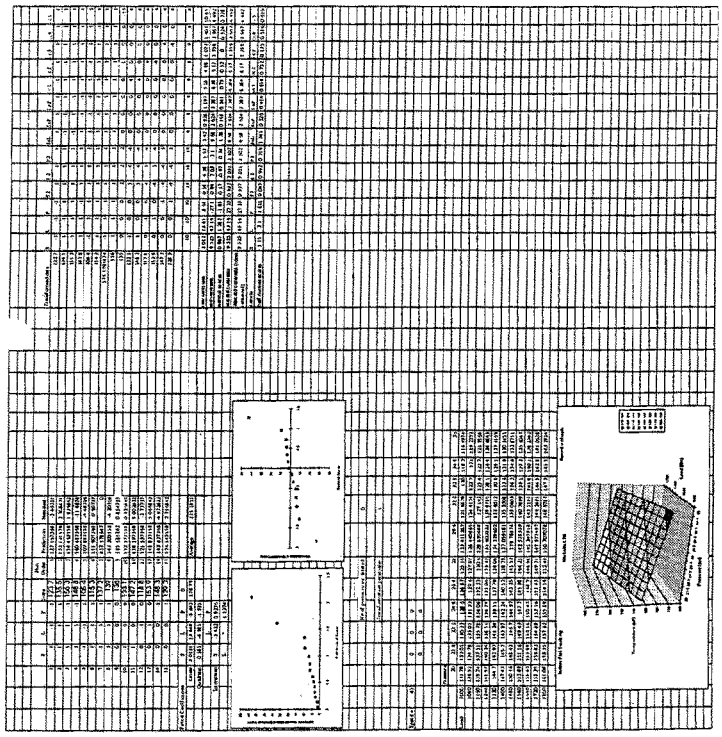
raw contrasts	9.863	17.36	-17.4	2.71	-5.46	0.238	-19.4
std contrasts	27.9	49.11	-49.2	-7.67	-15.5	0.672	-18.3
normal scores	0.792	2.465	1.47	0	0.37	0.366	0.79
abs std contrasts	27.9	49.11	49.18	7.672	15.45	0.672	18.28
(some removed)	27.9	49.11	49.18	7.672	15.45	0.672	18.28
Labels	S	L	P	Sel.	SxP	LxP	xcl
half normal scores	4.15	1.733	0	0.319	0.649	0.105	0.812

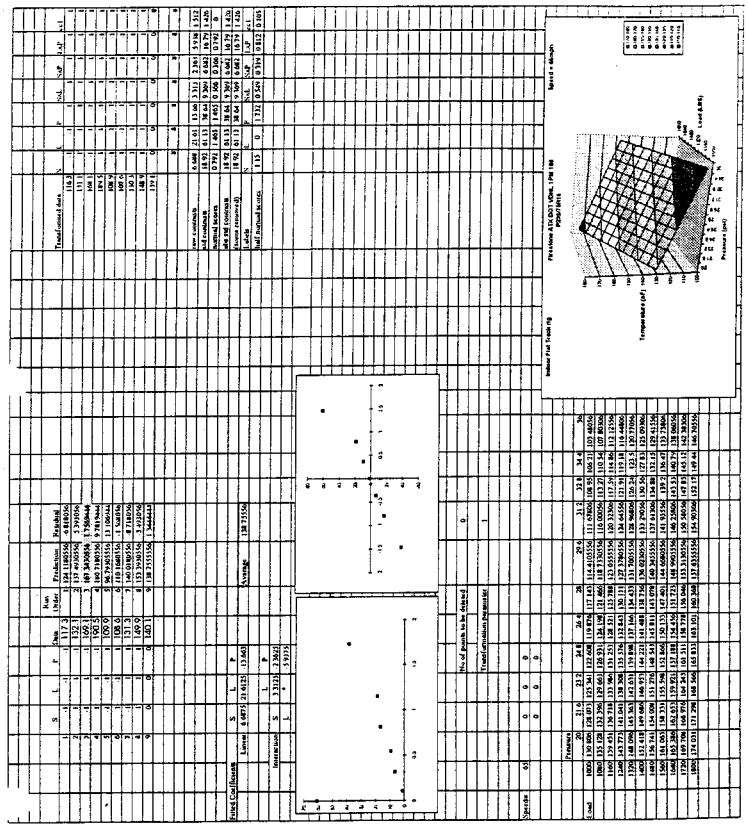


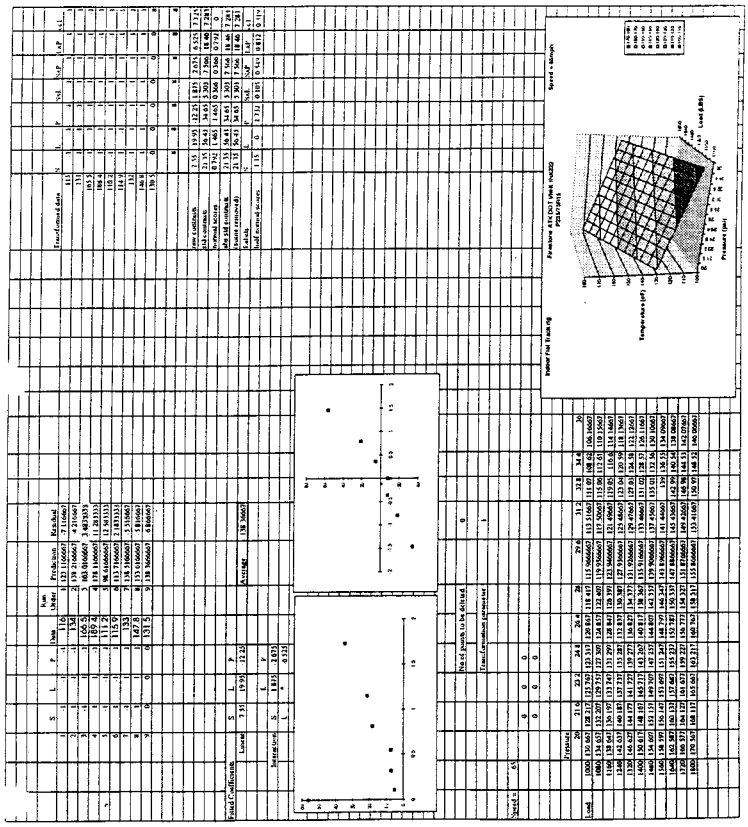


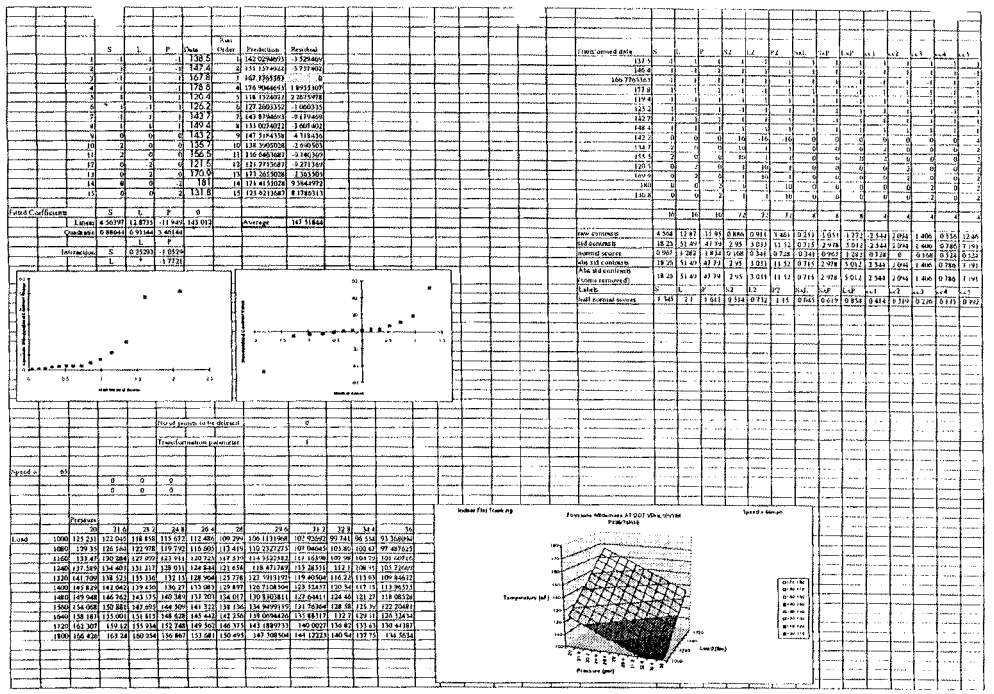


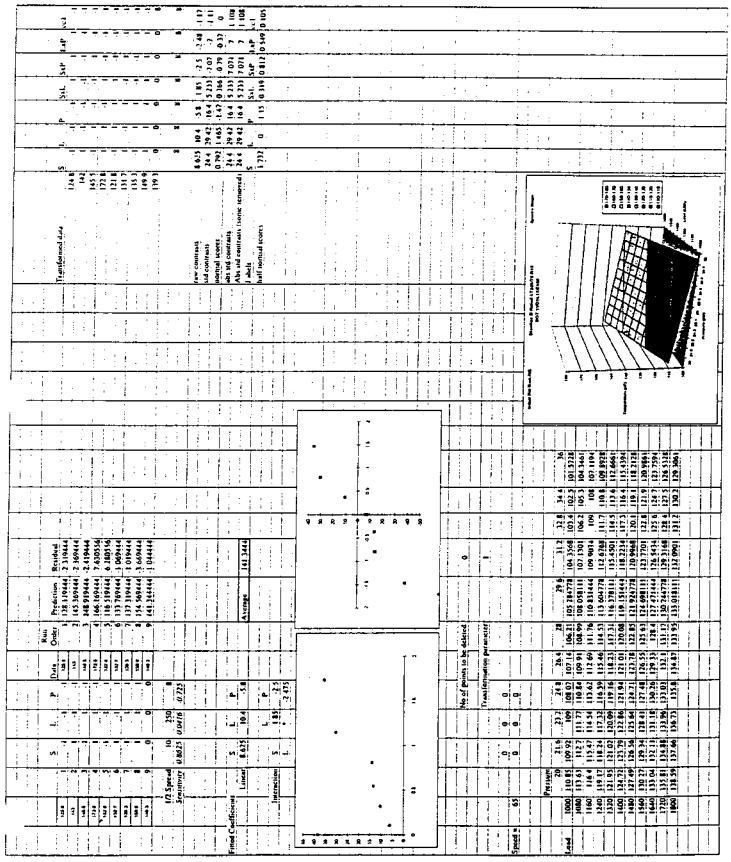


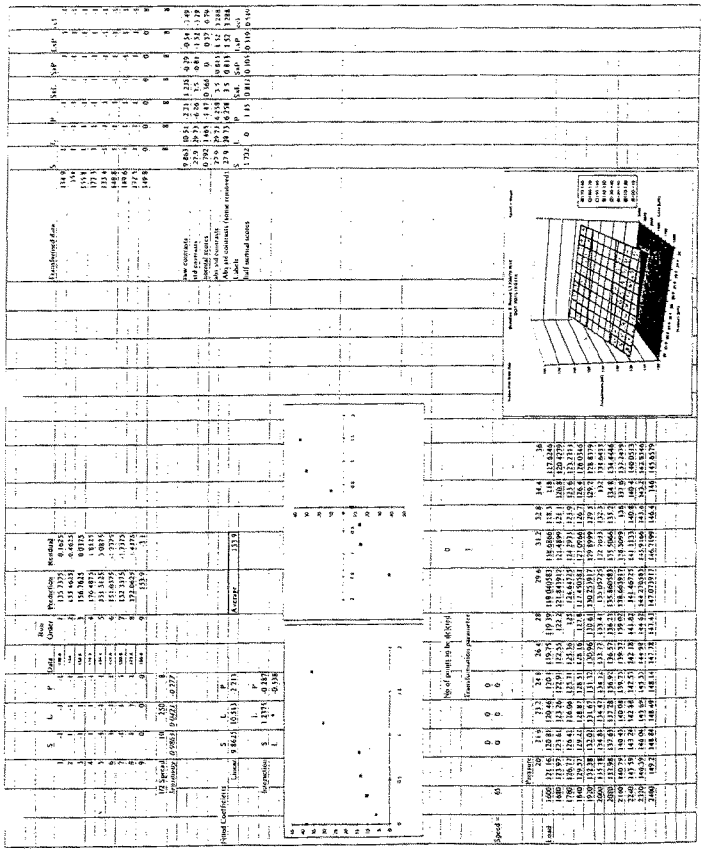


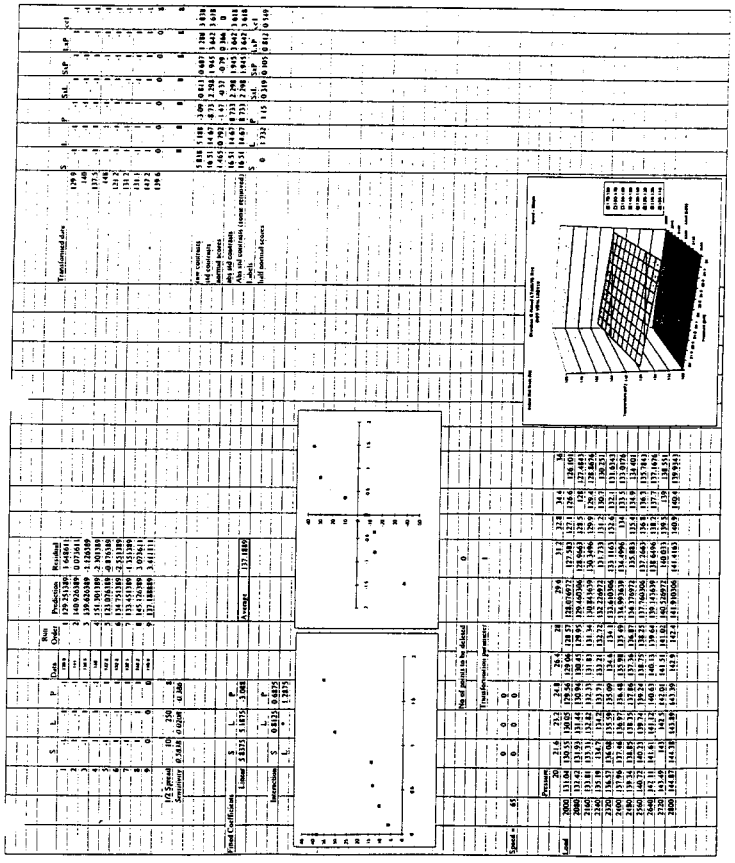












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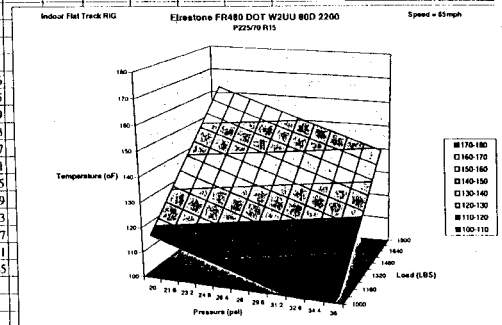
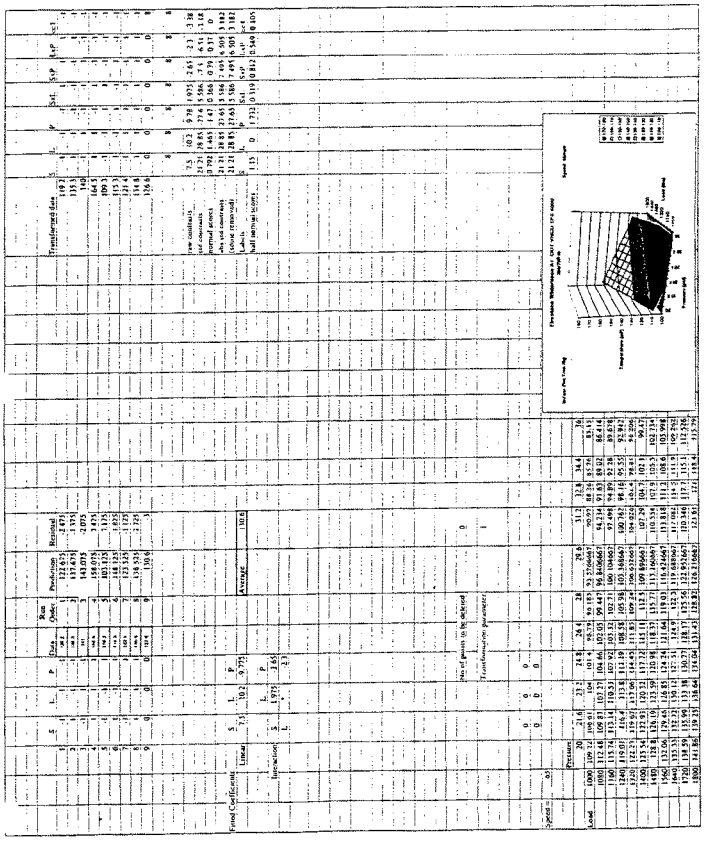
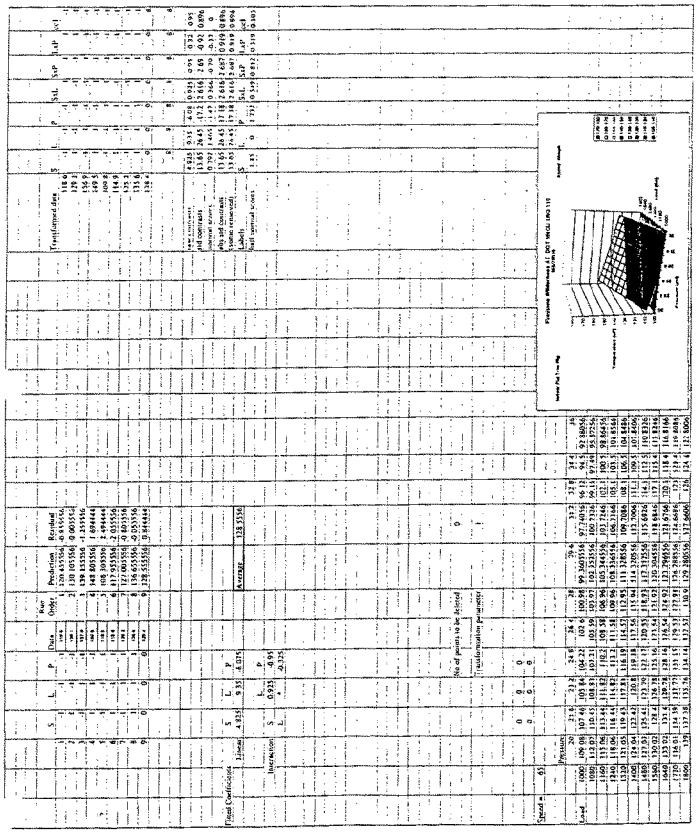
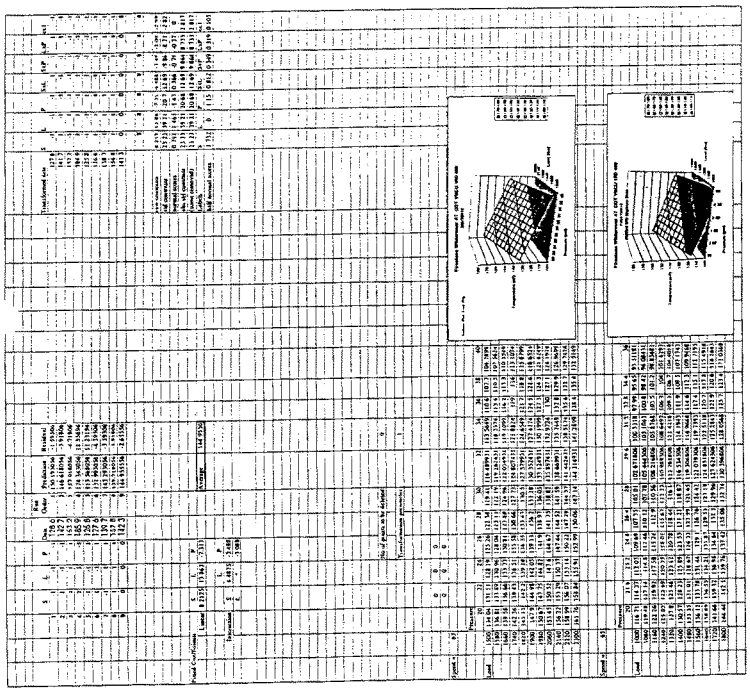
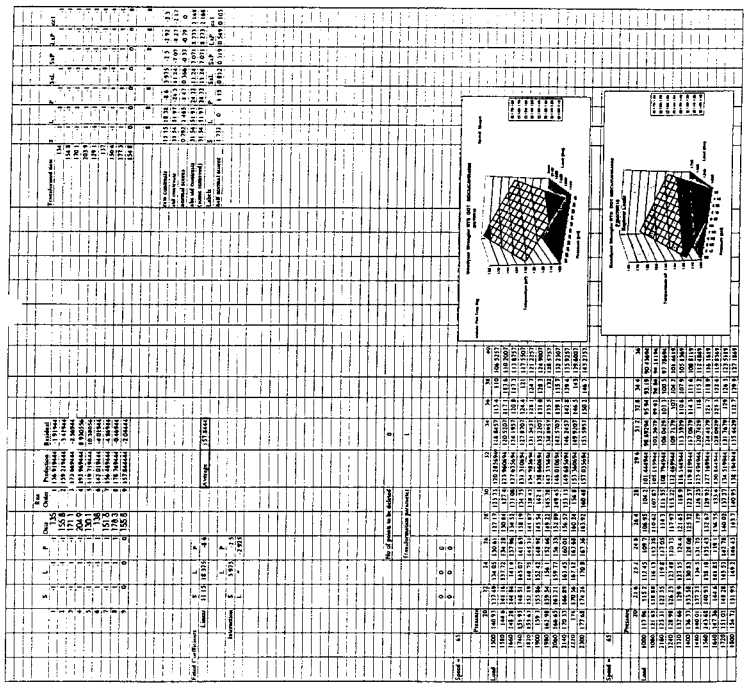
					Transformation parameter			1				
65		0	0	0								
		0	0	0								
		=$J$22+$F$22*(C$53-28)/8+$E$22*($B54-1500)/250-$D$22*(65-75)/10										
	Pressure											
	20	21.6	23.2	24.8	26.4	28	29.6	31.2	32.8	34.4	36	
00	117.5	115.22	112.95	110.67	108.39	106.11	103.835	101.5575	99.28	97	94.725	
80	121.96	119.69	117.41	115.13	112.85	110.58	108.299	106.0215	103.7	101.5	99.189	
60	126.43	124.15	121.87	119.6	117.32	115.04	112.763	110.4855	108.2	105.9	103.653	
40	130.89	128.61	126.34	124.06	121.78	119.5	117.227	114.9495	112.7	110.4	108.117	
20	135.36	133.08	130.8	128.52	126.25	123.97	121.691	119.4135	117.1	114.9	112.581	
00	139.82	137.54	135.27	132.99	130.71	128.43	126.155	123.8775	121.6	119.3	117.045	
80	144.28	142.01	139.73	137.45	135.17	132.9	130.619	128.3415	126.1	123.8	121.509	
60	148.75	146.47	144.19	141.92	139.64	137.36	135.083	132.8055	130.5	128.3	125.973	
40	153.21	150.93	148.66	146.38	144.1	141.82	139.547	137.2695	135	132.7	130.437	
20	157.68	155.4	153.12	150.84	148.57	146.29	144.011	141.7335	139.5	137.2	134.901	
00	162.14	159.86	157.59	155.31	153.03	150.75	148.475	146.1975	143.9	141.6	139.365	











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July 20, 2001

Thomas DiLenge, Esq.
Deputy Chief Counsel for Oversight &
Investigations
House Energy & Commerce Committee
2125 Rayburn House Office Bldg
Washington, DC 20515

Dear Tom:

Ted Hester asked that I forward the enclosed two original letters from Dan Adomitis, Division General Counsel of Bridgestone/ Firestone, Inc., submitted in response to requests for information received by BFS in connection with the June 19, 2001 hearing.

Please note that the July 19 letter addressed to Chairmen Stearns and Greenwood also contains two pages of claims data from Wilderness AT tires used by General Motors. I apologize that these two pages were not included in yesterday's delivery.

The other enclosed letter is addressed to you, and responds to the questions submitted by Members of the Subcommittees at the hearing.

Please give me a call if you have any comments or questions.

Sincerely,

Allison Kassir

Allison Kassir
Government Affairs Representative

Enclosures

cc: Edith Holleman

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July 19, 2001

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Deputy Chief Counsel for Oversight &
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House Energy & Commerce Committee
2125 Rayburn House Office Bldg
Washington, DC 20515

Re: Follow-up to June 19 Hearing

Dear Tom:

Enclosed are two letters from Dan Adomitis, Division General Counsel of Bridgestone/ Firestone, Inc., submitted in response to requests for information received by BFS in connection with the June 19, 2001 hearing. As you can see, this information has been faxed to me, and we will forward originals to you when we receive them.

One of the enclosed letters is addressed to Chairmen Stearns and Greenwood, in response to the nine questions attached to the June 29, 2001 letter from the Chairmen to John Lampe.

The other enclosed letter is addressed to you, and responds to the questions submitted by Members of the Subcommittees at the hearing.

Please give me a call if you have any comments or questions.

Sincerely,

Theodore M. Hester

Enclosures

cc: Edith Hollemann

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BRIDGESTONE/FIRESTONE, INC.

Daniel J. Adomitis
Division General Counsel

July 19, 2001

Hon. Cliff Stearns
Chairman
Subcommittee on Commerce, Trade and
Consumer Protection
U.S. House of Representatives
Washington, DC 20515-6115

Hon. James C. Greenwood
Chairman
Subcommittee on Oversight and Investigations
U.S. House of Representatives
Washington, DC 20515-6115

RE: Follow-up Items from June 19, 2001 Hearing

Dear Chairmen Stearns and Greenwood:

The following materials are being sent to you in response to your letter to John Lampe of June 29, 2001 requesting additional information to be provided after the hearing in this matter. I am pleased to respond with the following information, numbered to reference to the nine points of your letter:

1. In Mr. Lampe's testimony he noted that "In the last ten days alone there have been four people that have been fatally injured in two separate Ford Explorer accidents in Venezuela on different brands of tires, not ours." Please provide further details on these accidents.

   I enclose copies of two Venezuelan newspaper articles, together with translations, that provide details of the two Ford Explorer rollover accidents, both on non-Firestone tires, which occurred June 10 and June 11, 2001. Please see Appendix A for these articles.

   We are aware of several additional Ford Explorer rollover accidents that have occurred in Venezuela since the June 19th hearing; I enclose a newspaper article and translation regarding one rollover accident on or about July 12, 2001, in

which three persons were severely injured in an Explorer, again equipped with non-Firestone tires. Please see Appendix A for this article as well.

2. What is a "judicial inspection?" Describe the process in Venezuela, the persons involved, the date of the inspections, and provide copies of any reports or analyses of the inspections.

   A judicial inspection is a procedure authorized by Articles 1.429 and 1.430 of the Venezuelan Civil Code and Article 938 of the Venezuelan Civil Procedural Code, which is used to preserve evidence that might otherwise disappear or be modified by the time of a subsequent trial. An inspection is conducted by a Venezuelan judge or his or her designee, who actually views evidence and certifies a written document detailing the evidence as being an accurate description of the evidence. In the case of the judicial inspections conducted by Bridgestone/Firestone Venezolana, C.A. ("BFVZ"), the judge (or designee), accompanied by an expert mechanic, photographer and sometimes a BFVZ representative, actually went to the location of the wrecked vehicle to inspect its condition. The judge or designee then signed a written description of the wrecked vehicle, including the make and condition of its tires. Basic information about each judicial inspection, including its date, can be found on the spreadsheet at Appendix B.

3. Regarding the list of 43 Explorer accidents in Venezuela, are all the accidents on that list rollover accidents?

   To the best of our knowledge, yes. The judicial inspections were generally made of vehicles shortly after the accidents occurred, rather than at the scene of the accidents. In order to determine if a judicially-inspected Ford Explorer had in fact been involved in a rollover accident, we reviewed (i) the written description of the vehicle (which often states directly whether a rollover occurred) and (ii) the photographs forming a part of the judicial inspection. In reviewing the photographs, we looked for clear indications of substantial damage to one side of the vehicle, to the roof of the vehicle (which often caves in during a rollover) and also to the vehicle's front or rear windshield; only if <u>all three</u> were present did we conclude that a rollover had occurred.

4. Are the accidents on the Firestone list of 43 included in the Venezuelan Consumer Protection Agency INDECU's list of 51 and did Firestone provide its list to INDECU?

   Firestone has fully cooperated with INDECU's investigation and has shared its list of accidents with the agency. We cannot confirm at this time whether the list of accidents maintained by INDECU includes all of the 43 accidents identified by Firestone.

5. Does the list of 43 include all of the accidents inspected by a judge at the behest of B/F? Please provide any other reports of judicial inspections that were obtained that are not in the list of 43.

   No. Some judicial inspections were screened out because we were not sufficiently certain the vehicles involved had in fact rolled over, and others were deleted because a blend of tires had been mounted on them at the time of their accidents. Two judicial inspections were screened out because the vehicles involved were not Ford Explorers.

   We previously provided the Subcommittees with a total of 47 judicial inspections of 43 Ford Explorer rollover accidents (multiple judicial inspections were performed on some accidents). Please find enclosed two sets of 16 additional judicial inspections of 12 additional accidents (not all of which are with Ford Explorers, and not all of which are rollover accidents). The grand total provided to you is therefore 63 judicial inspections of 55 accidents. Bridgestone/Firestone, Inc. has no further judicial inspections in hand, although our Venezuelan subsidiary continues to ask for them to be performed as additional rollover accidents occur.

6. Please clarify or provide additional details concerning the circumstances of the Explorer accidents in Venezuela, the place each accident occurred and the date each accident occurred.

   As stated above, although judicial inspections are generally performed shortly after an accident occurs, they are usually not performed at the accident site. Therefore, we generally do not know specific details of the accidents, beyond what can be ascertained from the condition of the vehicle following the accident. Please see Appendix B for a spreadsheet listing the dates that judicial inspections were performed.

7. Provide any data you have on the rollover or accident rate of vehicles in Venezuela other than the Ford Explorer, or Venezuela rollover accidents involving vehicles other than the Ford Explorer.

   We are not aware of an accurate, official count of rollovers or accident rates for vehicles other than the Ford Explorer in Venezuela. Please note that we believe there have been very few—if any—rollover accidents involving the Toyota Autana SUV, a heavy SUV equipped with Firestone Wilderness AT tires of the same size as those fitted to the Ford Explorer SUV. Although there are only about 6,000 Toyota Autanas in use in Venezuela (versus about 30,000 Ford Explorers), we have not seen reports of a correspondingly significant number of Toyota Autana rollovers in Venezuela.

8. Please provide data on the Firestone Wilderness AT tire performance in Venezuela. Include both the claims data and the adjustment data for each year

since 1996. Please distinguish between Venezuela-made tires and tires imported from the U.S.

Please see the attached spreadsheets prepared by our Venezuelan subsidiary, which show available adjustment, claims and lawsuit information for Venezuela. Bridgestone/Firestone Venezolona did not separately track adjustment rates for US-made versus Venezuela-made Wilderness AT tires, so we regret we are unable to provide the information sought in the final portion of your request. Please see Appendix C for these spreadsheets.

Please also find an English language transcript of the video we previously sent to the Subcommittees after the June 19 hearing. The transcript is at Appendix D. As you will recall, the video shows before and after views of the underside of a Ford Explorer SUV which was taken to a Ford dealer for the Ford of Venezuela-sponsored "suspension upgrade package" last year. As you will see, and as the persons in the video comment, not only did the Ford dealer place competing brand tires on the vehicle, but the dealer also fitted new shock absorbers and a heavy steel subframe or reinforcing bar.

9. You have often stated GM (among other manufacturers) use Wilderness AT tires and have not had problems. Please provide data proving the Wilderness At tires used by GM and the Wilderness AT tires used by Ford are identical in every respect, i.e., wedge size, tread, etc. If they are not identical, please explain why and give details on specifications used by each variation of Wilderness AT's and claims data for all.

Though they are very similar in overall construction there are differences between the specific Wilderness tires furnished to General Motors and the Wilderness tires furnished to Ford .The attached charts detail the differences in materials and construction. Differences typically are the result of differing performance specifications and qualities specified by the OEM for the vehicle. Also attached is the claims data charts showing the extremely low incidence of claims associated with the General Motors tires.

I hope this information is helpful and addresses the Committee's questions.

Sincerely,



Daniel J. Adomitis

APPENDIX A

Venezuelan Newspaper Articles and Translations

[Translation of the article titled "Muertos un comerciante y su ayudante en vuelco de camioneta" from the "La Mañana" newspaper (Venezuela)]

Businessman And Assistant Die When Truck Overturns

Two young men were killed when the truck they were traveling in turned over in the traffic circle of Redoma de El Tacaro. The accident took place on Sunday morning.

One of the victims was José Luis Dos Barros Velasco, aged 32, born in the city of Valencia, Carabobo state, who lived in an apartment of the San José building, Comercio de Caja de Agua street. He was the manager of the company Detroit Parts and a confectionery distribution company.

The other man who died in the accident was Javier Eduardo Sierralta Galicia, aged 27, born in Punto Fijo, who resided at Providencia de Caja de Agua street. He had been working as Dos Barros' assistant for four months and before that he had worked as a taxi driver in Línea Altamira.

They had worked all Saturday around the beaches of the municipalities of Falcón and Los Taques. The car accident took place after leaving Villa Marina when they were heading home.

It seems that the truck, a metallic green Ford Explorer, license plate LAB-51C Mérida, driven by Dos Barros, missed the turn, went straight to the traffic circle and suddenly overturned, killing both men instantly.

After a few hours, the bodies were taken in a crane to the morgue of the Doctor Rafael Calles Sierra Hospital, due to the fact that the authorities did not have a truck for this kind of case.

According to the autopsy, the first above-mentioned man fractured his skull, suffered hypovolemic shock, had an explosion of the liver and a broken right leg.

The other man had multiple fractures in his skull with encephalic mass loss and facial fracture.

En la Redoma El Taparo

Muertos un comerciante y su ayudante en vuelco de camioneta



Familiares de Dos Barros conmovidos por el suceso. Digifoto: Salgueiro

ANTONIO SALGUEIRO
CNP 4265

Dos jóvenes perdieron sus vidas al volcar la camioneta de lujo en la cual se desplazaban en la Redoma de El Taparo, hecho registrado en horas de la madrugada del domingo.

Una de las víctimas de esta falta accidente fue José Luis Dos Barros Velasco, de 32 años de edad, natural de la ciudad de Valencia, estado Carabobo, y con residencia en un apartamento del edificio San José, calle Comercio de Caja de Agua. Era gerente de la empresa Detroit Parts y una distribuidora de confitería.

La otra persona fallecida fue Javier Eduardo Sierralta Galicia, 27 años de edad, natural de Punto Fijo, y residía en la calle Providencia de Caja de Agua, tenía cuatro meses trabajando como asistente de Dos Barros y antes estuvo laborando como taxista en la Línea Altamira.

Se conoció que ambos laboraron todo el día sábado por las playas de los municipios Falcón y Los Taques y el accidente vial ocurrió luego de salir de Villa Marina rumbo a sus domicilios.

El vehículo, una camioneta Ford Explorer, color verde metalizado, placas LAB-51C Mérida, conducido por Dos Barros, al parecer no dio la debida curva, siguió hacia la redoma para volcar aparatosamente, con el lamentable resultado de la muerte en forma instantánea de las dos personas.



La Explorer quedó destrozada. Digifoto: Salgueiro

Los cuerpos sin vida fueron llevados en una grúa a la Morgue del Hospital doctor Rafael Calles Sierra, pasadas unas dos horas, por carecer las autoridades para estos casos con una furgoneta.

De acuerdo al diagnóstico, el primero de los nombrados presentó fractura en el cráneo, shock hipovolémico, estallido del hígado y fractura de la pierna derecha.

El otro infortunado, fracturas múltiples en el cráneo con pérdida de la masa encefálica y fractura facial.

En La Vega del Tuy en el municipio Unión

Asesinado comerciante

Sujeto hirió a dos mujeres

Frente al terminal de pasajeros

Joven es golpeada salvajemente

[Translation of the article titled in Spanish "Muere ingeniero y su acompañante en vuelco de camioneta en Caseto", an article from the "Medano" newspaper from Venezuela.]

Engineer, Passenger Die When Truck Overturns Near Caseto

The victims of this horrible accident were identified as Jacinto González (58) and José Angel Arias Primera (34). Both died instantly as a result of an accident that occurred at approximately 1:00 a.m. on Monday morning.

Luis G. Villalobos
C.N.P.: 2857

A retired PDVSA engineer and his passenger died instantly when their vehicle overturned on the Coro-Punto Fijo Highway, near Caseto. The accident was reported to have taken place on early Monday morning.

MEDANO Daily reporters obtained unofficial reports about the accident from trustworthy sources. The vehicle, a green Ford Explorer, license plate IAT-881, was driven by Mr. Jacinto González (58), an engineer from the city of Coro, who lived at 201 13th Street in the Judibana sector. The pathologist at Dr. Rafael Calles Sierra Hospital, which is part of The Venezuelan Social Security Health System (IVSS), reported that the victim had experienced general trauma, cranial fractures, and multiple lacerations.

The second victim was identified as Mr. José Angel Arias Primera (34), a native and resident of El Cerro sector. He lived in house number 39 in the Santa Cruz de Los Teques municipality. The victim worked for a transportation business in Puerto La Cruz and was the only other passenger in the vehicle. He was said to have suffered general trauma, closed chest trauma, hemomediatinum, bilateral hemopneumothora, and rupture of the thoracic aorta.

THE FACTS

Families of the victims were involved in morgue proceedings at the Rafael Calles Sierra Hospital, which is part of the Venezuelan Social Security Health System (IVSS). They reported that Mr. Jacinto González and his passenger had left Barcelona, in the state of Anzoátegui, and were headed toward the state of Falcón. Before reaching the Paraguaná Península, they drove to Uria, located in the Sierra Falconiana, where Mr. Gonzalez owned a hacienda. He made some arrangements there and both decided to drive toward this area. Unfortunately, as they drove on the Coro-Punto Fijo Highway, the car suddenly overturned near Caseto, ejecting the driver and the passenger some 50 meters. The vehicle remained on the Coro-Punto Fijo Highway near Caseto sector.

About eight months ago, Mr. González retired from his job at PDVSA as Assistant Manager of the Flexikoquer Plant. His passenger, Mr. José Angel Arias Primera, who worked at a transportation business in Puerto La Cruz, was headed toward the Paraguaná Peninsula to visit family. Mr. Arias Primera is survived by four children. Mr. González leaves behind six. The bodies of both men were rescued by the Commission for Civil Protection of the Falcon State Police. The case has been reported to said entity and to the National Transportation Investigation Authority.

arretera Coro-Punto Fijo

Muere ingeniero y su acompañante en vuelco de camioneta en Caseto

Las víctimas de este lamentable suceso vial fueron identificadas como Jacinto González (58) y José Angel Arias Primera (34), quienes perecieron en forma instantánea, en hecho que registró aproximadamente a la una de la medianoche de ayer lunes.



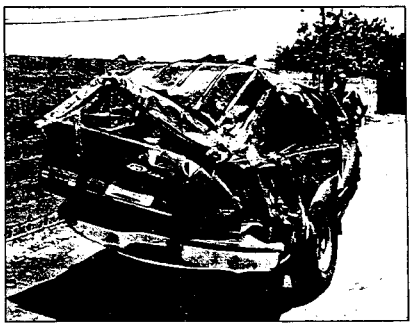
Angel Arias Primera (34), acompañante de la unidad automotora que volcó a la altura de Caseto. (Digifoto: Luis G. Villalobos).

Luis G. Villalobos
C.N.P.: 2857.

Un ingeniero jubilado de PDVSA y su acompañante murieron en forma instantánea, al volcar la camioneta en la carretera Coro-Punto Fijo, a la altura del sector Caseto, en hecho registrado en horas de la madrugada de ayer lunes en esta región.

La información fue obtenida por los periodistas del Diario MEDANO, a través de una fuente altamente confiable y de manera extraoficial, donde las víctimas de este lamentable suceso vial respondían a los nombre de Jacinto González (58), natural de la ciudad de Coro, ingeniero, residenciado en la calle # 13, casa marcada con el número 201 del sector Judibana, quien era el conductor de la camioneta Ford Explorer color verde, placas IAT-881, quien al ser trasladado hasta la morgue del Hospital Dr. Rafael Calles Sierra del Instituto Venezolano de los Seguros Sociales (IVSS), el médico patólogo certificó traumatismo generalizado, fractura de cráneo y escoriaciones múltiples, respectivamente.

La otra víctima de este lamentable suceso respondía al nombre de José Angel Arias Primera (34), natural y residenciado en el sector "El Cerro", casa número 39 del municipio Santa Cruz de Los Taques, quien trabaja para una empresa de Transporte en Puerto La Cruz, quien venía como acompañante en la unidad automotora, a quien diagnosticaron traumatismo generalizado, traumatismo torácico cerrado, hemomediastino, hemoneumotore bilateral y ruptura de aorta tóracica, respectivamente.



La camioneta Ford Explorer, que volcó donde perecieron dos personas. (Digifoto: Luis G. Villalobos).

LOS HECHOS

Según manifestaron algunos familiares de las víctimas, quienes se encontraban en las inmediaciones de la morgue del Hospital Rafael Calles Sierra del Instituto Venezolano de los Seguros Sociales (IVSS), el Ing. Jacinto González y su acompañante habían salido desde Barcelona, estado Anzoátegui, rumbo al estado Falcón, antes de llegar a la Península de Paraguaná, se desviaron hasta Uria en la Sierra Falconiana, donde el primero de los nombrados tenía una hacienda, allí hizo unos arreglos y decidieron trasladarse hasta esta zona, pero lamentablemente en la carretera Coro-Punto Fijo, a la altura de Caseto, aparatosamente volcó la unidad automotora, saliendo expelido, tanto el conductor, como su acompañante habiendo caído aproximadamente a unos 50 metros, donde quedó la camioneta, es decir en la carretera Coro-Punto Fijo, a la altura del sector Caseto.

Se pudo conocer que el Ing. Jacinto González, hace aproximadamente unos ocho meses había sido jubilado de PDVSA, donde ocupó el cargo de Subgerente de la planta Flexikoquer. En cuanto a su acompañante, José Angel Arias Primera, trabaja en Puerto La Cruz en una empresa de transporte, al parecer propiedad del primero de los nombrados, donde había decidido venir hasta la Península de Paraguaná, a visitar a sus familiares, este deja huérfanos a cuatro hijos. Mientras que el Ing. Jacinto González, tenía seis hijos. Los cadáveres de los dos hombres fueron rescatados por una comisión de Defensa Civil, Comisiones de las Fuerzas Policiales del Estado Falcón, y la Inspectoría Nacional de Tránsito, conocieron del caso.

Arrollado un ciudadano

Luis G. Villalobos

Un hombre resultó con lesione de consideración, al ser arrollado por un vehículo, en hecho registrado en horas de la noche del pasado domingo en la Av. Principal de la Parroquia Punta Cardón de esta zona.

Así lo pudieron conocer los periodistas del Diario MEDANO, a través de una fuente altamente confiable y de manera extraoficial, quien identificó al lesionado como César D'Lima [illegible], natural de Maracaibo, estado Zulia, domiciliado en la calle Falcón, casa # 04 de esa jurisdicción.

Con la urgencia del caso el lesionado fue trasladado hasta el Hospital Dr. Rafael Calles Sierra del Instituto dando bajo observación de los facultativos en el mencionado centro dispensador de salud.

Se pudo conocer de manera extraoficial, que el vehículo causante de este arrollamiento, al parecer es un Chevrolet Malibú, color vino tino, desconciéndose mayores detalles, como la del conductor por haberse ausentado del lugar los hecho.

LOTERIAS

MEDANO
DIARIO INDEPENDIENTE DE INTERESES GENERALES
¿ ? ...
CONSPIRANDO Y ALBOROTADOS...

El Siglo Newspaper, July 13, 2001

State of Carabobo

New Explorer Accident Leaves Three People Badly Injured

Three people were injured in a mid-day traffic accident that took place between the Guacara and Mariara tolls in the State of Carabobo. The vehicle, a Ford Explorer truck, license plate GAO-21C, apparently rolled over in the accident, reported Alfredo Valera, President of Asoexplorer. Mr. Valera traveled to the scene of the accident and commented that Goodyear tires were mounted on the vehicle.

Accidents in these deadly vehicles continue, and Ford remains unwilling to publicly admit its trucks have a mechanical defect and insists on blaming the accidents on faulty tires. The Federal Government should address these actions, while the National Assembly should step up and deliver the results of its investigation of this matter, which continues to claim more lives.

The victims injured in this new accident were identified as 20-year old Luis Ramírez, 20-year old Erika Ramírez, and 21-year old Blanca Querales. All three were taken to La Viña de Valencia Medical Center. A fourth unidentified person was injured and treated for minor injuries at an outpatient clinic.

En el estado Carabobo

Nuevo accidente con camioneta Explorer deja gravemente heridas a tres personas

el siglo

Tres personas gravemente heridas es el saldo de un accidente de tránsito ocurrido en horas del mediodía, entre el peaje de Guacara y Mariara en el estado Carabobo, luego del volcamiento de una camioneta Ford Explorer, placas GAO-21C.

Así lo informó el presidente de Asoexplorer, Alfredo Yalera, quien se apersonó al sitio del accidente, recalcando que los cauchos del rústico eran Good Year.

-Continuan los accidentes con las camionetas asesinas y la Ford no quiere enfrentar la realidad que existe un defecto mecánico y no de cauchos como han querido hacer ver a la opinión pública. El Gobierno Nacional debe tomar medidas a este respecto y la Asamblea Nacional debe pronunciarse y entregar el informe sobre la investigación que está realizando sobre este caso que cada día cobra más victimas.

Las personas lesionadas de este nuevo accidente fueron identificadas como Luis Ramírez de 20 años, Erika Ramírez de (20) y Blanca Querales (21) años, quienes fueron trasladados al Centro Policlínico La Viña de Valencia y un cuarto lesionado, que aún no ha sido identificado fue trasladado a un ambulatorio por presentar lesiones menores. (a.s.)

13/7/01 El Siglo

APPENDIX B

Spreadsheet Listing Key Details of All Venezuelan Judicial Inspections

FORD EXPLORER ROLLOVER ACCIDENTS - VENEZUELA - JUDICIAL INSPECTIONS

Nbr.	Judicial Inspect#	Vehicle	License Plate	Date of Inspect	Type of Accident	Tires Mounted	Notes
1	10-381 5-389	Ford Explorer 1997	MAN-18B	2/21/2000 8/14/2000	Rollover	Firestone Wilderness AT P235/75 R15 ("Front Right") Firestone Radial ATX P235/75 R15 (All others)	"Rear Left" tire missing tread.
2	3276	Ford Explorer 4x2	FAJ-12G	5/17/2000	Rollover	Firestone Wilderness AT P235/75 R15 (All)	All tires inflated and tread intact.
3	3278	Ford Explorer XLT 4x4	GAU-75J	5/17/2000	Rollover	Dunlop Grandtrek AT1 (All others) Firestone Wilderness AT (Passenger-Front)	All tires inflated and tread intact. All tires inflated and tread intact.
4	214	Ford Explorer 4x2	GAU-94H	5/23/2000	Rollover	Firestone Wilderness P235/75 R15 (Passenger-Front) Goodyear Wrangler AT: P235/75 R15 (All others)	"Passenger-front tire deflated but tread intact on all.
5	3307	Ford Explorer XLT 4x4	GAT-36F	6/12/2000	Rollover	Continental ContiTrac M&S LT235/75 R15 (All)	"Passanger-front deflated but tread intact on all.
6	36/2000	Ford Ranger XLT 4X4	816-GAG	6/28/2000	Rollover	Goodyear LT 235/75R15 (3 tires), one tire missing	"Right Rear" tire and rim missing
7	2329	Ford Explorer XLT 4x2	MAZ-27J	6/29/2000	Rollover	Firestone Wilderness AT (all)	Three tires inflated on rims and tread intact fourth tire in back of vehicle w/ bent rim.
8	3324	Ford Explorer 4x2	GAX-74W	6/29/2000	Rollover	Firestone Wilderness AT (all)	All four tires inflated and tread intact. Rollover at 60kph.
9	54/2000	Ford Explorer XLT 4x2	OAD-41H	8/7/2000	Rollover	Goodyear Wrangler RTS M+S P255/70 R16 (All)	Driver-front tire deflated, but tread intact on all.
10	1483	Ford Explorer	DAZ-86F	8/9/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact, but GY spare flat (tread intact)
11	3370	Ford Explorer 4x2	GAU-77E	8/17/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	Driver side front deflated, but tread intact on all.
12	2347-2000 2465-01	Ford Explorer XLT 4x4 1998	GAT-37G	9/24/2000 3/26/2001	Rollover	Goodyear Wrangler RT3 P255/70 R16 (All)	Front tires flat, all tires with tread intact.
13	00-559	Ford Explorer XLT	LAE-98V	8/25/2000	Collision?	Firestone Wilderness AT	
14	1491	Ford Explorer XLT 2000	VAL-77P	8/31/2000	Rollover	Goodyear Wrangler RTS P255/70 R16 (All)	Driver-rear punctured and deflated, but tread intact on all.
15	3377	Ford Explorer XLT 4x2 2000	GBH-88A	9/5/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact.
16	1493	Ford Explorer XLT 4x2 1997	AAR-32A	9/7/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact.
17	0064 6044 6544	Ford Explorer XLT 1998	GAR-78Z	9/20/2000 9/5/2000 9/5/2000	Rollover	Firestone Wilderness AT P235/75 R15 M&S (All)	One-rear tire with tread separated
18	3382 3384	Ford Explorer 4x2 1997	GAC-41C	9/25/2000 9/27/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact.
19	3392 3393	Ford Explorer XLT 4x4 1998	GAS-11H	9/28/2000 9/28/2000	Rollover	Goodyear Wrangler RTS P255/70 R16 (All)	Three tires are deflated, all treads are intact.

Nbr.	Judicial Inspect#	Vehicle	License Plate	Date of Inspect	Type of Accident	Tires Mounted	Notes
20	00-600	Ford Explorer XLT	AAR-53D	10/3/2000	Collision?	Michelin LTX M/S	Driver front tire deflated, with lateral cut or tear.
21	115-2000 116-2000	Ford Explorer XLT	NAF-50L	10/9/2000 10/9/2000	Rollover	Goodyear Eagle GT II (All) Spare (Firestone Wilderness AT mounted on driver rear)	Passanger-rear tire damaged/separated. Passanger-front tire deflated but tread intact. All other treads intact.
22	1770 1771	Ford Explorer XLT 4x2 1996	KAD-50P	10/16/2000 10/16/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Passenger front tire deflated, but all tread intact.
23	499	Ford Explorer 4x4	SAI-32Z SA1-32Z?	11/2/2000	Collision?	Goodyear Wrangler	"Front Left" tire flat
24	3439	Ford Explorer 4x2 1998	EAD-33E	11/10/2000	Rollover	Goodyear Wrangler RTS LT 235/75 R15 (all)	All four tires inflated and treads intact.
25	2402-2000	Ford Explorer XLT	GBC-96X	11/27/2000	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and tread intact.
26	102-2000	Ford Explorer XLT 4x4 1997	IAB-33I	11/6/2000	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All tires flat, treads appear intact.
27	323	Ford Explorer C72 2001	None	12/4/2000	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Passenger front tire flat. Treads appear intact.
28	3493	Ford Explorer 1998	KAK-02M	1/10/2001	Rollover	Goodyear Wrangler RTS LT235/75 R 15 (all)	Front tires deflated; rear tires inflated. All treads appear intact.
29	7128	Ford Explorer XLT 4x2 1998	KAK-94M	1/22/2001	Rollover	BF Goodrich P295/50 R15 (all)	All four tires inflated and tread intact
30	01-844	Ford Explorer XLT 4x2 2000	ABI-25W	2/5/2001	Rollover	Goodyear Wrangler ATS LT235/75 R15 (all)	All four tires inflated and tread intact
31	01-845	Ford Explorer XLT 4x4 2000	JAH-45F	2/5/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and tread intact
32	53/2000	Ford Explorer XLT 4x4 1999	DAZ-39B	2/7/2001	Rollover	Dunlop Grandtrek LT265/75 R16 (all)	All four tires inflated and tread intact
33	3807	Ford Explorer XLT 4x4	GAO-42D	2/12/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	Two front tires deflated by impact but tread intact on all
34	18-2001	Ford Explorer 1997	JAC-72G	2/20/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Three tires remained intact. Tread is separated on the fourth tire.
35	34/2001	Ford Explorer XLT	ABD-81C	3/8/2001	Rollover and impact	Goodyear Wrangler RTS	Passenger front tire deflated, but tread intact on all
36	35/2001	Ford Explorer XLT 1998	BAC-08T	3/8/2001	Rollover	Dunlop Grandtrek (all)	Passenger front tire missing and rear deflated but tread intact. Driver tires treads intact.
37	20/2001	Ford Explorer 2000	KAP-72S	3/9/2001	Rollover	Goodyear Wrangler RTS (all)	Front tires inflated and treads intact. Driver rear flat, tread intact. Passenger rear unmounted [in the back].
38	1560	Ford Explorer XLT 4x2 1998	GAT-76H	3/22/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	All four tires inflated (one depressed into sand) and treads intact

Nbr.	Judicial Inspect#	Vehicle	License Plate	Date of Inspect	Type of Accident	Tires Mounted	Notes
39	2463-01	Ford Explorer XLT 4x4	DAM-43U	3/24/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and treads intact
40	2464-01	Ford Explorer XLT 4x4 1998	DAK-83O	3/26/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	Driver rear tire badly damaged, driver front deflated but tread intact. Passenger tires inflated and treads intact.
41	2466-01	Ford Explorer XLT 4x4 1998	DAF-21N	3/26/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and treads intact
42	2447-01	Ford Explorer	KAK-94L	3/5/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Driver front tire flat and unmounted, passenger front flat, both treads intact. Both rear tires inflated, treads intact.
43	568-01	Ford Explorer 4x2 1997	GAN-12Z	4/23/2001	Rollover	Goodyear Wrangler RTS LT235/70 R15 (all)	Two tires deflated, but tread appears intact on all
44	569-01	Ford Explorer 4x2 1999	SAJ-52B	4/23/2001	Rollover	Goodyear Wrangler RTS LT235/70 R15 (all)	Driver front tire only is deflated; treads intact on all
45	3762	Ford Explorer 4x2	DBA-58Z	4/24/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	All four tires inflated and treads intact
46	3765	Ford Explorer 4x2 2000	GBC-29Y	4/25/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Treads appear intact.
47	2421	Ford Explorer XLT 1998	DAO-61H	5/27/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and treads appear intact
48	10108	Ford Explorer XLT	ABI-28V	5/28/2001	Rollover	Goodyear Wrangler RTS (all)	Driver front tire deflated, but treads appear intact on all
49	2001-5601	Ford Explorer XLT 4x4	LAF-88I	5/30/2001	Rollover	Goodyear Wrangler RTS 255/70 R16 (all)	Passenger front tire & rim demolished; driver rear tire badly damaged. Other two tires inflated, treads intact.
50	219	Ford Explorer 1998	TAA-840	6/4/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Treads appear intact. Driver front tire is flat.
51	67	Ford Explorer XLT 4x2 1997	PAE-49B	6/6/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Both front tires deflated, all treads intact.
52	2001 1003	Ford Explorer 2001	DAZ-93J	6/11/2001	Rollover	Dunlop A/T 31x10.50 R15 LT (all)	Driver front tire destroyed. Passenger front & rear deflated; treads appear intact Driver rear inflated and tread intact
53	2001-1004	Ford Explorer 1999	FAO-00B	6/11/2001	Rollover	Goodyear Wrangler RTS LT235/75 R15	Two front tires missing. Rear tires inflated, treads appear intact.
54	1927	Ford Explorer XLT 4x4 1999	LAB-51R	6/13/2001	Rollover	Dunlop RV LT 245 75 R16 (all)	Treads appear intact. Driver front tire is flat.
55	1928	Ford Explorer 4x4	None	6/13/2001	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	Passenger rear is flat. Treads appear intact.

APPENDIX C

Spreadsheets Showing Adjustment, Claims and Lawsuit Data for Bridgestone/Firestone Venezolana, C.A.



Bridgestone Firestone Venezolana C.A.

O.E. ADJUSTMENTS

Tire Line	Tire Size	Ply Rating	Country where tire was produced	Country where adjustment occurred	Year of Adjustment	Number of Total Adjustments	Number of Tread Separation Adjustments (codigos: 135,136,137,139, 145,140,235)
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1996	437	34
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1996	13	8
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1996	17	0
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1997	221	49
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1997	16	15
RADIAL ATX II	P235/75R-15	6	VENEZUELA		1997	23	4
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1997	65	3
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	1997	38	0
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1998	457	160
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1998	2	2
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	1998	164	74
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1998	528	68
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	1998	307	31
WILDERNESS A/T	P235/75R-15	6	VENEZUELA	VENEZUELA	1998	213	14
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1999	563	200
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1999	27	21
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	1999	310	269
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1999	853	347
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	1999	319	136
WILDERNESS A/T	P235/75R-15	6	VENEZUELA	VENEZUELA	1999	323	88
WILDERNESS A/T	P255/70R-16	6	USA	VENEZUELA	1999	111	82
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	2000	1072	204
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	2000	8	6
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	2000	358	211
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	2000	867	378
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	2000	473	167
WILDERNESS A/T	P235/75R-15	6	VENEZUELA	VENEZUELA	2000	438	201
WILDERNESS A/T	P255/70R-16	6	USA	VENEZUELA	2000	257	184
RADIAL ATX II	P235/75R-15	6	USA	VENEZUELA	2000	7	5

NOTE: Up to October 1999, an unknown quantity of USA produced tires were included in the adjustments data for sizes P255/70 R16 WILDERNESS AT and P235/75 R15 RADIAL ATX II both made in Venezuela.

Bridgestone Firestone Venezolana C.A.

O.E. CLAIMS

Tire Line	Tire Size	Ply Rating	Country where tire was produced	Country where Claim ocurred	Year of Incident	Number of Total Claims	Number of Tread Separation Claims
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1996		
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1996		
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1996		
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1997		
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1997		
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	1997		
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1997		
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	1997		
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1998		
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1998		
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	1998		
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1998	2	1
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	1998		
WILDERNESS A/T	P235/75R-15	6	VENEZUELA	VENEZUELA	1998		
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1999		
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1999		
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	1999		
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1999	2	2
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	1999		
WILDERNESS A/T	P235/75R-15	6	VENEZUELA	VENEZUELA	1999		
WILDERNESS A/T	P255/70R-16	6	USA	VENEZUELA	1999		
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	2000		
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	2000		
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	2000		
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	2000	8	4
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	2000	5	5
WILDERNESS A/T	P235/75R-15	6	VENEZUELA	VENEZUELA	2000	1	1
WILDERNESS A/T	P255/70R-16	6	USA	VENEZUELA	2000	13	7
RADIAL ATX II	P235/75R-15	6	USA	VENEZUELA	2000	1	0

NOTE: Records for claims made by customers, which are of a nature different than adjustments, were not kept by Bridgestone Firectone Venezolana, C.A. until 1997. When Legal Department was created. The USA recall made by Bridgestone Firestone Services related to tires manufactured in its Decatur Plant had an impact in Venezuela. The number of claims has decreased dramatically given that Ford Explorer rollovers with tires of another brand has been widely publicized by the Venezuelan media. We believe that such rollovers are higher in number than the rollover without our tires, with or without tread separation. This latter statement is confirmed by the fact that Bridgestone Firestone Venezolana, C.A. has, for the last five consecutive months, broken its monthly sales record.

Bridgestone Firestone Venezolana C.A.

O.E. LAWSUITS

Tire Line	Tire Size	Ply Rating	Country where tire was produced	Country where Lawsuit incident ocurred	Year of Lawsuit	Number of Total Lawsuits
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1996	O
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1996	O
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1996	O
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1997	O
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1997	O
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	1997	O
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1997	O
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	1997	O
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1998	O
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1998	O
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	1998	O
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1998	O
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	1998	O
WILDERNESS A/T	P235/75R-15	6	VENEZUELA	VENEZUELA	1998	O
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	1999	O
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	1999	O
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	1999	O
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	1999	O
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	1999	O
WILDERNESS A/T	P235/75R-15	6	VENEZUELA	VENEZUELA	1999	O
WILDERNESS A/T	P255/70R-16	6	USA	VENEZUELA	1999	O
FIREHAWK ATX	31X10.5R-15	6	VENEZUELA	VENEZUELA	2000	O
S/RADIAL R4S	LT235/85R-16	10	USA	VENEZUELA	2000	O
RADIAL ATX II	P235/75R-15	6	VENEZUELA	VENEZUELA	2000	O
WILDERNESS A/T	P255/70R-16	6	VENEZUELA	VENEZUELA	2000	O
WILDERNESS A/T	LT245/75R-16	6	VENEZUELA	VENEZUELA	2000	O
WILDERNESS A/T	P235/75R-15	6	VENEZUELA	VENEZUELA	2000	O
WILDERNESS A/T	P255/70R-16	6	USA	VENEZUELA	2000	O
RADIAL ATX II	P235/75R-15	6	USA	VENEZUELA	2000	O

NOTE: BRIDGESTONE FIRESTONE VENEZOLANA C.A. HAS NO LAW SUITS

APPENDIX D

Transcript of Videotape Showing Underside of Ford Explorer Before and After Ford of Venezuela Suspension Upgrade Package

MODIFICATIONS TO EXPLORER SUSPENSION BY FORD OF VENEZUELA

[00:30]
Well, once the modification has been made /.../ we remove the spare tire to /.../ see how much pressure the dealership put in the tire. They used a WRANGLER RT/S 205/70R16.

[01:04]
The spare tire that they are using or that they used with this truck is a RT15, 235/75R15, with 32 lbs. of pressure.

[01:29]
Let's check the pressure in the other tires.

[01:37]
[checks the pressure in the right rear tire] 30 lbs. -- a little below of the recommended pressure for the right rear tire.

[1:46]
[checks the pressure in the right front tire] also 30 lbs.

[1:52]
Let's go to the other side of the truck.

[2:04]
[checks the pressure in the left rear tire] 34 lbs.

[2:14]
[checks the pressure in the left front tire] 30 lbs.

[2:16]
Three of the tires have 30 lbs. of pressure, while the left rear has 34 lbs. of pressure. And the truck just came from the dealership.

[2:25]
[shows the rear shock absorbers] Let's see what kind of job they did with the truck.

[2:30]
The shock absorbers really were replaced.

[2:41]
It can be clearly seen that they are newer; or more precisely, that they are new. They are very clean. Correct.

[2:51]
Secondly, the bar you can see now was installed. This is what they call the crossbar.

[3:15]
And this piece, which holds the spare tire, was also welded. Since it was welded, there's a part where it was painted, which is what we are focusing on right now.

[3:32]
This is the work they did on the underside of the truck.

[3:38]
Here we can see a little more.

[4:04]
And now, from another angle, we can see the specifications of the shock absorber that was installed.

[4:26]
We're showing what we're showing now because they insisted that the bar supposedly had to be replaced in order for the shock absorber to be installed.

[5:04]
Let's go to the front now. As promised, only the shock absorber was replaced. We're in the front left part of the truck.

[5:47]
From what we can see, no other parts besides the shock absorber were replaced; let me repeat that I'm in the front.

[5:54]
One thing that I want to point out: none of the valves were replaced; they didn't even put valve caps on. This work was poorly done.

[6:20]
We can see exactly the same situation on the left rear side: it still has the old valve.

[6:53]
Another thing we want to point out is the amount of lead tire weights required.

[7:05]
The right rear tire: 4 ounces. It only has weights on the inside.

[7:21]
Half an ounce on the right rear.

[7:29]
Let's go to the front now. The left front tire: 3 ounces; it also has weights on the inside only. And only old weights.

[7:45]
The right front tire is in more critical condition: 7 1/2 ounces. Of course, these are also old weights.

Tire Specification Information

Bridgestone/Firestone, Inc
June 14th, 2001

Tire Specification Comparison

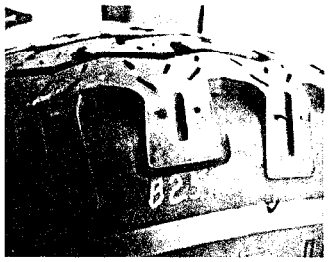
The same color in the box indicates same specification or property.

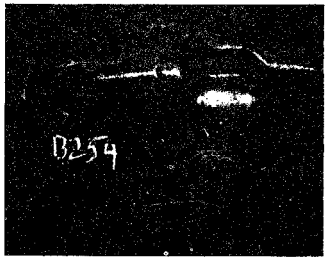
The different color in the box shows separate specification or property.

Vehicles	Ford Explorer		Chevrolet Tahoe, Silverado GMC Yukon, Denali XL, Sierra
Tire Size	P235/75R15 105S	P235/75R15 105S	P265/75R16 114S
Tread Design	Radial ATX II	Wilderness AT	Wilderness AT
Shoulder Pocket	Wide & Steep	Not Steep	No shoulder pocket
Shoulder Drop	15%	15%	10%
Tread Rubber	A	B	C
Belt Steel Wire	1x5	1x5	1x5
Belt Skim Rubber – Decatur	Decatur rubber property was different from other plants.		No production in Decatur
Belt Skim Rubber – Other Plants	Y	Y	Y

#2

Shoulder Pocket Design





ATXII

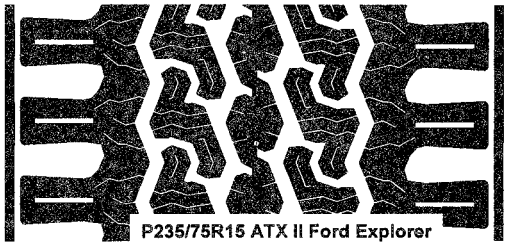
Wilderness AT

Shoulder pocket design of ATX II is one of the root cause factors. Wide and steep pocket geometry of ATX II, only when combined with other factors, increased the claim rate.

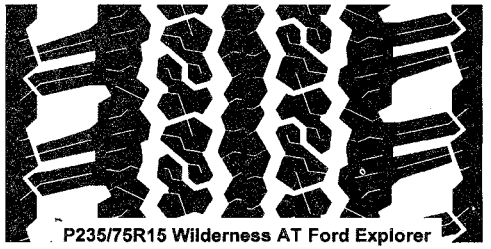
Tread designs for Chevrolet and GMC does not have shoulder pocket.

The pictures, in this page, are shoulder view of P235/75R15 for Ford Explorer and a part of " Summary Root Cause Analysis " that was released December 19th 2000 at BFS web site.

Tread Design

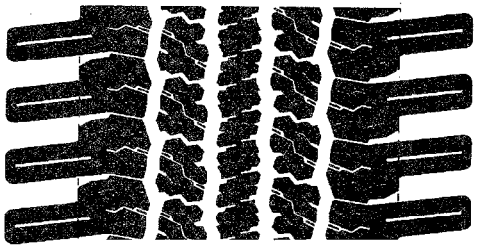


P235/75R15 ATX II Ford Explorer



P235/75R15 Wilderness AT Ford Explorer

The tread designs for GM does not have shoulder pocket.



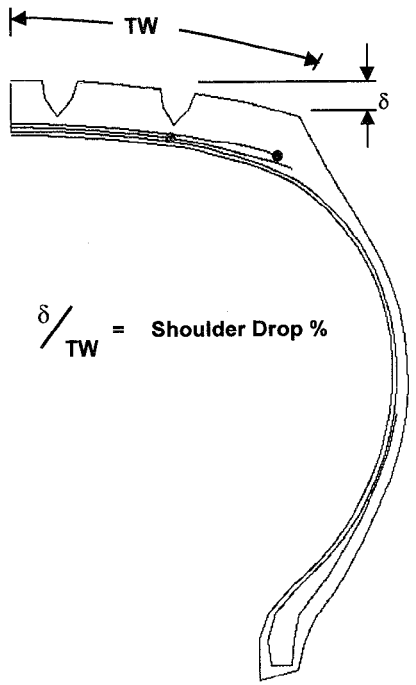
P265/75R16 Wilderness AT for GM

Shoulder View of Wilderness AT for GM

Shoulder Drop Ratio

Shoulder drop ratio was investigated as a part of root cause analysis with FE Modeling.

FE Modeling indicates higher shoulder drop generates directionally higher stress at belt edge.



Tread Rubber Comparison

The same color in the box indicates same specification or property.

The different color in the box shows separate specification or property.

Vehicles		Ford Explorer		Chevrolet Tahoe, Silverado GMC Yukon, Denali XL, Sierra
Tire Size		P235/75R15 105S	P235/75R15 105S	P265/75R16 114S
Tread Design		Radial ATX II	Wilderness AT	Wilderness AT
Tread Rubber		A	B	C
Polymer Blend	SBR	100%	100%	20%
	NR	-	-	70%
	BR	-	-	10%
Carbon Black Weight %		30%	30%	20% + 10%(Si)
Oil Weight %		15%	15%	5%

Supplemental Information

LEGEND FOR VEHICLE CODES

a = Explorer
a' = Explorer Sport
b = Ranger
c = F-150
d = Expedition

Supplemental Information / Construction

The same color in the box indicates same specification or property.

The different color in the box shows separate specification or property.

Vehicles	a	a / a'	b	b / c	b	d	d	b
Tire Size	P255/70R16	P255/70R16	P215/75R15	P235/70R16	P245/75R16	P255/70R16	P265/70R17	P265/75R15
Tread Design	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT I
Shoulder Pocket	Not Steep	Not Steep	Not Steep	Not Steep	Not Steep	Not Steep	Not Steep	No shoulder pocket
Shoulder Drop	10%	13%	7%	15%	13%	13%	10%	10%
Tread Rubber	B	D	E	B	B	F	F	B
Belt Steel Wire	1x5	1x5	1x5	1x5	1x5	1x5	1x5	1x5
Belt Skim Rubber	Y	Y	Y	Y	Y	Y	Y	Y

Supplemental Information / Tread Rubber

The same color in the box indicates same specification or property.

The different color in the box shows separate specification or property.

Vehicles	**a**	**a / a'**	**b**	**b / c**	**b**	**d**	**d**	**b**
Tire Size	P255/70R16	P255/70R16	P215/75R15	P235/70R16	P245/75R16	P255/70R16	P265/70R17	P265/75R15
Tread Design	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT	Wilderness AT I
Tread Rubber	B	D	E	B	B	F	F	B
Polymer Blend SBR	100%	80%	65%	100%	100%	80%	80%	100%
Polymer Blend NR	-	20%	25%	-	-	20%	20%	-
Polymer Blend BR	-	-	10%	-	-	-	-	-
Carbon Black Weight %	30%	20%+10%(Si)	30%	30%	30%	20%+10%(Si)	20%+10%(Si)	30%
Oil Weight %	15%	15%	5%	15%	15%	15%	15%	15%

Supplemental Information / Tread Design

Wilderness AT P265/75R16

(thru 12/31/00)

WILDERNESS AT P265/75R16

Production	TS PD	TS PI	Tread Sep Total	Tread Sep Rate	TS Injury Incidents	TS Injury Incidents rate	TS Crash Incidents	TS Crash Incidents Rate	TS Rollover Incidents	TS Rollover Incidents Rate
3093733	2	0	2	0.65	0	0	0	0	0	0
Production	Other PD	Other PI	Other Total	Other Rate	Other Injury Incidents	Other Injury Incidents rate	Other Crash Incidents	Other Crash Incidents Rate	Other Rollover Incidents	Other Rollover Incidents Rate
3093733	0	3	3	0.97	2	0.65	2	0.65	0	0
Production	Total PD	Total PI	Total	Total Rate	Total Injury Incidents	Total Injury Incidents rate	Total Crash Incidents	Total Crash Incidents Rate	Total Rollover Incidents	Total Rollover Incidents Rate
3093733	2	3	5	1.6	2	0.65	2	0.65	0	0
Production	TS + UNK PD	TS + UNK PI	TS + UNK Total	TS + UNK Rate	TS + UNK Injury Incidents	TS + UNK Injury Incidents rate	TS + UNK Crash Incidents	TS + UNK Crash Incidents Rate	TS + UNK Rollover Incidents	TS + UNK Rollover Incidents Rate
3093733	2	2	4	1.29	1	0.32	1	0.32	0	0

BRIDGESTONE
Firestone

Wilderness AT P265/75R16

(thru 12/31/00)

Production	Tread Sep PD1	Tread Sep PD2	Tread Sep Injury	Tread Sep Total	Tread Sep Rate	TS Crash Incidents	TS Crash Incidents Rate	TS Rollover Incidents	TS Rollover Incidents Rate
3093733	2	0	0	2	0.65	0	0	0	0

Production	Blow Out PD1	Blowout PD2	Blowout Injury	Blowout Total	Other Rate	Blowout Crash Incidents	Blowout Crash Incidents Rate	Blowout Rollover Incidents	Blowout Rollover Incidents Rate
3093733	0	0	1	1	0.32	1	0.32	0	0

Production	Unk PD1	Unk PD2	Unk Injury	Unk total	Unk Rate	Unk Crash Incidents	Unk Crash Incidents Rate	Unk Rollover Incidents	Unk Rollover Incidents Rate
3093733	0	1	1	2	0.65	1	0.32	0	0

Production	Total PD1	Total PD2	Total Injury	Total	Total Rate	Total Crash Incidents	Total Crash Incidents Rate	Total Rollover Incidents	Total Rollover Incidents Rate
3093733	2	1	2	5	1.62	2	0.65	0	0

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July 20, 2001

Mr. Bruce Gwinn
House Energy and Commerce Committee
564 Ford House Office Building
Washington, DC 20515

Dear Bruce:

Ted Hester asked that I forward to you the original of the Bridgestone/Firestone, Inc. response to Congressman Dingell's letter of July 5, 2001.

Sincerely,

Allison Kassir

Allison Kassir
Government Affairs Representative

Enclosures

cc: Tom DiLenge, Esq.
Daniel J. Adomitis, Esq.

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July 18, 2001

Mr. Bruce Gwinn
House Energy and Commerce Committee
564 Ford House Office Building
Washington, DC 20515

Dear Bruce:

Enclosed is Bridgestone/Firestone, Inc.'s response to Congressman Dingell's letter of July 5, 2001.

You will note that in response to Question 5, the enclosed letter suggests that someone from BFS bring in the detailed specifications that reflect changes in the tires from year to year, and discuss them with you. That appears to be the most efficient way to review the changes, and if you will give me a call, we will coordinate such a meeting at your convenience.

Sincerely,

Theodore M. Hester

Enclosures

cc: Tom DiLenge, Esq.
Daniel J. Adomitis, Esq.

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BRIDGESTONE/FIRESTONE, INC.

Daniel J. Adomitis
Division General Counsel

July 18, 2001

Hon. John Dingell
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515-6115

RE: Requested Information

Dear Congressman Dingell:

I am writing to provide information in response to your letter to John Lampe of July 5, 2001 requesting further information relative to the June 19, 2001 hearing. Many of the questions are quite sweeping in their scope, but I will nevertheless try to answer them in as much detail as reasonably possible. I have numbered our responses to match the questions, though much of the information provided in the answer to Question 1 will also be responsive to several of the subsequent questions.

1. "The Financial, Competitive and Technological Condition of Firestone (1993-97)"

The *Akron Beacon Journal* article attached to your letter correctly notes that during the first three years of the 1990's, Bridgestone/Firestone, Inc. ("BFS") incurred losses of approximately one billion dollars. Although the article discusses a "five year plan" from 1993-97, it also states that the "turnaround" of BFS actually began in 1992. The fact of the matter is that BFS undertook numerous efforts focused on improving productivity and competitiveness throughout the decade of the 1990's. Many of these projects began well before 1993 and continued during some part of the stated period. Although I have not been able to identify a specific program that is precisely defined by the period stated in the article (1993-97), I will discuss the major initiatives that occurred in and around this period.

The financial, competitive and technological condition of BFS in the 1990's really begins with an extensive study that BFS initiated in 1990 of the competitive environment within the tire industry. This "benchmarking" effort generally revealed that BFS was not competitive in many respects with other major tire manufacturers.

First, BFS had lost approximately $916 million through 1993. Net income in 1994 was $29 million. Despite an equity infusion by the parent company, Bridgestone Corporation, of $1.5 billion, BFS remained $2.3 billion in debt by 1993. (No capital transfers or extraordinary payments were made to the parent company, other than for the purchase of goods and services). Average selling prices for BFS' products were continuing to trend downward. Productivity improvements required increasing amounts of capital investment. Net sales from 1990-91 actually decreased, with only minor improvement in 1992. Cash flows were negative from 1990 through 1994.

One of the first programs designed to help BFS achieve greater competitiveness was to adjust down the size of BFS. This occurred through selective reductions in salaried enrollment achieved primarily in 1991 and 1992. Further reductions in the size of BFS occurred with the relocation from BFS' extensive headquarters complex in Akron, Ohio to a smaller, more efficient headquarters operation in Nashville in 1992. At the same time, BFS began focusing its diverse operations into 21 "SBU's" (strategic business units), each dedicated to particular markets and operations.

Beginning in 1990, BFS began to improve plant productivity by focusing on its manufacturing process and increasing plant output. "Throughput" and de-bottlenecking techniques were implemented. "Kaizen" (continuous improvement) techniques were also implemented at each plant. Technology transfers and exchanges with Bridgestone Corporation were key focus areas in the period from 1990-92.

In 1992 BFS began to address the competitiveness and productivity of its manufacturing operations under the collective bargaining agreement with the United Rubber Workers at six "Master Contract" plants. BFS began a comprehensive study of worker productivity. By this time, it had become evident that the productivity levels of the BFS plants were dramatically below major competitors. Much of this was attributed to the inflexibility of the 1991 collective bargaining agreement to allow BFS to economically operate the plants on a seven day, "continuous operations" basis. The result was that valuable, capital-intensive plant capacity was going unused at BFS plants. Continuous operations existed in one form or another at a number of competitive facilities, particularly those that were determined to be operating more productively than the BFS Master Plants. While productivity levels at BFS master plants were low in comparison to the industry, wages and benefits were among the highest. This productivity gap presented what BFS perceived as a "compelling need to change."

Negotiations between BFS and the URW commenced in 1994. Despite good faith negotiations, an impasse in negotiations was reached and, in July 1994, a strike was declared by the URW at all six facilities. In the absence of an agreement, BFS implemented terms and conditions and continued production at all facilities with

temporary replacement workers. With the need to begin continuous operations at these plants becoming critical, BFS hired permanent replacement workers in 1995 and began seven-day operations. In 1996, BFS reached agreement on a new collective bargaining agreement with the union (now the United Steelworkers of America "USWA"), preserving the continuous operations schedule and other needed productivity enhancements in the new agreement.

Another broad initiative was the P2000 program, developed for the period 1995-1999 with the general goal of substantially improving BFS' competitive position and reducing BFS' debt burden by the end of the decade. This program had several parts. One part focused on steadily building market share. Another aspect of the program centered on achieving better utilization of BFS' working capital. Yet another part of this later program, known as "C95," focused on improving manufacturing productivity.

The C95 program entailed a broad spectrum of enhancements that continued BFS' focus on improving company productivity. It included efforts to standardize component combinations and tire building systems within the plants, de-bottleneck the flow of operations and materials, improve material usage and processing technology, improve production reliability, reduce non-operating time ("NOT"), increase economies of scale, improve workforce competency, reduce waste and scrap levels and many other productivity improvements in the plants. Sometimes these efforts may have increased cost, but improved productivity. Undoubtedly, the largest group of C95 changes involved the reduction of non-operating time and the successful implementation of seven day, continuous operations in 1995 (and the other productivity changes that would ultimately become part of the 1996 collective bargaining agreement). The BFS goal was to produce a tire that was "equal to or better than" the original product. This program also overlapped with a company mandate to certify all of its tire plants to ISO 9000 quality standards by 1998.

Another major productivity focus during this period was the B2000 program. This program sought to make BFS more productive through the enhancement of business information systems. Initiated in early 1996 and conducted until 1998, B2000 sought to improve productivity in order entry and tracking, supply chain planning, forecasting, manufacturing, warehousing and distribution, customer interfaces and other administrative services.

Supplier relationships during this period remained very stable, with the top 10 suppliers doing business with BFS for over 20 years. Efforts were made with many of these suppliers to improve pricing, enhance discounts or extend payment terms.

In terms of Original Equipment ("OE") sales during this period, BFS' share remained relatively stable at approximately 18% during most of the mid-1990's. Its share at Ford Motor Company ranged from 31-38% during the same period, with most of the variation occurring during the URW strike period 1994-95. Specific information by year follows. Each column is reported as "All BFS Brands" (but sales to Ford were exclusively Firestone brand):

	Total OE Share (%)	Ford Share (%)	Rep. Mkt. Share%
1993	17.4	38.8	11.9
1994	18.2	31.1	12.5
1995	18.0	28.3	13.8
1996	18.5	32.1	15.0
1997	21.6	33.5	16.0

In the introductory paragraph of your letter, you also inquired regarding the "durability" of Firestone tires produced before and after the period from 1993 to 1997. In this regard, I am attaching a chart detailing returns of Firestone passenger tires for separations from 1993-2000 (which would include tires in the "P-metric" Wilderness lines). As you will see from the chart, the general level of returns remains stable or trends downward during this period.

2. "Goodyear Restructuring"

Obviously, our access to Goodyear information is generally limited to that which is publicly available. In terms of Goodyear's restructuring and other efforts in the early 1990's, it is our belief that many of the same type of changes that were taking place at BFS were also occurring within that company as well. We are aware that Goodyear began restructuring and aggressively pursued the downsizing of its operations. It had dramatically improved its cash flow and earnings. Later in this period it began realigning operations such as Kelly Springfield into an operating division of Goodyear. It also began a process of rationalizing its North American distribution systems and expanding its computerized customer interfaces. In terms of continuous operations, at the time of the 1994 BFS negotiations, Goodyear had already secured the right to operate on this basis at five of its North American plants. (Lawton, OK; Gadsden, AL; Medicine Hat, Alberta; Valleyfield, Quebec; Napanee, Ontario).

3. "Cost-cutting Initiatives and Programs"

Please see response to Question 1 for a discussion of productivity improvement efforts conducted by BFS during the 1990's.

4. "Annual Company Cost Reduction Goals"

Enhancements to productivity are a continuing goal at BFS, as at most companies. The only record of a true company-wide cost reduction goal we have identified during this period is for 1994, in which a 5% reduction goal was set. In terms of the manufacturing operations, for each year during the stated period a total factory cost per thousand pounds

processed "$/Mlb" budgetary goal was set. This figure embraces both material and conversion/processing costs. (Individual plants also set various plant-specific targets to help achieve the overall goals). The following table reflects the overall goals for each year and the actual performance in relation to goal (obviously in this case, actual costs in excess of goal are undesirable):

	1993	1994	1995	1996	1997
Goal	1142	1157	1248	1193	1145
Actual	1195	1217	1293	1202	1141

*This data is highly proprietary information and constitutes trade secrets of BFS.

5. "Product Changes"

Detailed specifications reflecting the materials and construction for the P235/75R15 Radial ATX II and the Wilderness AT from year to year will be made available to you and your staff for review. This is proprietary information and constitutes trade secrets of BFS. Additionally, it is likely to be difficult for your investigators to interpret. May we request the opportunity to bring those specifications in for review by your staff at a convenient time when we can have a representative present who can discuss the specifications, (including any that may have had a cost-reduction aspect) with your staff. Ideally we will be able to satisfy your need to review these materials without making copies of them.

In terms of the communication to Ford of information regarding changes in the product, there was certainly substantial and detailed discussion of the changes in specification during the approval process for each major generation of the Radial ATX and Wilderness AT tire. Additionally, during the implementation of QS 9000 quality standards, the two companies discussed and agreed upon specific protocols for the communication of information regarding product changes. Changes made by BFS as part of its continuous improvement programs would not be channeled through a Ford approval process unless the change affected "form, fit or function" or unless it changed Ford's performance parameters or safety.

6. "Quality Assurance"

BFS has an extensive quality assurance program that was in place during this period. Like the tire industry generally, however, emphasis was placed on the use of adjustment information, field surveys, fleet studies and other testing and analysis to assess product performance. The adjustment database as a whole was reviewed annually. Specific tire adjustment data was reviewed on a more frequent basis as warranted.

Claims data was not traditionally used to assess product performance since this type of data was typically a much smaller dataset in comparison to the adjustment dataset, making conclusions very hard to draw. Although claims data was kept, it was primarily focused on promptly resolving customer property damage claims rather than as a tool for specific product analysis. As BFS committed in the hearings on this matter, it has now implemented, and will continue to improve, an early warning system incorporating the use of claims data as an additional component of its quality assurance systems.

7. "Levels of Tread Separation"

During the specified period, BFS primarily relied on adjustment data to assess product performance and conditions such as tread separation and nothing in that data alerted BFS to a problem with the Explorer tires. The adjustment rates for these tires were acceptable in light of the tire types, application and maturity of the tire populations. While adjustment rates can be expected to vary as a tire population matures and applications change, the overall adjustment rates for these tires were acceptable.

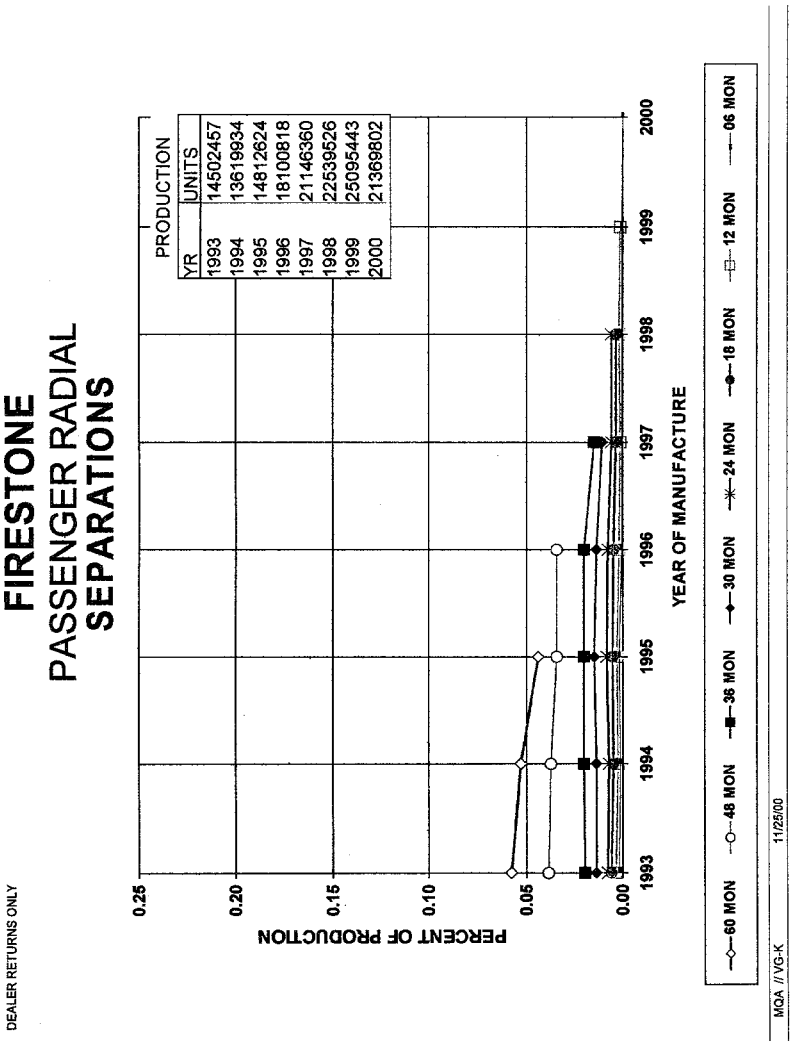
As discussed in the preceding paragraph, claims data was not used for specific product assessment. Although there were several instances in which BFS investigated the performance of the tire in specific applications, such as Saudi Arabia, it was BFS' conclusion that the applications and harsh environments in which these tires were placed explained any incidence of tire separations.

I hope this information is helpful and addresses your questions.

Sincerely,



Daniel J. Adomitis


FIRESTONE
PASSENGER RADIAL
SEPARATIONS
DEALER RETURNS ONLY
PRODUCTION
YR UNITS
1993 14502457
1994 13619934
1995 14812624
1996 18100818
1997 21146360
1998 22539526
1999 25095443
2000 21369802
PERCENT OF PRODUCTION
0.25
0.20
0.15
0.10
0.05
0.00
1993
1994
1995
1996
1997
1998
1999
2000
YEAR OF MANUFACTURE
60 MON
48 MON
36 MON
30 MON
24 MON
18 MON
12 MON
06 MON
MOA //VG-K
11/25/00

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July 30, 2001

Mr. Bruce Gwinn
Professional Staff Member
House Commerce Committee
564 FHOB
Washington, DC 20515

Dear Bruce:

Attached is a letter from Dan Adomitis, correcting certain information contained in his July 18, 2001 response on behalf of Bridgestone/Firestone, Inc., to Congressman Dingell's July 5, 2001 letter. I think this is self-explanatory, but please give me a call if you have any questions.

Sincerely,

Theodore M. Hester

Enclosure

cc: Thomas DiLenge, Esq.
Daniel J. Adomitis, Esq.
Elizabeth H. Jafari, Esq.

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BRIDGESTONE/FIRESTONE, INC.

Daniel J. Adomitis
Division General Counsel

July 30, 2001

Hon. John Dingell
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515-6115

RE: Requested Information (Correction)

Dear Congressman Dingell:

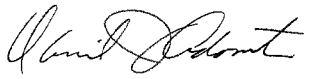
On July 18, 2001 I wrote to you to provide information in response to your letter to John Lampe of July 5, 2001. One of the specific questions you asked involved whether the company had set cost reduction goals for specified years. In my response, I noted the following:

"*Enhancements to productivity are a continuing goal at BFS, as at most companies. The only record of a true company-wide cost reduction goal we have identified during this period is for 1994, in which a 5% reduction goal was set.*"

Since writing to you, it has come to my attention that in 1994, company wide cost reduction goals of 7.5% were also set for the years 1995, 1996 and 1997. These goals covered sales and marketing, manufacturing and headquarters/corporate administration.

I apologize for not having this information available with my earlier response to you. I nevertheless hope it is helpful.

Sincerely,



Daniel J. Adomitis

BRIDGESTONE/FIRESTONE, INC.

Daniel J. Adomitis
Division General Counsel

July 19, 2001

Mr. Tom Di Lenge
Deputy Chief Counsel for Oversight and
Investigations
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515-6115

RE: Follow-up Items from June 19, 2001 Hearing

Dear Mr. DiLenge:

The following materials are being sent to you in response to Mr. Kielty's fax of June 28, 2001 to Beth Jafari of King & Spalding requesting additional information to be provided after the hearing in this matter. I am pleased to respond with the following information, organized by name of the member submitting the question.

1. Rep. Dingell

The questions posed by Rep. Dingell were restated in a July 5, 2001 letter from Rep. Dingell to Mr. Lampe, attached. Responses to Rep. Dingell's questions are contained in a July 18, 2001 letter, also attached.

2. Rep. Gordon

Rep. Gordon requested documentation on four recent deaths attributable to Explorers in Venezuela. Attached are three articles (together with a translation) detailing this situation and a subsequent accident.

Rep. Gordon also requested a copy of the 43 judicial inspections of accidents in Venezuela. A total of 47 inspections (of the 43 accidents) have been provided to the Committee. We are also attaching 16 additional judicial inspections recently obtained.

Rep. Gordon also requested a copy of the Venezuelan newspaper article that quoted the president of the Explorer Owners Association as saying that the problem in Venezuela was not a tire problem, but a vehicle problem. A copy of the article is attached (together with a translation).

3. Rep. Deutsch

Rep. Deutsch requested information as to whether Firestone "lightened" the tire used on the Explorer. Of course, there were several different tire sizes fitted to the Explorer. There was in fact a designed weight change resulting from the adoption of the modified P235/75R15 ATX tire. The weight change was less than 3% and was primarily due to the adoption of a standardized construction in the bead and in the lower sidewall. The standardized bead area construction adopted was that commonly used by all other Firestone tires of this size and load rating. These changes had no effect on the durability of the tire.

The P235/75R15 Wilderness AT was approved in 1995 as Design Specification "ST381J." There was no design change to the specification of this tire to reduce weight. In fact, a larger wedge gauge was added in 1998.

With regard to the P255/70R16 Wilderness AT (not a recalled tire, but an available tire on the Explorer), the tire was introduced on 1995 Model Year Explorers as "ST358J." In order to meet Ford's performance specification it was necessary to use a heavier than standard wire belt package. By 1996, Ford had modified their performance specification such that the standard Firestone wire belt package met requirements and was approved by Ford. This specification became "ST369J" and did result in a slightly lower weight tire. There were no other design changes to this specification to reduce weight.

Though the record reflects the question as posed by Rep. Deal, our hearing notes reflect that Rep. Deutsch also inquired as to reports of Explorer rollovers on non-Firestone tires. We have attached a spreadsheet itemizing approximately 40 reports of Explorer (including one Navajo) accidents. The list has been compiled from numerous sources, but primarily media reports. Therefore, we can only "report the report" at this time.

5. Rep. Markey

Rep. Markey inquired as to documentation detailing what Ford and Firestone knew in the mid to late 1990's regarding the understeer/oversteer problem in the event of tread/belt separation on the Explorer. Clearly, Firestone's focus had always been the performance of its own products. Any general reference to understeer/oversteer in any materials generated prior to 2001 had little context to Firestone at the time. Obviously, we cannot speak with authority as to Ford's internal knowledge during this period and it may

therefore be more helpful if this question were to be specifically directed by the Committee to Ford. To date, however, we have not been able to find any documents in the Ford document repository detailing any specific knowledge of this condition related to vehicle performance during a tread separation.

6. Rep. Stupak

Rep. Stupak made inquiry regarding the weight shift of a vehicle such as the Explorer during a tread separation. This issue has not specifically been addressed as part of Dr. Guenther's analysis. Firestone has not determined that a tread separation, in and of itself, has any significant effect on the weight distribution of the vehicle. The loss of the tread and outer belt alone has not been determined to have an appreciable change in the overall weight distribution of the vehicle.

7. Rep. Upton

Rep. Upton requested a copy of the report of Dr. Sanjay Govindjee, done as part of the root cause analysis. A copy of that report has been previously provided to the Committee.

I hope this information is helpful to the Committee.

Sincerely,



Daniel J. Adomitis

dja/me

MICHAEL BILIRAKIS, FLORIDA
JOE BARTON, TEXAS
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ONE HUNDRED SEVENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515–6115

W.J. "BILLY" TAUZIN, LOUISIANA,
CHAIRMAN

July 5, 2001

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RECEIVED
JUL - 9 2001
JOHN LAMPE

Mr. John Lampe
President and Chief Executive Officer
Bridgestone/Firestone, Inc.
50 Century Boulevard
Nashville, Tennessee 37214

Dear Mr. Lampe:

I am writing regarding the request I made at the recent hearing for information on the impact of Firestone's cost-cutting program(s) on materials and processes the company used to make tires during the period of 1993 through 1997. In addition, I want to know what has been the durability of tires Firestone produced during this period compared with tires produced before and after this period.

In questions I asked you at the June 19, 2001, hearing on "The Ford Motor Company's Recall of Certain Firestone Tires," I referred to an article from the *Akron Beacon Journal,* dated March 1, 1998, and entitled "Bridgestone/Firestone Inc. Enjoys the Fruit of Long-Range Planning" (*see* attachment). This article states that "Bridgestone/Firestone Inc. is now enjoying the results of its own five-year plan" and that the Chief Executive Officer of the Firestone subsidiary attributed the company's turnaround to "cost-cutting and increased sales in the five-year period." According to the article, Firestone's earnings "increased more than thirtyfold" during this period.

In your submission for the record of this hearing, please answer the following questions and provide the information requested below:

1. Please describe the financial, competitive, and technological condition of the Firestone subsidiary at the beginning and at the end of the five-year plan referenced in the attached article (1993 through 1997). We would appreciate a general description of the company's debt situation; its sales and earnings; its sales to new vehicle manufacturers versus its replacement tire sales; its relationship with suppliers and labor; its relationship with the parent company Bridgestone, including payments and capital transfers to the parent; and its competitive position within the industry in relation to other tire manufacturers.

2. In the early 1990's, had Goodyear Tire undergone restructuring or other changes to improve its competitiveness that caused Firestone to initiate actions to improve its competitive strength?

3. Please describe the cost-cutting programs and initiatives undertaken by Firestone during the five-year period referenced in the attached article.

4. Was there an annual cost-reduction goal (*e.g.*, five percent) that Firestone's management set for the company in the five-year period referenced in the article, and, if so, what was it for each year?

5. During the five-year period referenced in the article, please describe what changes occurred in the materials, additives, vulcanization process, wedge rubber dimensions, skim stock between the steel belts, etc. in tires Firestone produced for Ford. Which of these changes, if any, that occurred during this period were undertaken as part of a cost-cutting program or initiative? Did Firestone tell Ford about any of these changes?

6. As part of its ongoing quality control and oversight functions, does Firestone conduct periodic surveys of claims, adjustments, or other field data to identify unusual durability or wear-related problems with tires it produces?

7. During the period 1996 through 1999, did Firestone detect any elevated levels of tread separations on the tires it produced (1993 through 1997) for use as original equipment on the Ford Explorer or other Ford vehicles?

Thank you for your cooperation. Please submit the information and responses requested no later than close of business on Wednesday, July 18, 2001, so that it can be included in the hearing record.

Should you have any questions about these matters, please contact me, or have your staff contact Mr. Bruce Gwinn, Committee on Energy and Commerce Democratic Staff, at 202-226-3400.

Sincerely,

JOHN D. DINGELL
RANKING MEMBER

Attachment

cc: J. Solomon / D. Adomitis
J. AKey

cc: The Honorable W.J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce

The Honorable Cliff Stearns, Chairman
Subcommittee on Commerce, Trade, and Consumer Protection

The Honorable James C. Greenwood, Chairman
Subcommittee on Oversight and Investigations

The Honorable Edolphus Towns, Ranking Member
Subcommittee on Commerce, Trade, and Consumer Protection

The Honorable Peter Deutsch, Ranking Member
Subcommittee on Oversight and Investigations

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Copyright 1998 Knight Ridder/Tribune Business News
Copyright 1998 **Akron Beacon Journal**
AKRON BEACON JOURNAL

March 1, 1998, Sunday

KR-ACC-NO: AK-BRIDGESTONE

LENGTH: 916 words

HEADLINE: **Bridgestone/Firestone** Inc. Enjoys the Fruit of Long-Range Planning

BYLINE: By Glenn Gamboa

BODY:

While the tire industry digests the magnitude of Goodyear Tire & Rubber Co.'s new five-year plan, **Bridgestone/Firestone** Inc. is now enjoying the results of its own five-year plan.

In that time, production doubled. Earnings increased more than thirtyfold. And sales are up 39 percent.

On Friday, the Nashville-based subsidiary of Bridgestone Corp., the world's largest tire maker, reported record annual sales of $7.1 billion and record earnings of $207 million for 1997.

"We're quite satisfied with the results," said Masatoshi Ono, **Bridgestone/Firestone's** chairman and chief executive officer. "And we hope to continue to improve at the current level."

It was 1992 when **Bridgestone/ Firestone** began its turnaround. It opted to move its headquarters from Akron, Ohio, to Nashville, Tenn., to get a new lease on its corporate life. That year, the company turned a $6 million profit, after losing $1 billion over the three previous years, and managed sales of $5.1 billion.

Ono said last year's results show the improvement of cost-cutting and increased sales in the five-year period. During that time, **Bridgestone/Firestone** was the

target of a brutal strike, the longest in the history of the rubber industry.

Bridgestone/Firestone officials are now eager to put that behind them, and to focus instead on future growth and new products.

The company is in the process of building a $435 million tire plant in Aiken, S.C., which will produce 25,000 tires daily when completed next year.

Ono said the new plant will reduce **Bridgestone/Firestone's** dependence on imported tires from Japan.

"The sales growth and business growth supported the need for local production," Ono said. "We cannot cope with the current demand now."

Ono said the company plans to take aggressive steps to increase that demand this year.

Bridgestone/Firestone plans to introduce four products this year, including a new version of its high-performance ice tire called the Blizzak, which uses the company's patented UNI-T technology, and a new ultra high-performance Potenza tire.

Company officials said the controversial Firestone FT70c will continue to be a key product. The FT70c was the subject of an advertising campaign that led Goodyear to sue **Bridgestone/Firestone** over claims about the tire's performance compared to Goodyear's Aquatred.

In the end, **Bridgestone/Firestone** pulled the ads. But the company reported it sold 1.5 million of the premium wet-handling tires in nine months, making it an extremely successful launch, Ono said.

"Even after we stopped the commercials, the tires just kept on selling," Ono said.

Yesterday, Bridgestone Corp. reported earnings of $323 million on sales of $17.9 billion, due in part to strong sales in North America by **Bridgestone/Firestone.** The company said its earnings dropped 44.3 percent because of a change in its accounting procedures and the removal of debt associated with its 1988 purchase of Firestone Tire & Rubber Co.

Ono said **Bridgestone/Firestone** expects to continue expanding in 1998 at the same rate as in 1997.

He said the economic crisis in Asia actually helps **Bridgestone/Firestone** because it can import tires from Japan at a lower price. Plans to increase exports from Thailand to North America are already under way.

Kenji Shibata, president of **Bridgestone/Firestone,** said the company is already off to a good start for 1997.

"We have started with a good season," Shibata said. "Things have been very

good, especially with light trucks and with the (automakers)."

Bridgestone/Firestone is looking to become a much larger supplier to the North American automakers, adding 14 new models, including the Toyota RAV4 and the Ford Crown Victoria, to the roster of cars that it outfits with its tires.

Goodyear is the largest supplier in North America with about 37 percent of the automakers' business. **Bridgestone/Firestone** is currently third with about 20 percent.

Those designations are becoming increasingly important since recent surveys show that about a third of all car owners replace their tires with tires made by the same manufacturer that supplied them originally.

"Increasing in that business allows us to make tires in big lots, rather than the smaller lots needed for replacement tires," Ono said. "We would enjoy that."

Bridgestone/Firestone is already enjoying its recent successes in racing and the interest that it generates with employees and its dealers.

"At the recent dealer conference, our competitor invited us to go after them,' " said Trevor Hoskins, **Bridgestone/Firestone's** senior vice president of public affairs. "Our racing success should have demonstrated by now that we would much prefer to lead."

And now the upcoming entry of Dayton Tires into the IndyLights race circuit gives each of the **Bridgestone/Firestone** brands a place in the sport.

"With Dayton coming in, everybody is excited now," Ono said.

That excitement has led to higher sales, he said.

In light of Goodyear's ambitious plans to grow from $13 billion in sales to $20 billion within the next five years to dethrone Bridgestone Corp. as the world's largest tire maker, company officials believe it will be a challenge to continue those higher sales.

"It is so difficult to forecast the future -- we will leave that to Goodyear," said Ono, laughing. "As for us, we believe we will continue to grow. How much? Who can say?"

Visit Akron Beacon Journal Online on the World Wide Web at http://www.ohio.com/bj

The financial, competitive and technological condition of BFS in the 1990's really begins with an extensive study that BFS initiated in 1990 of the competitive environment within the tire industry. This "benchmarking" effort generally revealed that BFS was not competitive in many respects with other major tire manufacturers.

First, BFS had lost approximately $916 million through 1993. Net income in 1994 was $29 million. Despite an equity infusion by the parent company, Bridgestone Corporation, of $1.5 billion, BFS remained $2.3 billion in debt by 1993. (No capital transfers or extraordinary payments were made to the parent company, other than for the purchase of goods and services). Average selling prices for BFS' products were continuing to trend downward. Productivity improvements required increasing amounts of capital investment. Net sales from 1990-91 actually decreased, with only minor improvement in 1992. Cash flows were negative from 1990 through 1994.

One of the first programs designed to help BFS achieve greater competitiveness was to adjust down the size of BFS. This occurred through selective reductions in salaried enrollment achieved primarily in 1991 and 1992. Further reductions in the size of BFS occurred with the relocation from BFS' extensive headquarters complex in Akron, Ohio to a smaller, more efficient headquarters operation in Nashville in 1992. At the same time, BFS began focusing its diverse operations into 21 "SBU's" (strategic business units), each dedicated to particular markets and operations.

Beginning in 1990, BFS began to improve plant productivity by focusing on its manufacturing process and increasing plant output. "Throughput" and de-bottlenecking techniques were implemented. "Kaizen" (continuous improvement) techniques were also implemented at each plant. Technology transfers and exchanges with Bridgestone Corporation were key focus areas in the period from 1990-92.

In 1992 BFS began to address the competitiveness and productivity of its manufacturing operations under the collective bargaining agreement with the United Rubber Workers at six "Master Contract" plants. BFS began a comprehensive study of worker productivity. By this time, it had become evident that the productivity levels of the BFS plants were dramatically below major competitors. Much of this was attributed to the inflexibility of the 1991 collective bargaining agreement to allow BFS to economically operate the plants on a seven day, "continuous operations" basis. The result was that valuable, capital-intensive plant capacity was going unused at BFS plants. Continuous operations existed in one form or another at a number of competitive facilities, particularly those that were determined to be operating more productively than the BFS Master Plants. While productivity levels at BFS master plants were low in comparison to the industry, wages and benefits were among the highest. This productivity gap presented what BFS perceived as a "compelling need to change."

Negotiations between BFS and the URW commenced in 1994. Despite good faith negotiations, an impasse in negotiations was reached and, in July 1994, a strike was declared by the URW at all six facilities. In the absence of an agreement, BFS implemented terms and conditions and continued production at all facilities with

temporary replacement workers. With the need to begin continuous operations at these plants becoming critical, BFS hired permanent replacement workers in 1995 and began seven-day operations. In 1996, BFS reached agreement on a new collective bargaining agreement with the union (now the United Steelworkers of America "USWA"), preserving the continuous operations schedule and other needed productivity enhancements in the new agreement.

Another broad initiative was the P2000 program, developed for the period 1995-1999 with the general goal of substantially improving BFS' competitive position and reducing BFS' debt burden by the end of the decade. This program had several parts. One part focused on steadily building market share. Another aspect of the program centered on achieving better utilization of BFS' working capital. Yet another part of this later program, known as "C95," focused on improving manufacturing productivity.

The C95 program entailed a broad spectrum of enhancements that continued BFS' focus on improving company productivity. It included efforts to standardize component combinations and tire building systems within the plants, de-bottleneck the flow of operations and materials, improve material usage and processing technology, improve production reliability, reduce non-operating time ("NOT"), increase economies of scale, improve workforce competency, reduce waste and scrap levels and many other productivity improvements in the plants. Sometimes these efforts may have increased cost, but improved productivity. Undoubtedly, the largest group of C95 changes involved the reduction of non-operating time and the successful implementation of seven day, continuous operations in 1995 (and the other productivity changes that would ultimately become part of the 1996 collective bargaining agreement). The BFS goal was to produce a tire that was "equal to or better than" the original product. This program also overlapped with a company mandate to certify all of its tire plants to ISO 9000 quality standards by 1998.

Another major productivity focus during this period was the B2000 program. This program sought to make BFS more productive through the enhancement of business information systems. Initiated in early 1996 and conducted until 1998, B2000 sought to improve productivity in order entry and tracking, supply chain planning, forecasting, manufacturing, warehousing and distribution, customer interfaces and other administrative services.

Supplier relationships during this period remained very stable, with the top 10 suppliers doing business with BFS for over 20 years. Efforts were made with many of these suppliers to improve pricing, enhance discounts or extend payment terms.

In terms of Original Equipment ("OE") sales during this period, BFS' share remained relatively stable at approximately 18% during most of the mid-1990's. Its share at Ford Motor Company ranged from 31-38% during the same period, with most of the variation occurring during the URW strike period 1994-95. Specific information by year follows. Each column is reported as "All BFS Brands" (but sales to Ford were exclusively Firestone brand):

	Total OE Share (%)	Ford Share (%)	Rep. Mkt. Share%
1993	17.4	38.8	11.9
1994	18.2	31.1	12.5
1995	18.0	28.3	13.8
1996	18.5	32.1	15.0
1997	21.6	33.5	16.0

In the introductory paragraph of your letter, you also inquired regarding the "durability" of Firestone tires produced before and after the period from 1993 to 1997. In this regard, I am attaching a chart detailing returns of Firestone passenger tires for separations from 1993-2000 (which would include tires in the "P-metric" Wilderness lines). As you will see from the chart, the general level of returns remains stable or trends downward during this period.

2. "Goodyear Restructuring"

Obviously, our access to Goodyear information is generally limited to that which is publicly available. In terms of Goodyear's restructuring and other efforts in the early 1990's, it is our belief that many of the same type of changes that were taking place at BFS were also occurring within that company as well. We are aware that Goodyear began restructuring and aggressively pursued the downsizing of its operations. It had dramatically improved its cash flow and earnings. Later in this period it began realigning operations such as Kelly Springfield into an operating division of Goodyear. It also began a process of rationalizing its North American distribution systems and expanding its computerized customer interfaces. In terms of continuous operations, at the time of the 1994 BFS negotiations, Goodyear had already secured the right to operate on this basis at five of its North American plants. (Lawton, OK; Gadsden, AL; Medicine Hat, Alberta; Valleyfield, Quebec; Napanee, Ontario).

3. "Cost-cutting Initiatives and Programs"

Please see response to Question 1 for a discussion of productivity improvement efforts conducted by BFS during the 1990's.

4. "Annual Company Cost Reduction Goals"

Enhancements to productivity are a continuing goal at BFS, as at most companies. The only record of a true company-wide cost reduction goal we have identified during this period is for 1994, in which a 5% reduction goal was set. In terms of the manufacturing operations, for each year during the stated period a total factory cost per thousand pounds

processed "$/Mlb" budgetary goal was set. This figure embraces both material and conversion/processing costs. (Individual plants also set various plant-specific targets to help achieve the overall goals). The following table reflects the overall goals for each year and the actual performance in relation to goal (obviously in this case, actual costs in excess of goal are undesirable):

	1993	1994	1995	1996	1997
Goal	1142	1157	1248	1193	1145
Actual	1195	1217	1293	1202	1141

*This data is highly proprietary information and constitutes trade secrets of BFS.

5. "Product Changes"

Detailed specifications reflecting the materials and construction for the P235/75R15 Radial ATX II and the Wilderness AT from year to year will be made available to you and your staff for review. This is proprietary information and constitutes trade secrets of BFS. Additionally, it is likely to be difficult for your investigators to interpret. May we request the opportunity to bring those specifications in for review by your staff at a convenient time when we can have a representative present who can discuss the specifications, (including any that may have had a cost-reduction aspect) with your staff. Ideally we will be able to satisfy your need to review these materials without making copies of them.

In terms of the communication to Ford of information regarding changes in the product, there was certainly substantial and detailed discussion of the changes in specification during the approval process for each major generation of the Radial ATX and Wilderness AT tire. Additionally, during the implementation of QS 9000 quality standards, the two companies discussed and agreed upon specific protocols for the communication of information regarding product changes. Changes made by BFS as part of its continuous improvement programs would not be channeled through a Ford approval process unless the change affected "form, fit or function" or unless it changed Ford's performance parameters or safety.

6. "Quality Assurance"

BFS has an extensive quality assurance program that was in place during this period. Like the tire industry generally, however, emphasis was placed on the use of adjustment information, field surveys, fleet studies and other testing and analysis to assess product performance. The adjustment database as a whole was reviewed annually. Specific tire adjustment data was reviewed on a more frequent basis as warranted.

Claims data was not traditionally used to assess product performance since this type of data was typically a much smaller dataset in comparison to the adjustment dataset, making conclusions very hard to draw. Although claims data was kept, it was primarily focused on promptly resolving customer property damage claims rather than as a tool for specific product analysis. As BFS committed in the hearings on this matter, it has now implemented, and will continue to improve, an early warning system incorporating the use of claims data as an additional component of its quality assurance systems.

7. "Levels of Tread Separation"

During the specified period, BFS primarily relied on adjustment data to assess product performance and conditions such as tread separation and nothing in that data alerted BFS to a problem with the Explorer tires. The adjustment rates for these tires were acceptable in light of the tire types, application and maturity of the tire populations. While adjustment rates can be expected to vary as a tire population matures and applications change, the overall adjustment rates for these tires were acceptable.

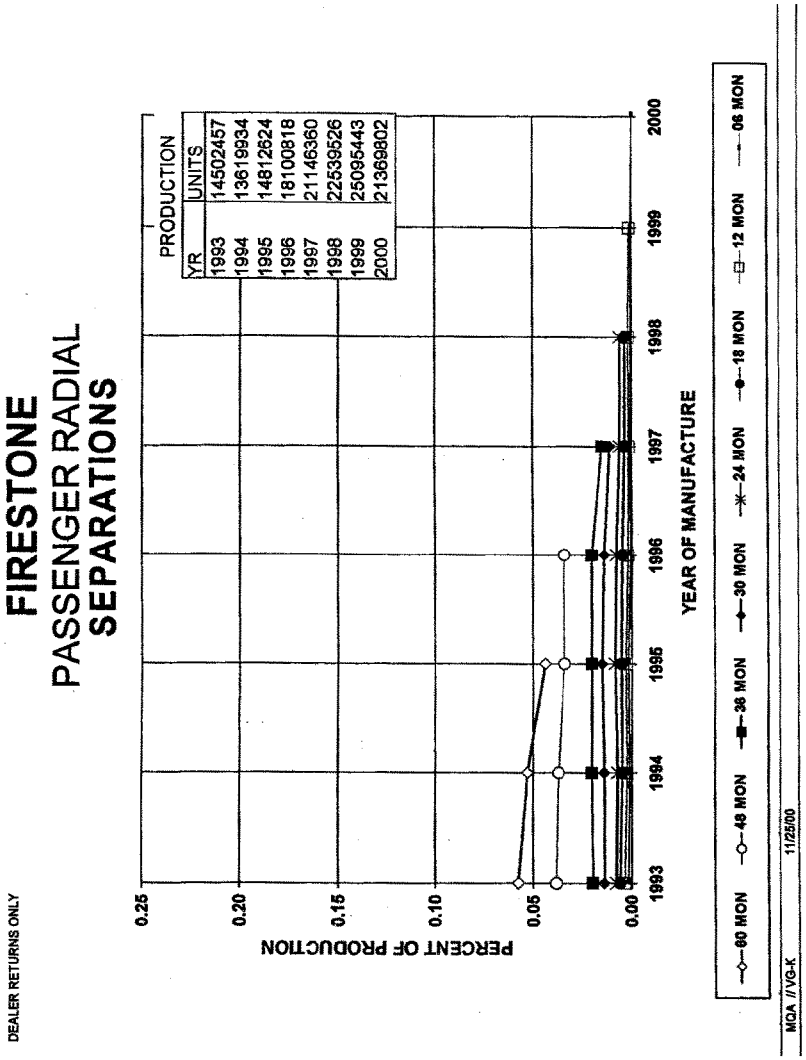
As discussed in the preceding paragraph, claims data was not used for specific product assessment. Although there were several instances in which BFS investigated the performance of the tire in specific applications, such as Saudi Arabia, it was BFS' conclusion that the applications and harsh environments in which these tires were placed explained any incidence of tire separations.

I hope this information is helpful and addresses your questions.

Sincerely,



Daniel J. Adomitis


FIRESTONE
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MGA // VG-K
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[Translation of the article titled "Muertos un comerciante y su ayudante en vuelco de camioneta" from the "La Mañana" newspaper (Venezuela)]

Businessman And Assistant Die When Truck Overturns

Two young men were killed when the truck they were traveling in turned over in the traffic circle of Redoma de El Tacaro. The accident took place on Sunday morning.

One of the victims was José Luis Dos Barros Velasco, aged 32, born in the city of Valencia, Carabobo state, who lived in an apartment of the San José building, Comercio de Caja de Agua street. He was the manager of the company Detroit Parts and a confectionery distribution company.

The other man who died in the accident was Javier Eduardo Sierralta Galicia, aged 27, born in Punto Fijo, who resided at Providencia de Caja de Agua street. He had been working as Dos Barros' assistant for four months and before that he had worked as a taxi driver in Línea Altamira.

They had worked all Saturday around the beaches of the municipalities of Falcón and Los Taques. The car accident took place after leaving Villa Marina when they were heading home.

It seems that the truck, a metallic green Ford Explorer, license plate LAB-51C Mérida, driven by Dos Barros, missed the turn, went straight to the traffic circle and suddenly overturned, killing both men instantly.

After a few hours, the bodies were taken in a crane to the morgue of the Doctor Rafael Calles Sierra Hospital, due to the fact that the authorities did not have a truck for this kind of case.

According to the autopsy, the first above-mentioned man fractured his skull, suffered hypovolemic shock, had an explosion of the liver and a broken right leg.

The other man had multiple fractures in his skull with encephalic mass loss and facial fracture.

En la Redoma El Taparo

Muertos un comerciante y su ayudante en vuelco de camioneta



Familiares de Dos Barros conmovidos por el suceso. Digifoto: Salgueiro

ANTONIO SALGUEIRO
CNP 4265

Dos jóvenes perdieron sus vidas al volcar la camioneta de lujo en la cual se desplazaban en la Redoma de El Taparo, hecho registrado en horas de la madrugada del domingo.

Una de las víctimas de esta falta accidente fue José Luis Dos Barros Velasco, de 32 años de edad, natural de la ciudad de Valencia, estado Carabobo, y con residencia en un apartamento del edificio San José, calle Comercio de Caja de Agua. Era gerente de la empresa Detroit Parts y una distribuidora de confitería.

La otra persona fallecida fue Javier Eduardo Sierralta Galicia, 27 años de edad, natural de Punto Fijo, y residía en la calle Providencia de Caja de Agua, tenía cuatro meses trabajando como asistente de Dos Barros y antes estuvo laborando como taxista en la Línea Altamira.

Se conoció que ambos laboraron todo el día sábado por las playas de los municipios Falcón y Los Taques y el accidente vial ocurrió luego de salir de Villa Marina rumbo a sus domicilios.

El vehículo, una camioneta Ford Explorer, color verde metalizado, placas LAB-51C Mérida, conducido por Dos Barros, al parecer no dio la debida curva, siguió hacia la redoma para volcar aparatosamente, con el lamentable resultado de la muerte en forma instantánea de las dos personas.



La Explorer quedó destrozada Digifoto: Salgueiro

Los cuerpos sin vida fueron llevados en una grúa a la Morgue del Hospital doctor Rafael Calles Sierra, pasadas unas dos horas, por carecer las autoridades para estos casos con una furgoneta.

De acuerdo al diagnóstico, el primero de los nombrados presentó fractura en el cráneo, shock hipovolémico, estallido del hígado y fractura de la pierna derecha.

El otro infortunado, fracturas múltiples en el cráneo con pérdida de la masa encefálica y fractura facial.

En La Vega del Tuy en el municipio Unión

Asesinado comerciante

Sujeto hirió a dos mujeres

Frente al terminal de pasajeros

Joven es golpeada salvajemente

[Translation of the article titled in Spanish "Muere ingeniero y su acompañante en vuelco de camioneta en Caseto", an article from the "Medano" newspaper from Venezuela.]

Engineer, Passenger Die When Truck Overturns Near Caseto

The victims of this horrible accident were identified as Jacinto González (58) and José Angel Arias Primera (34). Both died instantly as a result of an accident that occurred at approximately 1:00 a.m. on Monday morning.

Luis G. Villalobos
C.N.P.: 2857

A retired PDVSA engineer and his passenger died instantly when their vehicle overturned on the Coro-Punto Fijo Highway, near Caseto. The accident was reported to have taken place on early Monday morning.

MEDANO Daily reporters obtained unofficial reports about the accident from trustworthy sources. The vehicle, a green Ford Explorer, license plate IAT-881, was driven by Mr. Jacinto González (58), an engineer from the city of Coro, who lived at 201 13th Street in the Judibana sector. The pathologist at Dr. Rafael Calles Sierra Hospital, which is part of The Venezuelan Social Security Health System (IVSS), reported that the victim had experienced general trauma, cranial fractures, and multiple lacerations.

The second victim was identified as Mr. José Angel Arias Primera (34), a native and resident of El Cerro sector. He lived in house number 39 in the Santa Cruz de Los Teques municipality. The victim worked for a transportation business in Puerto La Cruz and was the only other passenger in the vehicle. He was said to have suffered general trauma, closed chest trauma, hemomediatinum, bilateral hemopneumothora, and rupture of the thoracic aorta.

THE FACTS

Families of the victims were involved in morgue proceedings at the Rafael Calles Sierra Hospital, which is part of the Venezuelan Social Security Health System (IVSS). They reported that Mr. Jacinto González and his passenger had left Barcelona, in the state of Anzoátegui, and were headed toward the state of Falcón. Before reaching the Paraguaná Península, they drove to Uria, located in the Sierra Falconiana, where Mr. Gonzalez owned a hacienda. He made some arrangements there and both decided to drive toward this area. Unfortunately, as they drove on the Coro-Punto Fijo Highway, the car suddenly overturned near Caseto, ejecting the driver and the passenger some 50 meters. The vehicle remained on the Coro-Punto Fijo Highway near Caseto sector.

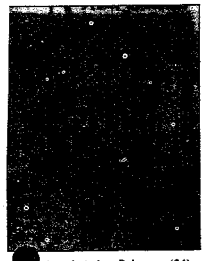
About eight months ago, Mr. González retired from his job at PDVSA as Assistant Manager of the Flexikoquer Plant. His passenger, Mr. José Angel Arias Primera, who worked at a transportation business in Puerto La Cruz, was headed toward the Paraguaná Peninsula to visit family. Mr. Arias Primera is survived by four children. Mr. González leaves behind six. The bodies of both men were rescued by the Commission for Civil Protection of the Falcon State Police. The case has been reported to said entity and to the National Transportation Investigation Authority.

arretera Coro-Punto Fijo

_ _3: IAT-881 6/11/01

Muere ingeniero y su acompañante en vuelco de camioneta en Caseto

Las víctimas de este lamentable suceso vial fueron identificadas como Jacinto González (58) y José Angel Arias Primera (34), quienes perecieron en forma instantánea, en hecho que registró aproximadamente a la una de la medianoche de ayer lunes.



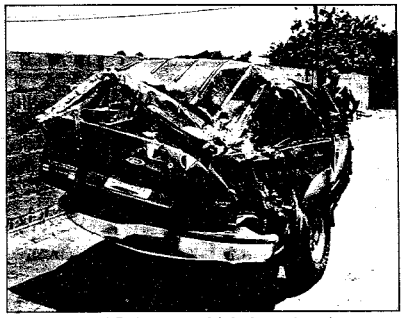
Angel Arias Primera (34), acompañante de la unidad automotora que volcó a la altura de Caseto. (Digifoto: Luis G. Villalobos).

Luis G. Villalobos
C.N.P.: 2857.

Un ingeniero jubilado de PDVSA y su acompañante murieron en forma instantánea, al volcar la camioneta en la carretera Coro-Punto Fijo, a la altura del sector Caseto, en hecho registrado en horas de la madrugada de ayer lunes en esta región.

La información fue obtenida por los periodistas del Diario MEDANO, a través de una fuente altamente confiable y de manera extraoficial, donde las víctimas de este lamentable suceso vial respondían a los nombre de Jacinto González (58), natural de la ciudad de Coro, ingeniero, residenciado en la calle # 13, casa marcada con el número 201 del sector Judibana, quien era el conductor de la camioneta Ford Explorer color verde, placas IAT-881, quien al ser trasladado hasta la morgue del Hospital Dr. Rafael Calles Sierra del Instituto Venezolano de los Seguros Sociales (IVSS), el médico patólogo certificó traumatismo generalizado, fractura de cráneo y escoriaciones múltiples, respectivamente.

La otra víctima de este lamentable suceso respondía al nombre de José Angel Arias Primera (34), natural y residenciado en el sector "El Cerro", casa número 39 del municipio Santa Cruz de Los Taques, quien trabaja para una empresa de Transporte en Puerto La Cruz, quien venía como acompañante en la unidad automotora, a quien diagnosticaron traumatismo generalizado, traumatismo torácico cerrado, hemomediastino, hemoneumotore bilateral y ruptura de aorta tóracica, respectivamente.



La camioneta Ford Explorer, que volcó donde perecieron dos personas. (Digifoto: Luis G. Villalobos).

LOS HECHOS

Según manifestaron algunos familiares de las víctimas, quienes se encontraban en las inmediaciones de la morgue del Hospital Rafael Calles Sierra del Instituto Venezolano de los Seguros Sociales (IVSS), el Ing. Jacinto González y su acompañante habían salido desde Barcelona, estado Anzoátegui, rumbo al estado Falcón, antes de llegar a la Península de Paraguaná, se desviaron hasta Uria en la Sierra Falconiana, donde el primero de los nombrados tenía una hacienda, allí hizo unos arreglos y decidieron trasladarse hasta esta zona, pero lamentablemente en la carretera Coro-Punto Fijo, a la altura de Caseto, aparatosamente volcó la unidad automotora, saliendo expelido, tanto el conductor, como su acompañante habiendo caído aproximadamente a unos 50 metros, donde quedó la camioneta, es decir en la carretera Coro-Punto Fijo, a la altura del sector Caseto.

Se pudo conocer que el Ing. Jacinto González, hace aproximadamente unos ocho meses había sido jubilado de PDVSA, donde ocupó el cargo de Subgerente de la planta Flexikoquer. En cuanto a su acompañante, José Angel Arias Primera, trabaja en Puerto La Cruz en una empresa de transporte, al parecer propiedad del primero de los nombrados, donde había decidido venir hasta la Península de Paraguaná, a visitar a sus familiares, este deja huérfanos a cuatro hijos. Mientras que el Ing. Jacinto González, tenía seis hijos. Los cadáveres de los dos hombres fueron rescatados por una comisión de Defensa Civil. Comisiones de las Fuerzas Policiales del Estado Falcón, y la Inspectoría Nacional de Tránsito, conocieron del caso.

Arrollado un ciudadano

Luis G. Villalobos

Un hombre resultó con lesione de consideración, al ser arrollado por un vehículo, en hecho registrado en horas de la noche del pasado domingo en la Av. Principal de la Parroquia Punta Cardón de esta zona.

Asi lo pudieron conocer los periodistas del Diario MEDANO, a través de una fuente altamente confiable y de manera extraoficial, quien identificó al lesionado como César D'Lima [illegible], natural de Maracaibo, estado Zulia, domiciliado en la calle Falcón, casa # 04 de esa jurisdicción.

Con la urgencia del caso el lesionado fue trasladado hasta el Hospital Dr. Rafael Calles Sierra del Instituto dando bajo observación de los facultativos en el mencionado centro dispensador de salud.

Se pudo conocer de manera extraoficial, que el vehículo causante de este arrollamiento, al parecer es un Chevrolet Malibú, color vino tino, desconciéndose mayores detalles, como la del conductor por haberse ausentado del lugar los hecho.

LOTERIAS

MEDANO
DIARIO INDEPENDIENTE DE INTERESES GENERALES
¿?...
CONSPIRANDO Y ALBOROTADOS...

El Siglo Newspaper, July 13, 2001

State of Carabobo

New Explorer Accident Leaves Three People Badly Injured

Three people were injured in a mid-day traffic accident that took place between the Guacara and Mariara tolls in the State of Carabobo. The vehicle, a Ford Explorer truck, license plate GAO-21C, apparently rolled over in the accident, reported Alfredo Valera, President of Asoexplorer. Mr. Valera traveled to the scene of the accident and commented that Goodyear tires were mounted on the vehicle.

Accidents in these deadly vehicles continue, and Ford remains unwilling to publicly admit its trucks have a mechanical defect and insists on blaming the accidents on faulty tires. The Federal Government should address these actions, while the National Assembly should step up and deliver the results of its investigation of this matter, which continues to claim more lives.

The victims injured in this new accident were identified as 20-year old Luis Ramirez, 20-year old Erika Ramirez, and 21-year old Blanca Querales. All three were taken to La Viña de Valencia Medical Center. A fourth unidentified person was injured and treated for minor injuries at an outpatient clinic.

En el estado Carabobo

Nuevo accidente con camioneta Explorer deja gravemente heridas a tres personas

el siglo

Tres personas gravemente heridas es el saldo de un accidente de tránsito ocurrido en horas del mediodía, entre el peaje de Guacara y Mariara en el estado Carabobo, luego del volcamiento de una camioneta Ford Explorer, placas GAO-21C.

Así lo informó el presidente de Asocxplorer, Alfredo Valera, quien se apersonó al sitio del accidente, recalcando que los cauchos del rústico eran Good Year.

-Continúan los accidentes con las camionetas asesinas y la Ford no quiere enfrentar la realidad que existe un defecto mecánico y no de cauchos como han querido hacer ver a la opinión pública. El Gobierno Nacional debe tomar medidas a este respecto y la Asamblea Nacional debe pronunciarse y entregar el informe sobre la investigación que está realizando sobre este caso que cada día cobra más víctimas.

Las personas lesionadas de este nuevo accidente fueron identificadas como Luis Ramírez de 20 años, Erika Ramírez de (20) y Blanca Querales (21) años, quienes fueron trasladados al Centro Policlínico La Viña de Valencia y un cuarto lesionado, que aún no ha sido identificado fue trasladado a un ambulatorio por presentar lesiones menores. (e.a.)

13/7/01 El Siglo

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Caracas, martes 19 de junio, 2001

Automotriz /// Congreso de EEUU interpela a Ford y Firestone

Victimas de la Explorer refutan al Setra

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La asociación presentó 146 expedientes con 96 muertes ante la fiscalía

YOLANDA OJEDA REYES

EL UNIVERSAL



Asoexplorer ha realizado varias protestas (Foto Paulo Pérez Zambrano)

El presidente de Asoexplorer, Alfredo Valera, denunció que el Setra no maneja las cifras reales de los accidentes ocurridos en Venezuela con las camionetas Explorer.

Dijo que el Servicio Autónomo de Transporte -Setra- 'ha manifestado que sólo han ocurrido cuatro accidentes con las camionetas Explorer, mientras que nuestra asociación entregó ante la Fiscalía General de la República la semana pasada 146 expedientes y por esos accidentes han muerto 96 personas en todo el país', agregó en un comunicado de prensa.

Aseguró que definitivamente 'los cauchos no son los responsables de los accidentes, sino desperfectos en el diseño de las camionetas'.

Según investigaciones que la Asoexplorer ha realizado, 'la falla mecánica es porque a determinada velocidad, de 100 a 120 kilómetros por hora, la base de la punta de eje se parte'.

'La Ford debe reconocer su responsabilidad. Solicitamos, y es esa nuestra lucha, la indemnización de los familiares de los muertos y lesionados'.

Recordó que que hoy el Comité de Energía y Comercio del Congreso de Estados Unidos citó al presidente de Ford Motor, Jack Nasser, y al de Bridgestone Firestone, John Lampe, con el objeto de que testifiquen sobre el porqué Ford abruptamente decidió reemplazar 13 millones de cauchos.

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Refirió que el vocero del W.J. 'Billy' Tauzin, presidente del referido comité, se ha hecho preguntas sobre la seguridad de los modelos Explorer 1999 al 2001, y ha levantado cuestionamientos a los análisis realizados por Ford, cuando compara la seguridad de los cauchos Firestone con los de otra marca.

Dijo Alfredo Valera, presidente de Asoexplorer, 'que el Congreso de Estados Unidos ha tomado como ejemplo la situación de los accidentes que se han registrado en Venezuela con las Explorer'.

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Translation of June 19, 2001 article printed in El Universal newspaper of Caracas, Venezuela

Automotive/// U.S. Congress Questions Ford and Firestone

Victims of Explorer-Related Accidents Refute SETRA Accounts

The organization brought 146 cases, including 96 deaths, before the Public Prosecutor's Office

AsoExplorer has protested several times (Photo Paulo Perez Zambrano)

Tuesday June 19, 2001

YOLANDA OJEDA REYES

EL UNIVERSAL

Alfredo Valera, President of AsoExplorer, has accused Setra of failing to keep an accurate count of the numbers of Explorer-related accidents in Venezuela.

He said that the Independent Transportation Service– SETRA- "claims that there have been only four Explorer-related accidents. However, last week, our organization brought before the Public Prosecutor's Office 146 accident cases in which 96 people reportedly died in those vehicles."

He asserted that "the tires are not to blame for the accidents, which should be attributed to defects in the truck's design."

According to investigations conducted by the organization, the base of one of the truck's axle ends splits at speeds of 100 – 120 km/hour, causing mechanical failure.

Valera stated, "Ford must admit responsibility. We ask that the families of the victims and the injured receive compensation."

He commented that today the House Energy and Commerce Committee of the United States Congress summoned the Presidents of Ford Motor Company and Bridgestone/Firestone, Jacques Nasser and John Lampe, respectively, to explain why Ford abruptly decided to replace 13 million tires.

The spokesperson for W.J. "Billy" Tauzin, the chairman of that committee, raised questions about the safety of the 1999-2001 year Explorer models and about analyses conducted by Ford in which the safety of Firestone tires was compared to other brands.

Mr. Valera said, "The U.S. Congress has taken the Explorer accidents in Venezuela as an example."

FORD EXPLORER ACCIDENTS ON COMPETITOR TIRES

Updated 7/19/01

CASE NAME	DOA	CITY/COUNTY	STATE	INJURY/DAMAGES	COMPL.	TIRE BRAND	TIRE LINE	SIZE	DOT	YEAR
Aguayo, Azucena	9/8/00	Patterson	CA	**1 Fatality**; 3 Injured		Michelin	LTX	P23575R15	B3ULBN4X244	1995
Alexander, Raymond		Charleston	SC	**1 Fatality**						
Borne, Marco J.	2/14/98	Hinds City	MS	**1 Fatality**; 1 Injured	4/24/01	Dunlop	Rover	30x9.5R15LT		1992
Bruchu, Brooke	11/19/00	Adams	WI	1 Injured		Cooper				1994
Caballero, Juan	5/27/01	St. Petersburg	FL							
Chambers, April	3/10/01	Brentwood	TN	**1 Fatality**; 2 Injured		Kelly				
Davis, Kelly	4/9/00	Broward Cty.	FL	**1 Fatality**; 2 Injured		Goodyear		P23575R15		1994
Dyess, Cathy (Turnage)		Lamar Cty.	MS	1 Injured	4/12/01	Goodyear				
Ford, Twanda (Hoskey)	12/11/98	Daugherty Cty.	GA	**1 Fatality**	12/8/00	Uniroyal Goodrich	Laredo	P235/75R15		1993
Gannon, Jane		Providence	RI			Uniroyal				1997
Garcia, Martin	7/19/98	Hidalgo Cty.	TX	**1 Fatality**;1 Injured	10/5/00	Goodyear				1995
Guerrero, Roberto	3/17/00	San Bernardino Cty	CA	**1 Fatality**; 3 Injured	3/14/01	Goodyear	Wrangler RT/S	P23575R15		1996
Gunvaldson, Heidi	12/1/99	Ellensberg	WA	2 Injuries		Royal (Kelly)				1991
Hanson, Gordon	9/16/00	Rapid City	SD	**1 Fatality**		Cooper				1992
Hill, Rita	5/4/01	Kings Cty.	CA	**1 Fatality; 1 Injured**		Michelin LTX				1999
Hinkle, Nancy	6/4/01	Monroe	OH	**3 Fatalities**		Unknown-not BFS				1988
Jackson, Anne	7/30/00	Troup Cty.	GA	2 Serious Injuries (paralysis)		Goodyear				1997
Lasure,	6/24/01	Casa Grande	AZ	**1 Fatality**		Courser (Cooper)				1995
Keller, Sean	10/17/97	Yavapai Cty.	AZ	**3 Fatalities**; 5 Injured		Cooper or Kelly for TBC		P23575R15		1991
Lynard, Shawn (King)		Cleveland	OK	1 Injured	5/10/01	Hoosier				
Matos, Joey	9/22/00	Tucson	AZ	1 Injured		Cooper	Courser Rad Std			
Miller, Robert	3/29/01	Ft. Myers	FL	**1 Fatality**		Kelly				
Morales, Bryan	9/24/00	Long Beach	CA	**1 Fatality**; 5 Injured		General	Grabber AP	30x9.50R15LT	AD66924219	1997
Mosley, Eric E.	6/9/96	Wildwood	FL	**2 Fatalities**		Kelly/Cooper				1991
Overman, Amy	5/13/01	Abilene	TX	1 Injury		Goodyear	Wrangler			1998
Price, Naomi Jean	6/1/01			**4 Fatalities**						
Reed, Rhonda J./Williams	8/9/97	New Madrid	MO	**1 Fatality**; 7 Injured		General				1997
Sanov, Austen	3/2/97	Eastland Cty.	TX	**1 Fatality**		Goodyear				1995
Santana/Barreto	5/2/99		P. Rico	**1 Fatality**; 2 Injured	11/30/00	Uniroyal				1996
Scott, Sheila	8/25/00	Woodville	MS	1 Injured		Uniroyal	Tiger Paw	P23575R15		1994
Vaca-Navarro, Fracisco	5/15/01	Lee Cty.	FL	**1 Fatality**		Goodrich				1991
Vera, Eva	5/29/01	Ft. Worth	TX	1 Injured		Michelin	XC LT 4	P23575R15		1993
VOQ	8/29/00			No injury (NHTSA VOQ)	8/30/00	Goodyear	Wrangler RTS	P23575R15	PDHLE4WR509	1998
VOQ	9/9/99			No injury (NHTSA VOQ)	9/6/00	Goodyear	Wrangler	P23575R15	Unknown	1997
Weinman/Ufford	3/25/95	Sisters	OR	**2 Fatalities**		Remington	Rimfire	P23575R15		1992
Zhao, Dang Yao/Rosen	11/19/98	Barstow	CA	**1 Fatality**, 2 Injured		Uniroyal	Tiger Paw XTM	P23575R15	APHLABW031	1992

FORD EXPLORER ACCIDENTS ON COMPETITOR TIRES

Updated 7/19/01

Unknown			MO	Unknown injuries					
Unknown			KY	1 injury (coma)		Unknown-non BFS			
Unknown	6/3/01	Smyrna	TN			Unknown			
Unknown	6/17/01	Florida Turnpike	FL			Viper			
Unknown	6/27/01	Detroit	MI	Unknown injuries		Michelin			

FORD EXPLORER ACCIDENTS ON COMPETITOR TIRES

Updated 7/19/01

VEHICLE	FAILURE MODE	COMMENTS	Acc Rpt
Explorer	Tread Sep	LR tire tread sep/rollover	Y
Explorer		Loss of control/vehicle went off a bridge, into a river	
Explorer	Tread Sep	Allege that BFS store sold Dunlop tire which failed	N
Explorer	No Failure	Loss of control/rollover	Y
Explorer		Rollover	
Explorer	No Failure	Head on collision w/partial ejection	N
Explorer	No Failure	After yaw began, tire separated from rim, causing rollover	N
Explorer		Alleged tire failure/rollover	N
Explorer	Tread Sep (LR)	Rollover	
Explorer	Blowout (LR)	Loss of control	
Explorer	No Failure	Loss of control/rollover	Y
Explorer	No Failure	Loss of control/rollover	Y
Explorer	No Failure	Loss of control/rollover	
Explorer	No Failure	Unknown if tire related	N
Explorer		Loss of control/rollover	Y
Explorer	No Failure	Loss of control/collision with oncoming vehicle	
Explorer	Tread Sep		N
Explorer	Tread Sep	Loss of control	
M.Navajo	Tread Sep	Tires and vehicle gone-tired identified by photographs	Y
Explorer		Alleged tire failure/rollover	N
Explorer	Tread Sep		Y
Explorer	Tread Sep		Y
Explorer	Tread Sep		Y
Explorer	Tread Sep		Y
Explorer	No Failure	Loss of control (30 mph)/rollover	
Explorer		Loss of control/head on collision	
Explorer	Tread Sep		Y
Explorer	No Failure	No tire failure - drove off road and rolled over	Y
Explorer	Blowouts (2)	BFS voluntarily dismissed 5/22/01	N
Explorer	Blowouts (2)	Information call made to Firestone store after the Uniroyal Tires were installed to replace recalled Firestone tires	N
Explorer	Tread Sep	Goodrich tires per news report	Y
Explorer	No failure	Loss of control/rollover	Y
Explorer	Tread Sep	Claim tire failed on day tire was put on to replace recalled Wilderness AT tires	N/A
Explorer	Tread Sep	Approximate mileage 30,415	N/A
Explorer	No Failure	Explorer skidded on icy pavement, hit another vehicle and rolled over, 3 tires Rimfires, one P225 Firestone (prob spare)	Y
Explorer	Tread Sep	Explorer rolled over and collided w/oncoming vehicle, killing driver	Y

FORD EXPLORER ACCIDENTS ON COMPETITOR TIRES

Updated 7/19/01

Explorer	No Failure	Rollover	
Explorer		Loss of control	
Explorer		Rollover	
Explorer	Tread Sep		
Explorer		Rollover - involved rear tire. Unknown if there was tire failure.	

FORD EXPLORER ACCIDENTS ON COMPETITOR TIRES

Updated 7/19/01

Explorer	No Failure	Rollover	
Explorer		Loss of control	
Explorer		Rollover	
Explorer	Tread Sep		
Explorer		Rollover - involved rear tire. Unknown if there was tire failure.	

BRIDGESTONE/FIRESTONE, INC.
50 Century Boulevard
Nashville, TN 37214
Phone: 615-872-1486
Fax: 615-872-1490

MEMORANDUM
June 19, 2001

As part of its presentation to both the Commerce, Trade and Consumer Protection and Oversight and Investigations Subcommittees of the House Committee on Energy and Commerce, Bridgestone/Firestone, Inc. would like to submit the enclosed evidence relating to accidents involving the Ford Explorer in Venezuela. This evidence supports our position that the Ford Explorer is not a stable vehicle, regardless of which tires are mounted on the vehicle.

Here is a brief explanation of each category of evidence we are submitting:

1. A VHS videocassette tape (approximately 8 minute running time). The cassette shows how Ford responded to certain Explorer Rollover Accidents: in approximately April 2000, Ford of Venezuela sent letters to some Ford Explorer owners in Venezuela. The letters invited them to come to Ford dealerships for a suspension upgrade—at a cost to each owner of approximately $400-500 for the full upgrade. The tape shows before and after images of the underside of a Ford Explorer sent to a Ford dealership for the upgrade. The upgrade package included the addition of new front and rear shock absorbers, a heavy reinforcing steel bar and the substitution of Goodyear Wrangler tires. The audio portion is in Spanish; a translation is forthcoming.

2. 43 Venezuelan Judicial Inspections. The judicial inspections are records of evidence notarized and validated by a judge. Under Venezuelan legal rules, physical evidence, such as damaged vehicles can be admitted in court only if a Venezuelan judge, accompanied by an expert such as a mechanic as well as a photographer, has personally viewed the damaged vehicle to confirm its condition. At the request of Bridgestone/Firestone Venezolana, Venezuelan judges visited the wreckage of 43 Ford Explorers that have been involved in rollover accidents since May 1, 2000, in order to verify the condition of the vehicle and the brand and condition of the tires fitted on those vehicles. The inspections show that Ford Explorers are continuing to rollover in Venezuela (at an alarming rate), regardless of the changeover from Firestone to Goodyear tires. In order to facilitate review of this voluminous evidence, enclosed is a chart and a spreadsheet listing the key aspects of each judicial inspection.

3. A letter dated September 20, 2000, from Bridgestone/Firestone, Inc. senior counsel John Harrington to Ford attorney Richard Goetz (then present at Ford of Venezuela) requesting rollover crash and claims statistics for the Ford Explorer as well as information on the suspension changes to the vehicle. Bridgestone/Firestone never received a response to this request.

We urge you to review this material carefully. We believe that this material constitutes incontrovertible evidence of Ford Explorer's instability, regardless of the tires fitted on it, and that Venezuelans are continuing to suffer the consequences for that instability. Thank you for your time.

September 20, 2000

BRIDGESTONE/FIRESTONE, INC.
LAW DEPARTMENT

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Via Federal Express and Facsimile (313) 332-4986 and (58) 41 407736

Richard Goetz, Esq.
Assistant General Counsel/International
Ford Motor Company
Dearborn, Michigan
48121-1899

Dear Richard:

I am glad that we were able to speak yesterday afternoon with regard to the information requests relating to Venezuela set out in Mr. Mazzorin's letter of September 14, 2000 to Mr. Kaizaki. As I briefly outlined to you during our telephone conversation, Bridgestone/Firestone Venezolana, C.A. ("BFVZ") is ready, willing and able to make a full and rapid disclosure of all claims and adjustment data for tires it has produced and which were utilized on your Ford Explorer sport utility vehicle in Venezuela, in exchange for full claims and adjustment data regarding Explorers produced in Venezuela and at a minimum the following additional information from 1991 to date regarding such Explorers:

- All documents relating to changes made to the Ford Explorer suspension (including but not limited to shock absorbers, anti-sway bars and reinforcing plates); and

- Any Ford Explorer claim data showing any problems (accidents, rollovers, tread separations) with other manufacturers' tires.

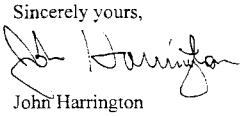
I wish to emphasize the principle of reciprocity in this proposed exchange. As you know, Bridgestone/Firestone, Inc. ("BFS") has transmitted large amounts of adjustment data to Ford in the United States. Furthermore, BFVZ has transmitted additional information to Ford of Venezuela. To the best of my knowledge, neither Ford Motor Company nor Ford of Venezuela have ever made reciprocal disclosures of data or documents to BFS or to BFVZ. Given this fact, and the evidence we see that the Ford Explorer vehicle is at least partly responsible for many of the rollover accidents which continue to occur in Venezuela (including accidents involving tires produced by other manufacturers), I believe that we are entitled to a full, reciprocal disclosure of Ford Explorer adjustment and claims data as well as the other information listed above.

With regard to plant visits, I believe that such visits should be conducted by a neutral third party and that under the policy of reciprocity such party should make an inspection of equal duration at each of BFVZ's and Ford of Venezuela's plants.

I reiterate that BFVZ is ready, willing and able to make a full and rapid disclosure of all claims and adjustment data for tires it has produced and which were utilized on the Ford Explorer, in exchange for full claim and adjustment data on Explorers produced in Venezuela as well as the additional information listed above. In the interest of consumer safety, I believe that such exchange should occur as soon as possible.

If Ford is willing to discuss this offer, please contact me as soon as possible at the above number. Thank you.

Sincerely yours,



John Harrington

facsimile transmittal

To:	Richard Goetz, esq.	**Fax:**	(58) 41 407736
From:	John Harrington	**Date:**	9/20/00
Re:	Adjustment Data Exchange	**Pages:**	3 (including covershcet)
CC:			

X **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

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facsimile transmittal

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Comment:

FORD EXPLORER ROLLOVER ACCIDENTS - VENEZUELA - JUDICIAL INSPECTIONS

Nbr.	Judicial Inspect#	Vehicle	License Plate	Date of Inspect	Type of Accident	Tires Mounted	Notes
1	3307	Ford Explorer XLT 4x4	GAT-36F	6/12/00	Rollover	Continental Contitrac M&S LT235/75 R15 (All)	Passenger-front deflated but tread intact on all.
2	54/2000	Ford Explorer XLT 4x2	OAD-41H	8/7/00	Rollover	Goodyear Wrangler RTS M+S P255/70 R16 (All)	Driver-front tire deflated, but tread intact on all.
3	1483	Ford Explorer	DAZ-86F	8/9/00	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact, but GY spare flat (tread intact)
4	3370	Ford Explorer 4x2	GAU-77E	8/17/00	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	Driver side front deflated, but tread intact on all.
5	2347-2000 2465-01	Ford Explorer XLT 4x4 1998	GAT-37G	8/24/00 3/26/01	Rollover	Goodyear Wrangler RTS P255/70 R16 (All)	Front tires flat, all tires with tread intact.
6	1491	Ford Explorer XLT 2000	VAI-77P	8/31/00	Rollover	Goodyear Wrangler RTS P255/70 R16 (All)	Driver-rear punctured and deflated, but tread intact on all.
7	3377	Ford Explorer XLT 4x2 2000	GBH-88A	9/5/00	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact.
8	1493	Ford Explorer XLT 4x2 1997	AAR-32A	9/7/00	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact.
9	3382 3384	Ford Explorer 4x2 1997	GAO-41C	9/25/00 9/27/00	Rollover	Goodyear Wrangler RTS LT235/75 R15 (All)	All four tires inflated and tread intact.
10	3392 3393	Ford Explorer XLT 4x4 1998	GAS-11H	9/28/00 9/28/00	Rollover	Goodyear Wrangler RTS P255/70 R16 (All)	Three tires are deflated, all treads are intact.
11	1770 1771	Ford Explorer XLT 4x2 1996	KAD-50P	10/16/00 10/16/00	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Passenger front tire deflated, but all tread intact.
12	3439	Ford Explorer 4x2 1998	EAD-33E	11/10/00	Rollover	Goodyear Wrangler RTS LT 235/75 R15 (all)	All four tires inflated and treads intact.
13	2402-2000	Ford Explorer XLT	GBC-96X	11/27/00	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and tread intact.

Nbr.	Judicial inspect#	Vehicle	License Plate	Date of Inspect	Type of Accident	Tires Mounted	Notes
14	102-2000	Ford Explorer XLT 4x4 1997	IAB-33I	11/6/00	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All tires flat, treads appear intact.
15	323	Ford Explorer C72 2001	None	12/4/00	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Passenger front tire flat. Treads appear intact.
16	3493	Ford Explorer 1998	KAK-02M	1/10/01	Rollover	Goodyear Wrangler RTS LT235/75 R 15 (all)	Front tires deflated; rear tires inflated. All treads appear intact.
17	7128	Ford Explorer XLT 4x2 1998	KAK-94M	1/22/01	Rollover	BF Goodrich P295/50 R15 (all)	All four tires inflated and tread intact
18	01-844	Ford Explorer XLT 4x2 2000	ABI-25W	2/5/01	Rollover	Goodyear Wrangler ATS LT235/75 R15 (all)	All four tires inflated and tread intact
19	01-845	Ford Explorer XLT 4x4 2000	JAH-45F	2/5/01	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and tread intact
20	53/2000	Ford Explorer XLT 4x4 1999	DAZ-39B	2/7/01	Rollover	Dunlop Grandtrek LT265/75 R16 (all)	All four tires inflated and tread intact
21	3807	Ford Explorer XLT 4x4	GAO-42D	2/12/01	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	Two front tires deflated by impact but tread intact on all
22	18-2001	Ford Explorer 1997	JAC-72G	2/20/01	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Three tires remained intact. Tread is separated on the fourth tire.
23	34/2001	Ford Explorer XLT	ABD-81C	3/8/01	Rollover and impact	Goodyear Wrangler RTS	Passenger front tire deflated, but tread intact on all
24	35/2001	Ford Explorer XLT 1998	BAC-08T	3/8/01	Rollover	Dunlop Grandtrek (all)	Passenger front tire missing and rear deflated but tread intact. Driver tires treads intact.
25	20/2001	Ford Explorer 2000	KAP-72S	3/9/01	Rollover	Goodyear Wrangler RTS (all)	Front tires inflated and treads intact. Driver rear flat, tread intact. Passenger rear unmounted [in the back].

26	1560	Ford Explorer XLT 4x2 1998	GAT-76H	3/22/01	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	All four tires inflated (one depressed into sand) and treads intact
27	2463-01	Ford Explorer XLT 4x4	DAM-43U	3/24/01	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and treads intact
28	2464-01	Ford Explorer XLT 4x4 1998	DAK-83O	3/26/01	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	Driver rear tire badly damaged, driver front deflated but tread intact. Passenger tires inflated and treads intact.
29	2466-01	Ford Explorer XLT 4x4 1998	DAF-21N	3/26/01	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and treads intact
30	2447-01	Ford Explorer	KAK-94L	3/5/01	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Driver front tire flat and unmounted, passenger front flat, both treads intact. Both rear tires inflated, treads intact.
31	568-01	Ford Explorer 4x2 1997	GAN-12Z	4/23/01	Rollover	Goodyear Wrangler RTS LT235/70 R15 (all)	Two tires deflated, but tread appears intact on all

Nbr.	Judicial Inspect#	Vehicle	License Plate	Date of Inspect	Type of Accident	Tires Mounted	Notes
32	569-01	Ford Explorer 4x2 1999	SAJ-52B	4/23/01	Rollover	Goodyear Wrangler RTS LT235/70 R15 (all)	Driver front tire only is deflated; treads intact on all
33	3762	Ford Explorer 4x2	DBA-58Z	4/24/01	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	All four tires inflated and treads intact
34	3765	Ford Explorer 4x2 2000	GBC-29Y	4/25/01	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Treads appear intact.
35	2421	Ford Explorer XLT 1998	DAO-61H	5/27/01	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	All four tires inflated and treads appear intact
36	10108	Ford Explorer XLT	ABI-28V	5/28/01	Rollover	Goodyear Wrangler RTS (all)	Driver front tire deflated, but treads appear intact on all

37	2001-5601	Ford Explorer XLT 4x4	LAF-881	5/30/01	Rollover	Goodyear Wrangler RTS 255/70 R16 (all)	Passenger front tire & rim demolished; driver rear tire badly damaged. Other two tires inflated, treads intact.
38	219	Ford Explorer 1998	TAA-840	6/4/01	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Treads appear intact. Driver front tire is flat.
39	67	Ford Explorer XLT 4x2 1997	PAE-49B	6/8/01	Rollover	Goodyear Wrangler RTS LT235/75 R15 (all)	Both front tires deflated, all treads intact.
40	2001 1003	Ford Explorer 2001	DAZ-93J	6/11/01	Rollover	Dunlop A/T 31x10.50 R15 LT (all)	Driver front tire destroyed. Passenger front & rear deflated; treads appear intact Driver rear inflated and tread intact
41	2001-1004	Ford Explorer 1999	FAO-00B	6/11/01	Rollover	Goodyear Wrangler RTS LT235/75 R15	Two front tires missing. Rear tires inflated, treads appear intact.
42	1927	Ford Explorer XLT 4x4 1999	LAB-51R	6/13/01	Rollover	Dunlop RV LT 245 75 R16 (all)	Treads appear intact. Driver front tire is flat.
43	1928	Ford Explorer 4x4	None	6/13/01	Rollover	Goodyear Wrangler RTS P255/70 R16 (all)	Passenger rear is flat. Treads appear intact.

FORD EXPLORER

At 4:30 p.m. on Friday, October 27, an engineer was driving a 2000 FORD EXPLORER 4 x 4, fitted with **Goodyear tires**, chassis serial number 1FM2U72E2YUB, owned by the Ministry of the Environment, along the Caracas – La Guaira Highway when, inexplicably, after a slight maneuver, the truck started to lurch and zigzag and ended up rolling over; miraculously, the engineer was not killed.

(Photograph of tire)

To Mr. Cassingena: (President of Ford)

- Do not go on lying and saying it is the tires.
- Your Explorer leads to death.
- Acknowledge your mistakes.
- Please avoid any further tragedies.
- It is not the tires.

(PHOTOGRAPH OF SUV)

(Anyone who wants to see for himself should go to the MINISTRY OF THE ENVIRONMENT's parking lot on Avenida San Martín, - diagonally across from the Maternity Hospital.)

FORD EXPLORER VICTIMS

CERTIFICATE OF TRANSLATION ACCURACY

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, MAURY MARGARET SCHARRER, duly certified by the University of Miami, Coral Gables, Florida, for proficiency in the Spanish language, hereby certify that the attached translation, from Spanish to English of an undated article from an unnamed publication headed "*Ford Explorer*", concerning an unnamed engineer who was involved in an automobile accident involving a Ford Explorer on October 27, of an unnamed year, is true and correct to the best of my knowledge, and belief.

Maury Margaret Scharrer
MAURY MARGARET SCHARRER

The foregoing instrument was acknowledged before me this 5th day of February, 2001, by Maury Margaret Scharrer who is personally known to me and who did not take an oath.

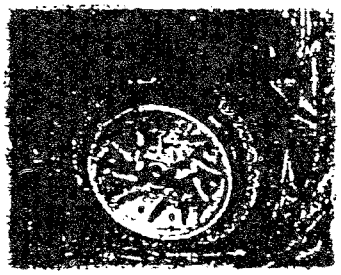
Vanessa Havel
NOTARY PUBLIC

[SEAL]

Vanessa Havel
My Commission CC785281
Expires October 22, 2002

Ford Explorer

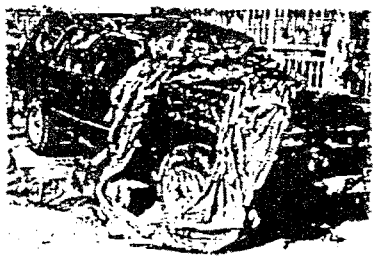
El Viernes 27 de Octubre a las 4:30 pm. un ingeniero conducía una camioneta FORD EXPLORER año 2.000, 4 x 4 serial de carrocería 1FM2U72E2YUB, propiedad del ministerio del Ambiente, por la autopista Caracas - La Guaira, equipada con



cauchos Goodyear, inexplicablemente ante una pequeña maniobra comenzó la camioneta a cabecear y zigzaguear, terminando volcada, salvando dicho ingeniero milagrosamente la vida.

Señor Cassingena: (Presidente de Ford)

- No siga mintiendo que son los cauchos.
- Su Explorer conduce a la muerte.
- Reconozca sus errores.
- Evite por favor mas desgracias.
- Ya no son los cauchos.



(A quien quiera comprobarlo acuda al estacionamiento del MINISTERIO DEL AMBIENTE en la Av San Martin-diagonal con la Maternidad).

Victimas de la Ford Explorer.

EL CARABOBEÑO
THE NEWSPAPER OF CENTRAL VENEZUELA

PART D Valencia, Venezuela, Saturday, January 22, 2000

On the Central Regional Highway

DIPLOMAT KILLED IN ACCIDENT

Young Seek Hwang, the political charge d'affaires at the Embassy of the Republic of Korea, a fatality victim.

By María Alejandra Riego

Valencia, January 21 (REDACTA).- Young Seek Hwang, the Republic of Korea's political charge d'affaires in Venezuela, died in a traffic accident that took place near the La Cabrera Tunnel on the Central Regional Highway.

The accident occurred at about 9 at night last Friday, about 500 meters from the National Guard Highway Post in the Valencia bound lane.

Seek Hwang was driving a blue Ford Explorer model truck, tag number AAG-930, and it is presumed that he lost control of the vehicle, which crashed into the fenders on the bridge at the exit to the La Cabrera Tunnel.

The diplomat was apparently alleged to have been visiting the Guataparo Country Club, since several golf clubs were found in the vehicle, and at the time of the accident, he was carrying two passengers, who suffered generalized trauma and amputated limbs. One of them was taken to Maracay while the other one was admitted to the Enrique Tejera City Hospital.

A Carabobo Civil Defense rescue unit, representatives of the National Guard, firemen from the municipality of Guacara and Invial Highway patrolmen appeared at the scene of the accident.

CERTIFICATE OF TRANSLATION ACCURACY

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, MAURY MARGARET SCHARRER, duly certified by the University of Miami, Coral Gables, Florida, for proficiency in the Spanish language, hereby certify that the attached translation, from Spanish to English of the January 22, 2000 article from EL CARABOBEÑO newspaper of Venezuela, entitled "*On the Central Regional Highway[,] Diplomat Killed in Accident*", concerning Young Seek Hwang, is true and correct to the best of my knowledge, and belief.

Maury Margaret Scharrer
MAURY MARGARET SCHARRER

The foregoing instrument was acknowledged before me this 5th day of February, 2001, by Maury Margaret Scharrer who is personally known to me and who did not take an oath.

Vanessa Havel
NOTARY PUBLIC

[SEAL]

Vanessa Havel
My Commission CC785281
Expires October 22, 2002

EL CARABOBEÑO
EL DIARIO DEL CENTRO

CUERPO D Valencia, Venezuela, Sábado 22 de Enero de 2000

En la Autopista Regional del Centro

Pereció Diplomático en Accidente

Young Seek Hwang, encargado de asuntos políticos de la embajada de la República de Corea, la víctima fatal

Por María Alejandra Riego

Valencia, enero 21 (REDACTA).- En un accidente de tránsito ocurrido cerca del túnel de La Cabrera, en la Autopista Regional del Centro, pereció el encargado de asuntos políticos de la República de Corea en Venezuela, Young Seek Hwang.

El accidente se produjo a eso de las 9 de la noche de este viernes, a unos 500 metros del Puesto Vial de la Guardia Nacional, en sentido a Valencia.

Seek Hwang conducía una camioneta Ford modelo Explorer, de color azul, placas AAG-930 y se presume que perdió el control del vehículo que impactó con la defensa del puente que da salida al túnel de La Cabrera.

El diplomático al parecer estaría de visita en el Guataparo Country Club, pues en el vehículo fueron encontrados varios palos de golf, y para el momento del accidente, iba a acompañado de otras dos personas, quienes presentaron traumatismos generalizados, amputación de miembros. Uno de ellos fue trasladado a Maracay, mientras que el otro fue recluido en la Ciudad Hospitalaria Enrique Tejera.

Al sitio del accidente se presentaron, una unidad de rescate de Defensa Civil Carabobo, comisiones de la GN, bomberos del municipio Guacara y patrulleros de Carretera de Invial.

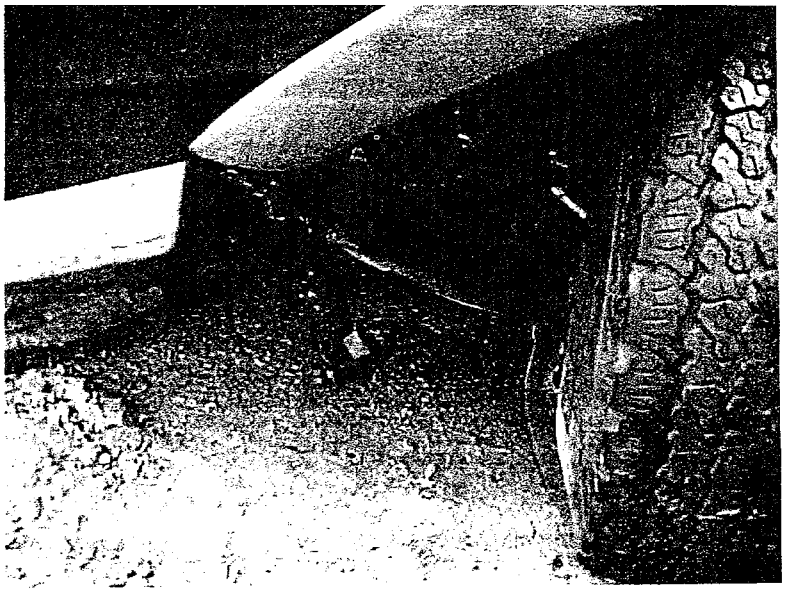
ABATIDO SUJETO EN EXTRAÑAS CIRCUNSTANCIAS

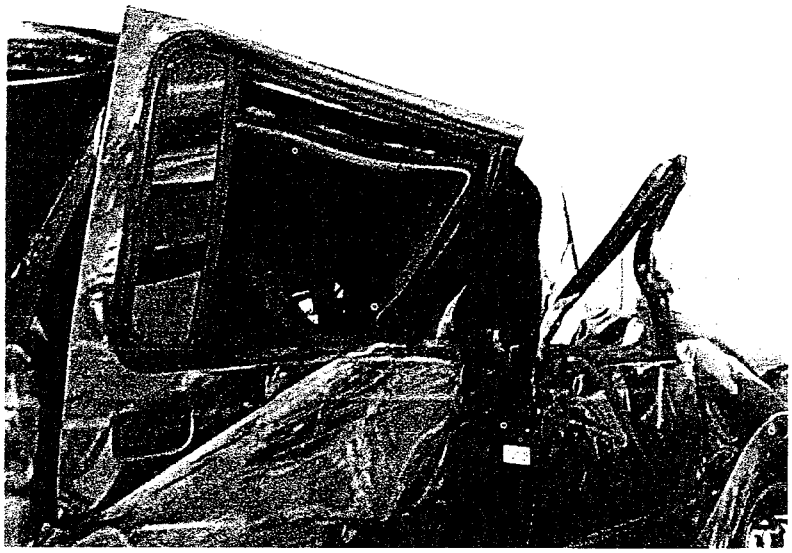
Valencia, enero 21 (REDACTA).- En extrañas circunstancias, un hombre fue muerto de un tiro en la cabeza, en suceso ocurrido en la avenida principal de Guayabal en Naguanagua.

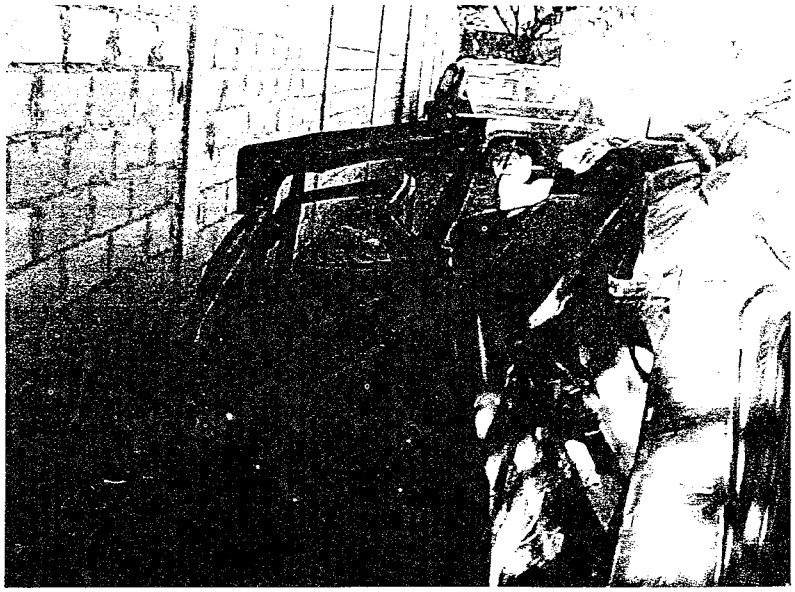
Fue identificado como José Gregorio Carballo Puerta de unos 34 años de edad, residenciado en el barrio González Plaza, quien presentó un balazo en la frente, sin orificio de salida, y quien fue localizado muerto, frente a las Residencias El Dorado, torre B.

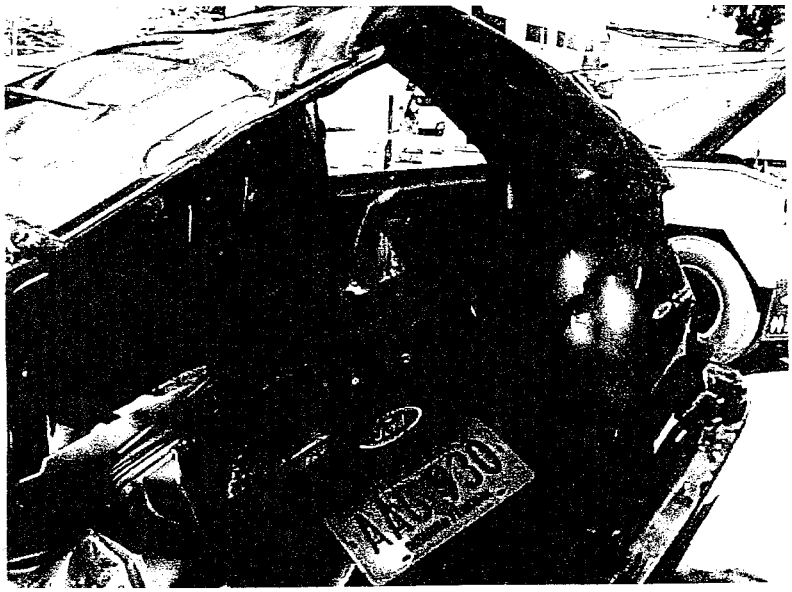
Al parecer al sujeto le dispararon en el lugar, pero vecinos aseguraron que no sintieron ningún tiro, sólo afirmaron que encontraron al hombre tendido en el suelo, y avisaron al comando de la Guardia Nacional de Mañongo, cuyos funcionarios radiaron la novedad a la Policía de Carabobo y a la PTJ.

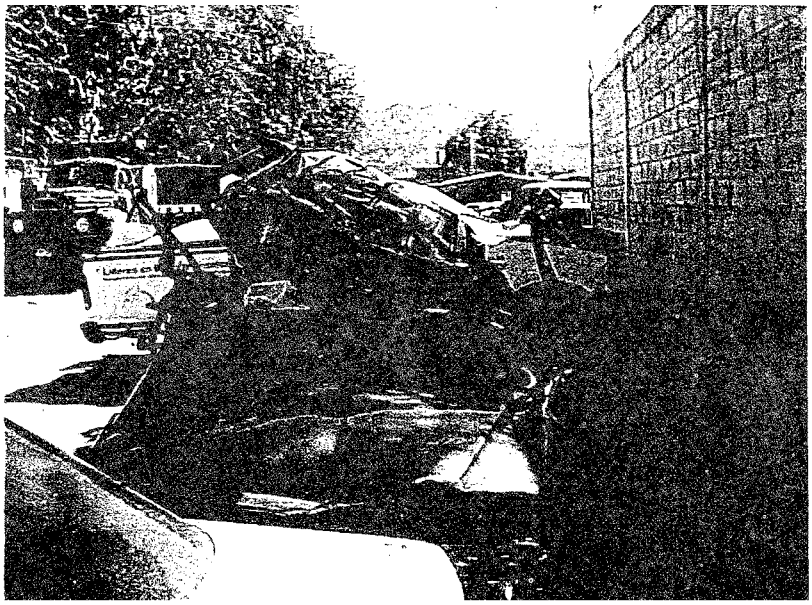
La ex concubina de Carballo Puerta, identificada como Elsa Pitta de 22 años, residenciada en el mismo barrio, reconoció a la víctima fatal. (MAR)

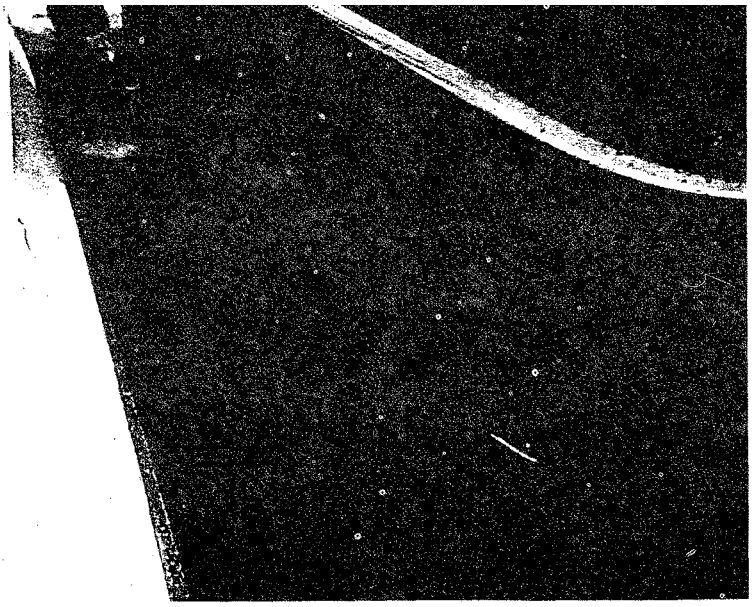


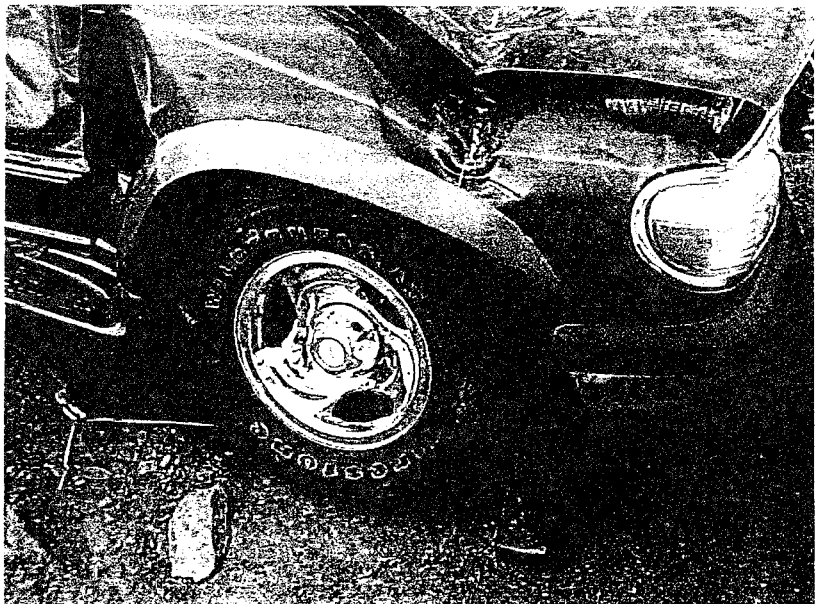










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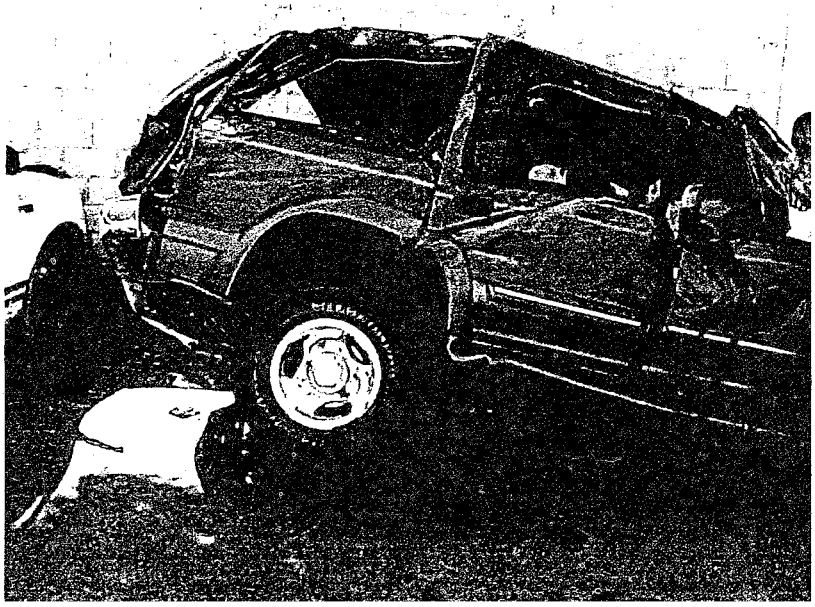
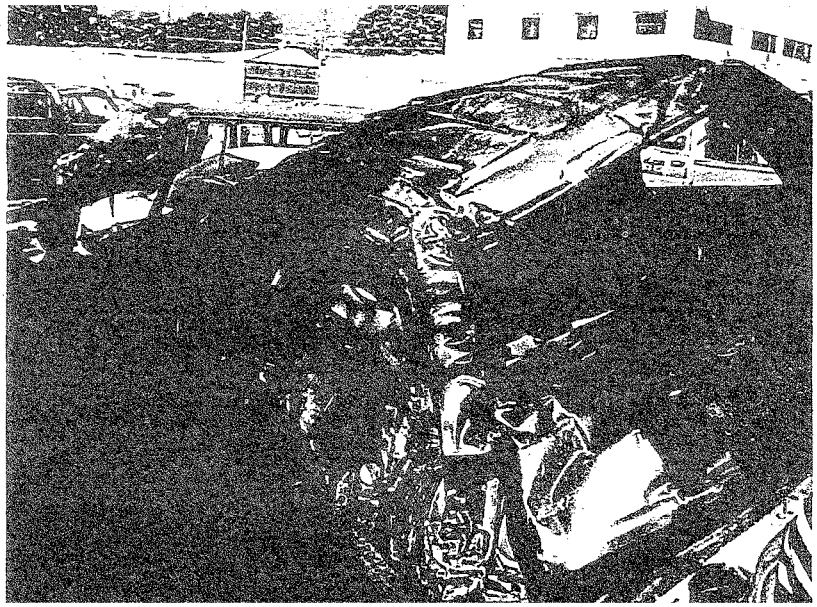
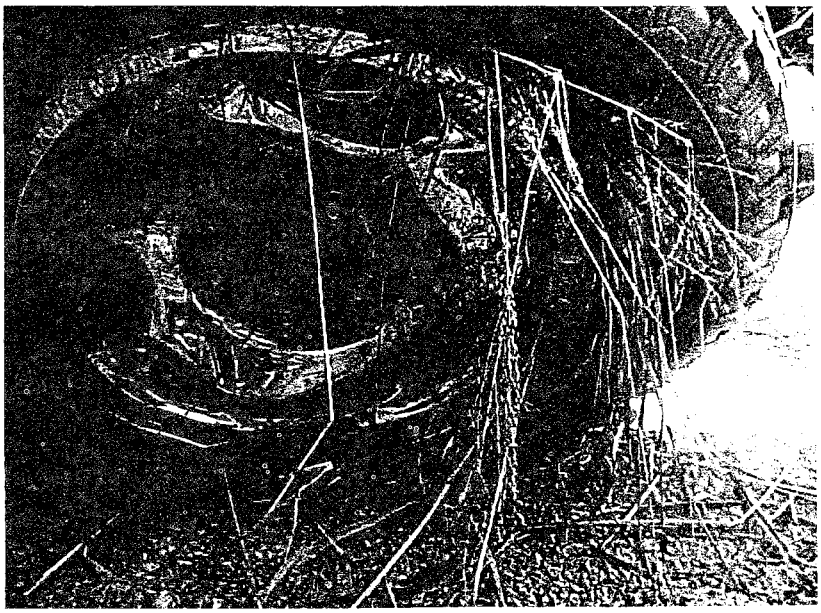
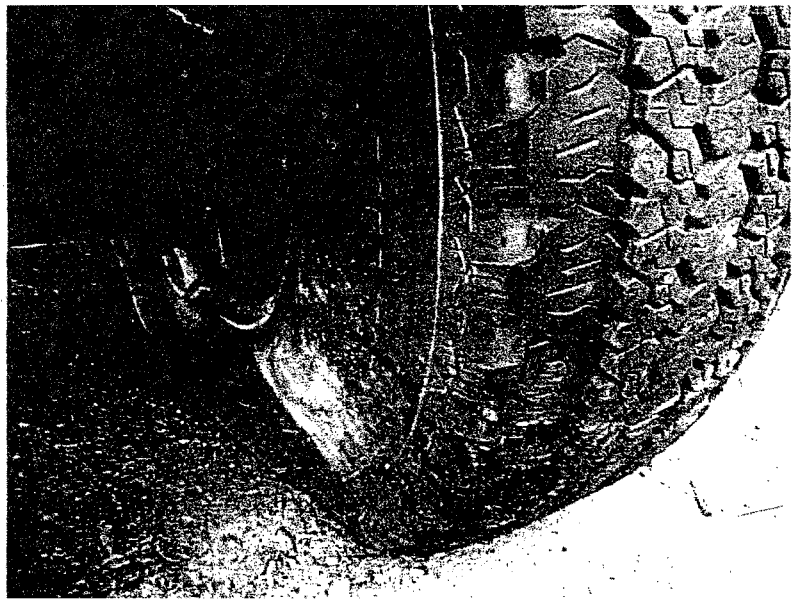












REPUBLIC OF VENEZUELA

No. 3307

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): FRANCISCO JESUS VELASQUEZ ARCAY

REASON: JUDICIAL INSPECTION

COURT: FOURTH MUNICIPAL COURT IN AND FOR VALENCIA

DATE OF ENTRY: Day: 12 Month: JUNE Year: 2000

DATE RETURNED: Day: Month: Year:

No. 3307

C.22

(Hand written) One (1)

(Seal)

STATE OF CARABOBO

(Coat of Arms)

Fee for Fiscal Stamp – Value: 148 Bolivars

CA 98 – No. 03065471

Citizen:

FOURTH JUDGE IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

In his office.

I, **FRANCISCO JESÚS VELASQUEZ ARCAY**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of national identity card No. 7,121,658, a practicing attorney, registered with the Venezuelan Bar Association under No. 54,892, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney attached to this petition OF **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure, and Article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred and called into session at the location of which I shall advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection: ----------

ONE: As to the presence at the location at which the Court is called into session, of a vehicle described as follows: make: Ford, model: Explorer, and the type, color and plates evidenced by the inspected vehicle. ----------

TWO: As to whether the vehicle identified above has four (4) tires fitted one on each of its rims. --------

(Back of Page One):

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

FOUR: As to the general condition of the tires mounted on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. ----------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. ----------

SEVEN: That a statement be placed on the record as to the general condition of the vehicle's bodywork.-

As to any other fact or circumstances that I reserve the right to indicate in due course. ----------

Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 *ejusdem*, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state for the record that said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection.----------

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of submission for filing hereof. ----------

(Signed – illegible)

(Hand written) Two (2)

(Stamp)
Republic of Venezuela
(Seal)
(Initials – illegible)
Office of the Third Notary Public in and for Valencia

(Back of Page Two):

(Four stamps in right margin)
REPUBLIC OF .....
(Illegible)

(Fiscal Stamp)
20 BOLIVARS
Ministry of Finance

(Hand written) Three (3)

(Stamp)
Notary: of Valencia
Receipt No. 243241
Fees:_____
Authorized by:____
(stamped): **PAID**
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Four partial stamps down left margin)
.....of Venezuela
(Seal)
....Valencia

(Two Stamps)
Republic of Venezuela
(Coat of Arms)
(Initials - Illegible)
Third Notary Public in and for Valencia

(Signed) (illegible)
FRANCISCO J. VELASQUEZ ARCAY, ATTORNEY
VENEZUELAN BAR ASSOCIATION NO. 54.892

I, ROSENDO S. TERRADAS, a citizen of Venezuela, of age, a resident of this City, in full possession of my civil rights and holder of identity card No. 6,297,265, appearing in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a commercial company domiciled in the City of Valencia, State of Carabobo, and originally registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in and for the Seventh Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, hereby state: That the company I represent is granting a power of attorney that is as broad and sufficient as the law requires and is necessary, to practicing attorneys: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ and FRANCISCO J. VELASQUEZ ARCAY, all citizens of Venezuela, of age, legally competent and holders of identity cards Nos. 3,967,563; 3,661,025; 7,308,173; 6,845,624; 6,822,699; 10,335,670; 9,879,275; 7,139,825 and 7,121,658 respectively, who are registered with the Venezuelan Bar Association ("INPREABOGADO") under Numbers 13,946; 11,568; 19,692; 26,304; 32,501; 54,502; 48,338; 55,660 and 54,892, also respectively; the first eight of said attorneys being domiciled in the City of Caracas, Federal District, and the last one being domiciled in the City of Valencia, State of Carabobo, to act jointly or individually and to represent and uphold the rights, actions and interests of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. in any type of judicial or extra-judicial matter to which it is a party, before any person, whether public or private, and before any national, state, district or municipal, judicial or administrative body or bodies in any capacity, order or jurisdiction, including, but

.....

(Hand written): No. 28 – T.11

(Back of Page Three):

(Hand written) 60:
(Three stamps with illegible initials)

REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial stamps on right)
REPUBLIC OF...
(Illegible)

not limited to, the courts of the First and/or Second Instance, District or Municipal Courts, the Supreme Court of Justice, the First Court for Contentious-Administrative Matters, Higher Courts for Contentious-Administrative Matters, Higher Courts for Contentious-Tax Matters, Courts for Contentious-Administrative Matters, Criminal Courts, Labor Courts and finally, before any agency, court, office, authority and/or officers of any public or private character. The grantees named above, when exercising this power of attorney, are authorized to file and/or answer any kind of complaint, claim, proceeding, motion and/or counterclaim, to allege, object to and/or answer prior defenses and questions, to call for third party for remedies and/or guarantees, to agree to, dismiss, settle and waive actions or rights and refrain from exercising them if appropriate; to request the record on orders or actions; defer action, suspend, exercise, request and waive extensions of time and appeals, challenge, move for dismissal and reinstatement if necessary or appropriate; to appeal, to direct themselves to the court; to produce any type of evidence and object to the admission of same and participate in all of the procedures and motions to carry out same, request and arrange for any preventive or executory measure if necessary or appropriate, or oppose same and to participate in any other motion presented; commence third party proceedings; strike and/or disavow all types of documents, strike witnesses, assign property, request accountings, move for petitionary proceedings or for the recognition and enforcement of an easement ejectment action of any kind whatsoever; to be summoned or subpoenaed, to receive and deliver any amount of money that is legitimately due and owing and issue and demand the corresponding receipts and releases, to dispose of rights during litigation, to request and participate in auctions, by bidding and purchasing at auctions for such purposes; to issue any bonds and guarantees required by any Court or Tribunal; object to any kind

...

(Hand written) Four (4)
(Initials – illegible)

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
20 BOLIVARS

(Three stamps across top with illegible signatures)

REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial stamps down left margin)
...OF VENEZUELA
(Seal)
...FOR VALENCIA

of bonds or guarantees, to settle in arbitration, with arbitrators and/or at arbitration proceedings at law, to request rulings in equity, to appoint partners, pursue lawsuits that have been commenced in all of their proceedings, motions and procedures and exercise any remedy there may be, whether ordinary or extraordinary, such as cassation or annulment, initiate and refrain from Amparo[1] proceedings, to propound and answer interrogatories under oath, to file claims and small claims and refrain from filing them, and in general, to do anything necessary or appropriate for the best defense of the rights and interests of BRIDGESTONE FIRESTONE VENEZOLANA C.A. I hereby certify that the powers granted and listed hereunder are merely for reference purposes and are not exhaustive and that the grantees appointed hereunder are authorized to assign this power of attorney to people or attorneys they deem to be trustworthy, with any or all of the powers mentioned above, with or without restrictions on the exercise thereof. This power of attorney neither revokes nor invalidates any other power of attorney previously granted by BRIDGESTONE FIRESTONE VENEZOLANA C.A. In order to certify as to the legal existence of the company I represent for the record, the capacity in which I am acting, my powers and the other issues concerning powers of attorney, and pursuant to the provisions of Article 155 of the Code of Civil Procedure, I am hereby listing and producing the following documents to the Notary before whom this power of attorney is being signed and I am asking her to list them in the respective note: ONE: Certified copy issued by the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District dated the twenty-third (23rd) day of October, 1956, of the entry in Companies Register No. 1, containing the original statutory incorporation papers of C.A. FIRESTONE VENEZOLANA, (now known as BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). TWO: Certified copy issued by the First Commercial Register for the Judicial District of the State of ....

[1] **appeal for relief under the Constitution.**

(Back of Page Four):

(Hand written) Folio (61)

(Three stamps across top with illegible signatures):
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial stamps down right margin)
...(Illegible)
(Seal)
...Third _____ Public

Carabobo, on the twenty-fifth (25th) day of November, 1992, of the entry in Commercial Register No. 34, Volume 16-A, containing the Minutes of the Extraordinary Shareholders' Meeting held in lieu of an Ordinary Meeting on the nineteenth (19th) day of November, 1992, at which it was agreed, among other things, to change the name of the company to BRIDGESTONE FIRESTONE VENEZOLANA, C.A. THREE: Certified copy issued by the First Commercial Register for the Judicial District of the State of Carabobo dated the twenty-seventh (27th) day of January, 1995, of the entry in Companies Register No. 46, Volume 6-A, containing the Minutes of the Extraordinary General Shareholders' Meeting held on the twelfth (12th) day of December, 1994, which sets forth my appointment as President of the company. I am also asking the Notary Public to come to and appear at the company offices for the granting of this power of attorney. Valencia, on the date of the authentication hereof.

(Signed) (Illegible)

(Three cancelled stamps at bottom of page)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Fiscal Receipt Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant _____
Identification Number:_____
For _____ Legal Basis _____
1000 **H-91 1310203**

(Four Partial Stamps down left margin – illegible) *(Hand written)* Five (5)
(Hand written) sixty-two

(Four stamps)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA
(Initials and signature superimposed – illegible)

REPUBLIC OF VENEZUELA. THIRD NOTARY PUBLIC IN AND FOR VALENCIA. Valencia, on the *thirtieth (30th)* day of *January*, nineteen hundred and ninety-six. 185th year of Independence and 136th year of the Federation. The foregoing document, which was prepared by attorney FRANCISCO VELASQUEZ ARCAY, who is registered with the Venezuelan Bar Association under number 54892, was submitted for authentication and return, as per Form No. 243271, dated: January 30, 1996. The grantor thereof was present and stated that his name was: ROSENDO S. TERRADAS, acting in his capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., being of age, domiciled in *Valencia*, a citizen of *Venezuela*, marital status: *married* and holder of identity card No. 6,297,265. He read the document in the presence of the notary and stated: "The content thereof is true and correct and the signature appearing at the bottom of the instrument is mine." The Notary therefore declared it to be authenticated in the presence of witnesses: MARIELA JIMENEZ AND ESTHER DE CESAR, holders of identity cards Nos. 10,737,912 and 395,502, and she inserted it in the book of authentications maintained by this Notary's Office under No. *28*, Volume *11*. The Notary states for the record that she examined and returned BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s entry in the Companies Register, which was originally inscribed in the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District of the State of Carabobo on October 23, 1956, under No. 1. Also, the Notary went to BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s premises in this City at *10:15 a.m.* for the execution of this document.

THE NOTARY
(Stamp – illegible)
(Signed) (Illegible)

(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

GRANTOR
(Signed) (Illegible)

THE WITNESSES.-
(Two signatures – illegible)

(Three canceled stamps across bottom of page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Back of Page Five):
(Hand written) (62)

(Three stamps across top of page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia
(Signature and initials superimposed – illegible)

(Four Partial stamps down right margin)
Republic of....
(Seal)
Third Notary Public.....

(Hand written) The undersigned Notary hereby certifies that the foregoing power of attorney was replaced by citizen Ramón J. Alvins Santi, and the exercise thereof is restricted to the following individuals: citizen Diego Buatillos Beiner, Henry Torrealba, Mario Calosso, José Henrique D'Apollo and Gabriela Núñez Márquez, pursuant to a document signed in the presence of the 8th Notary, now the 4th, in and for the Municipality of Chacao in the District of Miranda, under No. 45, Volume 96, date: December 11, 1996.

THE NOTARY,
(Stamp – illegible)

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Three cancelled stamps down middle of page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Hand written) Six (6)

(Four partial stamps down left margin)
(Illegible)
....in and for Valencia

(Three stamps across page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia
(Signature and initials superimposed on last two– illegible)

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

REPUBLIC OF VENEZUELA. THE UNDERSIGNED, ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO, CERTIFIES: That I have compared the photocopy consisting of three (03) .... sheets of usable paper and that it is a true and correct copy of the Document inserted at this Notary's Office during the year 1996 ...., under No. 28, Volume 11.... that said copy was made by citizen: SULEIDA NOGUERA,- ...., of age, Holder of Identity Card No. V-5,622,001 ....., a [legally] competent person who is authorized by me to do so and who, together with me, is signing this Certification and each one of its pages. That said copy is issued at the request of the interested party and by Decree of this same date, which are inserted below: Citizen: Third Notary Public in and for Valencia. In her office. I, AN OFFICER OF BAKER & McKENZIE ..., of age, holder of identity card No. ////////////, am requesting a Certified Photocopy of document No. 28 ...., Volume 11 ...., from the Books of Authentications maintained by this Notary's Office dated January 30, 1996 ..... In Valencia, on the TWENTY-FIFTH (25th) .... day of the month of: MAY .- ..... TWO THOUSAND. The Applicant (signed) Illegible. Republic of Venezuela. Office of the Third Notary Public in and for Valencia. Valencia, May 25, 2000, for this purpose, in compliance with the provisions of Article 120 of the Public Records Law. Citizen: SULEIDA NOGUERA ..., of age, Holder of Identity Card No. V-5,622,0001 .... is appointed to perform the photocopying and sign each of the pages together with the Notary (signed) ROSE RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO... Valencia. On the TWENTY-FIFTH (25th) .... day of the month of MAY.- ..... TWO THOUSAND. 189th year of Independence, and 140th year of the Federation.

THE NOTARY

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA
(Stamp)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

THE APPOINTEE. -
(Signed) (Illegible) Noguera

(Back of Page Six):

(Two stamps with illegible initials)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Four partial stamps down right margin)
Republic of ....
(Seal)
Third Notary Public.....

THE UNDERSIGNED NOTARY certifies that
she reviewed and returned Form 16, No. 1404772,
paid at Corporate Banking on May 26, 2000
issued by the MINISTRY OF FINANCE
THE NOTARY

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Four stamps down page, three cancelled)
REPUBLIC OF VENEZUELA
(Seal)
OFFICE OF THE THIRD NOTARY PUBLIC IN AND FOR VALENCIA

...../

(Hand written) Seven (7)

(Four illegible stamps down left margin)

(Back of Page Seven)
(partial stamp on top right)
REPUBLIC ....
(Illegible)

(Partial stamp top left)
...VENEZUELA
.....LIBERTADOR
(Seal)
(Illegible)
STATE OF CARABOBO

(Hand written) Eight (8)

FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

Valencia, June 12, 2000.

190th year of Independence and 141st year of the Federation

This petition has been received. It is ordered that distribution be waived because the urgency of the matter has been stated under oath. It is ordered that all of the time needed be set aside. It is ordered that it be admitted, and that the Court be transferred and called into session at the location indicated in this petition so that the requested JUDICIAL INSPECTION may be conducted.

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH MUNICIPAL COURT*(illegible)*
(Seal)
(illegible)
TEMPORARY JUDGE:

(Signed – illegible)

DR. RAFAEL E. CASTILLO H.

CHIEF CLERK :
(Signature– illegible)
ATTORNEY JOSE LUIS SANZ P.

Admitted on this same date under No. *3307.-*

CHIEF CLERK:
(Signed) (Illegible
(Stamp) (Illegible)

(Illegible stamp)

(Hand written) –54-

(Back of Page Eight):

(partial stamp on right)
REPUBLIC ....
(Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
(Illegible)

(Partial stamp top left – illegible)

(Hand written) Nine (9)

CA – 98 No. 03065794

(Seal)

STATE OF CARABOBO

(Coat of Arms

Fee for Fiscal Stamp – Value: 148 Bolivars

At 11:30 a.m. during office hours today, the twelfth day of June, in the year two thousand, the Court was transferred to and called into session at Tecno Motriz del Norte auto repair shop located on Rojas Quipa Street, between Andrés Eloy Blanco Avenue and Montes de Oca, behind City Park, in this city of Valencia, in order to conduct the Judicial Inspection requested by attorney, Francisco Jesús Velasquez Arcay, Venezuelan Bar Association Number 54,892, legal counsel for Bridgestone Firestone Venezolana, C.A., formerly known as C.A. Firestone Venezolana; who was present at the Inspection. Citizen, Anthony Weir Barry, holder of identity card No. E-81,701,939 was served with a subpoena concerning the Court's mission, and he stated that he was the owner of the repair shop at which the Court was in session. For better advice on and illustration of this Judicial Inspection, the Court agreed to appoint as expert and photographer citizens, Anthony Weir Barry and Jelahet Houtman Rueda, holders of identity cards Nos. E-81,701,939 and V-13,236,378 respectively; being present, they accepted the assignment.....

(Back of Page Nine):

(Partial stamp – illegible)

were sworn in as provided by Law and stated under oath that they would faithfully fulfill their obligations. The Court stated for the record that the photographs were taken with a camera: Make: Polaroid automatic 636 Close Up, using a 10 exposure roll of Polaroid 779 plus instant color film. When the photographs have been taken, they will be added to this petition so as to form part of this Judicial Inspection. The Court then went on to conduct the requested Judicial Inspection and stated for the record as follows: Item ONE: The Court stated for the record that there was a vehicle, Make: Ford, Explorer, color: lead gray, type: 4x4 XLT, plates: GAT-36F".- at the location at which it was called into session." Item TWO: The Court, upon the advice of the expert, stated for the record that the above-described vehicle is fitted with four (4) tires, one on each rim". Item THREE: The Court, upon the advice of the expert, stated for the record that the tire located on the rear right of the vehicle bears the following identification: Continental Contitrac M+S LT235/75R15; 22198; the rear left tire: Continental Contitrac M+S LT235/75R15; 22198; the front left tire: Continental Contitrac M+S, LT235/75R15; L5903-21 707; .....

(Hand written) Ten (10)

CA – 98 No. 03065795

(Seal)

STATE OF CARABOBO

(Coat of Arms

Fee for Fiscal Stamp – Value: 148 Bolivars

And the front right tire: Continental Contitrac M+S LT35/75R15 and no further specification could be determined as it was not visible because the tire was flat". Item FOUR: The Court, upon advice from the expert mechanic, stated for the record that the tires were in good condition and their tread was in good condition.".- Item FIVE: The Court ordered photographs to be taken of each of the tires fitted." Item SIX: The Court with the assistance of the expert photographer, [text missing] and photographs were taken of the bodywork".- Item SEVEN: The Court, upon advice from the expert mechanic, stated for the record that the entire right side was dented; the roof had caved in, the rear right and the front right doors were dented, as was the rear hatch door.". Item EIGHT: At this point, the petitioner identified above intervened and stated: "I would ask the Court to state the mileage of the vehicle for the record and that the subpoenaed party be asked why the vehicle was brought in. The Court agreed to the request and stated for the record .....

(Back of Page Ten):

(Partial stamp)
REPUBLIC OF
(illegible)

that the mileage on the vehicle was 102,568 kilometers; Also, the subpoenaed party stated that the reason why the vehicle was brought into this shop was a traffic accident and rollover; according to the explanation given to him by the son of the owner of the vehicle. That is all.. Completed, read and signed. All amendments "OK".

THE PROVISIONAL JUDGE

(Signed) (Illegible)

DR. RAFAEL E. CASTILLO H.

(Stamp)
.... OF VENEZUELA
(Illegible)
(Seal)
(Illegible)

Petitioner,
(Signed) (Illegible)

The subpoenaed Party and Expert,
(Signed) (Illegible)
(June 12, 2000)

The Photographer,
(signed) (illegible)

ACTING CLERK,
(Signed) (Illegible)
(Stamp – illegible)

-55-

(Partial stamp)
..... OF VENEZUELA
(Seal)
(illegible)

FIFTEEN (15)

RETURNED TO THE PETITIONER, CONSISTING OF FIFTEEN (15) SHEETS OF PAPER, SO CERTIFIED, TODAY, THE THIRTEENTH DAY OF JUNE IN THE YEAR TWO THOUSAND. -

CHIEF CLERK:

(Signed) (Illegible)

ATTORNEY JOSE LUIS SANZ P.
(Stamp)
REPUBLIC OF VENEZUELA
(illegible)

(Cancelled Stamp – illegible)

(Back of Page Fifteen):

(Cancelled Stamp)
REPUBLIC OF VENEZUELA
(illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 3307, dated June 12, 2000, concerning an inspection of the Ford Explorer with plates numbered GAT-36F, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 5th day of February, 2001.

Maury Margaret Scharrer
Notary Public
State of Florida

[Seal] My commission expires: 8/24/04

Maury Margaret Scharrer
MY COMMISSION # CC550147 EXPIRES
August 24, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

No. 3307

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) FRANCISCO JESUS VELASQUEZ ARCAY.

MOTIVO INSPECCION JUDICIAL.

JUZGADO CUARTO DE LOS MUNICIPIOS DE VALENCIA.

FECHA DE ENTRADA: Día 12 Mes JUNIO Año 2.000.

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

C - 22

3307



CA - 98 № 03065471

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer, y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene cuatro (4) cauchos instalados en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, en la fecha de su presentación.----------



yo, ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 13.946, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.892, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal de cualquier competencia, orden o jurisdicción, incluyendo pero

N:- 28- T. 11.

sin estar limitado a ello, por ante los Tribunales de Primera y/o Segunda Instancia, de Distrito o de Municipio, Corte Suprema de Justicia, Corte Primera en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Tributario, Tribunales en lo Contencioso Administrativo, Tribunales Penales, Tribunales del Trabajo y en fin, por ante todos los organismos, tribunales, despachos, autoridades y/o funcionarios de carácter público o privado. En el ejercicio del presente poder los prenombrados apoderados están facultados para intentar y/o contestar toda clase de demandas, reclamos, procedimientos, incidencias y/o reconvenciones; alegar, oponer y/o contestar defensas y cuestiones previas; hacer citas de saneamiento y/o de garantía; convenir; desistir; transigir; renunciar a acciones o derechos y dejar de ejercerlos si así fuere conveniente; solicitar acumulación de autos o de acciones; diferir actos; suspender, ejercer, reclamar y renunciar lapsos y recursos; recusar; demandar la nulidad y la reposición cuando fuere necesario o conveniente; apelar; ocurrir de hecho; promover cualquier medio de prueba y oponerse a la admisión de los mismos e intervenir en todos los trámites e incidencias de su evacuación; solicitar y tramitar cualquier medida preventiva o ejecutiva cuando así fuere necesario o conveniente u oponerse a las mismas e intervenir en cualquier otra incidencia que pudiera presentarse; incoar tercerías; tachar y/o desconocer toda clase de documentos; tachar testigos; hacer cesión de bienes; pedir rendición de cuentas; proponer acciones petitorias o confesorias de la especie que fueren; darse por citado o notificado; recibir y entregar cantidades de dinero que legítimamente se adeuden, otorgando y exigiendo los correspondientes recibos y finiquitos; disponer de los derechos en litigio; solicitar e intervenir en procedimientos de remate, a tales fines hacer posturas y adquirir en actos de remate; otorgar cualesquiera fianzas y cauciones requeridas por alguna Corte o Tribunal; oponerse a cualquier clase de fianzas y/o cauciones; comprometer en árbitros arbitradores y/o

árbitros de derecho; solicitar la decisión según la equidad; constituir asociados; seguir o los juicios en todas sus instancias, incidencias y trámites y ejercer todos los recursos a que hubiere lugar, tanto los ordinarios como los extraordinarios de casación o invalidación; iniciar y desistir del juicio de amparo; promover y absolver posiciones juradas; promover quejas y querellas y desistir de ellas; y en general, hacer todo cuanto fuere necesario o conveniente para la mejor defensa de los derechos e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Dejo constancia que las facultades aquí conferidas son meramente enunciativas y no taxativas y que los apoderados aquí instituidos están facultados para sustituir el presente poder en personas o abogados de su confianza, con todas o algunas de las facultades anteriormente señaladas, con reserva o no de su ejercicio. Este poder no revoca ni deja sin efecto ningún otro poder otorgado con anterioridad por BRIDGESTONE FIRESTONE VENEZOLANA, C.A. A fin de dejar constancia de la existencia legal de mi representada, del carácter con que actúo, de mis atribuciones y de los demás particulares relativos a los poderes, y de conformidad con lo previsto en el artículo 155 del Código de Procedimiento Civil, enuncio y exhibo en este acto al Notario ante quien se otorga el presente poder, solicitándole se sirva hacer constar en la nota respectiva, los siguientes documentos: PRIMERO: Copia certificada expedida por el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial en fecha veintitrés (23) de octubre de 1956, del asiento Registro de Comercio No. 1, contentivo del Documento Constitutivo Estatutario original de C.A. FIRESTONE VENEZOLANA (ahora denominada BRIDGESTONE FIRESTONE VENEZOLANA, C.A.) SEGUNDO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado

Carabobo en fecha veinticinco (25) de noviembre de 1992, del asiento Registro de Comercio No. 34, Tomo 16-A, contentivo del Acta de Asamblea Extraordinaria de Accionistas celebrada a los efectos de la Asamblea Ordinaria en fecha diecinueve (19) de noviembre de 1992, en la que se acordó entre otros puntos, el cambio de denominación de la compañía a BRIDGESTONE FIRESTONE VENEZOLANA, C.A. TERCERO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha veintisiete (27) de enero de 1995, del asiento Registro de Comercio No. 46, Tomo 6-A, contentivo del acta de Asamblea General Extraordinaria de Accionistas celebrada en fecha doce (12) de diciembre de 1994, en la que consta mi designación como Presidente de la compañía. Igualmente solicito al Notario Público que para el otorgamiento del presente poder, se traslade y constituya en las oficinas de la compañía. Valencia, en la fecha de su autenticación.

REPUBLICA DE VENEZUELA
Ministerio de Hacienda
H-91
1310203
1000

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia TREINTA (30) de enero de mil novecientos noventa y seis. 185º y 136º. El anterior documento redactado por el abogado FRANCISCO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54892, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737. 912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15AM.

LA NOTARIO

Rosa Rueda de Houtmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

La Notaria que suscribe hace constar que el poder que antecede fué sustituido por el ciudadano Ramón J. Alvarez Sauti reservándose su ejercicio en las personas de los ciudadanos Diego Bustillos Beiner, Henry Torealba, Mario Calzadilla, José Enrique D'Apelo y Gabriela Nuñez Marquez, por documento firmado ante la Notaria 8ª, ahora 4ta. del Municipio Chacao del Distrito Miranda bajo el nº 45. tomo 96 fecha: 11-12-96

La Notaria,

Rosa Rueda de Troutmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

REPUBLICA DE VENEZUELA. ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFICA:-- Que he confrontado la Copia Fotostática constante de: TRES (03).....folios útiles, que es traslado fiel y exacto del Documento inserto en esta Notaría, durante el Año:1.996....., bajo el Nº 28....., Tomo: 11º..., que dicha Copia fué realizada por la Ciudadana: SULEIDA NOGUERA.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....., persona capaz, Autorizada por mí para hacerla y quién junto conmigo suscribe la presente Certificación y cada una de sus páginas. Que dicha Copia es expide a solicitud de parte interesada y Decreto de este mismo fecha, los cuales a continuación se insertan: Ciudadano: Notario Público Tercero de Valencia. Su Despacho.- Yo,... OFC.BAKER & MCKENZIE.-.....mayor de edad, Titular de la Cédula de Identidad Nº ////////////// Solicito Copia Fotostática Certificada del Documento Nº- 28.....,Tomo: 11º.....de los Libros de Autenticaciones llevados por esta Notaría en fecha: 30-01-96..... En Valencia, a los: VEINTICINCO (25)... días del mes de: MAYO.-.....del DOS MIL. El Solicitante: (fdo.) Ilegible. República de Venezuela. Notaría Pública Tercera de Valencia. Valencia, 25-05-2.008.....y a tal efecto de conformidad con lo establecido en el Artículo 120º de la Ley de Registro Público. Se designa a la Ciudadana: SULEIDA NOGUERA.-..... mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001...para que realice la operación de la Copia y suscriba cada una de las páginas junto con la Notaria. (fdo.) ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO. Valencia, a los: VEINTICINCO (25).. días del mes de: MAYO.-.....del DOS MIL.-189º Años de la Independencia y 140º Años de la Federación.-. . . . . .

LA NOTARIO,

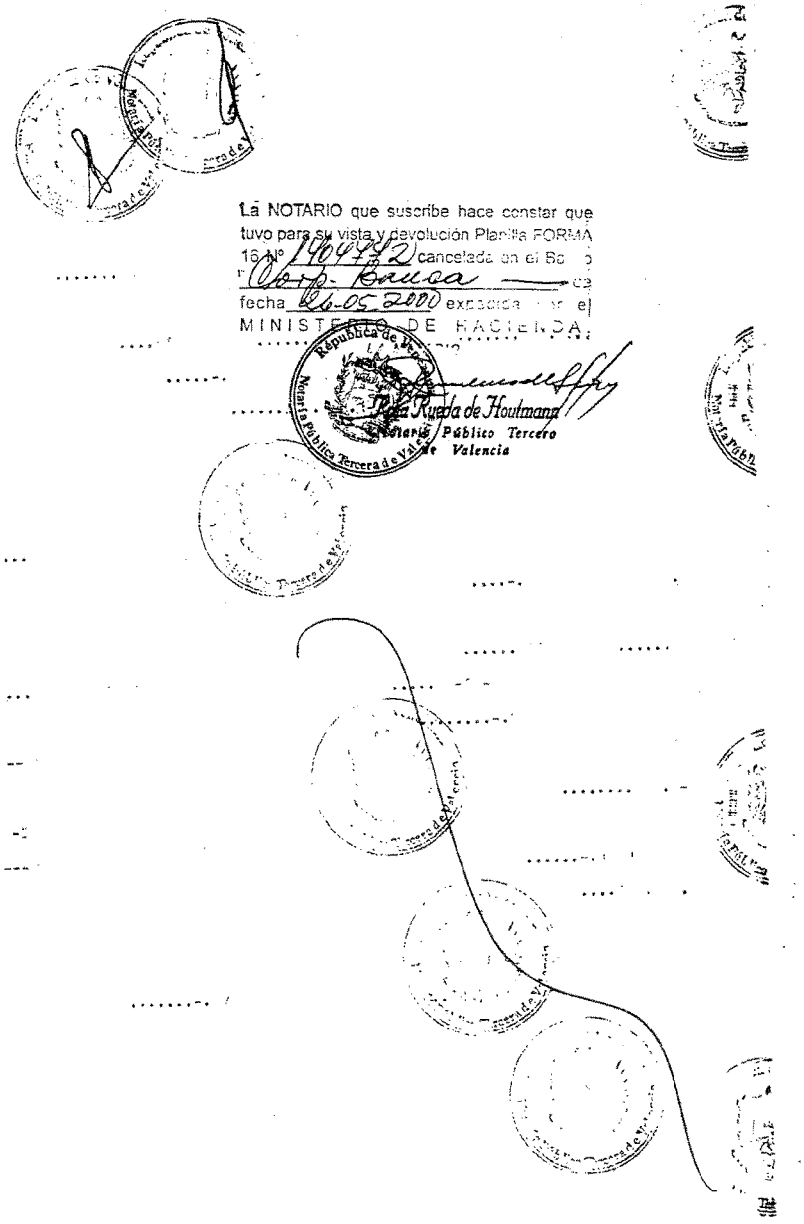
Rosa Rueda de Houtmann
Notario Público Tercero
de Valencia

LA DESIGNADA.-

La NOTARIO que suscribe hace constar que tuvo para su vista y devolución Planilla FORMA 16 Nº 1404772 cancelada en el Ba[illegible] Corp. Banca [illegible] fecha 26-05-2000 expedida [illegible] el MINISTERIO DE HACIENDA.

República de Venezuela
Notaría Pública Tercera de Valencia

Rosa Rueda de Houtmann
Notario Público Tercero
de Valencia



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GADO CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, N GUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTA DO CARABOBO.

Valencia, 12 de Junio del 2.000.

190º y141º

Por recibida la presente solicitud. Obvíese la Distribución por ser urgente la urgencia del caso. Por vía habilitación de todo el tiempo necesario. Dósele entrada. Trasládese y constituyase el Tribunal al sitio indicado en la presente solicitud, a fín de - practicar la INSPECCION JUDICIAL, solicitada.

EL JUEZ PROVISORIO:

DR. R. [illegible] E. CASTILLO H;

EL SECRETARIO TITULAR:

ABG. JOSE LUIS SANZ P.

En la misma fecha se la dió entrada bajo el Nº 3307.-

EL SECRETARIO TITULAR:

none (9)

CA - 98 № 03065794

horas de Despacho del día de hoy, Doce de Junio del año Dos mil, siendo las 11.30 de la mañana, se trasladó y constituyó el Tribunal en el Taller Tecno Motriz del Norte, ubicado en la Calle Rojas Queipo, entre Avenida Andrés Eloy Blanco y Montes de Oca detrás del City Park, de esta Ciudad de Valencia, a fin de practicar la Inspección Judicial solicitada por el abogado: Francisco Jesús Velásquez Arcay, Inpreabogado Nº 54.892, apoderado Judicial de Bridgestone Firestone Venezolana C.A, antes denominada C.A. Firestone Venezolana C.A. presente en este acto.- se notificó de la misión del Tribunal al Ciudadano: Anthony Weir Barry titular de la Cédula de Identidad Nº E-81.701.939, quien manifestó ser dueño del taller donde se encuentra constituido el Juzgado.- El Tribunal para el mejor asesoramiento e ilustramiento en la práctica de la presente Inspección Judicial se acordó nombrar práctico y fotógrafo a los Ciudadanos: Anthony Weir Barry y Elahet Houtman Rueda, titulares de las Cédulas de Identidad Nos - E81.701.939, y V-13.236.378, respectivamente, quienes estando presentes, aceptaron el cargo,

prestaron el juramento de Ley y jura-
ron cumplir fielmente con sus obli-
gaciones. - El Tribunal deja constancia
que las fotografías fueron tomadas
con una Cámara Marca Polaroid
automática, 636 Closep película instantá-
nea en color, polaroid 779 plus, de
10 fotos. - Una vez tomadas las fo-
tografías serán agregadas a la pre-
sente solicitud para que formen
parte de la presente Inspección -
Judicial. - Seguidamente el Juzgado
pasa a practicar la Inspección -
Judicial solicitada y deja constancia
de lo siguiente: Primero: El Tribunal
deja constancia que en el sitio don-
de se encuentra constituido se en-
cuentra un vehículo Marca Ford;
explorer, color gris plomo, tipo 4X4-XLT
placas: EJT-36F." - Segundo: El Tribu-
nal asesorado por el práctico deja
constancia que el vehículo antes iden-
tificado tiene cuatro cauchos insta-
lados en cada uno de sus rines".
Tercero: El Tribunal asesorado por el
práctico deja constancia que el caucho
ubicado en la parte trasera derecha
del vehículo aparece la siguiente
identificación: Continental Contitrac
M+S LT 235/75 R15; 22198; el caucho
trasero izquierdo; Continental Contitrac
M+S LT 235/75 R15; 22198; el caucho
delantero izquierdo; Continental Conti-
trac M+S, LT 235/75 R15; L5903-21

Diez (10)

CA - 98 № 03065795

707; el caucho delantero derecho; Continental Contitrac M+S LZ 35/75R15, no pudiendose determinar ninguna otra especificación por estar desinflado y no visible el mismo". - Cuarto: El Tribunal asesorado por el practico deja constancia que los cauchos se encuentran en buen y estado con su banda de rodamiento en buen estado". Quinto: El Tribunal ordena la toma de las fotografias en cada uno de los cauchos instalados". Sexto: El Tribunal asesorado por el práctico fotografa, y y se tomaron las fotografias de la carroceria." Septimo: El Tribunal deja constancia asesorado por el practico, se encuentra en toda su parte lateral derecha abolladura; en el techo hundido puerta trasera derecha y delantera derecha abollada; así como la compuerta trasera". Octavo: En este estado interviene el solicitante antes identificado, expone: solicito del tribunal deje constancia del Kilometraje del vehiculo y se requiera del notificado las causas del ingreso del vehiculo. El tribunal acuerda de conformidad con lo solicitado y deja constancia

que el kilometraje del vehículo es 102.568; asimismo el notificado manifestó que las razones que fue ingresado el referido a este taller fué por accidente de tránsito y volcamiento; según explicación que le manifestó el hijo del dueño del vehículo. Es todo, firmo se leyó y conforme firman. Todo lo enmendado "vale"

El Juez Provisorio

Dr. Rafael E. Castillo H.

El solicitante,

El Notificador y Practico,

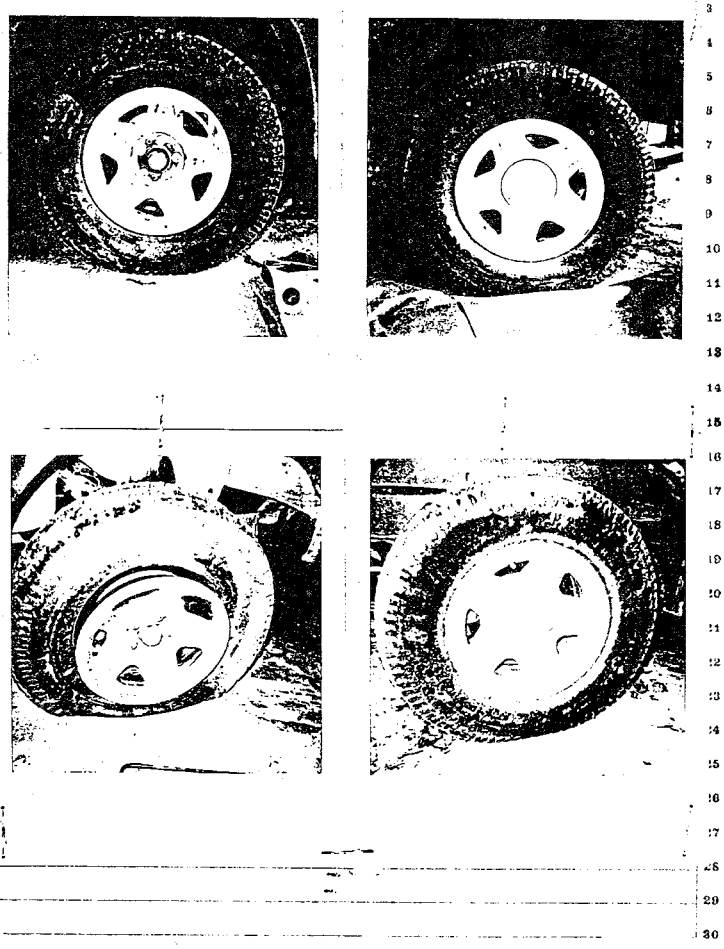
12/6/2002

El Fotografo,

La Secretaria Jefe,

-55-

CA 98 [illegible] 03065796



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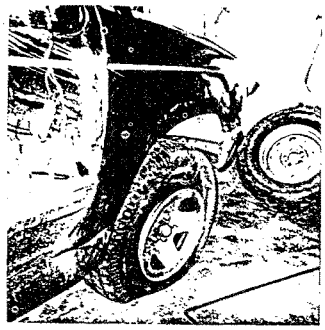
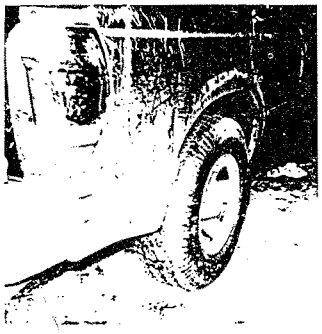
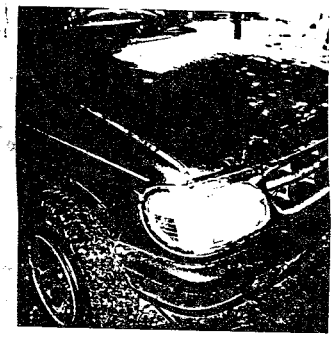






CA - 98 [illegible] 3065033





CA - 98 № 03065797









QUINCE (15)

SE DEVUELVE AL SOLICITANTE CON UNA DE QUINCE (15) FOLIOS
UTILES, CORTE HOY, TRECE DE [illegible] DEL AÑO DOS MIL.-

ECO. SECRETARIO TITULAR:

ABOG. JOSE LUIS SANZ P.

(Hand written): accident: August 5, 2000

REPUBLIC OF VENEZUELA

No. 54/2000

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): Attorney FRANCISCO JESUS VELASQUEZ ARCAY, legal counsel for BRIDGESTONE FIRESTONE VENEZOLANA, C.A.

REASON: JUDICIAL INSPECTION

COURT: IN AND FOR THE MUNICIPALITY OF JUAN JOSE MORA IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

DATE OF ENTRY: Day: 07 Month: August Year: 2000

DATE RETURNED: Day: *07* Month: *August* Year: *2000*

No. 54/2000

C.22

(Hand written) One (1)

(Seal)

STATE OF CARABOBO

(Coat of Arms)

Fee for Fiscal Stamp – Value: 148 Bolivars

CA 98 – No. 04214620

Citizen:

JUDGE IN AND FOR THE MUNICIPALITY OF JUAN JOSE MORA IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

In his office.

I, **FRANCISCO JESÚS VELASQUEZ ARCAY**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of national identity card No. 7,121,658, a practicing attorney, registered with the Venezuelan Bar Association under No. 54,892, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney attached to this petition of **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a stock company formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Commercial Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Commercial Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure, and Article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred and called into session at the location of which I shall advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection: .....

ONE: As to the presence at the location at which the Court is called into session of a vehicle described as follows: Make: Ford, and the model, type, color and plates evidenced by the inspected vehicle. .....

TWO: As to the make, type and serial number of each the tires mounted on each rim of the inspected vehicle. .....

THREE: As to the general condition of the tires mounted on each rim of the inspected vehicle and their tread. .....

(Back of Page One)

(Partial stamp in right margin – illegible)

FOUR: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. .....

FIVE: That photographs be taken of the bodywork and condition of the inspected vehicle. .....

SIX: That a statement be placed on the record as to the general condition of the vehicle's bodywork. .....

As to any other fact or circumstances that I reserve the right to indicate in due course. .....

Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 *ejusdem*, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. .....

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Morón, on the date of the submission for filing hereof. .....

(Signed – illegible)

N:\FVelasquez\Firestone\Inspección Judicial 3.doc

(Hand written) Sub-

(Hand written) Two (2)

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

CA 98 – No. 04214620

submitted by attorney Francisco Jesús Velásquez Arcay, Venezuelan Bar Association No. 54,892, in his capacity as legal counsel for Bridgestone Firestone Venezolana, C.A., formerly known as "Firestone Venezolana", today, the seventh day of August in the year two thousand, during office hours, consisting of one (1) sheet of paper.

The Filer,

(Signed) (illegible)

Clerk
(Signed) (Illegible)

COURT IN AND FOR THE MUNICIPALITY OF JUAN JOSE MORA IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.

MORON, AUGUST 7, 2000.

190th Year of Independence and 141st Year of the Federation

The foregoing petition, consisting of one (1) sheet of paper, has been filed. It is ordered that it be admitted and every part thereof be complied with. To this end, it is ordered that the Court be transferred and called into session at the location indicated by the petitioner, in order to conduct the requested Judicial Inspection. The appointment of the Expert Photographer and the Expert will be made at the time the Inspection agreed to is held.

Provisional Judge,

(Signed) (Illegible)

Clerk,
(Signed) (Illegible)

Admitted under No. 54/200 on this same day.

Clerk
(Signed) (Illegible)

(Back of Page Two)

(Illegible stamp in center of page)

(Hand written) Three (3)
CA – 98 No. 04214622

(Seal)
STATE OF CARABOBO
(Coat of Arms
Fee for Fiscal Stamp – Value: 148 Bolivars

Today, the seventh day of August in the year two thousand, during office hours, the Court was transferred to and called into session at "Punto Fijo" parking lot on the Morón-Coro Highway, Morón, in the Municipality of Juan José Mora in the State of Carabobo, in order to conduct the Judicial Inspection petitioned for and agreed to by this Court. Present at this Inspection was attorney, Francisco Jesús Velásquez Arcay, Venezuelan Bar Association Number 54,892, in his capacity as counsel for "Bridgestone Firestone Venezolana, C.A.", formerly known as C.A. Firestone Venezolana", as set forth in the Power of Attorney that he submitted to the Court for its review and return. Citizen Xiomara de Marín, holder of identity card No. 3,897,272, was served with a subpoena regarding the Court's mission, in her capacity as owner of the parking lot at which the Court was called into session. Citizen, Jeluhet Jezer Houtmann Rueda, holder of identity card No. V-13,236,378, was appointed as the photographer to take photographs illustrating this Inspection, and Citizen Oscar Ramón Chirinos López, holder of identity card No. V-8,594,373 was appointed as the expert to advise the Court on this Inspection; being present, they accepted the assignment, ...

(Back of Page Three)

were sworn in as provided by Law and stated under oath that they would properly and faithfully fulfill their assignments. Then, with regard to Item No. ONE, the Court stated for the record that it had been transferred and called into session at the "Punto Fijo" parking lot, located in this City of Morón, where a vehicle had been left, class: truck, make: Ford, model: Explorer XLT (Elite), Type: 4x2, color: wine, plates: OAD 41H (new *(illegible)*. With regard to Item No. TWO, upon the advice of the expert who had been appointed, the Court stated for the record that the front right tire was, Make: Goodyear, type: Wrangler RT/S, serial number MTS P255/70R-16 1095. The rear right tire was: make: Goodyear, type: Wrangler RT/S, serial number MTS P25570R-16 1095. The front left tire was: make: Goodyear, type: Wrangler RT/S, with no visible serial number. The rear left tire was: make: Goodyear, type: Wrangler RT/S, serial number MTS P255/70R-16 1095. With regard to Item No. THREE, upon advice from the expert who had been appointed, the Court stated for the record that the tires mounted one on each of the rims of the inspected vehicle and their tread were in good condition. With regard to Item No. FOUR: The Court stated for the record that the photographer who had been appointed was ordered to take photographs of each of the tires mounted on each rim ……..

(Hand written) Four (4) (18)
CA – 98 No. 04214624

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

of the inspected vehicle and also with respect to Item No. FIVE, the photographer who had been appointed was ordered to take photographs of the inspected vehicle's bodywork. With regard to Item No. SIX, The Court stated for the record that the roof of the inspected vehicle was caved in, most particularly on the right front side; there was denting and misalignment of both the right side of the vehicle and the left side, and the hood was dented. Upon a verbal request from the petitioner who was exercising the right to speak that he had reserved, this Court stated for the record that the current mileage showing on the inspected vehicle was 41,901 kms. In addition, it was stated for the record that the subpoenaed party stated to the Court that the inspected vehicle was brought into this lot as a result of a rollover-type traffic accident. It was stated for the record that citizen, Jeluhet Jezer Houtmann Rueda, who is identified above, in her capacity as stated on the record, forthwith delivered fourteen –14- photographs taken with a Polaroid Close Up 636 camera, that were immediately .....

(Back of Page Four)

added to this record, so as to form an integral part of this Inspection. Now, therefore, there being no further requests, the Court adjourned the Inspection and agreed to transfer back and resume its session at the Courthouse. Completed, read and signed by the undersigned who are in agreement therewith. Amendments. OK.

Provisional Judge,

(Signed) (Illegible)

(Stamp)
(Illegible)

Petitioner,
(Signed) (Illegible)

The Subpoenaed Party,
(Signed) Xiomara de Marín

(Partial stamp on right – illegible)

The Photographer,
(signed) ((illegible)

Expert Mechanic,
Oscar Chirino

CLERK,
(Signed) (Illegible)

(Fiscal Stamp)
20 BOLIVARS
Ministry of Finance

(Hand written) Five (5)

(Stamp)
Notary:_____
Receipt No. *(illegible)*
Fees:_____
Authorized by:_____
(stamped): PAID
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Five partial stamps down left margin)
Republic of Venezuela
(Seal)
Office of the Third Notary Public of Valencia

(Two Stamps)
Republic of Venezuela
(Coat of Arms)
(Initials – Illegible)
Third Notary Public in and for Valencia

(Signed) (illegible)
FRANCISCO J. VELASQUEZ ARCAY
VENEZUELAN BAR ASSOCIATION NO. 54,892

I, ROSENDO S. TERRADAS, a citizen of Venezuela, of age, a resident of this City, in full possession of my civil rights and holder of identity card No. 6,297,265, appearing in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a commercial company domiciled in the City of Valencia, State of Carabobo, and originally registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in and for the Seventh Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, hereby state: That the company I represent is granting a power of attorney that is as broad and sufficient as the law requires and is necessary, to practicing attorneys: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ and FRANCISCO J. VELASQUEZ ARCAY, all citizens of Venezuela, of age, legally competent and holders of identity cards Nos. 3,967,563; 3,661,025; 7,308,173; 6,845,624; 6,822,699; 10,335,670; 9,879,275; 7,139,825 and 7,121,658, respectively, who are registered with the Venezuelan Bar Association ("INPREABOGADO") under Numbers 13,946; 11,568; 19,692; 26,304; 32,501; 54,502; 48,338; 55,660 and 54,892, also respectively; the first eight of said attorneys being domiciled in the City of Caracas, Federal District, and the last one being domiciled in the city of Valencia, State of Carabobo, to act jointly or separately and represent and uphold the rights, actions and interests of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. in any type of judicial or extra-judicial matter to which it is a party, before any person, whether public or private, and before any national, state, district or municipal, judicial or administrative agency or agencies under any other competence, order or jurisdiction, including, but .....

(Hand written): No. 28 – T.11

(Back of Page Five)

(One partial Third Notary's Office stamp at top left margin – illegible)

(Five partial Third Notary's Office stamps down right margin - illegible)

not limited to, the courts of the First and/or Second Instance, District or Municipal Courts, the Supreme Court of Justice, the First Court for Contentious-Administrative Matters, Higher Courts for Contentious-Administrative Matters, Higher Courts for Contentious-Tax Matters, Courts for Contentious-Administrative Matters, Criminal Courts, Labor Courts and finally, before any agency, court, office, authority and/or officers of any kind public or private. The grantees named above are, when exercising this power of attorney, authorized to file and/or answer any kind of complaint, claim, proceeding, trial events, and/or counterclaim, allege, object to and/or answer prior defenses and questions, call for third party remedies and/or guarantees, agree to, dismiss, settle and waive actions or rights and refrain from exercising them if appropriate; request the record on orders or actions; defer action, suspend, exercise, request and waive extensions of time and appeals, challenge, move for dismissal and reinstatement if necessary or appropriate; appeal, de facto appeal; produce any type of evidence and object to the admission of same and participate in all of the procedures and motions for compliance therewith, request and arrange for any preventive or executory measure if necessary or appropriate or oppose same and participate in any other motion that may arise; commence third party proceedings; strike and/or disavow all types of documents, strike witnesses, assign property, request accountings, move for petitionary or easement enforcement proceedings of any kind whatsoever; be summoned or subpoenaed, receive and deliver any amount of money that is legitimately due and owing and issue and demand the corresponding receipts and releases, dispose of rights during litigation, request and participate in auctions, by bidding and purchasing at auctions for such purpose, issue any bond and guarantee required by any Court or Tribunal; object to any kind ...

(Hand written) Six (6)

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
20 BOLIVARS

(Two stamps across top with illegible signatures)

REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC'S OFFICE IN AND FOR VALENCIA

(Five partial stamps down left margin)
REPUBLIC OF VENEZUELA
(Seal)
OFFICE OF THE THIRD NOTARY FOR VALENCIA

of bond or guarantee. settle at arbitration, with arbitrators and/or at arbitration proceedings at law, request rulings in equity, appoint partners, pursue lawsuits that have been commenced in all of their jurisdictional levels, trial events and procedures and exercise any remedy there may be, whether ordinary or extraordinary, such as cassation or annulment, initiate and refrain from Constitutional Guarantee proceedings, propound and answer interrogatories under oath, file claims and small claims and refrain from making them, and in general, do anything necessary or appropriate for the best defense of the rights and interests of BRIDGESTONE FIRESTONE VENEZOLANA C.A. I hereby certify that the powers granted and listed hereunder are merely for reference purposes and are not restrictive and that the grantees appointed hereunder are authorized to assign this power of attorney to people or attorneys they deem to be trustworthy, with all or any of the powers mentioned above, with or without a restriction on the exercise thereof. This power of attorney neither revokes nor invalidates any other power of attorney previously granted by BRIDGESTONE FIRESTONE VENEZOLANA C.A. In order to certify as to the legal existence of the company I state for the record, the capacity in which I am acting, my powers and the other issues concerning powers of attorney, and pursuant to the provisions of Article 155 of the Code of Civil Procedure, I am hereby listing and producing the following documents to the Notary before whom this power of attorney is being signed and I am asking her to list them in the respective note: ONE: Certified copy issued by the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District dated the twenty-third (23rd) day of October, 1956, of the entry in Companies Register No. 1, containing the original statutory incorporation papers of C.A. FIRESTONE VENEZOLANA, (now known as BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). TWO: Certified copy issued by the First Commercial Register for the Judicial District of the State of ....

(Back of Page Six)

(Hand written) Folio (61)

(Two stamps of the Third Notary of Valencia's Office across top with illegible initials)

REPUBLIC OF VENEZUELA

(Seal)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Five partial stamps of the Third Notary of Valencia's Office down right margin)
REPUBLIC OF VENEZUELA
Office of Notary Public
(Seal)
OFFICE OF NOTARY PUBLIC FOR VALENCIA

Carabobo, on the twenty-fifth (25th) day of November, 1992, of the entry in Commercial Register No. 34, Volume 16-A, containing the Minutes of the Extraordinary Shareholders' Meeting held in lieu of an Ordinary Meeting on the nineteenth (19th) day of November, 1992, at which it was agreed, among other things, to change the name of the company to BRIDGESTONE FIRESTONE VENEZOLANA, C.A. THREE: Certified copy issued by the First Commercial Register for the Judicial District of the State of Carabobo dated the twenty-seventh (27th) day of January, 1995, of the entry in Companies Register No. 46, Volume 6-A, containing the minutes of the Extraordinary General Shareholders' Meeting held on the twelfth (12th) day of December, 1994, which sets forth my appointment as President of the company. I am also asking the Notary Public to come to and appear at the company offices for the granting of this power of attorney. Valencia, on the date of the authentication hereof.

(Signed) (Illegible)

(Three cancelled stamps at bottom of page)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Fiscal Receipt Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant _____
Identification Number: _____
For ____ Legal Basis _____
H-91 **H-91 1310203**
1000

(Five Partial Stamps on left –
REPUBLIC OF VENEZUELA
OFFICE OF THE THIRD NOTARY PUBLIC
OF VALENCIA *(Hand written)* Seven (7)
(Hand written) sixty-two

(Three stamps)
REPUBLIC OF VENEZUELA
(Seal)
OFFICE OF THIRD NOTARY PUBLIC IN AND FOR VALENCIA
(Initials superimposed – illegible)

REPUBLIC OF VENEZUELA. THIRD NOTARY PUBLIC IN AND FOR VALENCIA. Valencia, on the *thirtieth (30th)* day of *January*, nineteen hundred and ninety-six. 185th year of Independence and 136th year of the Federation. The foregoing document, which was prepared by attorney, FRANCISCO VELASQUEZ ARCAY, who is registered with the Venezuelan Bar Association under number 54892, was submitted for authentication and return, as per form No. 243271, dated: January 30, 1996. The grantor thereof was present and stated that his name was: ROSENDO S. TERRADAS, acting in his capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., being of age, domiciled in *Valencia*, a citizen of *Venezuela*, marital status: *married* and holder of identity card No. 6,297,265. He read the document in the presence of the Notary and stated: "The content thereof is true and correct and the signature appearing at the bottom of the instrument is mine." The Notary therefore declared it to be authenticated in the presence of witnesses: MARIELA JIMENEZ AND ESTHER DE CESAR, holders of identity cards Nos. 10,737,912 and 395,502, and she inserted it in the book of authentications maintained by this Notary's Office under No. *28*, Volume *11*. The Notary states for the record that she examined and returned BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s entry in the Commercial Register, which was originally registered with the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District of the State of Carabobo on October 23, 1956, under No. 1. Also, the Notary went to BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s premises in this City at *10:15 a.m.* for the execution of this document.

THE NOTARY
(Stamp – illegible)
(Signed) (Illegible)

(Stamp)
Rosa Rueda de Houtmann
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

GRANTOR:
(Signed) (Illegible)

THE WITNESSES.-
(Two signatures – illegible)
(Three canceled stamps across bottom of page)
Republic of Venezuela
(Seal)
Office of the Third Notary Public in and for Valencia

(Back of Page Seven)

(Hand written) (62)

(Two stamps across top of page)
Republic of Venezuela
(Seal)
Office of Third Notary Public in and for Valencia
(initials superimposed – illegible)

(Five Partial stamps on right)
Republic of Venezuela
(Seal)
Office of Third Notary Public of Valencia

(Hand written) The undersigned Notary hereby certifies that the foregoing power of attorney was replaced by citizen, Ramón J. Alvins Santi, and the exercise thereof is restricted to the following individuals: citizen, Diego Buatillos Beiner, Henry Torrealba, Mario Calosso, José Enrique D'Apollo and Gabriela Núñez Márquez, pursuant to a document executed at the 8th Notary's Office, now the 4th, in and for the Municipality of Chacao in the District of Miranda, under No. 45, Volume 96, date: December 11, 1996.

THE NOTARY
(Stamp – illegible)

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Three cancelled stamps down middle of page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Hand written) Eight (8)

(Four partial stamps down left margin)
Republic Of Venezuela
Office of Third Notary Public in and for Valencia

(Three stamps across page)
Republic of Venezuela
(Seal)
Office of Third Notary Public in and for Valencia
(Signature and initials superimposed on last two– illegible)

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

REPUBLIC OF VENEZUELA. THE UNDERSIGNED, ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO, CERTIFIES: That she has compared the photocopy consisting of THREE (03) useable.... sheets of paper and that it is a true and correct copy of the Document inserted at this Notary's Office during the year 1996 ...., under No. 28, Volume 11.... that said copy was made by citizen: SULEIDA NOGUERA,- ...., of age, Holder of Identity Card No. V-5,622,001 ....., a legally competent person, who is authorized by me to do so and who, together with me, is signing this Certification and each one of its pages. That said Copy is issued at the request of the interested party and by Decree of this same date, which are inserted below: Citizen: Third Notary Public in and for Valencia. In her office. I, MARJORIE ROSSELL ..., of age, holder of Identity card No. V-12,606,141... am requesting a certified photocopy of document No. 28 ...., Volume 11 ...., in the Books of Authentications maintained by this Notary's Office, dated January 30, 1996 ..... In Valencia, on the EIGHTEENTH (18th) .... day of the month of: May .- ..... TWO THOUSAND. The Applicant (signed) Illegible. Republic of Venezuela. Office of Third Notary Public in and for Valencia. Valencia, May 18, 2000, for this purpose, in compliance with the provisions of Article 120 of the Public Records Law. Citizen: SULEIDA NOGUERA ..., of age, Holder of Identity Card No. V-5,622,001 .... is appointed to perform the photocopying and sign each of the pages together with the Notary. (signed) ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO... Valencia. On the EIGHTEENTH (18th) .... day of the month of MAY.- ..... TWO THOUSAND. 189th Year of Independence, and 140th Year of the Federation.

THE NOTARY

(Signed) (Illegible)
(Stamp)
Rosa Rueda de Houtmann
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA
(Stamp)
Republic of Venezuela
(Seal)
Office of Third Notary Public in and for Valencia

THE APPOINTEE
(Signed) (Illegible) Noguera

(Back of Page Eight)

(Hand written) 17

(Two stamps with illegible initials)
Republic of Venezuela
(Seal)
Office of Third Notary Public in and for Valencia

(Five partial stamps on right)
Republic of..
(Seal)
Third Notary Public.....

THE UNDERSIGNED NOTARY certifies that she reviewed and returned Form 16 No. 1286519, paid at Banco Caracas on May 19, 2000 issued by the MINISTRY OF FINANCE
THE NOTARY

(Signed) (Illegible)
(Stamp)
Rosa Rueda de Houtmann
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Four stamps down page, three cancelled)
REPUBLIC OF VENEZUELA
(Seal)
OFFICE OF THIRD NOTARY PUBLIC IN AND FOR VALENCIA

...../

(Hand written) Nine (9)

I certify that this is a true and correct copy of the original, I am certifying and issuing same, upon the Judge's orders, once it has been compared with the original that the Court had for review and return, in Morón, on the seventh (7th) day of the month of August in the year two thousand.- Years: 190th year of Independence and 141st year of the Federation.

Clerk

(Stamp)

REPUBLIC OF VENEZUELA

(Seal)

(Illegible)..

(Stamp – illegible)

(Back of Page Nine)

(Two stamps – illegible)

(Hand written) Fourteen (14)

Returned on this date, consisting of –14 – sheets of paper.

(Stamp)
REPUBLIC OF VENEZUELA
(Seal)
(Illegible)

Clerk
(Signed) (Illegible)

(Stamp – illegible)

(Back of Page Fourteen)

(Stamp) (Illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 54/2000, dated August 7, 2000, concerning an inspection of the Ford Explorer with plates numbered OAD-41H, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

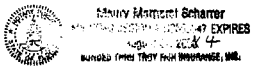
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 6th day of February, 2001.

Maury Margaret Scharrer
Notary Public
State of Florida

[Seal] My commission expires: Aug. 24, 2004



accidente agosto 5/2000

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. [illegible]

SOLICITUDES

ARCHIVO

SOLICITANTE (S): Abog. FRANCISCO JESUS VALLADARES APOY, Apoderado Judicial de la empresa BRIDGE TIRE [illegible] VENEZOLANA, C.A.-

MOTIVO: [illegible]

JUZGADO: MUNICIPIO JUAN JOSE MORA, CIRCUNSCRIPCION JUDICIAL EDO CARABOBO

FECHA DE ENTRADA: Día 07 Mes Agosto Año 2.000

FECHA DEVOLUCION: Día 07 Mes Agosto Año 2002

No. [illegible]

C-22

CA - 98 N° 04214620

Ciudadano

JUEZ DEL MUNICIPIO JUAN JOSE MORA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford y del Modelo, Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

TERCERO: De las condiciones generales de los cauchos instalados en cada uno

ESTADO CARABOBO

CA - 98 Nº 04214621

sentada por el Abogado Francisco Jesús Velásquez Arcay, Inpreabogado D-54.892 en su carácter de Apoderado Judicial de la empresa Bridgestone Firestone Venezolana, C.A "Antes denominada "Firestone Venezolana", hoy siete de Agosto del año dos mil en Horas de Despacho, constante de un -1- folio útil.

El Presentante,

La Secretaria

JUZGADO DEL MUNICIPIO JUAN JOSE MORA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO. MORON, 07 de AGOSTO del 2.000. 190º y 141º

Por presentada la anterior solicitud constante de un (1) fólio útil. Désele entrada y cúmplase en todas sus partes. Al efecto, trasládese y constitúyase el Tribunal al sitio indicado por el solicitante, a fin de practicar la Inspección Judicial solicitada. La designación del Práctico-Fotografo y del Perito, se harán en el momento de practicarse la Inspección acordada.-

El Juez Provisorio,

La Secretaria,

En la misma fecha se le dió entrada bajo el Nº 54/2000

Secta.

Ley -3-

CA - 98 N° 04214622

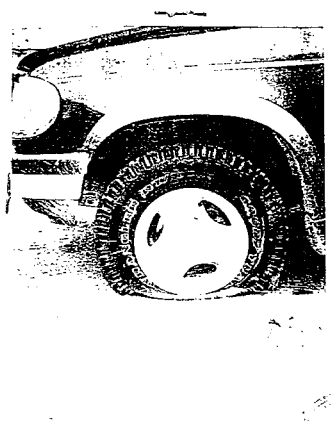
la fecha de hoy siete de Agosto del año dos mil, en Horas de Despacho, se trasladó y constituyó el Tribunal en el Estacionamiento "Punto Rojo" ubicado en Carretera Morón-Coro, Morón, Municipio Juan José Mora del Estado Carabobo, a fin de practicar la Inspección Judicial solicitada y acordada por este Tribunal. Presente en este acto el abogado Francisco Jesús Velásquez Arcay Inpreabogado N° 54.892, en su carácter de Apoderado de la empresa "Bridgestone Firestone Venezolana C.A.", antes denominada "C.A. Firestone Venezolana", según consta del Poder que presenta al Tribunal para su vista y devolución. Se notifica de la misión del Tribunal a la Ciudadana Xiomara de Marín, titular de la Cédula de Identidad N° 3.897.272 en su condición de Propietaria del Estacionamiento donde se encuentra constituido. Se designa como Fotógrafa para que tome las fotografías que ilustren a la presente Inspección, a la Ciudadana Jehibet Jezer Doutmann Rueda, titular de la Cédula de Identidad N° V-13.236.378 y como Perito para que asesore al Tribunal en el presente acto, al Ciudadano Oscar Ramón Chirinos López, titular de la Cédula de Identidad N° 8.594.373,

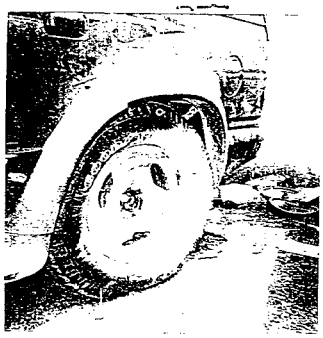
cuatro -4-

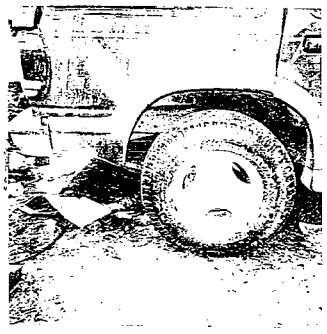
CA - 98 № 04214624

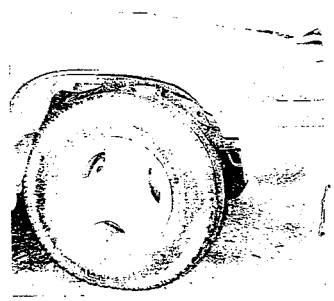
del vehículo inspeccionado y asimismo, con respecto al particular Quinto se ordenó a la fotografía designada tomar fotografías de la carrocería del vehículo inspeccionado. Con respecto al particular Sexto, el Tribunal deja constancia de que el vehículo inspeccionado presenta hundimiento del techo con gran pronunciamiento de la parte delantera derecha; abolladuras y descuadres tanto del lado derecho del vehículo como del lado izquierdo y abolladuras en el capot. Previa solicitud verbal del solicitante haciendo uso del derecho que se reservó este Juzgado deja constancia de que el kilometraje que presenta actualmente el vehículo inspeccionado, es de 41.901 Km. Asimismo, se deja constancia de que la notificada manifestó al Tribunal de que el vehículo inspeccionado, ingresó a este depósito por ocurrencia de un accidente de tránsito tipo volcamiento. Se deja constancia que la ciudadana Jekiret Jezer Montmann Rueda antes identificada y con el carácter de autor, consignó en este mismo acto, catorce 14 fotografías tomadas con una Cámara Polaroid, Close Up 636 las cuales se agregan en este mismo acto a las presentes actuaciones, para que for-

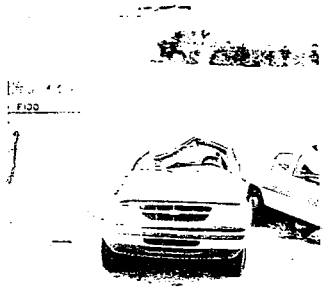
diez · 10 -

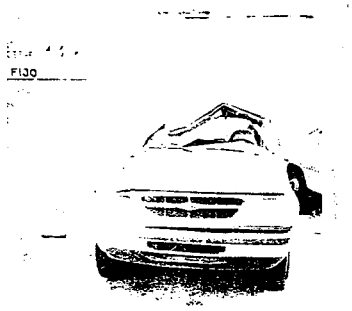


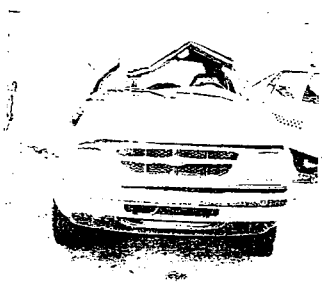




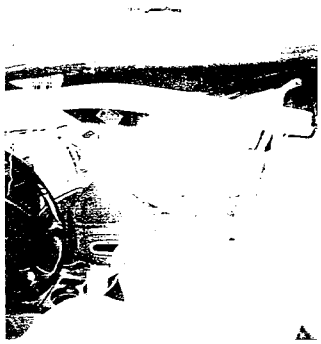



F150

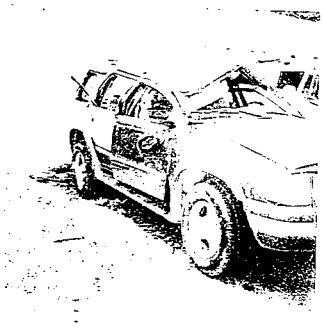

F150

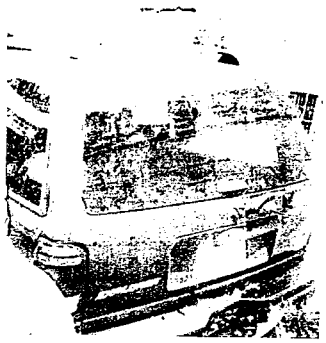




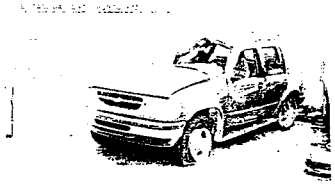












catorce -,

la misma fecha se devuelve constante de - 14 - fólios útiles.

La Secretaria,
[illegible]

REPUBLIC OF VENEZUELA

No. 1483-

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): FRANCISCO JESUS VELASQUEZ ARCAY

REASON: JUDICIAL INSPECTION

COURT: IN AND FOR THE MUNICIPALITY OF JOSE FELIX RIBAS AND JOSE RAFAEL REVENGA

DATE OF ENTRY: Day Ninth Month AUGUST Year 2000

DATE RETURNED: Day _____ Month _____ Year _____

No. 1483-00

C.22

(Hand written) One (1)

(Seal)

STATE OF ARAGUA

(Coat of Arms)

Fee for Sealed Paper – Fifty-four Bolivars

Ar-96 No. 323724 -

Citizen:

JUDGE IN AND FOR THE MUNICIPALITIES OF JOSE FELIX RIVAS AND JOSE RAFAEL REVENGA IN THE JUDICIAL DISTRICT OF THE STATE OF ARAGUA

In his office.

I, FRANCISCO JESÚS VELASQUEZ ARCAY, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of national identity card No. 7,121,658, a practicing attorney, registered with the Venezuelan Bar Association under No. 54,892, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney attached to this petition OF **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Commercial Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Commercial Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with articles 192, 936 and 938 of the Code of Civil Procedure, and article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred and called into session at the location of which I shall advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection: ----------

ONE: As to the presence at the location at which the Court is called into session of a vehicle described as follows: Make: Ford, and the Model, Type, Color and Plates evidenced by the inspected vehicle.- -------

TWO: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle.

THREE: As to the general condition of the tires mounted on each rim of the inspected vehicle and their tread. ----------

(Back of Page One) *(Partial stamp to right)*
Republic..
(Illegible)

FOUR: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. ——

FIVE: That photographs be taken of the bodywork and condition of the inspected vehicle. ——————

SIX: That a statement be placed on the record as to the general condition of the vehicle's bodywork.-

As to any other fact or circumstances that I reserve the right to indicate in due course. ——————

Pursuant to articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of article 502 *ejusdem*, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ——————

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of the submittal for filing hereof. ——————————————————————————————————————

(Signed – illegible)

(Stamp)
Bolivarian Republic of Venezuela
In the Judicial District of
The State of Aragua
(Seal)
In and for the Municipalities of
José Félix Rivas and José Rafael Revenga

(Hand written) Submitted for filing today, August 9, 2000

consisting of one (1) sheet of paper .

(Signed) (Illegible)

(Partial stamp to right)
Republic..
(Illegible)

(Two partial stamps down left margin:)

Bolivarian Republic of Venezuela
In the Judicial District of
The State of Aragua
(Seal)
In and for the Municipalities of
José Félix Rivas and José Rafael Revenga

(Handwritten) *Two (2)*

(Stamp in center of page:)

Republic of Venezuela
(Coat of Arms)
(Initials - Illegible)
Third Notary Public in and for Valencia

(Back of Page Two):

(Four stamps down right margin:)

Republic of Venezuela
(Coat of Arms)
(Initials - Illegible)
Third Notary Public in and for Valencia

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
20 BOLIVARS
Ministry of Finance

(Hand written) Three (3)

(Stamp)
Notary_____
Receipt No. *(illegible)*
Notary:_____
Fees:_____
Authorized by:____
(stamped): PAID
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Two Stamps)
Republic of Venezuela
(Coat of Arms)
(Initials) (Illegible)
Third Notary Public in and for Valencia

(Signed) (illegible)
FRANCISCO J. VELASQUEZ ARCAY
VENEZUELAN BAR ASSOCIATION NO. 54,892

(Four partial stamps down left margin)
.....of Venezuela
(Seal)
....Valencia

I, ROSENDO S. TERRADAS, a citizen of Venezuela, of age, a resident of this city, in full possession of my civil rights and holder of identity card No. 6,297,265, appearing in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a commercial company domiciled in the city of Valencia, State of Carabobo, and originally registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in and for the Seventh Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, hereby state: That the company I represent is granting a power of attorney that is as broad and sufficient as the law requires and is necessary, to practicing attorneys: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ and FRANCISCO J. VELASQUEZ ARCAY, all citizens of Venezuela, of age, holders of law degrees and holders of identity cards Nos. 3,967,563, 3,661,025, 7,308,173, 6,845,624, 6,822,699, 10,335,670, 9,879,275, 7,139,825 and 7,121,658 respectively, who are registered with the Venezuelan Bar Association under Numbers 13,946, 11,568, 19,692, 26,304, 32,501, 54,502, 48,338, 55,660 and 54,892, also respectively; the first eight of said attorneys being domiciled in the city of Caracas, Federal District, and the last one being domiciled in the city of Valencia, State of Carabobo, to act jointly or separately and represent and uphold the rights, actions and interests of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. in any type of judicial or extra-judicial matter to which it is a party, before any person, whether public or private, and before any national, state, district or municipal, judicial or administrative agency or agencies under any other competence, order or jurisdiction, including, but .....

(Hand written at bottom of page)
No. 28 – Volume 11

(Back of Page Three)

(Hand written) 60
(Partial stamp with initials – both illegible)
(Two stamps with initials - illegible)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

not limited to, the courts of the First or Second Instance, District or Municipal Courts, the Supreme Court of Justice, the First Court for Contentious-Administrative Matters, Higher Courts for Contentious-Administrative Matters, Higher Courts for Contentious-Tax Matters, Courts for Contentious-Administrative Matters, Criminal Courts, Labor Courts and finally, before any agency, court, office, authority and/or officers of any public or private kind. The grantees named above are, when exercising this power of attorney, authorized to file and/or answer any kind of complaint, claim, proceeding, motion and/or counterclaim, allege, object to and/or answer prior defenses and questions, enter into commitments for remedies and/or guarantees, agree to, dismiss, settle and waive actions or rights and refrain from exercising them if appropriate; request the record on orders or actions; defer action, suspend, exercise, request and grant extensions of time and waive appeals, challenge, move for dismissal and reinstatement if necessary or appropriate; appeal, appear in person; produce any type of evidence and object to the admission of same and participate in all of the procedures and motions for compliance therewith, request and arrange for any preventive or executory measure if necessary or appropriate or oppose same and participate in any other motion that may arise; commence third party proceedings; strike and/or disavow all types of documents, strike witnesses, assign property, request accountings, move for petitionary or confessional proceedings of any kind whatsoever; be summoned or subpoenaed, receive and deliver any amount of money that is legitimately due and owing and issue and demand the corresponding receipts and releases, dispose of rights during litigation, request and participate in auctions, by bidding and purchasing at auctions for such purpose, issue any bond and guarantee required by any Court or Tribunal; object to any kind of bond or guarantee, settle at arbitration, with arbitrators and/or .....

(Four partial stamps down right margin)
Republic of...
(Seal)
Third Notary Public....)

(Hand written) Four (4)

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
20 BOLIVARS
Ministry of Finance

(Four partial stamps down left margin) *(Illegible initials)*
....OF VENEZUELA
(Coat of Arms)
... OF VALENCIA

(Two stamps over fiscal stamp with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

at arbitration proceedings at law; request rulings in equity, appoint partners, pursue lawsuits that have been commenced in all of their proceedings, motions and procedures and exercise any remedy there may be, whether ordinary or extraordinary, such as cassation or annulment, initiate and refrain from proceedings challenging the constitutionality of laws, propound and answer interrogatories under oath, file claims and small claims and refrain from doing so, and in general, do anything necessary or appropriate for the best defense of the rights and interests of BRIDGESTONE FIRESTONE VENEZOLANA C.A. I hereby certify that the powers granted and listed hereunder are merely for reference purposes and are not limitative and that the grantees appointed hereunder are authorized to assign this power of attorney to people or attorneys they deem to be trustworthy, with all or any of the powers mentioned above, with or without a restriction on the exercise thereof. This power of attorney neither revokes nor invalidates any other power of attorney previously granted by BRIDGESTONE FIRESTONE VENEZOLANA C.A. In order to certify as to the legal existence of the company I represent for the record, the capacity in which I am acting, my powers and the other issues concerning powers of attorney, and pursuant to the provisions of article 155 of the Code of Civil Procedure, I am hereby listing and producing the following documents to the Notary before whom this power of attorney is being signed and I am asking her to list them in the respective note: ONE: Certified copy issued by the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District dated the twenty-third (23rd) day of October, 1956, of the entry in Companies Register No. 1, containing the original Articles of Incorporation and Bylaws of C.A. FIRESTONE VENEZOLANA, (now known as BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). TWO: Certified copy issued by the First Commercial Register for the Judicial District of the State of ....

(Back of Page Four)

(Hand written) No. 61

(Initials – illegible)

(Two stamps with illegible initials)

REPUBLIC OF VENEZUELA

(Coat of Arms)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial stamps down right margin)

Republic of .....

(Seal)

Third Notary Public.....

Carabobo, on the twenty-fifth (25th) day of November, 1992, of the entry in Commercial Register No. 34, Volume 16-A, containing the Minutes of the Extraordinary Shareholders' Meeting held in lieu of an Ordinary Meeting on the nineteenth (19th) day of November, 1992, at which it was agreed, among other things, to change the name of the company to BRIDGESTONE FIRESTONE VENEZOLANA, C.A. THREE: Certified copy issued by the First Commercial Register for the Judicial District of the State of Carabobo dated the twenty-seventh (27th) day of January, 1995, of the entry in Companies Register No. 46, Volume 6-A, containing the minutes of the Extraordinary General Shareholders' Meeting held on the twelfth (12th) day of December, 1994, which sets forth my appointment as President of the company. I am also asking the Notary Public to come to and appear at the company offices for the granting of this power of attorney. Valencia, on the date of the authentication hereof.

(Signed) (Illegible)

(Three cancelled stamps down page)

REPUBLIC OF VENEZUELA

(Seal)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Fiscal Stamp)

REPUBLIC OF VENEZUELA

Ministry of Finance

Name of Applicant _____

Identification No._____Date_____

For_____ Legal Basis _____

H-91 1310203

1000 Bs. One thousand Bolivars

(Hand written) Five (5)

(Four partial stamps down left margin)
..of Venezuela
(Seal
...in and for Valencia

(Three stamps)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA
(Initials and signature superimposed – illegible)
(one illegible stamp and initials)

REPUBLIC OF VENEZUELA. THIRD NOTARY PUBLIC IN AND FOR VALENCIA. Valencia, on the thirtieth (30th) day of January, nineteen hundred and ninety-six. 185th year of Independence and 136th year of the Federation. The foregoing document, which was prepared by attorney FRANCISCO VELASQUEZ ARCAY, who is registered with the Venezuelan Bar Association under number 54892, was submitted for authentication and return; as per form No. 243271, dated: January 30, 1996. The grantor thereof was present and stated that his name was: ROSENDO S. TERRADAS, acting in his capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., being of age, domiciled in *Valencia*, a citizen of *Venezuela*, marital status: *married* and holder of identity card No. 6,297,265. He read the document in the presence of the notary ands stated: "The content thereof is true and correct and the signature appearing at the bottom of the instrument is mine." The Notary therefore declared it to be authenticated in the presence of witnesses: MARIELA JIMENEZ AND ESTHER DE CESAR, holders of identity cards Nos. 10,737,912 and 395,502, and she inserted it in the book of authentications maintained by this Notary's office under No. *28*, Volume *11*. The Notary states for the record that she examined and returned BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s entry in the Commercial Register, which was originally registered with the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District of the State of Carabobo on October 23, 1956, under No. 1. Also, the Notary went to BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s premises in this city at *10:15 a.m.* for the execution of this document.

THE NOTARY:

(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

GRANTOR:
(Signed) (Illegible)

THE WITNESSES.-
(Two signatures – illegible)

(Three stamps:)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Back of Page Five)

(Hand written) 62

(Two stamps with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

(Four Partial stamps down right margin)
REPUBLIC OF.....
(Coat of Arms)
THIRD NOTARY PUBLIC.....

The undersigned Notary hereby certifies that the foregoing power of attorney was replaced by citizen Ramón J. Alvins Santi, and the exercise thereof was restricted to citizens Diego Buatillos Beiner, Henry Torrealba, Mario Calosso, José Enrique D'Apollo and Gabriela Núñez Márquez, by means of an instrument signed before the 8th Notary's Office, now the 4th, in and for the Municipality of Chacao in the District of Miranda, under No. 45, Volume 96, on December 11, 1996.

The Notary,
(Signed) (Illegible)

(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Three stamps)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

(Four partial stamps down left margin) *(Hand written)* Six (6)
....VENEZUELA
(seal)
..... VALENCIA

(Three Stamps, two with illegible initials)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp - Value: 148 Bolivars

REPUBLIC OF VENEZUELA.- THE UNDERSIGNED, ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO, CERTIFIES: That she has compared the photocopy consisting of THREE (03) ..... sheets of paper, and that it is a true and correct copy of the Document that was inserted at this Notary's Office in 1996 ....., under No. 28 ....., Volume 11..., that said copy was made by citizen SULEIDA NOGUERA....., of age, Holder of Identity Card No. V-5,622,001...., a capable person who is Authorized by me to do so and who, together with me, is signing this Certification and each one of its pages. That said copy is issued at the request of the interested party and by Decree of this same date, which are inserted below: Citizen Third Notary Public in and for Valencia. In her office. I, MARJORIE ROSSELL ..., of age, Holder of Identity Card No. 12,606,141, am requesting a Certified Photocopy of Document No. 28 ....., Volume: 11 ....., in the Books of Authentications maintained by this Notary's Office dated January 30, 1996. In Valencia, on the EIGHTEENTH (18th) day of the month of May.- 18, in the year TWO THOUSAND. The Applicant (signed) illegible. Republic of Venezuela. Third Notary Public in and for Valencia. Valencia, 5-18-2000 ...., and for this purpose, pursuant to the provisions of Article 120 of the Public Records Law. Citizen SULEIDA NOGUERA..., of age, Holder of Identity Card No. V-5,622,001, is appointed to perform the Photocopying and sign each of the pages together with the Notary. (signed). ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO. Valencia. On the EIGHTEENTH (18th) ..... day of the month of MAY.- ....., TWO THOUSAND.- 189th year of Independence, and 140th year of the Federation.- ----------

THE NOTARY
(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

THE APPOINTEE.-
(Signed) (illegible)

(stamp)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

(Back of Page Six)

(Two stamps with illegible initials)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Four partial stamps down right margin)
Republic of..
(Seal)
Third Notary Public.....

THE UNDERSIGNED NOTARY certifies that
she reviewed and returned Form 16 No. 1286519,
paid at Banco Caracas on May 19, 2000
issued by the MINISTRY OF FINANCE

THE NOTARY

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Five stamps down page)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

.....

(Handwritten) Seven (7)

(Four partial stamps down left margin)
....Venezuela
....Valencia

(Back of Page Seven)

(Partial Stamp)
.....Republic of Venezuela

(Two partial stamps down left margin – illegible) *(Hand written)* Eight (8)

COURT IN AND FOR THE MUNICIPALITIES OF JOSE FELIX RIBAS [sic] AND JOSE RAFAEL REVENGA IN THE JUDICIAL DISTRICT OF THE STATE OF ARAGUA. La Victoria, the ninth day of August, in the year two thousand.

Having reviewed the petition filed by Francisco Jesús Velásquez Arcay, a citizen of Venezuela, of age, domiciled in Valencia and here in transit, holder of identity card No. 7,121,658, a practicing Attorney, registered with the Venezuelan Bar Association under No. 54,892, appearing herein in his capacity as counsel, as evidenced by the power of attorney attached to this petition of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. a corporation formally known as C.A. FIRESTONE VENEZOLANA, it is admitted to the extent provided by law. Consequently, it is ordered that the Court be transferred and called into session anywhere the petitioner indicates and that the requested Judicial Inspection be conducted; 12:00 p.m. today is scheduled for the said inspection.

(Stamp)
Bolivarian Republic of Venezuela
In the Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipalities
Of José Félix Rivas and José Rafael Revenga

Judge,
(Signed) (Illegible)
Dr. Clemente Martínez E.

Clerk,
(Signed) Pilar M. de Mendoza
Pilar M. de Mendoza

S - 1483 - *(Initials – illegible)*

(Back of Page Eight):

(Stamp in center of page and down right margin)
Bolivarian Republic of Venezuela
In the Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipalities
Of José Félix Rivas and José Rafael Revenga

(Hand written) Nine (9)

(Partial Stamp to left)
(Illegible)
.....(Seal)
.....Revenga

(Seal)

STATE OF ARAGUA
(Coat of Arms)
Fee for Sealed Paper – Fifty-four Bolivars

Ar-96 No. 323680 -

Court in and for the Municipality of José Felix Rivas and José Rafael Revenga in the Judicial District of the State of Aragua. La Victoria, the ninth day of August in the year two thousand. 190th Year of Independence and 141st year of the Federation.

On this day, being the scheduled time, the Court, accompanied by the petitioning attorney, Francisco Jésus Velásquez Arcay, acting in his capacity as counsel for the commercial company, Bridgestone Firestone Venezolana, C.A., as identified in the record, was transferred to and called into session at the premises of the San Sebastian parking Lot located on the Victoria-Zuata highway, the location indicated by the petitioner for holding the required visual inspection. Upon arrival at the location, the Court served citizen Marco Antonio Perez, holder of identity card No. 13,389,457, with a subpoena explaining why the Court had been transferred there. As requested in the petition, the Court then appointed citizen Luis Armando Olivo *(Illegible)*, holder of identity card No. 10,736,138 who, being present at this inspection, accepted the assignment and was sworn in as provided by law. Citizen Jesús Salcedo, holder of identity card No. 8,694,553, was also appointed as the expert mechanic, and being present at the inspection, he was sworn in as provided by law.

(Back of Page Nine)

(Two partial stamps to right)
Bolivarian Republic of....
(Seal)
Court....
José Félix Rivas.....

The Court then went to the conduct the Judicial Inspection and to this end, it stated for the record, with regard to Item ONE: The Court stated for the record that on the San Sebastian parking lot premises there was a vehicle, Make: Ford, Type: Explorer, color: Wine, plates: DAZ-86F, which is the subject of this inspection. Item TWO: The Court stated for the record that the vehicle's front left tire was, Make: Goodyear, Wrangler RT/S, Serial Number LT235/75R15 101 / 104-S; the front right tire was, Make: Goodyear, Wrangler RT/S, no visible serial number; the rear right tire was: Make Goodyear Wrangler RT/S, serial number LT235/75 R15 101 /104-S, and rear left tire was: Make: Goodyear, Wrangler RT/S – serial number LT235/75 – R15 – 101 /104-S. Item THREE: The Court stated for the record that it was noted that the tires and their tread were in good condition. Item FOUR: The Court stated for the record that photographs were then taken of the tires that were installed, using an instant photograph Polaroid Close Up 636 camera. Item FIVE: The Court then ordered the photographer who had been appointed to take photographs of the bodywork of the inspected vehicle, using said camera. Item SIX: The Court stated for the record that the bodywork of the vehicle that is the subject of this inspection, had dents in the roof, hood, front left mudguard,.....

(Partial Stamp to left)
(Illegible)..**Venezuela**
.....*(Seal)*
.....**Revenga**

(Hand written) Ten (10)

(Seal)
STATE OF ARAGUA
(Coat of Arms)
Fee for Sealed Paper – Fifty-four Bolivars

Ar-96 No. 323832 –

the left side was dented and the windshield was broken, the front bumper was bent, and in general, almost the entire vehicle was dented and generally misaligned. At this point, the petitioner intervened and asked the Court to state the vehicle's mileage for the record and also the reason why the vehicle was at this parking lot. At this point, the Court, with the assistance of the expert who had been appointed, stated for the record that the mileage shown on the odometer was 14,333 [*kilometers*]. The Court also stated for the record that the subpoenaed party advised that he knew that the vehicle was brought in due to a traffic accident with a rollover. At this point, the petitioner stated: I ask the Court to state for the record that there is a tire inside the vehicle and the make, type and serial number of same. In view of this request, the Court stated for the record that it was noted that there was a tire inside the vehicle, Make: Goodyear, Wrangler RT/S, serial number LT235/75L15 101 /104-S. That is all, The Court then ordered that the photographs be added to this inspection, marked 1 through 9, so as to form a part thereof. Having completed the inspection, the Court ordered a return to the courthouse. (Illegible) and return this original petition with the results thereof.....

(Back of Page Ten)

...Completed, read and signed by those below who are in agreement therewith.

(Stamp)
Bolivarian Republic of Venezuela
Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipalities
Of José Félix Rivas and José Rafael Revenga

THE JUDGE,
(Signed) (Illegible)

Petitioner,
(Signed) (illegible)

Subpoenaed party
(Signed) marco

Photographer
(Signed) (Illegible)

Expert
(Signed) (illegible)

CLERK,
(Signed) (illegible)

(Hand written) Original with results returned this same day.

CLERK
(Signed) (Illegible)

(Stamp)
Bolivarian Republic of Venezuela
Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipalities
Of José Félix Rivas and José Rafael Revenga

(Initials – illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 1483-00, dated August 9, 2000, concerning an inspection of the Ford Explorer with plates numbered DAZ-86F, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena H. Rosado
Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC784723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

Sesenta dos Cinco (5)

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia treinta (30) de enero de mil novecientos noventa y seis. 185º y 136º. El anterior documento redactado por el abogado: FRANCISCO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54892, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737. 912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15am.

LA NOTARIO

Rosa Pineda de Houtman
NOTARIO PUBLICO TERCERO
DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

(Vo 62)

La Notaría que suscribe hace constar que el poder que antecede fue sustituido por el ciudadano Ramón J. Alvarez Santi reservándose su ejercicio en las personas de los ciudadanos Diego Bustillos Beiner, Henry Torrealba, Mario Calosso, José Enrique D'Apello y Gabriela Núñez Marquez, por documento firmado ante la Notaría 8ª, ahora 41ª del Municipio Chacao del Distrito Miranda bajo el nº 45. tomo 96 fecha: 11-12-96.

La Notaria,

Rosa Rueda de Guzmán
NOTARIO PUBLICO TERCERO
DE VALENCIA

República de Venezuela
Notaría Pública Tercera de Valencia

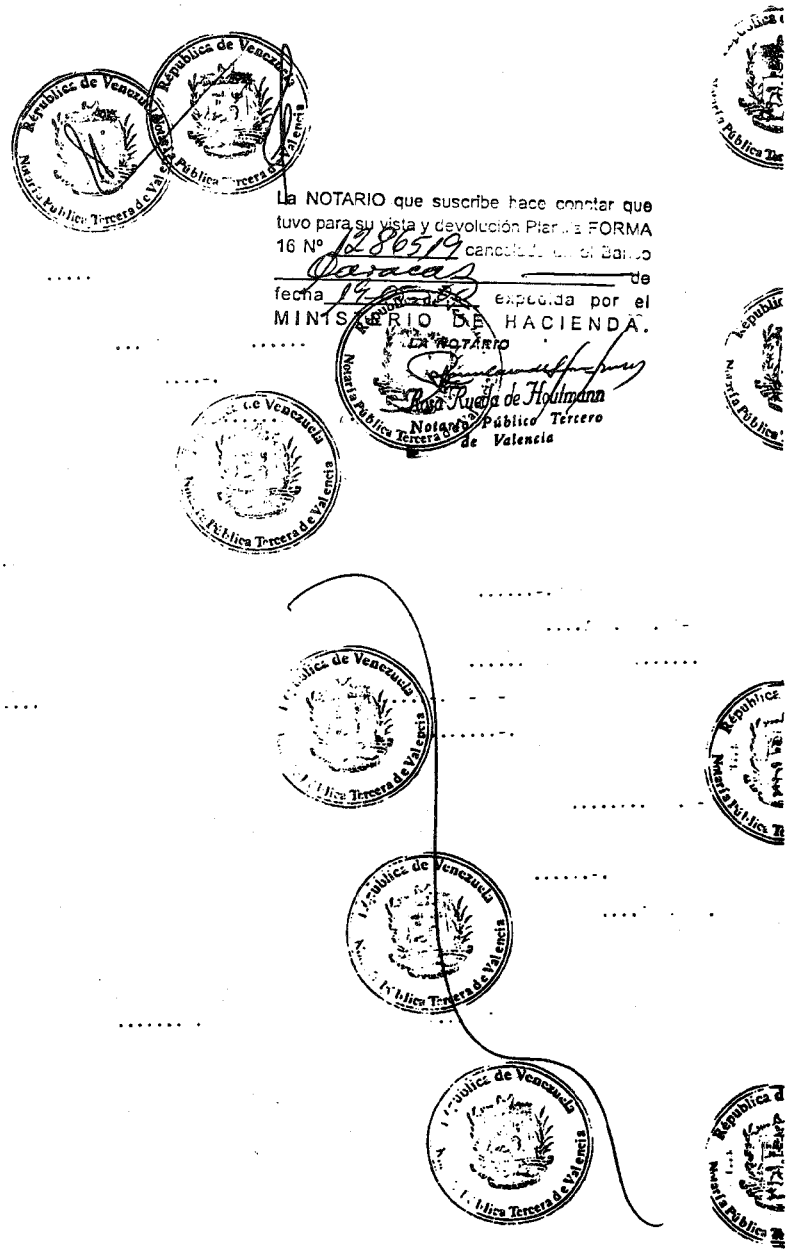
(6)

REPUBLICA DE VENEZUELA. ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFICA:-- Que ha confrontado la Copia Fotostática constante de: TRES (03).....folios útiles, que es traslado fiel y exacto del Documento inserto en este Notaría, durante el Año: 1.996....; bajo el Nº 28.....; Tomo: 11º..; que dicha Copia fué realizada por la Ciudadana: SULEIDA NOGUERA.-....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....., persona capaz, Autorizada por mí para hacerla y quién junto conmigo suscribe la presente Certificación y cada una de sus páginas. Que dicha Copia se expide a solicitud de parte interesada y Decreto de esta misma fecha, los cuales a continuación se insertan: Ciudadano: Notario Público Tercero de Valencia. Su Despacho.- Yo,... MARJIRIE ROSSELL.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-12.606.141....Solicito Copia Fotostática Certificada del Documento Nº 28.....,Tomo: 11º.....de los Libros de Autenticaciones llevados por esta Notaría en fecha: 30-01-96.-....; En Valencia, a los: DIECIOCHO (18)..... días del mes de: MAYO.-.....del DOS MIL. El Solicitante: (fdo.) Ilegible. República de Venezuela. Notaría Pública Tercera de Valencia. Valencia, 18-05-2.000.....y a tal efecto de conformidad con lo establecido en el Artículo 120º de la Ley de Registro Público. Se designa a la Ciudadana:SULEIDA NOGUERA .-.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....para que realice la operación de la Copia y suscriba cada una de las páginas junto con la Notaria. (fdo.) ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO. Valencia, a los: DIECIOCHO (18)...días del mes de: MAYO.-.....del DOS MIL.-189º Años de la Independencia y 140º Años de la Federación.-. . . . . .

EL NOTARIO

Rosa Rueda de Houtmann
Notario Público Tercero
de Valencia

LA DESIGNADA.-



La NOTARIO que suscribe hace constar que tuvo para su vista y devolución Planilla FORMA 16 Nº 1286519 cancelada en el Banco Caracas de fecha 14 de [illegible] expedida por el MINISTERIO DE HACIENDA.

LA NOTARIO

Rosa Rueda de Houlmann

Notaria Pública Tercera de Valencia

Cero 181

JUZGADO DE LOS MUNICIPIOS JOSE FELIX RIBAS, JOSE RAFAEL REVENGA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO ARAGUA. La Victoria: nueve de Agosto del año dos mil.-

Vista la solicitud presentada por Francisco Jesus Velasquez Arcay, venezolano, mayor de edad, domiciliado en Valencia y aqui de tránsito, titular de la cédula de identidad Nº 7.121.658, - Abogado en ejercicio, inscrito en el Inpreabogado bajo el Nº - 54.892, procediendo en este acto en el carácter de apoderado — según se evidencia de instrumento de poder que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA C.A. compañia anónima antes denominada C.A. FIRESTONE VENEZOLANA, Se admite cuanto ha lugar en derecho. En Consecuencia trasladece y constituyase el tribunal donde indique el solicitante y práctiquese la — Inspección Judicial solicitada, se fija para dicho acto el día de hoy a las doce horas y cero minutos.-

El Juez,

Dr. Clemente Martinez E

La Secret ria,

Pilar M. de Mendoza

S- 1483-

Nueve (9)

AR - 96 Nº 323680

Juzgado de los Municipios José Félix Ribas y José Rafael Revenga de la Circunscripción Judicial del Estado Aragua La Victoria Nueve de Agosto del año Dos Mil. Años 190º y 141º

En esta misma fecha, siendo la oportunidad fijada, se trasladó y constituyó el Tribunal en compañía de la parte solicitante abogado. Francisco Jesús Velasquez Arcay, actuando en su carácter de apoderado de la Sociedad Mercantil Bridgestone Firestone Venezolana, C.A. identificado en autos, en la sede del Estacionamiento San Sebastián ubicado en la carretera La Victoria-Zuata, sitio señalado por el solicitante, a fin de practicar la Inspección Ocular requerida. Presentes en el sitio el Tribunal notifica al ciudadano Marco Antonio Pérez, titular de la cédula de identidad Nº 13.389.457 del motivo y constitución del Tribunal. Seguidamente el Tribunal conforme a lo solicitado nombra fotógrafo al ciudadano Luis Armando Olivo Sarpacen, titular de la cédula de identidad Nº 10.736.138, quien presente en este acto acepta el cargo y presta el juramento de Ley. Igualmente se designa Práctico Mecánico al ciudadano. Jesús Salcedo, titular de la cédula de identidad Nº 8694553 quien en este acto presta el juramento de Ley.

Seguidamente el Tribunal pasa a realizar la Inspección Judicial y para ello deja constancia del Primer Particular: El Tribunal deja constancia de observar en el Terreno del Estacionamiento San Sebastian un vehículo Marca Ford. Tipo Explored, color Vino Tinto, placas. DAZ-86F. la cual es objeto de esta inspección. - Segundo Particular: El Tribunal deja constancia que el vehículo presenta: cancho delantero izquierdo Marca Good Year, Wrangler RT/S. Serial LT235/75 R15 101/104-S. cancho delantero derecho. Marca Good Year, Wrangler RT/S. sin serial visible cancho trasero derecho. Marca Good Year. Wrangler RT/S, serial LT235/75 R15 101/104-S, cancho trasero izquierdo. Marca Good Year, Wrangler RT/S. serial LT235/75-R15-101/104-S - Tercer Particular: El Tribunal deja constancia que se observan los canchos en su banda de rodamiento en buen estado. - Cuarto Particular: El Tribunal deja constancia que en este acto se procede a tomar fotografías a los canchos instalados utilizando para ello una cámara fotográfica Polaroid clase-up. 636 de fotografía instantanea. - Quinto Particular: El Tribunal procede en este acto a ordenar al fotógrafo designado tome fotografías de la carrocería del vehículo inspeccionado, haciendo uso de la referida cámara fotográfica. Sexto Particular: El Tribunal deja constancia que el vehículo objeto de esta inspección presenta la carrocería con hundimiento en techo, capot, guardafango delantero.

LE CARTIERE

Diez (10)

AR - 96 Nº 323832

izquierdo, abolladura en el lado izquierdo, parabrisa roto, parachoque delantero doblado, en general presenta desenadre y golpes en casi la totalidad del vehículo. En este estado el solicitante expone solicitar al Tribunal se sirva dejar constancia del kilometraje que presenta el vehículo así como de la razón por la cual se encuentra el vehículo en este estacionamiento. En este estado el Tribunal con el auxilio de práctico designado deja constancia que el kilometraje marca una lectura de 14.323. Igualmente el Tribunal deja constancia que el notificado informa que tiene conocimiento que el vehículo ingresó a causa de un accidente de tránsito con volcamiento. En este estado el solicitante expone: Sido al Tribunal deja constancia que en el interior del vehículo se encuentra otro cancho y de la marca tipo y serial que presenta el mismo. El Tribunal visto lo solicitado deja constancia que se observa en el interior del vehículo un cancho marca Good Year Wrangler RT/S. serial LT235/75 R15 101/104-S. Es todo. El Tribunal ordena en este acto agregar a la presente inspección fotografías marcadas del 1 al 9. para que forme parte de esta actuación. Terminado el acto el Tribunal ordena retornar a su sede ordinaria y devolver la pre-

Ante solicitud original con sus resultas; -
Decreto se leyó y conforme firman

Solicitante

Notificado
marco

Fotógrafo

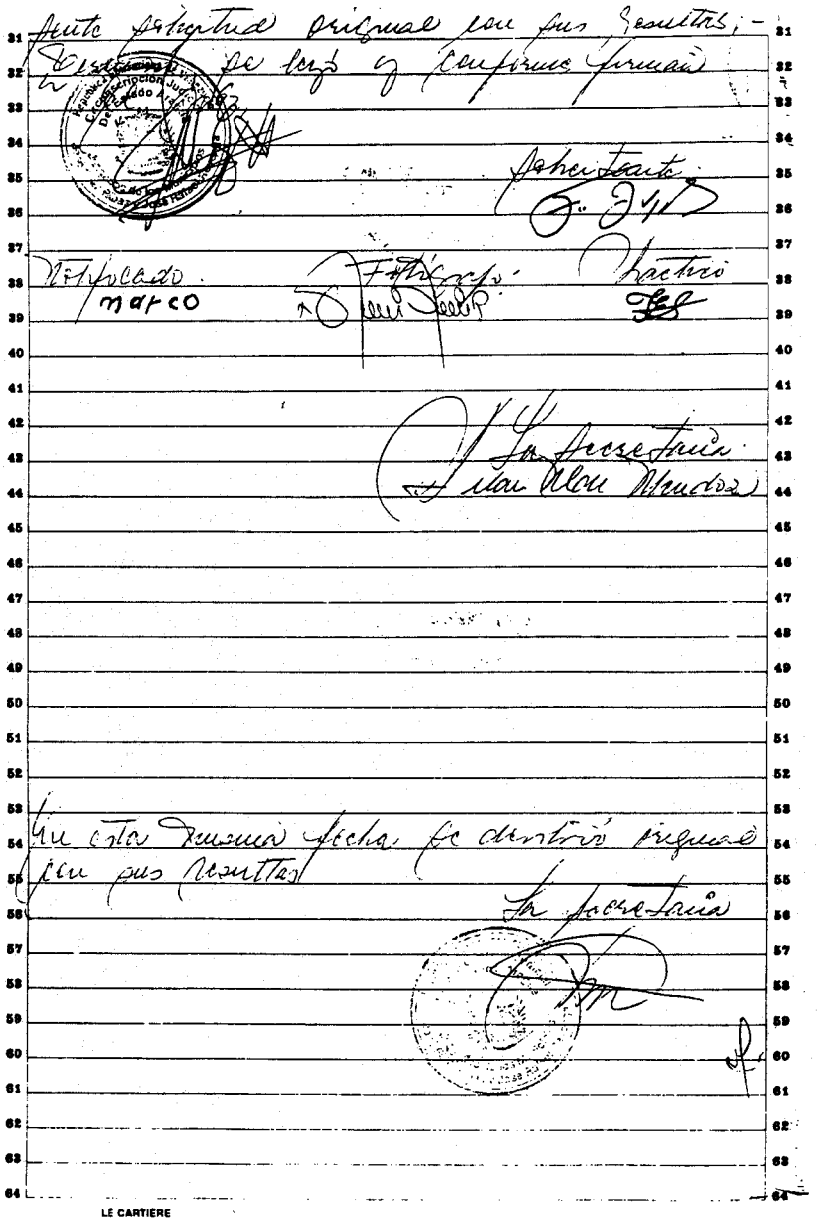
Práctico

La Secretaria
Juan Alcu Mendoza

En esta misma fecha se devolvió original
con sus resultas

La Secretaria

LE CARTIERE



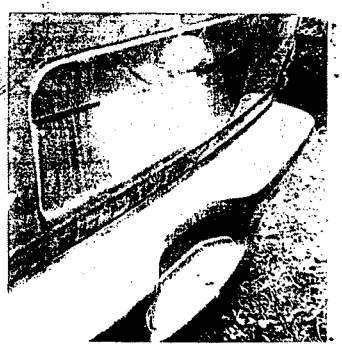
AR - 96 N° 323791





AR - 96 N° 323792

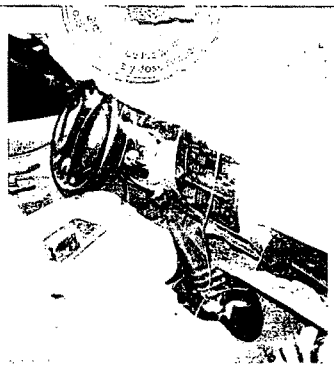








AR - 96 N° 323393



REPUBLIC OF VENEZUELA

No. 3370

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): FRANCISCO JESUS VELASQUEZ ARCAY

REASON: JUDICIAL INSPECTION

COURT: FOURTH MUNICIPAL COURT

DATE OF ENTRY: Day: 17 Month: AUGUST Year: 2000

DATE RETURNED: Day: ..... Month: ..... Year: .....

No. 3370

C.22

(Hand written) One (1)

(Seal)

STATE OF CARABOBO

(Coat of Arms)

Fee for Fiscal Stamp – Value: 148 Bolivars

CA 98 – No. 04214573

Citizen:

FOURTH JUDGE IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

In his office.

I, **FRANCISCO JESÚS VELASQUEZ ARCAY**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of national identity card No. 7,121,658, a practicing attorney, registered with the Venezuelan Bar Association under No. 54,892, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney attached to this petition OF **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Commercial Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Commercial Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure, and Article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred and called into session at the location of which I shall advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection: ----------

---

ONE: As to the presence at the location at which the Court is called into session, of a vehicle described as follows: make: Ford, model: Explorer, and the type, color and plates evidenced by the inspected vehicle. ----------

TWO: As to whether the vehicle identified above has four (4) tires fitted one on each of its rims. ---

(Back of Page One):

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

FOUR: As to the general condition of the tires mounted on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. ----------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. ----------

SEVEN: That a statement be placed on the record as to the general condition of the vehicle's bodywork.- As to any other fact or circumstances that I reserve the right to indicate in due course. ----------

Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 *ejusdem*, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state for the record that said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection.----------

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of submission for filing hereof. ----------

(Signed – illegible)

(Stamp)

Submitted for filing on August 17, 2000

consisting of one (1) sheet of paper with one (1) exhibit.

Amendments: NONE

9:30 a.m. during office hours

GIVEN IMMEDIATELY TO JUDGE

(Signed) (Illegible)

(Hand written) Two (2)

(Stamp)
Republic of Venezuela
(Seal)
(Initials – illegible)
Third Notary Public in and for Valencia

(Back of Page Two):

(Four stamps in right margin)
REPUBLIC OF .....
(Illegible)

(Fiscal Stamp)
20 BOLIVARS
Ministry of Finance

(Hand written) Three (3)

(Stamp)
Receipt No. *(illegible)*
Fees:_____
Authorized by:____
(stamped): PAID
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Four partial stamps down left margin)
.....of Venezuela
(Coat of Arms)
...Valencia
Third Notary Public in and for Valencia

(2 Stamps)
Republic of Venezuela
(Coat of Arms)
(Initials - Illegible)
Third Notary Public in and for Valencia

(Signed) (illegible)
FRANCISCO J. VELASQUEZ ARCAY
ATTORNEY
VENEZUELAN BAR ASSOCIATION NO. 54,892

I, ROSENDO S. TERRADAS, a citizen of Venezuela, of age, a resident of this city, in full possession of my civil rights and holder of identity card No. 6,297,265, appearing in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a commercial company domiciled in the city of Valencia, State of Carabobo, and originally registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in and for the Seventh Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, hereby state: That the company I represent is granting a power of attorney that is as broad and sufficient as the law requires and is necessary, to practicing attorneys: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ and FRANCISCO J. VELASQUEZ ARCAY, all citizens of Venezuela, of age, legally competent and holders of identity cards Nos. 3,967,563; 3,661,025; 7,308,173; 6,845,624; 6,822,699; 10,335,670; 9,879,275; 7,139,825 and 7,121,658 respectively, who are registered with the Venezuelan Bar Association ("INPREABOGADO") under Numbers 13,946; 11,568; 19,692; 26,304; 32,501; 54,502; 48,338; 55,660 and 54,892, also respectively; the first eight of said attorneys being domiciled in the city of Caracas, Federal District, and the last one being domiciled in the city of Valencia, State of Carabobo, to act jointly or separately and represent and uphold the rights, actions and interests of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. in any type of judicial or extra-judicial matter to which it is a party, before any person, whether public or private, and before any national, state, district or municipal, judicial or administrative agency or agencies under any other competence, order or jurisdiction, including, but .....

(Hand written at bottom of page): No. 28 – T.11

(Back of Page Three)

(Hand written) 60:

(Three stamps with illegible initials)

REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial stamps on right)
REPUBLIC OF...

not limited to, the courts of the First and/or Second Instance, District or Municipal Courts, the Supreme Court of Justice, the First Court for Contentious-Administrative Matters, Higher Courts for Contentious-Administrative Matters, Higher Courts for Contentious-Tax Matters, Courts for Contentious-Administrative Matters, Criminal Courts, Labor Courts and finally, before any agency, court, office, authority and/or officers of any public or private kind. The grantees named above are, when exercising this power of attorney, authorized to file and/or answer any kind of complaint, claim, proceeding, motion and/or counterclaim, allege, object to and/or answer prior defenses and questions, enter into commitments for remedies and/or guarantees; agree to, dismiss, settle and waive actions or rights and refrain from exercising them if appropriate; request the record on orders or actions; defer action, suspend, exercise, request and waive extensions of time and appeals, challenge, move for dismissal and reinstatement if necessary or appropriate; appeal, appear in person; produce any type of evidence and object to the admission of same and participate in all of the procedures and motions for compliance therewith, request and arrange for any preventive or executory measure if necessary or appropriate or oppose same and participate in any other motion that may arise; commence third party proceedings; strike and/or disavow all types of documents, strike witnesses, assign property, request accountings, move for petitionary or confessional proceedings of any kind whatsoever; be summoned or subpoenaed, receive and deliver any amount of money that is legitimately due and owing and issue and demand the corresponding receipts and releases, dispose of rights during litigation, request and participate in auctions, by bidding and purchasing at auctions for such purpose, issue any bond and guarantee required by any Court or Tribunal; object to any kind ...

(Hand written) sixty-one (61)

(Hand written) Four (4)

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
20 BOLIVARS
Ministry of Finance

(Four partial stamps down left margin)
....OF VENEZUELA
(Coat of Arms)
...VALENCIA

(Three stamps over fiscal stamp with illegible signature and initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

of bond or guarantee. settle at arbitration, with arbitrators and/or at arbitration proceedings at law, request rulings in equity, appoint partners, pursue lawsuits that have been commenced in all of their proceedings, motions and procedures and exercise any remedy there may be, whether ordinary or extraordinary, such as cassation or annulment, initiate and refrain from proceedings challenging the constitutionality of laws, propound and answer interrogatories under oath, file claims and small claims and refrain from making them, and in general, do anything necessary or appropriate for the best defense of the rights and interests of BRIDGESTONE FIRESTONE VENEZOLANA C.A. I hereby certify that the powers granted and listed hereunder are merely for reference purposes and are not limitative and that the grantees appointed hereunder are authorized to assign this power of attorney to people or attorneys they deem to be trustworthy, with all or any of the powers mentioned above, with or without a restriction on the exercise thereof. This power of attorney neither revokes nor invalidates any other power of attorney previously granted by BRIDGESTONE FIRESTONE VENEZOLANA C.A. In order to certify as to the legal existence of the company I represent for the record, the capacity in which I am acting, my powers and the other issues concerning powers of attorney, and pursuant to the provisions of article 155 of the Code of Civil Procedure, I am hereby listing and producing the following documents to the Notary before whom this power of attorney is being signed and I am asking her to list them in the respective note: ONE: Certified copy issued by the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District dated the twenty-third (23rd) day of October, 1956, of the entry in Companies Register No. 1, containing the original Articles of Incorporation and Bylaws of C.A. FIRESTONE VENEZOLANA, (now known as BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). TWO: Certified copy issued by the First Commercial Register for the Judicial District of the State of ....

(Back of Page Four)

(Hand written) No. 61

(Three stamps with illegible signature and initials)

REPUBLIC OF VENEZUELA

(Coat of Arms)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial stamps down right margin – illegible)

(Seal)

...Third Notary Public...

Carabobo, on the twenty-fifth (25th) day of November, 1992, of the entry in Commercial Register No. 34, Volume 16-A, containing the Minutes of the Extraordinary Shareholders' Meeting held in lieu of an Ordinary Meeting on the nineteenth (19th) day of November, 1992, at which it was agreed, among other things, to change the name of the company to BRIDGESTONE FIRESTONE VENEZOLANA, C.A. THREE: Certified copy issued by the First Commercial Register for the Judicial District of the State of Carabobo dated the twenty-seventh (27th) day of January, 1995, of the entry in Companies Register No. 46, Volume 6-A, containing the minutes of the Extraordinary General Shareholders' Meeting held on the twelfth (12th) day of December, 1994, which sets forth my appointment as President of the company. I am also asking the Notary Public to come to and appear at the company offices for the granting of this power of attorney. Valencia, on the date of the authentication hereof.

(Signed) (Illegible)

(Three stamps at bottom of page – two cancelled)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Fiscal Receipt Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant _____
Identification Number____Date____
For _____ Legal Basis _____
H-91 1310203
1000 ONE THOUSAND
BOLIVARS
(Two stamps superimposed)

(Four Partial Stamps down left margin – illegible) *(Hand written)* Five (5)
(Hand written) sixty-two

(Four stamps)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA
(Initials and signature superimposed – illegible)

REPUBLIC OF VENEZUELA. THIRD NOTARY PUBLIC IN AND FOR VALENCIA. Valencia, on the *thirtieth (30th)* day of *January*, nineteen hundred and ninety-six. 185th year of Independence and 136th year of the Federation. The foregoing document, which was prepared by attorney FRANCISCO VELASQUEZ ARCAY, who is registered with the Venezuelan Bar Association under number 54892, was submitted for authentication and return, as per Form No. 243271, dated: January 30, 1996. The grantor thereof was present and stated that his name was: ROSENDO S. TERRADAS, acting in his capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., being of age, domiciled in *Valencia*, a citizen of *Venezuela*, marital status: *married* and holder of identity card No. 6,297,265. He read the document in the presence of the notary and stated: "The content thereof is true and correct and the signature appearing at the bottom of the instrument is mine." The Notary therefore declared it to be authenticated in the presence of witnesses: MARIELA JIMENEZ AND ESTHER DE CESAR, holders of identity cards Nos. 10,737,912 and 395,502, and she inserted it in the book of authentications maintained by this Notary's Office under No. *28*, Volume *11*. The Notary states for the record that she examined and returned BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s entry in the Companies Register, which was originally inscribed in the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District of the State of Carabobo on October 23, 1956, under No. 1. Also, the Notary went to BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s premises in this City at *10:15 a.m.* for the execution of this document.

THE NOTARY
(Stamp – illegible)
(Signed) (Illegible)

(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

GRANTOR
(Signed) (Illegible)

THE WITNESSES.-
(Two signatures – illegible)

(Three canceled stamps across bottom of page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Back of Page Five):
(Hand written) (62)

(Three stamps across top of page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia
(Signature and initials superimposed – illegible)

(Four Partial stamps down right margin)
Republic of....
(Seal)
Third Notary Public.....

(Hand written) The undersigned Notary hereby certifies that the foregoing power of attorney was replaced by citizen Ramón J. Alvins Santi, and the exercise thereof is restricted to the following individuals: citizen Diego Buatillos Beiner, Henry Torrealba, Mario Calosso, José Henrique D'Apollo and Gabriela Núñez Márquez, pursuant to a document signed in the presence of the 8th Notary, now the 4th, in and for the Municipality of Chacao in the District of Miranda, under No. 45, Volume 96, date: December 11, 1996.

THE NOTARY,
(Stamp – illegible)

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Three cancelled stamps down middle of page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Four partial stamps down left margin) *(Hand written)* Six (6)
(Illegible)
...in and for Valencia

(Three stamps across page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia
(Signature and initials superimposed on last two– illegible)

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

REPUBLIC OF VENEZUELA. THE UNDERSIGNED, ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO, CERTIFIES: That I have compared the photocopy consisting of three (03) .... sheets of usable paper and that it is a true and correct copy of the Document inserted at this Notary's Office during the year 1996 ...., under No. 28, Volume 11.... that said copy was made by citizen: SULEIDA NOGUERA,- ...., of age, Holder of Identity Card No. V-5,622,001 ....., a [legally] competent person who is authorized by me to do so and who, together with me, is signing this Certification and each one of its pages. That said copy is issued at the request of the interested party and by Decree of this same date, which are inserted below: Citizen: Third Notary Public in and for Valencia. In her office. I, AN OFFICER OF BAKER & McKENZIE ..., of age, holder of identity card No. ////////////, am requesting a Certified Photocopy of document No. 28 ...., Volume 11 ...., from the Books of Authentications maintained by this Notary's Office dated January 30, 1996 ..... In Valencia, on the TWENTY-FIFTH (25th) .... day of the month of: MAY .- ..... TWO THOUSAND. The Applicant (signed) Illegible. Republic of Venezuela. Office of the Third Notary Public in and for Valencia. Valencia, May 25, 2000, for this purpose, in compliance with the provisions of Article 120 of the Public Records Law. Citizen: SULEIDA NOGUERA ..., of age, Holder of Identity Card No. V-5,622,0001 .... is appointed to perform the photocopying and sign each of the pages together with the Notary (signed) ROSE RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO... Valencia. On the TWENTY-FIFTH (25th) .... day of the month of MAY.- ..... TWO THOUSAND. 189th year of Independence, and 140th year of the Federation.
THE NOTARY

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA
(Stamp)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

THE APPOINTEE. -
(Signed) (Illegible) Noguera

(Back of Page Six):

(Two stamps with illegible initials)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Four partial stamps down right margin)
Republic of ....
(Seal)
Third Notary Public.....

THE UNDERSIGNED NOTARY certifies that she reviewed and returned Form 16, No. 1404773, paid at Corporate Banking on May 26, 2000 issued by the MINISTRY OF FINANCE
THE NOTARY

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Four stamps down page, three cancelled)
REPUBLIC OF VENEZUELA
(Seal)
OFFICE OF THE THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Hand written) **Seven (7)**

(Four partial stamps on left – illegible)

(Back of Page Seven)

(Cancelled stamp in middle of page)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

(Hand written) Eight (8)

FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

Valencia, August 17, 2000.

189th year of Independence and 141st year of the Federation

This petition has been received. It is ordered that distribution be waived because the urgency of the matter has been stated under oath. It is ordered that it be admitted and a file opened therefor. It is ordered that all of the time needed be set aside, and that the Court be transferred and called into session at the location indicated in this petition so that the requested JUDICIAL INSPECTION may be conducted.

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
JUDICIAL DISTRICT OF THE STATE OF CARABOBO

PROVISIONAL JUDGE

(Signed – illegible)

DR. RAFAEL E. CASTILLO H.

CLERK,
(Signature– illegible)
ATTORNEY JOSE LUIS SANZ

Admitted on this same date under No. *3370* and complied with as ordered.

CLERK,
(Signed) (Illegible

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
JUDICIAL DISTRICT OF THE STATE OF CARABOBO

(Back of Page Eight is blank with a diagonal line across it)

(Hand written) Nine (9)

(Three partial stamps down left margin - illegible)

At eleven o'clock in the morning (11:00 a.m.) today, the seventeenth day of August, in the year two thousand, the Court, having first set aside of all of the time needed, was transferred to and called into session at the National Guard's located in Mañongo in this city of Valencia, State of Carabobo in order to conduct the Judicial Inspection requested by attorney Francisco Jesús Velásquez Arcay, Venezuelan Bar Association Number 54,892, legal counsel, as set forth in the power of attorney attached to this petition of Bridgestone Firestone Venezolana, C.A., formerly known as C.A. Firestone Venezolana. When the location was reached, citizen Alfredo Datera, a citizen of Venezuela, of age, holder of identity card No. 6,233,492 was subpoenaed for purposes of the Court's mission; he stated he was an officer at the Command Post at which the Court had been called into session, with the rank of Corporal Second Class. For better advice on this inspection, the Court agreed to appoint an expert photographer and an expert mechanic, and to this end, it appointed citizen Jeluhet Jezar Houtmann Rueda, a citizen of Venezuela, holder of identity card No. 13,236,378, and David Goncalves Malpica, a citizen of Venezuela, of age, holder of ....

(Back of Page Nine)

(Two partial stamps to right – illegible)

identity card No. 11,084,574, who, both being present, accepted the assignment, and stated under oath that they would properly and faithfully fulfill the duties inherent therein, who [the photographer] then took the photographs with a camera that she produced for examination by the Court, Make: automatic Polaroid 636 Close Up, which, once certified will be added to this inspection so as to form part thereof. The Court then went on to conduct the requested Judicial Inspection, and being duly advised by the expert who had been appointed, stated for the record as follows: Item ONE: It stated that it was called to session at the National Guard Command Post at Mañongo in the city of Valencia, State of Carabobo, where there was a vehicle, Make: Ford, Model: Explorer, type: synchronic 4x2 , color: navy blue plates: GAU 77E. Item TWO: The Court stated for the record that the vehicle was fitted with four (4) tires, one on each of its rims. Item THREE: The Court also stated for the record that the front right tire on the inspected vehicle was: Make: Goodyear Wrangler RT/S, type: LT235/75R15, serial number DOT-PBHL2ACA 1700; the front left tire is: Make: Goodyear, Wrangler RT/S, type LT235/75R15, serial number not visible; the rear right tire is Make: Goodyear, Wrangler RT/S, type: LT235/75R15, serial number DOT PBL2ACA 1700; and the rear left tire, Make: Goodyear, Wrangler RT/S, type LT235/75R15, serial number DOT PBL2ACA 1700.- Item FOUR: The Court, being duly.....

(Three partial stamps down left margin) *(Hand written)* Ten (10)
OF VENEZUELA
(Seal)
(Illegible)

advised by the expert, also stated for the record that the front left tire had a gash in the side and the rear left tire showed signs of being hit upon impact but it was still inflated; the front right tire was in good condition as was the rear right tire. With regard to the tread on each of the tires mounted on the rims of the vehicle, the Court noted that these treads were in good condition. Item FIVE: The Court ordered photographs to be taken of each of the tires mounted on each of the rims of the inspected vehicle, with the camera described above; the photographs were ordered to be added to this inspection so as to form a part thereof. Item SIX: The Court ordered photographs to be taken of the bodywork and condition of the inspected vehicle with the camera described above; these photographs are being added to this inspection. Item SEVEN: The Court stated for the record that the vehicle's bodywork had dents in the roof, hood, front and rear mudguards, frames of the windows, and also in the vehicle doors, windshield and the door windows were shattered. At this point, the petitioner intervened and exercising the right to speak he had reserved, ...

(Back of Page Ten)

(Two partial stamps to right – illegible)

the attorney asked that a statement be placed on the record as to the vehicle's mileage and the make and type of the tire that was inside the inspected vehicle. The Court agreed to his request and stated for the record, upon being duly advised the expert who had been appointed, that the mileage on the inspected vehicle was 40.014 kilometers. The Court also stated for the record, upon being duly advised by the expert, that inside the vehicle there was a tire, Make: Goodyear, Wrangler RT/S, type LT 235/75R15.- That is all.- The Court concluded its mission at 12 p.m. midday and decided to return to the Courthouse. Completed, read and signed by the undersigned, being in agreement therewith, except for the subpoenaed party who had to discuss it. Amendments: National Guard, Wrangler, not visible.. All "OK".

THE PROVISIONAL JUDGE

(Signed) (Illegible)

DR. RAFAEL E. CASTILLO H.

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

The subpoenaed Party,
Refused to sign

Expert Photographer,
(Signed) (Illegible)

Expert Mechanic,
(Signed) (Illegible)

Petitioner,
(signed) ((illegible)

ACTING CLERK,
(Signed) (Illegible)
(Stamp – illegible)

(Hand written) Fifteen (15)

(Partial stamp)
..... OF VENEZUELA
(Seal)
(illegible)
.....NAGUANAGUA AND SAN DIEGO
.....DISTRICT OF THE STATE OF CARABOBO

Since this petition has been complied with, it is returned to the petitioner with the results, consisting of fifteen (15) sheets of paper, on this eighteenth day of August, in the year two thousand.

CLERK,

(Signed) (Illegible)

ATTORNEY JOSE LUIS SANZ

(Two illegible stamps in left margin)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 3370, dated August 17, 2000, concerning an inspection of the Ford Explorer with plates numbered GAU-77E, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 7th day of February, 2001.

Maury Margaret Scharrer
Notary Public
State of Florida

[Seal] My commission expires: 8/24/04

Maury Margaret Scharrer
MY COMMISSION # CC560847 EXPIRES
August 24, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

3370

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) FRANCISCO JESUS VELASQUEZ ARCAY

MOTIVO INSPECCION JUDICIAL

JUZGADO CUARTO DE MUNICIPIO

FECHA DE ENTRADA: Día 17 Mes 08 Año 2000

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

C - 22

N° 3370

Folio (1)

CA - 98 Nº 04214573

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene cuatro (4) cauchos instalados en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

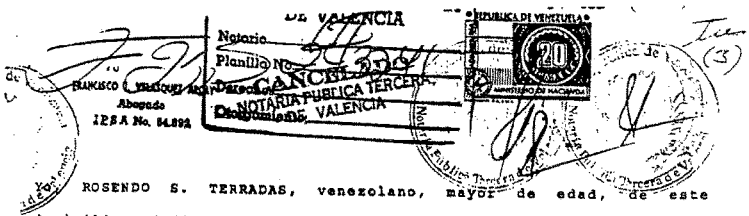
Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, en la fecha de su presentación.----------

Presentada HOY 17/08/2000.

Un(1) folio U. con Un(1) anexo.

NO

9³⁰ Am



Yo, ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 13.446, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.892, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal y de cualquier competencia, orden o jurisdicción, incluyendo pero

N:- 28- T. 11.

sin estar limitado a ello, por ante los Tribunales de Primera y/o Segunda Instancia, de Distrito o de Municipio, Corte Suprema de Justicia, Corte Primera en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Tributario, Tribunales en lo Contencioso Administrativo, Tribunales Penales, Tribunales del Trabajo y en fin, por ante todos los organismos, tribunales, despachos, autoridades y/o funcionarios de carácter público o privado. En el ejercicio del presente poder los prenombrados apoderados están facultados para intentar y/o contestar toda clase de demandas, reclamos, procedimientos, incidencias y/o reconvenciones; alegar, oponer y/o contestar defensas y cuestiones previas, hacer citas de saneamiento y/o de garantía, convenir; desistir; transigir; renunciar a acciones o derechos y dejar de ejercerlos si así fuere conveniente; solicitar acumulación de autos o de acciones; diferir actos; suspender, ejercer, reclamar y renunciar lapsos y recursos; recusar; demandar la nulidad y la reposición cuando fuere necesario o conveniente; apelar; ocurrir de hecho; promover cualquier medio de prueba y oponerse a la admisión de los mismos e intervenir en todos los trámites e incidencias de su evacuación; solicitar y tramitar cualquier medida preventiva o ejecutiva cuando así fuere necesario o conveniente u oponerse a las mismas e intervenir en cualquier otra incidencia que pudiera presentarse; incoar tercerías; tachar y/o desconocer toda clase de documentos; tachar testigos; hacer cesión de bienes; pedir rendición de cuentas; proponer acciones petitorias o confesorias de la especie que fueren; darse por citado o notificado; recibir y entregar cantidades de dinero que legítimamente se adeuden, otorgando y exigiendo los correspondientes recibos y finiquitos; disponer de los derechos en litigio; solicitar e intervenir en procedimientos de remate, a tales fines hacer posturas y adquirir en actos de remate; otorgar cualesquiera fianzas y cauciones requeridas por alguna Corte o Tribunal; oponerse a cualquier clase de fianzas y/o cauciones; comprometer en árbitros arbitradores y/o

árbitros de derecho, solicitar la decisión según la equidad, constituir asociados, seguir el o los juicios en todas sus instancias, incidencias y trámites y ejercer todos los recursos a que hubiere lugar, tanto los ordinarios como los extraordinarios de casación o invalidación, iniciar y desistir del juicio de amparo, promover y absolver posiciones juradas, promover quejas y querellas y desistir de ellas, y en general, hacer todo cuanto fuere necesario o conveniente para la mejor defensa de los derechos e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Dejo constancia que las facultades aquí conferidas son meramente enunciativas y no taxativas y que los apoderados aquí instituidos están facultados para sustituir el presente poder en personas o abogados de su confianza, con todas o algunas de las facultades anteriormente señaladas, con reserva o no de su ejercicio. Este poder no revoca ni deja sin efecto ningún otro poder otorgado con anterioridad por BRIDGESTONE FIRESTONE VENEZOLANA, C.A. A fin de dejar constancia de la existencia legal de mi representada, del carácter con que actúo, de mis atribuciones y de los demás particulares relativos a los poderes, y de conformidad con lo previsto en el artículo 155 del Código de Procedimiento Civil, enuncio y exhibo en este acto al Notario ante quien se otorga el presente poder, solicitándole se sirva hacer constar en la nota respectiva, los siguientes documentos: PRIMERO: Copia certificada expedida por el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial en fecha veintitrés (23) de octubre de 1956, del asiento Registro de Comercio No. 1, contentivo del Documento Constitutivo Estatutario original de C.A. FIRESTONE VENEZOLANA (ahora denominada BRIDGESTONE FIRESTONE VENEZOLANA, C.A.) SEGUNDO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado

Carabobo en fecha veinticinco (25) de noviembre de 1992, del asiento Registro de Comercio No. 34, Tomo 16-A, contentivo de Acta de Asamblea Extraordinaria de Accionistas celebrada a los efectos de la Asamblea Ordinaria en fecha diecienueve (19) de noviembre de 1992, en la que se acordó entre otros puntos, el cambio de denominación de la compañía a BRIDGESTONE FIRESTONE VENEZOLANA, C.A. TERCERO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha veintisiete (27) de enero de 1995, del asiento Registro de Comercio No. 46, Tomo 6-A, contentivo del acta de Asamblea General Extraordinaria de Accionistas celebrada en fecha doce (12) de diciembre de 1994, en la que consta mi designación como Presidente de la compañía. Igualmente solicito al Notario Público que para el otorgamiento del presente poder, se traslade y constituya en las oficinas de la compañía. Valencia, en la fecha de su autenticación.

REPUBLICA DE VENEZUELA
Ministerio de Hacienda
H-91
1310203

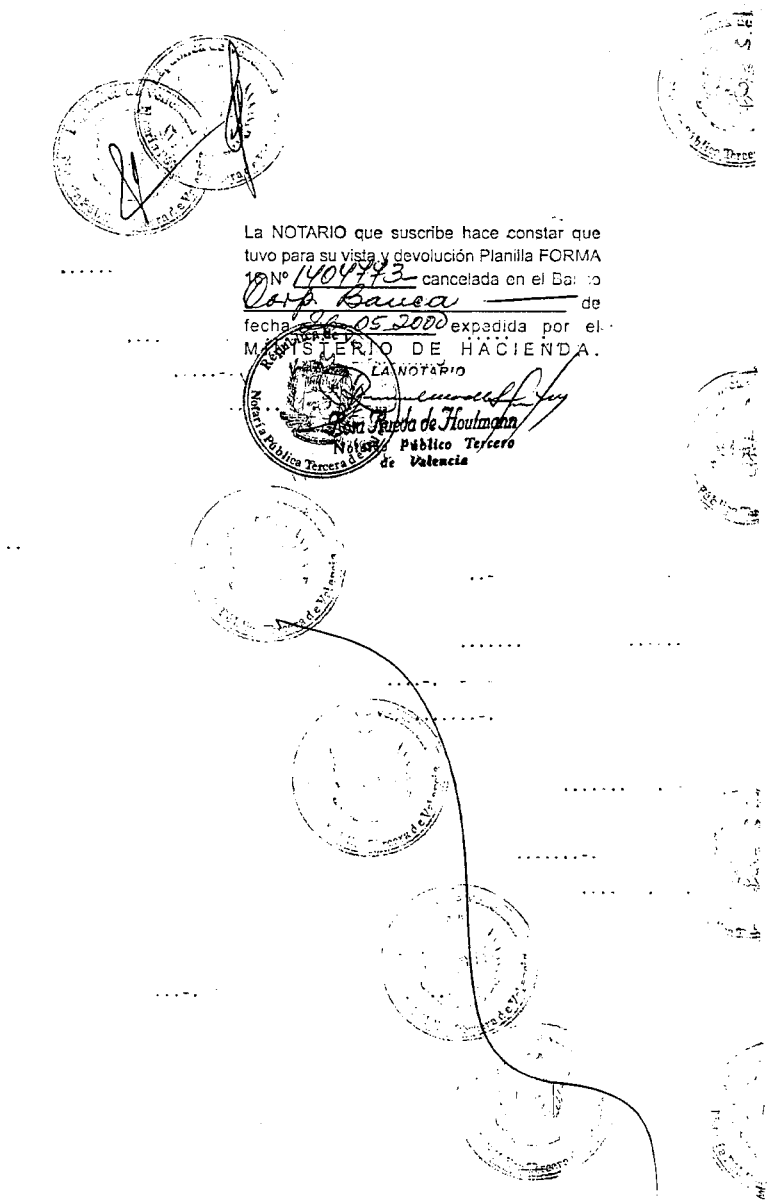
Seis
6

REPUBLICA DE VENEZUELA: ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFICA:-- Que ha confrontado la Copia Fotostática constante de: TRES (03).....folios útiles, que es traslado fiel y exacto del Documento inserto en esta Notaría, durante el Año: 1.996....., bajo el Nº 28....., Tomo: 11º..., que dicha Copia fué realizada por la Ciudadana: SULEIDA NOGUERA.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....., persona capaz, Autorizada por mí para hacerla y quién junto conmigo suscribe la presente Certificación y cada una de sus páginas. Que dicha Copia se expide a solicitud de parte interesada y Decreto de esta misma fecha, los cuales a continuación se insertan: Ciudadano: Notario Público Tercero de Valencia. Su Despacho.- Yo,... OFC. BAKER & MCKENZIE.--.mayor de edad, Titular de la Cédula de Identidad Nº ////////////// Solicito Copia Fotostática Certificada del Documento Nº- 28..... ,Tomo: 11º.....de los Libros de Autenticaciones llevados por esta Notaría en fecha: 30-01-96.-..... En Valencia, a los: VEINTICINCO (25)... días del mes de: MAYO.-.....del DOS MIL. El Solicitante: (fdo.) Ilegible. República de Venezuela. Notaría Pública Tercera de Valencia. Valencia, 25--05-2.000.....y a tal efecto de conformidad con lo establecido en el Artículo 120º de la Ley de Registro Público. Se designa a la Ciudadana: SULEIDA NOGUERA.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....para que realice la operación de la Copia y suscriba cada una de las páginas junto con la Notaria. (fdo.) ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO. Valencia, a los: VEINTICINCO (25).. días del mes de: MAYO.-.....del DOS MIL.- 189º Años de la Independencia y 140º Años de la Federación.-. . . . . .

LA NOTARIO

Rosa Rueda de Houtmann
Notario Público Tercero
de Valencia

LA DESIGNADA.-



La NOTARIO que suscribe hace constar que tuvo para su vista y devolución Planilla FORMA 16 Nº 1404773 cancelada en el Banco Corp. Banca de fecha 26-05-2000 expedida por el MINISTERIO DE HACIENDA.

LA NOTARIO

Rosa Rueda de Houlmann

Notaría Pública Tercera de Valencia

folio 07

JUZGADO CUARTO DE LOS MUNICIPIOS VALENCIA LIBERTADOR LOS GUAYOS NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRICPION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 17 de Agosto del 2.000.-
189o. y 141o

Por recibida la presente solicitud. Obviada la distribucion por ser jurada la urgencia del caso. Dese la entrada. Formese expediente. Habilitese todo el tiempo necesario y trasladese y constituyase el Tribunal en el sitio indicado en la presente solicitud, a los fines de practicar la inspeccion judicial solicitada.-

EL JUEZ PROVISORIO

DR. RAFAEL E. CASTI H.

EL SECRETARIO

ABG. JOSE LUIS SANZ

En la misma fecha se cumplio lo ordenado, se le dio entrada bajo el No. 3376 .-

EL SECRETARIO

nueve (7)

En horas del día de hoy, diecisiete de agosto del año dos mil, siendo las once de la mañana (11:00 AM) previa habilitación de todo el tiempo necesario, se trasladó y constituyó el Tribunal en el Comando de Guardia Nacional, ubicado en Mañongo de esta ciudad de Valencia Estado Carabobo, a los fines de practicar la inspección judicial solicitada por el abogado Francisco Jesús Velasquez Arcay, inpreabogado Nº 54892, apoderado judicial según instrumento poder que corre inserto a la presente solicitud de Bridgestone Firestone Venezolana C.A, antes denominada C.A. Firestone Venezolana. Una vez en el sitio se procedió a notificar de la misión del Tribunal al ciudadano Alfredo Datera, venezolano, mayor de edad, titular de la cédula de identidad Nº 6233.492, quien manifestó ser funcionario del Comando donde nos encontramos constituídos, con el cargo de Cabo Segundo.- El Tribunal acuerda de conformidad para el mejor asesoramiento de la presente inspección designar un práctico fotográfo y un práctico mecánico y nombra para tal fin a los ciudadanos Isluhet Jezer Hontmann Rueda, venezolana, mayor de edad, titular de la cédula de identidad Nº 13.236.378 y David Concalves Malpica, venezolano mayor de edad, titular de la cédula de iden-

tidad nº 11.089.574; quienes estando presentes aceptaron el cargo y juraron cumplir bien y fielmente con los deberes inherentes a los mismos. quien en este acto procede a la toma de las fotografías con una camara que presenta para su vista marca Polaroid, 636 closeup y las cuales serán agregadas a la presente inspección previa certificación, para que formen parte de la misma.- Acto seguido el Tribunal debidamente asesorado por el practico perito designado procede a realizar la inspección y deja constancia de lo siguiente: Primero: Se deja constancia de que nos encontramos constituidos en el Comando de la Guardia Nacional de Mañongo de esta ciudad de Valencia Estado Carabobo, en el cual se encuentra un vehículo marca: Ford, Modelo. Explorer, tipo 4x2, cinconico, color azul marino, placas GAU 77E.- Segundo: El Tribunal deja constancia que el vehículo posee cuatro (4) canchos instalados en cada uno de sus rines;- Tercero: El Tribunal deja constancia igualmente que el cancho delantero derecho del vehículo inspeccionado es marca Good-year Wrangler RT/S, tipo LT235/75R15, serial DOT-PBHL2ACA 1700; el cancho delantero izquierdo marca Good-year, Wrangler RT/S, tipo LT235/75R15, serial no visible; el cancho trasero derecho es marca Good-year, Wrangler RT/S, tipo LT235/75R15, serial DOTPBL2ACA 1700;- y el cancho trasero izquierdo, marca Good-year, Wrangler RT/S, tipo LT235/75R15, serial DOTPBL2ACA 1700.- Cuarto: El Tribunal debida-

DIEZ (10)

mente asesorado por el perito deja constancia igualmente que el cancho delantero izquierdo presenta una ranura en su parte lateral y el trasero izquierdo presenta un golpe por impacto pero se haya inflado; el cancho delantero derecho se encuentra en buen estado, así como el cancho trasero derecho. En cuanto a la banda de rodamiento de cada uno de los canchos instalados en los rines del vehículo el Tribunal observa que dichas bandas de rodamiento se encuentran en buen estado. Quinto. El Tribunal ordena la toma de fotografías a cada uno de los canchos instalados en cada uno de los rines del vehículo inspeccionado, con la camara identificada anteriormente. y las cuales se ordena agregar a la presente inspección para que formen parte de la misma.- Sexto: El Tribunal ordena la toma de fotografías de la carrocería y condiciones en que se encuentra el vehículo inspeccionado con la camara anteriormente descrita y cuyas fotografías se agregan a la presente inspección.- Séptimo: El Tribunal deja constancia que la carrocería del vehículo presenta abolladuras en el techo, capot, guardafangos delanteros y traseros parales de los vidrios, así como en las puertas del vehículo, parabrisas y los vidrios de las puertas reventados.- En este estado interviene el solicitante y haciendo uso del parte

cular de reserva el abogado solicita se deje constancia del kilometraje que presenta el vehículo y de la marca y tipo del caucho que se encuentra en el interior del vehículo inspeccionado.- El Tribunal acuerda de conformidad lo solicitado y deja constancia debidamente asesorado por el perito designado que el vehículo inspeccionado presenta un kilometraje de 40.014 kilometros.- Asimismo el Tribunal deja constancia debidamente asesorado del practico que en la parte interior del vehículo se encuentra un caucho marca Good-Year, Wrangler, RT/S, tipo LT235/75R/5.- es todo.- El Tribunal dá por concluida su misión, siendo las doce del mediodía y decide regresar a su sede.- Terminó, se leyó y conforme, firman. Yerra el notificado por tener que consultar. Comandado Guardia Nacional, Wrangler, no visible

El Juez Provisorio,

E. Castillo H.-

El notificado,

Se negó a firmar.

La práctico fotógrafo

El práctico Perito,

Daniel Gonzalo

El solicitante

La secretaria accidental

3

(5)

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia, Treinta (30) de Enero de mil novecientos noventa y seis (1858 y 136º. El anterior documento redactado por el abogado FRANCISCO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54892, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737. 912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15am.

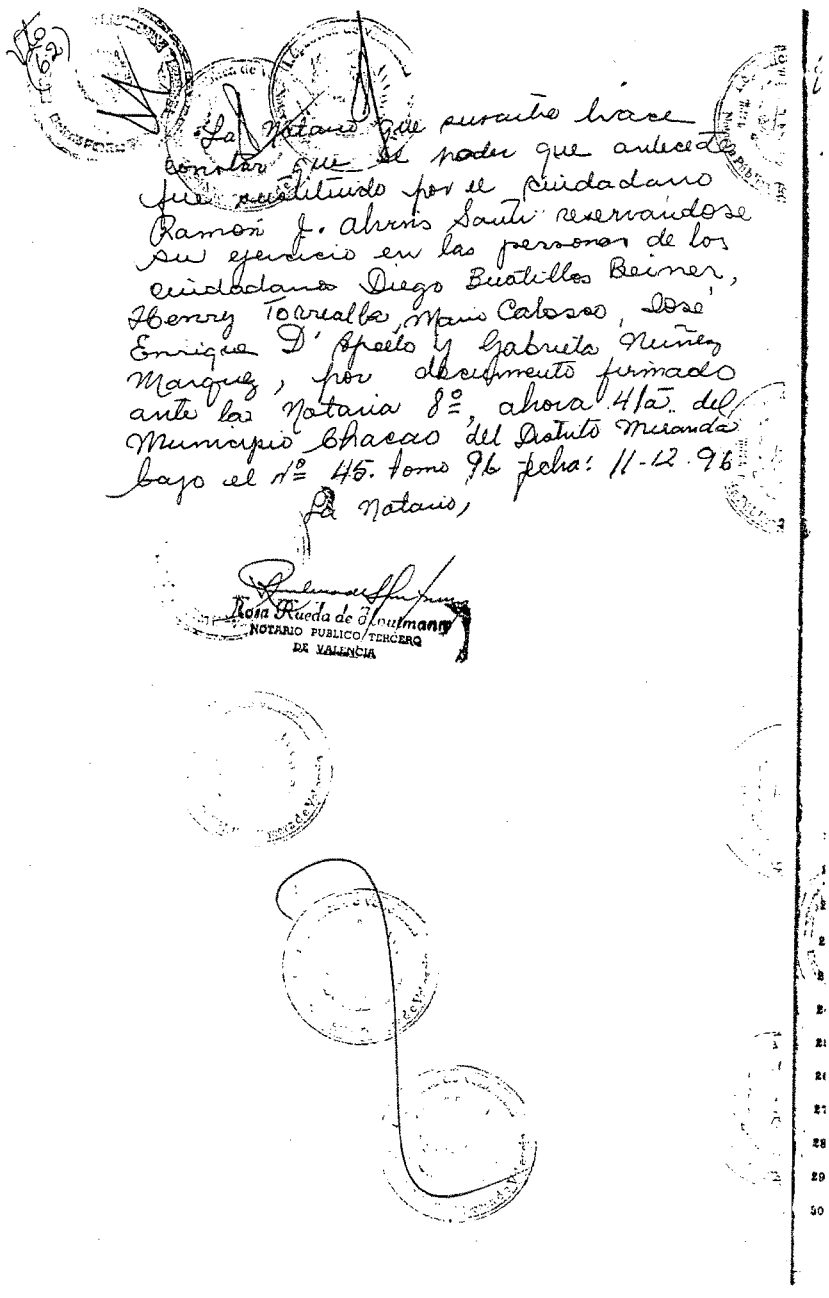
LA NOTARIO

Rosa Rueda de Houtmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

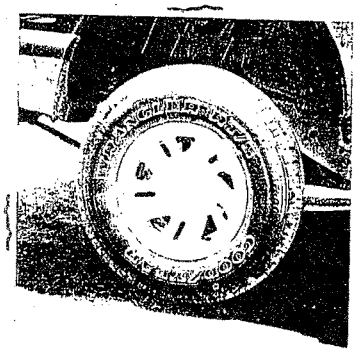
(62)

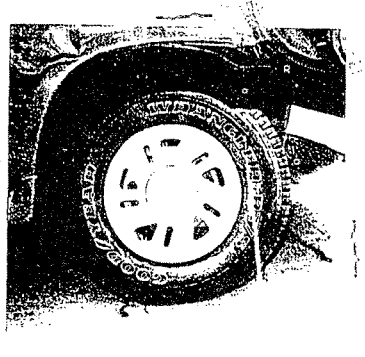


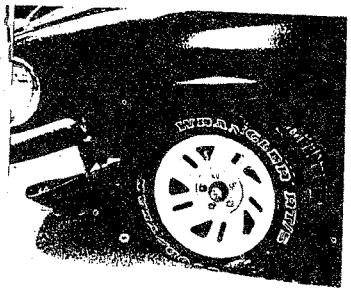
La Notaria que suscribe hace constar que el poder que antecede fue sustituido por el ciudadano Ramón J. Ahrns Santi reservándose su ejercicio en las personas de los ciudadanos Diego Bustillos Beiner, Henry Torrealba, Mario Calosso, José Enrique D'Apelo y Gabriela Núñez Marquez, por documento firmado ante la Notaria 8ª, ahora 41ª del Municipio Chacao del Distrito Miranda bajo el Nº 45. tomo 96 fecha: 11-12-96

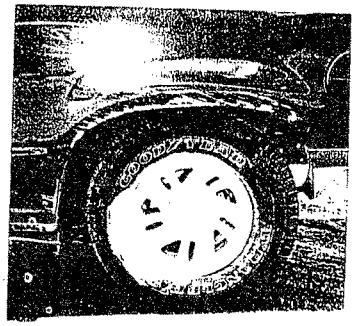
La Notaria,

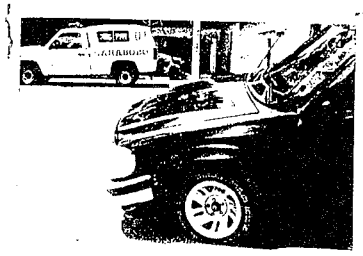
Rosa Rueda de Houtmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

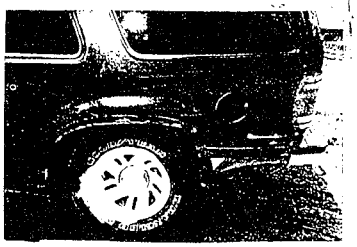


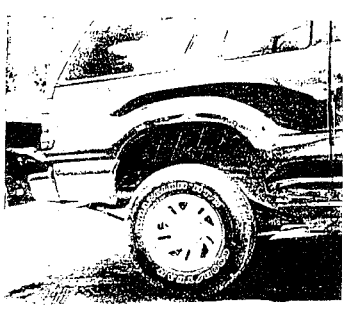


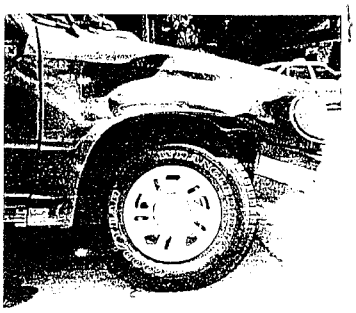


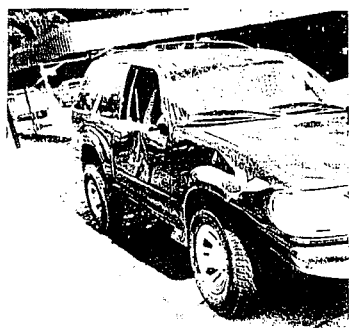






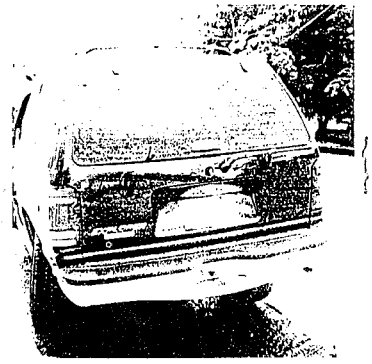


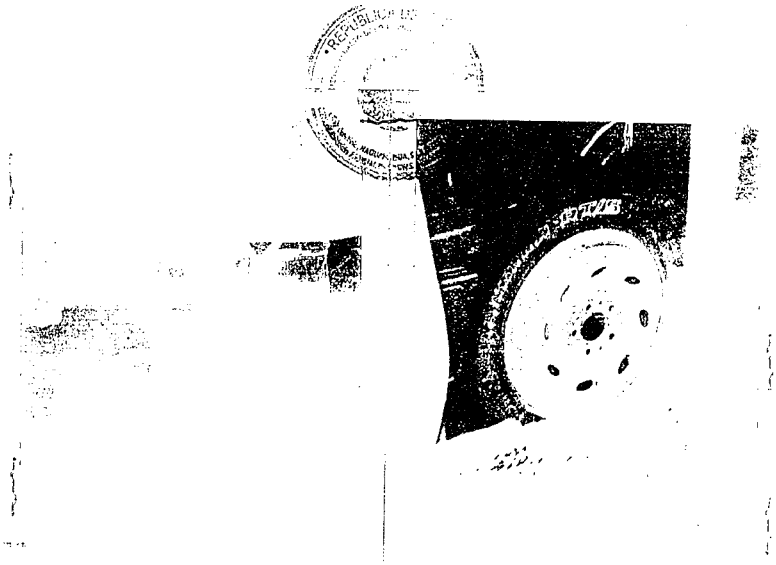






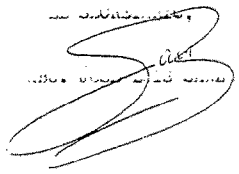








Cumplida como ha sido la presente solicitud se devuelve con las resultas al solicitante, con fecha de quince (15) hábiles hoy diecinueve de agosto del dos mil.-



REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

ARCHIVO

No. 2347-2000

Pieza No. _____

DEMANDANTE (S) FRANCISCO JESUS VELASQUEZ ARCAY

DEMANDADO (S) _____

MOTIVO INSPECCION JUDICIAL

TRIBUNAL DEL JUZGADO DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA

Fecha de entrada: Día 24 Mes AGOSTO Año 2.000

REMITIDO _____

Día _____ Mes _____ Año _____

REMITIDO _____

Día _____ Mes _____ Año _____

TERMINADO EN FECHA _____

Pieza No. _____ No. _____

C-10

AR - 99 No. 1816393

Ciudadano

JUEZ DEL MUNICIPIO MARIÑO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO ARAGUA

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene cada caucho instalado en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en

cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Turmero, Estado Aragua, en la fecha de su presentación.----------



Yo, ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 13.246, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.892, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal y de cualquier competencia, orden o jurisdicción, incluyendo pero

N° 28- T. 11.

árbitros de derecho; solicitar la decisión según la equidad; constituir asociados; seguir el o los juicios en todas sus instancias, incidencias y trámites y ejercer todos los recursos a que hubiere lugar, tanto los ordinarios como los extraordinarios de casación o invalidación; iniciar y desistir del juicio de amparo; promover y absolver posiciones juradas; promover quejas y querellas y desistir de ellas; y en general, hacer todo cuanto fuere necesario o conveniente para la mejor defensa de los derechos e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Dejo constancia que las facultades aquí conferidas son meramente enunciativas y no limitativas y que los apoderados aquí instituidos están facultados para sustituir el presente poder en personas o abogados de su confianza, con todas o algunas de las facultades anteriormente señaladas, con reserva o no de su ejercicio. Este poder no revoca ni deja sin efecto ningún otro poder otorgado con anterioridad por BRIDGESTONE FIRESTONE VENEZOLANA, C.A. A fin de dejar constancia de la existencia legal de mi representada, del carácter con que actúo, de mis atribuciones y de los demás particulares relativos a estos poderes, y de conformidad con lo previsto en el artículo 155 del Código de Procedimiento Civil, enuncio y exhibo en este acto al Notario ante quien se otorga el presente poder, solicitándole se sirva hacer constar en la nota respectiva, los siguientes documentos: PRIMERO: Copia certificada expedida por el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial en fecha veintitrés (23) de octubre de 1956, del asiento Registro de Comercio No. 1, contentivo del Documento Constitutivo Estatutario original de C.A. FIRESTONE VENEZOLANA (ahora denominada BRIDGESTONE FIRESTONE VENEZOLANA, C.A.) SEGUNDO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado

Carabobo en fecha veinticinco (25) de noviembre de 1992, del asiento Registro de Comercio No. 34, Tomo 16-A, contentivo del Acta de Asamblea Extraordinaria de Accionistas celebrada a los efectos de la Asamblea Ordinaria en fecha diecinueve (19) de noviembre de 1992, en la que se acordó entre otros puntos, el cambio de denominación de la compañía a BRIDGESTONE FIRESTONE VENEZOLANA, C.A. TERCERO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha veintisiete (27) de enero de 1995, del asiento Registro de Comercio No. 46, Tomo 6-A, contentivo del acta de Asamblea General Extraordinaria de Accionistas celebrada en fecha doce (12) de diciembre de 1994, en la que consta mi designación como Presidente de la compañía. Igualmente solicito al Notario Público que para el otorgamiento del presente poder, se traslade y constituya en las oficinas de la compañía. Valencia, en la fecha de su autenticación.

REPUBLICA DE VENEZUELA
Ministerio de Hacienda
H-91 1310203

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia TREINTA (30) de mil novecientos noventa y seis. 195º y 136º. El anterior documento redactado por el abogado: FRANCISCO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54992, fué presentado para su autenticación y devolución, según planilla Nº 243271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737.912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15hs.

LA NOTARIO

NOTARIO PUBLICO DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

(60)

sin estar limitado a ello, por ante los Tribunales de Primera y Segunda Instancia, de Distrito o de Municipio, Corte Suprema de Justicia, Corte Primera en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Tributario, Tribunales en lo Contencioso Administrativo, Tribunales Penales, Tribunales del Trabajo y en fin, por ante todos los organismos, tribunales, despachos, autoridades y/o funcionarios de carácter público o privado. En el ejercicio del presente poder los prenombrados apoderados están facultados para intentar y/o contestar toda clase de demandas, reclamos, procedimientos, incidencias y/o reconvenciones; alegar, oponer y/o contestar defensas y cuestiones previas; hacer citas de saneamiento y/o de garantía; convenir; desistir; transigir; renunciar a acciones o derechos y dejar de ejercerlos si así fuere conveniente; solicitar acumulación de autos o de acciones; diferir actos; suspender, ejercer, reclamar y renunciar lapsos y recursos; recusar; demandar la nulidad y la reposición cuando fuere necesario o conveniente; apelar; ocurrir de hecho; promover cualquier medio de prueba y oponerse a la admisión de los mismos e intervenir en todos los trámites e incidencias de su evacuación; solicitar y tramitar cualquier medida preventiva o ejecutiva cuando así fuere necesario o conveniente u oponerse a las mismas e intervenir en cualquier otra incidencia que pudiera presentarse; incoar tercerías; tachar y/o desconocer toda clase de documentos; tachar testigos; hacer cesión de bienes; pedir rendición de cuentas; proponer acciones petitorias o confesorias de la especie que fueren; darse por citado o notificado; recibir y entregar cantidades de dinero que legítimamente se adeuden, otorgando y exigiendo los correspondientes recibos y finiquitos; disponer de los derechos en litigio; solicitar e intervenir en procedimientos de remate, a tales fines hacer posturas y admitir en actos de remate; otorgar cualesquiera fianzas y cauciones requeridas por alguna Corte o Tribunal; oponerse a cualquier clase de fianzas y/o cauciones; comprometer en árbitros arbitradores y/o

(621)

Notaría que suscribe hace constar que el poder que antecede fué sustituido por el ciudadano Ramón J. Alvarez Sauli reservándose su ejercicio en las personas de los ciudadanos Diego Bustillos Beiner, Henry Torrealba, Mario Colasso, José Enrique D'Apollo y Gabriela Nuñez Marquez, por documento firmado ante la Notaría 8ª, ahora 4ª del Municipio Chacao del Distrito Miranda bajo el nº 45. Tomo 96 fecha: 11-12-96

La Notaria,

NOTARIO PUBLICO TERCERO
DE VALENCIA

REPUBLICA DE VENEZUELA
Ministerio de Hacienda

REPUBLICA DE VENEZUELA
Ministerio de Hacienda

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Ministerio de Hacienda

REPUBLICA DE VENEZUELA. ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFICA:-- Que ha confrontado la Copia Fotostática constante de: TRES (03).....folios útiles, que es traslado fiel y exacto del Documento inserto en esta Notaría, durante el Año: 1.996....., bajo el Nº 28....., Tomo: 11º...., que dicha Copia fué realizada por la Ciudadana: SULEIDA NOGUERA..... mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....., persona capaz, Autorizada por mí para hacerla y quién junto conmigo suscribe la presente Certificación y cada una de sus páginas. Que dicha Copia se expide a solicitud de parte interesada y Decreto de esta misma fecha, los cuales a continuación se insertan: Ciudadano: Notario Público Tercero de Valencia. Su Despacho.- Yo, MARJORIE ROSSELL.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-13.606.141...solicito Copia Fotostática Certificada del Documento Nº-28.....,Tomo: 11º....de los Libros de Autenticaciones llevados por esta Notaría en fecha: 30-01-96....., En Valencia, a los: DIECIOCHO (18)... días del mes de: MAYO.-.....del DOS MIL. El Solicitante: (fdo.) Ilegible. República de Venezuela. Notaría Pública Tercera de Valencia. Valencia, 18-05-2.000.....y a tal efecto de conformidad con lo establecido en el Artículo 120º de la Ley de Registro Público. Se designa a la Ciudadana: SULEIDE NOGUERA.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001...para que realice la operación de la Copia y suscriba cada una de las páginas junto con la Notaria. (fdo.) ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO. Valencia, a los: DIECIOCHO (18) ...días del mes de: MAYO.-.....del DOS MIL.-189º Años de la Independencia y 140º Años de la Federación.-. . . . . .

18 MAR 10

Rosa Rueda de Houtmann
Notario Público Tercero
de Valencia

LA DESIGNADA.-

/...GADO DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA.-

TURMERO, VEINTICUATRO (24) DE AGOSTO DEL AÑO 2.000.-

AÑOS 189o_ Y 142o_

Por recibida la presente solicitud presentada por el (la) ciudadano (a): FRANCISCO JESUS VELASQUEZ ARCAY, quien es Venezolano, mayor de edad, titular de la Cédula de Identidad Nro.V-7.121.658, Abogado en ejercicio, Inscrito en el Inpreabogado bajo el Nro.54.892, actuando en su caracter de Apoderado Judicial de la Compañia BRIDGESTONE FIRESTONE VENEZOLANA C.A., compañia Anonima antes denominada C.A FIRESTONE VENEZOLANA.- Desele entrada y anotese en el libro correspondiente, en consecuencia, se acuerda realizar el traslado y constitución del Tribunal al sitio que indique la parte actora, a los fines de practicar Inspección Judicial a que se contrae la presente solicitud, para lo cual se fijan la: 12:30, horas de la tarde del dia 24-08-2000, habilitandose el tiempo necesario para ello.-

La Juez Provisoria,

El Secretario,

En esta misma fecha se hizo como fue ordenado en el auto anterior.-

El Srio.,

En el día de hoy, Veinticuatro de Agosto del Año Dos Mil, siendo las 12:50 horas de la tarde, previa la habilitación del tiempo necesario se trasladó y constituyó el Tribunal en compañía del ciudadano FRANCISCO JESUS VELASQUEZ ARCAY, Titular de la Cédula de identidad No.7.121.658, abogado en ejercicio e inscrito en el Inpreabogado bajo el No.54.892, Apoderado Judicial de BRIDGESTONE-FIRESTONE VENEZOLANA, C.A., compañía anónima antes denominada C.A. FIRESTONE VENEZOLANA, a la siguiente dirección: Carretera Nacional Turmero La Encrucijada, Frente al Cementerio Estacionamiento Central 2000, a los fines de practicar Inspección Judicial a que se contrae la presente solicitud. Presente el ciudadano MIÑO FAGUNDEZ JONATHAN ALBERTO, a quien el Tribunal le impuso de la misión del Tribunal y permitio el libre acceso al interior del Estacionamiento Central 2.000. En este estado el Tribunal designa como practico Mecánico al ciudadano GONCALVES MALFICA DAVID, Titular de la Cédula de identidad No.11.089.574, y como Practico Fotografo al ciudadano OLIVO PARPACEN LUIS ARMANDO, Titular de la Cédula de identidad No.10.736.138, quienes estando presentes juraron cumplir bien y fielmente con los deberes inherentes a los cargos a los cuales fueron designados. En este estado el Tribunal pasa a dejar constancia de los particulares contenidos en la presente solicitud de la siguiente manera: AL PRIMERO: El Tribunal deja constancia que el lugar donde se encuentra constituido se encuentra un vehiculo Marca: FORD, Modelo EXPLORER, Color: Vino Tinto, Tipo: XLT ELITE Placas: GAT-37G. AL SEGUNDO: El Tribunal deja constancia que efectivamente el vehiculo inspeccionado, tiene cuatro cauchos instalados uno en cada Ring. AL TERCERO: El Tribunal deja constancia que la Marca de los cauchos instalados en cada uno de los rines del vehiculo inspeccionado es de los denominados GOODYEAR, el tipo Wrangler RT/s, P255/70R16, serial delantero izquierdo no visible, trasero-izquierdo DOTMKCONCHR7600, delantero derecho no visible, trasero-derecho DOTMKCONCHR2700, el caucho de respuesto serial no visible. AL CUARTO: El Tribunal deja constancia que los dos cauchos delanteros se observan en buen estado y desinflados, los dos traseros-

se encuentran igualmente en buen estado e inflados, e igualmente- las bandas de rodamiento de los cuatros cauchos se encuentran en buen estado. AL QUINTO: El Tribunal deja constancia que ordenó al experto fotografico se tomaran fotografias de los cauchos instalados en cada uno de los rines del vehiculo inspeccionado, lo -- cual se realizó con una cámára POLAROID, 636, CLOSEUP, de fotos - instantaneas, las cuales se ordenan agregar a la presente solicitud. AL SEXTO: El Tribunal deja constancia que ordenó al experto- fotografico se tomara fotografias de la carroceria y de las condiciones en que se encuentra el vehiculo inspeccionado, lo cual se- realizó con misma cámára antes identificada, por lo que el Tribunal acuerda agregar a la presente solicitud dichas fotografias. AL SEPTIMO: El Tribunal deja constancia con ayuda del practico designado que el vehiculo inspeccionado presente aboyaduras y deácuadres en- el total de su extructura fisica, especialmente en la parte superior (techo) asi como en el capot y en la parte frontal del vehiculo. En este estado el solicitante haciendo uso del particular - reservado expone:" Solicito al Tribunal deje constancia del kilometraje que presenta el vehiculo inspeccionado asi como de la marca y tipo y serial del caucho de respuesto que presenta el mencionado vehiculo e igualmente se tome fotografía del mencionado caucho de respuesto, es todo". El Tribunal deja constancia con ayuda del practico designado que el kilometraje presentado por el vehiculo inspeccionado es 90.935, y que el caucho de respuesto es uMarca:- GOODYEAR, tipo: WRANGLER RTS, P255/70R16, serial no visible, asimismo se deja constancia que se ordenó al experto fotografico setomaran las fotografias del caucho de respuesto y se ordena agregar a la solicitud. Por cuanto no existe ninguna otra diligencia que - practicar, el Tribunal acuerda regresar a sussede ordinaria, es- Todo. Terminó se Leyó y conformes firman.-

La Juez Provisorio:

El Notificado.

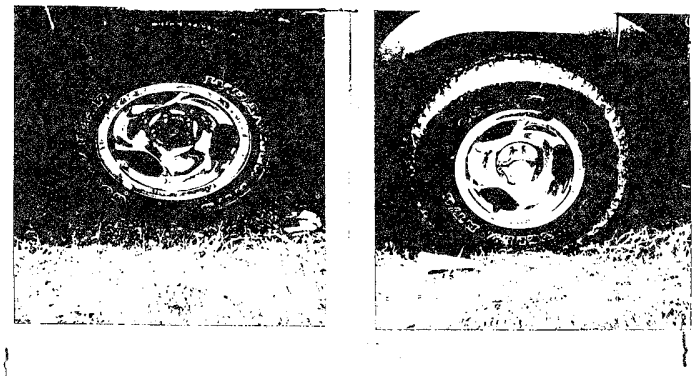
El...

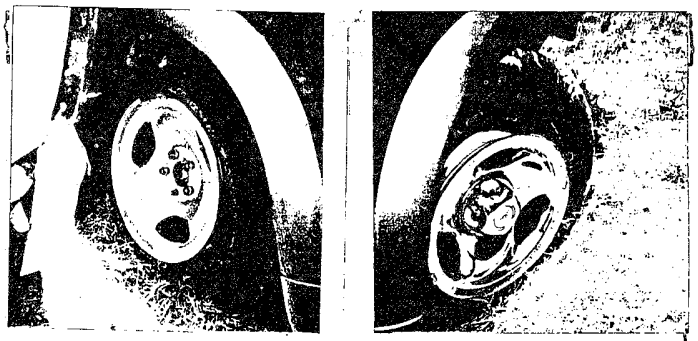
El Solicitante,

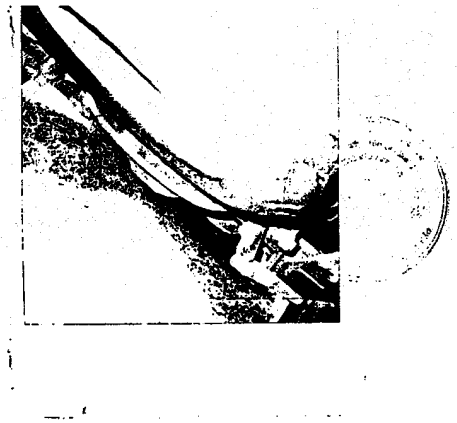
El Practico Fotografo.

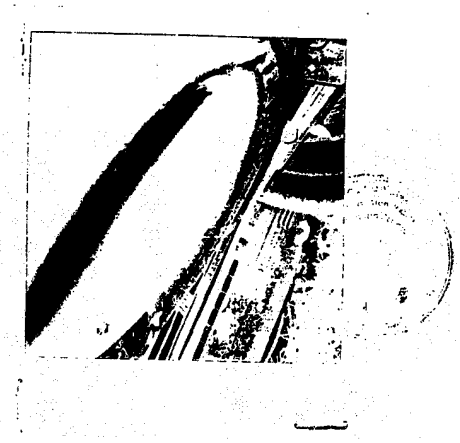
Practico Mecánico.

El Secretario.-




















GAT 37G



...GADO DEL MUNICIPIO SANTIAGO MARI%O DEL ESTADO ARAGUA.- NUMERO, VEINTICUATRO (24) DE AGOSTO DEL A%O DOS MIL.-

Evacuada como ha sido la solicitud por ste Tribunal, se acuerda en consecuencia devolver original con sus resultas a la parte solicitante.

LA JUEZ PROVISORIO,

ABG. GUADALUPE GIRON [illegible]

EL SECRETARIO,

ABOG. [illegible] A. ESPINOZA

En este mismo fecha se hizo como fu ordenado en el auto anterior.-

El Strio.

(Seal)
STATE OF ARAGUA
(Seal)
Fee for Fiscal Stamp – Value: One hundred and ninety-two Bolivars (192.00)

AR-99 No. 1816393

Citizen

JUDGE IN AND FOR THE MUNICIPALITY OF THE MARIÑO IN THE JUDICIAL DISTRICT OF THE STATE OF ARAGUA

In his office.

I, FRANCISCO JESÚS VELASQUEZ ARCAY, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,121,658, a practicing attorney, registered with the Venezuelan Bar Association ("INPREABOGADO") under No. 54,892, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney attached to this petition, for **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with articles 192, 936 and 938 of the Code of Civil Procedure, and article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred to and constituted at the address of which I will advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is constituted of a vehicle: Make: Ford, Model: Explorer, and the Type, Color and Plates of the inspected vehicle.- ——

TWO: As to whether the vehicle identified above has each tire fitted on each of its rims. ——

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

(Back of Page One)

FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. --------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. ----------

SEVEN: That a statement be made on the record as to the general condition of the vehicle's bodywork.--

As to any other fact or circumstance that I reserve the right to indicate in due course. ----------

Pursuant to articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of article 502 of same, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer be appointed, together with an expert mechanic. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Turmero, in the State of Aragua, on the date of the filing hereof. ----------

(Signed) (Illegible)

(Four partial Stamps down left margin)
...Venezuela
(Coat of Arms)
..in and for Valencia

(Fiscal Stamp)
20 BOLIVARS
Ministry of Finance

(Stamp)
Receipt No. *(illegible)*
Notary:_____
Fees:_____
Authorized by:_____
(stamped): PAID
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Three Stamps)
Republic of Venezuela
(Coat of Arms)
(Initials) (Illegible)
Third Notary Public in and for Valencia

(Signed) (illegible)
FRANCISCO J. VELASQUEZ ARCAY
ATTORNEY
VENEZUELAN BAR ASSOCIATION NO. 54,892

I, ROSENDO S. TERRADAS, a citizen of Venezuela, of age, a resident of this city, in full possession of my civil rights and holder of identity card No. 6,297,265, appearing in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a commercial company domiciled in the city of Valencia, State of Carabobo, and originally registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in and for the Seventh Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, hereby state: That the company I represent is granting a power of attorney that is as broad, adequate and sufficient as the law requires and is necessary, to practicing attorneys: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ and FRANCISCO J. VELASQUEZ ARCAY, all citizens of Venezuela, of age, legally competent and holders of identity cards Nos. 3,967,563, 3,661,025, 7,308,173, 6,845,624, 6,822,699, 10,335,670, 9,879,275, 7,139,825 and 7,121,658 respectively, who are registered with the Venezuelan Bar Association ("INPREABOGADO") under Numbers 13,946; 11,568; 19,692; 26,304; 32,501; 54,502; 48,338; 55,660 and 54,892, also respectively; the first eight of said attorneys being domiciled in the city of Caracas, Federal District, and the last one being domiciled in the city of Valencia, State of Carabobo, to act jointly or separately and represent and uphold the rights, actions and interests of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. in any type of judicial or extra-judicial matter to which it is a party, before any person, whether public or private, and before any national, state, district or municipal, judicial or administrative agency or agencies under any other competence, order or jurisdiction, including, but .....

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No. 28 – Volume 11

(hand written) No. (60)

(Three stamps with initials and Four partial stamps down right margin)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

not limited to, the courts of the First and/or Second Instance, District or Municipal Courts, the Supreme Court of Justice, the First Court for Contentious-Administrative Matters, Higher Courts for Contentious-Administrative Matters, Higher Courts for Contentious-Tax Matters, Courts for Contentious-Administrative Matters, Criminal Courts, Labor Courts and finally, before any agency, court, office, authority and/or officers of any public or private kind. The grantees named above are, when exercising this power of attorney, authorized to file and/or answer any kind of complaint, claim, proceeding, motion and/or counterclaim, allege, object to and/or answer prior defenses and questions, enter into commitments for remedies and/or guarantees, agree to, dismiss, settle, waive actions or rights and refrain from exercising them if appropriate; request the record on orders or actions; defer action, suspend, exercise, request and waive extensions of time and appeals, challenge, move for dismissal and reinstatement if necessary or appropriate; appeal, appear in person; produce any type of evidence and object to the admission of same and participate in all of the procedures and motions for compliance therewith, request and arrange for any preventive or executory measure if necessary or appropriate or oppose same and participate in any other motion that may arise; commence third party proceedings; strike and/or disavow all types of documents, strike witnesses, assign property, request accountings, move for petitionary or confessional proceedings of any kind whatsoever; be summoned or subpoenaed, receive and deliver any amount of money that is legitimately due and owing and issue and demand the corresponding receipts and releases, dispose of rights during litigation, request and participate in auctions, by bidding and purchasing at auctions for such purpose, issue any bond and guarantee required by any Court or Tribunal; object to any kind of bond and/or guarantee, settle at arbitration, with arbitrators and/or .....

(Fiscal Stamp) *(Illegible initials)*
REPUBLIC OF VENEZUELA
20 BOLIVARS
Ministry of Finance
(Four partial stamps in left margin)
....OF VENEZUELA
(Coat of Arms)
...IN AND FOR VALENCIA
(Two stamps over fiscal stamp with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

at arbitration proceedings at law, request rulings in equity, appoint partners, pursue lawsuits that have been commenced in all of their proceedings, motions and procedures and exercise any remedy there may be, whether ordinary or extraordinary, such as cassation or annulment, initiate and refrain from proceedings challenging the constitutionality of laws, propound and answer interrogatories under oath, file claims and small claims and refrain from making them, and in general, do anything necessary or appropriate for the best defense of the rights and interests of BRIDGESTONE FIRESTONE VENEZOLANA C.A. I hereby certify that the powers granted and listed hereunder are merely for reference purposes and are not limitative and that the grantees appointed hereunder are authorized to assign this power of attorney to people or attorneys they deem to be trustworthy, with all or any of the powers mentioned above, with or without a restriction on the exercise thereof. This power of attorney neither revokes nor invalidates any other power of attorney previously granted by BRIDGESTONE FIRESTONE VENEZOLANA C.A. In order to certify as to the legal existence of the company I represent for the record, the capacity in which I am acting, my powers and the other issues concerning powers of attorney, and pursuant to the provisions of article 155 of the Code of Civil Procedure, I am hereby listing and producing the following documents to the Notary before whom this power of attorney is being signed and I am asking her to list them in the respective note: ONE: Certified copy issued by the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District dated the twenty-third (23rd) day of October, 1956, of the entry in Companies Register No. 1, containing the original Articles of Incorporation and Bylaws of C.A. FIRESTONE VENEZOLANA, (now known as BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). TWO: Certified copy issued by the First Commercial Register for the Judicial District of the State of ....

(Hand written) No. 61

(Two stamps with illegible initials)

REPUBLIC OF VENEZUELA

(Coat of Arms)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial stamps in right margin:)

REPUBLIC OF.....

(Coat of Arms)

THIRD NOTARY PUBLIC....

Carabobo, on the twenty-fifth (25th) day of November, 1992, of the entry in Commercial Register No. 34, Volume 16-A, containing the Minutes of the Extraordinary Shareholders' Meeting held in lieu of an Ordinary Meeting on the nineteenth (19th) day of November, 1992, at which it was agreed, among other things, to change the name of the company to BRIDGESTONE FIRESTONE VENEZOLANA, C.A. THREE: Certified copy issued by the First Commercial Register for the Judicial District of the State of Carabobo dated the twenty-seventh (27th) day of January, 1995, of the entry in Companies Register No. 46, Volume 6-A, containing the minutes of the Extraordinary General Shareholders' Meeting held on the twelfth (12th) day of December, 1994, which sets forth my appointment as President of the company. I am also asking the Notary Public to come to and appear at the company offices for the granting of this power of attorney. Valencia, on the date of the authentication hereof.

(Signed) (Illegible)

(Three stamps)
REPUBLIC OF VENEZUELA
(Seal))
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant _____
Identification Number_____Date____
For _____ Legal Basis _____
H-91 1310203
1000 - ONE THOUSAND BOLIVARS

(Four partial stamps down left margin)
..of Venezuela
(Seal
...in for Valencia

(Two stamps)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA
(Initials and signature superimposed – illegible)

REPUBLIC OF VENEZUELA. THIRD NOTARY PUBLIC IN AND FOR VALENCIA. Valencia, on the thirtieth (30th) day of January, nineteen hundred and ninety-six. 185th year of Independence and 136th year of the Federation. The foregoing document, which was prepared by attorney FRANCISCO VELASQUEZ ARCAY, who is registered with the Venezuelan Bar Association under number 54892, was submitted for authentication and return, as per form No. 243271, dated: January 30, 1996. The grantor thereof was present and stated that his name was: ROSENDO S. TERRADAS, acting in his capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., being of age, domiciled in *Valencia*, a citizen of *Venezuela*, marital status: *married* and holder of identity card No. 6,297,265. He read the document in the presence of the notary ands stated: "The content thereof is true and correct and the signature appearing at the bottom of the instrument is mine." The Notary therefore declared it to be authenticated in the presence of witnesses: MARIELA JIMENEZ AND ESTHER DE CESAR, holders of identity cards Nos. 10,737,912 and 395,502, and she inserted it in the book of authentications maintained by this Notary's office under No. *28*, Volume *11*. The Notary states for the record that she examined and returned BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s entry in the Commercial Register, which was originally registered with the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District of the State of Carabobo on October 23, 1956, under No. 1. Also, the Notary went to BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s premises in this city at *10:15 a.m.* for the execution of this document.

THE NOTARY:

(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

GRANTOR:
(Signed) (Illegible)

THE WITNESSES.-
Two signatures – illegible)

(Three stamps across middle of page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Hand written) 62

(Two stamps with illegible initials and signature)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

(Four Partial stamps in right margin)
REPUBLIC OF.....
(Coat of Arms)
THIRD NOTARY PUBLIC.....

The undersigned Notary hereby certifies that the foregoing power of attorney was replaced by citizen Ramón J. Alvins Santi, and the exercise thereof was restricted to citizens Diego Buatillos Beiner, Henry Torrealba, Mario Calosso, José Enrique D'Apollo and Gabriela Núñez Márquez, by means of an instrument signed before the 8th Notary's Office, now the 4th, in and for the Municipality of Chacao in the District of Miranda, under No. 45, Volume 96, on December 11, 1996.

The Notary,

(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC

(Four fiscal stamps with illegible signatures and round ink stamps superimposed reading:)

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant _____
Identification Number_____Date____
For _____ Legal Basis _____
H-98 3398129
1000 - ONE THOUSAND BOLIVARS

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant _____
Identification Number_____Date____
For _____ Legal Basis _____
H-98 6950811
300 - THREE HUNDRED BOLIVARS

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant _____
Identification Number_____Date____
For _____ Legal Basis _____
H-98 3398130
1000 - ONE THOUSAND BOLIVARS

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant _____
Identification Number_____Date____
For _____ Legal Basis _____
H-98 6950812
300 - THREE HUNDRED BOLIVARS

(Four partial stamps in left margin)
....VENEZUELA

..... VALENCIA

(Three Stamps two with illegible initials)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp - Value: 148 Bolivars

REPUBLIC OF VENEZUELA.- THE UNDERSIGNED, ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO, CERTIFIES: That she has compared the photocopy consisting of THREE (03) ..... sheets of paper, and that it is a true and correct copy of the Document that was inserted at this Notary's Office in 1996 ....., under No. 28 ....., Volume 11..., that said copy was made by citizen SULEIDA NOGUERA...., of age, Holder of Identity Card No. V-5,622,001...., a capable person who is Authorized by me to do so and who, together with me, is signing this Certification and each one of its pages. That said copy is issued at the request of the interested party and by Decree of this same date, which are inserted below: Citizen Third Notary Public in and for Valencia. In her office. I, MARJORIE ROSSELL ..., of age, Holder of Identity Card No. 12,606,141, am requesting a Certified Photocopy of Document No. 28 ....., Volume: 11 ....., in the Books of Authentications maintained by this Notary's Office dated January 30, 1996. In Valencia, on the EIGHTEENTH (18th) day of the month of May.- 18, in the year TWO THOUSAND. The Applicant (signed) illegible. Republic of Venezuela. Third Notary Public in and for Valencia. Valencia, 5-18-2000 ...., and for this purpose, pursuant to the provisions of Article 120 of the Public Records Law. Citizen SULEIDA NOGUERA..., of age, Holder of Identity Card No. V-5,622,001, is appointed to perform the Photocopying and sign each of the pages together with the Notary. (signed). ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO. Valencia. On the EIGHTEENTH (18th) ..... day of the month of MAY.- ....., TWO THOUSAND.- 189th year of Independence, and 140th year of the Federation.- ----------

THE NOTARY
(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

THE APPOINTEE.-
(Signed) (illegible)

(Stamp)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

COURT IN AND FOR THE MUNICIPALITY OF SANTIAGO MARIÑO IN THE STATE OF ARAGUA. TURMERO, THE TWENTY-FOURTH (24TH) DAY OF AUGUST IN THE YEAR 2000.

189th year of independence and 142nd year of the federation

Having received this petition filed by citizen: FRANCISCO JESUS VELASQUEZ ARCAY, who is a citizen of Venezuela, of age, holder of Identity Card No. V-7,121,658, a practicing Attorney, registered with the Venezuelan Bar Association under No. 54,892, appearing herein in his capacity as Legal Counsel for BRIDGESTONE FIRESTONE VENEZOLANA, C.A. a corporation formally known as C.A. FIRESTONE VENEZOLANA, it is ordered that it be admitted and recorded in the appropriate book, consequently, it is agreed to transfer and call the Court to session anywhere the petitioner indicates in order to hold the Judicial Inspection requested in this petition, and *12:30* in the afternoon of *August 24, 2000* is scheduled therefor, having first set aside the necessary time.

Provisional Judge,

(Signed) (Illegible)

(Stamp)
Republic of Venezuela
In the Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipality of Santiago Mariño

Clerk,
(Signed) (Illegible)

Complied with as ordered above on this same day.

Clerk,
(Initials – illegible)

At 12:50 in the afternoon today, the twenty-fourth day of August, in the year two thousand, the necessary time having been set aside, the Court was transferred and called into session, accompanied by citizen FRANCISCO JESUS VELASQUEZ ARCAY, Holder of Identity Card No. 7,121.658, a practicing attorney registered with the Venezuelan Bar Association under No. 54,892, Legal Counsel for BRIDGESTONE-FIRESTONE VENEZOLANA, C.A., a corporation formerly known as C.A. FIRESTONE VENEZOLANA, at the following address: Central 200 Parking Lot, opposite the Cemetery, on the Turmero-La Encrucijada National Highway, in order to hold the Judicial Inspection requested in this Petition. Citizen JONATHAN ALBERTO MIÑO FAGUNDEZ was present and the Court subpoenaed him for the Court's mission and he allowed free access inside the Central 2000 Parking Lot. The Court then appointed citizen DAVID GONCALVES MALPICA, Holder of Identity Card No. 11,089,574 as the Expert Mechanic and citizen LUIS ARMANDO OLIVO PARPACEN, Holder of Identity Card No. 10,736,138 as the Expert Photographer; they were present and stated under oath that they would fulfill the duties inherent in the assignments for which they had been appointed. The Court then made a statement on the record concerning the items set forth in this petition, as follows: ITEM No. ONE: The Court stated for the record that at the location at which it had been called into session, there was a vehicle, Make: FORD, Model: EXPLORER, Color, Wine, Type: XLT ELITE, Plates: GAT-37G. ITEM No. TWO: The Court stated for the record that in fact, the inspected vehicle had four tires mounted one on each rim. ITEM No. THREE: The Court stated for the record that the Make of the tires mounted one on each of the inspected vehicle's rims was GOODYEAR, type, Wrangler RT/S, P255/70R16, and the serial number on the front left tire was not visible; the serial number of the rear left tire was DOTMKCONCHR7600, the serial number on the front right tire was not visible, the serial number on the rear right tire was DOTMKCONCHR2700 and the serial number on the spare tire was not visible. ITEM No. FOUR: The Court stated for the record that the two front tires were noted to be in good condition and flat, the two rear.....

tires were also in good condition and were inflated, and also the tread on all four tires was in good condition. ITEM No. FIVE: The Court stated for the record that it ordered the expert photographer to take photographs of the tires mounted on each of the inspected vehicle's rims, and these were taken with an instant photograph POLAROID 636 CLOSE UP camera; the photographs were ordered to be added to this petition. ITEM No. SIX: The Court stated for the record that it ordered the expert photographer to take photographs of the bodywork and condition of the inspected vehicle, and this was done with the camera identified above, so the Court agreed to add these photographs to this petition. ITEM No. SEVEN: The Court, with the assistance of the expert who had been appointed, stated for the record that the inspected vehicle had dents and misalignments all over its physical structure, especially on the top (roof), and also on the hood and the front part of the vehicle. At this point, the petitioner exercising the right to speak he had reserved, stated: "I ask the Court to state the mileage on the inspected vehicle for the record, and also the make, type and serial number of the spare tire the said vehicle has, and also that a photograph be taken of this spare tire, that is all". The Court, with the assistance of the expert who had been appointed, stated for the record that the mileage showing on the vehicle was 90,935 kilometers, and that the spare tire was: Make: GOODYEAR, type: WRANGLER RTS, P255/70R16, the serial number was not visible, and it was also stated for the record that the expert photographer was ordered to take photographs of the spare tire and it was ordered that these be added to the petition. Now, therefore, there being no further business, the Court agreed to return to its usual seat. That is all. Completed, read and signed by the undersigned, who were in agreement therewith.

Provisional Judge

(Signed) (Illegible)

(Stamp)
Republic of Venezuela
In the Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipality of Santiago Mariño

(Signed) (Illegible)
Petitioner

(Signed) David Goncalves
Expert Mechanic

The Subpoenaed Party
(Signed) Jonathan Miño

(Signed) (Illegible)
Expert Photographer

The Clerk.-
(Signed) (Illegible)

COURT IN AND FOR THE MUNICIPALITY OF SANTIAGO MARIÑO IN THE STATE OF ARAGUA.-
TURMERO, THE TWENTY-FOURTH (24TH) DAY OF AUGUST IN THE YEAR TWO THOUSAND

This petition having been complied with by this Court, it is therefore agreed to return the original with the results thereof to the petitioner.

PROVISIONAL JUDGE,
(Signed) (Illegible)
ATTORNEY GUADALUPE GIRON *(ILLEGIBLE)*
(Stamp)
Republic of Venezuela
In the Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipality of Santiago Mariño

THE CLERK,
(Signed) (Illegible)
ATTORNEY SERGIO A. ESPINOZA

Complied with as ordered above on this same day.

The Clerk,
(Initials -- illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 2347-2000, dated August 24, 2000, concerning an inspection of the Ford Explorer with plates numbered GAT-37G, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena H. Rosado

Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC764725 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

No. *1491*

PETITIONS

RECORDS

PETITIONER(S): *FRANCISCO JESÚS VELASQUEZ ARCAY*

REASON: *JUDICIAL INSPECTION*

COURT: *IN AND FOR THE MUNICIPALITY OF JOSÉ FÉLIX RIBAS AND JOSÉ RAFAEL REVENGA*

DATE OF ENTRY: Day 31 Month *August* Year *2000*

DATE RETURNED: Day _____ Month _____ Year _____

No. *1491*

C.22

(Hand written) One (1)

(Seal)

STATE OF ARAGUA

(Coat of Arms)

Fee for Fiscal Stamp – Value: One hundred and ninety-two Bolivars (192.00)

Ar-99 No. 1816392 -

Citizen:

JUDGE IN AND FOR THE MUNICIPALITIES OF JOSE FELIX RIVAS AND JOSE RAFAEL REVENGA IN THE JUDICIAL DISTRICT OF THE STATE OF ARAGUA

In his office.

I, **FRANCISCO JESÚS VELASQUEZ ARCAY**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,121,658, a practicing attorney, registered with the Venezuelan Bar Association ("INPREABOGADO") under No. 54,892, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney attached to this petition, for **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with articles 192, 936 and 938 of the Code of Civil Procedure, and article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred to and constituted at the address of which I will advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is constituted of a vehicle: Make: Ford, Model: Explorer, and the Type Color and Plates of the inspected vehicle.- ——

TWO: As to whether the vehicle identified above has four (4) tires fitted one on each of its rims. ——

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

(Back of Page One)

FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. ———

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. -- ———

SEVEN: That a statement be made on the record as to the general condition of the vehicle's bodywork. -

As to any other fact or circumstance that I reserve the right to indicate in due course. ---------- ——

Pursuant to articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of article 502 of same, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer be appointed, together with an expert mechanic. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of the filing hereof. ----------

(Signed – illegible)

(Stamp-illegible)

(Hand written) Submitted today, August 31, 2000

(Signed – illegible)

(Four partial Stamps down left margin)
...Venezuela
(Coat of Arms)
..in and for Valencia

(Fiscal Stamp)
20 BOLIVARS
Ministry of Finance

(Hand written) Three (3)

(Stamp)
Receipt No. *(illegible)*
Notary:_____
Fees:_____
Authorized by:_____
(stamped): PAID
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Three Stamps)
Republic of Venezuela
(Coat of Arms)
(Initials) (Illegible)
Third Notary Public in and for Valencia

(Signed) (illegible)
FRANCISCO J. VELASQUEZ ARCAY
ATTORNEY
VENEZUELAN BAR ASSOCIATION NO. 54,892

I, ROSENDO S. TERRADAS, a citizen of Venezuela, of age, a resident of this city, in full possession of my civil rights and holder of identity card No. 6,297,265, appearing in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a commercial company domiciled in the city of Valencia, State of Carabobo, and originally registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in and for the Seventh Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, hereby state: That the company I represent is granting a power of attorney that is as broad, adequate and sufficient as the law requires and is necessary, to practicing attorneys: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ and FRANCISCO J. VELASQUEZ ARCAY, all citizens of Venezuela, of age, legally competent and holders of identity cards Nos. 3,967,563, 3,661,025, 7,308,173, 6,845,624, 6,822,699, 10,335,670, 9,879,275, 7,139,825 and 7,121,658 respectively, who are registered with the Venezuelan Bar Association ("INPREABOGADO") under Numbers 13,946; 11,568; 19,692; 26,304; 32,501; 54,502; 48,338; 55,660 and 54,892, also respectively; the first eight of said attorneys being domiciled in the city of Caracas, Federal District, and the last one being domiciled in the city of Valencia, State of Carabobo, to act jointly or separately and represent and uphold the rights, actions and interests of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. in any type of judicial or extra-judicial matter to which it is a party, before any person, whether public or private, and before any national, state, district or municipal, judicial or administrative agency or agencies under any other competence, order or jurisdiction, including, but .....

(Hand written at bottom of page)
No. 28 – Volume 11

(Hand written) (60)

(Three stamps with initials and Four partial stamps in right margin)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

not limited to, the courts of the First and/or Second Instance, District or Municipal Courts, the Supreme Court of Justice, the First Court for Contentious-Administrative Matters, Higher Courts for Contentious-Administrative Matters, Higher Courts for Contentious-Tax Matters, Courts for Contentious-Administrative Matters, Criminal Courts, Labor Courts and finally, before any agency, court, office, authority and/or officers of any public or private kind. The grantees named above are, when exercising this power of attorney, authorized to file and/or answer any kind of complaint, claim, proceeding, motion and/or counterclaim, allege, object to and/or answer prior defenses and questions, enter into commitments for remedies and/or guarantees, agree to, dismiss, settle, waive actions or rights and refrain from exercising them if appropriate; request the record on orders or actions; defer action, suspend, exercise, request and waive extensions of time and appeals, challenge, move for dismissal and reinstatement if necessary or appropriate; appeal, appear in person; produce any type of evidence and object to the admission of same and participate in all of the procedures and motions for compliance therewith, request and arrange for any preventive or executory measure if necessary or appropriate or oppose same and participate in any other motion that may arise; commence third party proceedings; strike and/or disavow all types of documents, strike witnesses, assign property, request accountings, move for petitionary or confessional proceedings of any kind whatsoever; be summoned or subpoenaed, receive and deliver any amount of money that is legitimately due and owing and issue and demand the corresponding receipts and releases, dispose of rights during litigation, request and participate in auctions, by bidding and purchasing at auctions for such purpose, issue any bond and guarantee required by any Court or Tribunal; object to any kind of [this text is missing: bond and/or guarantee, settle at arbitration, with arbitrators and/or]

.....

(Hand written) Four (4)

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
20 BOLIVARS
Ministry of Finance
(Four partial stamps in left margin)
....OF VENEZUELA
(Coat of Arms)
...IN AND FOR VALENCIA
(Three stamps over fiscal stamp with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

at arbitration proceedings at law, request rulings in equity, appoint partners, pursue lawsuits that have been commenced in all of their proceedings, motions and procedures and exercise any remedy there may be, whether ordinary or extraordinary, such as cassation or annulment, initiate and refrain from proceedings challenging the constitutionality of laws, propound and answer interrogatories under oath, file claims and small claims and refrain from making them, and in general, do anything necessary or appropriate for the best defense of the rights and interests of BRIDGESTONE FIRESTONE VENEZOLANA C.A. I hereby certify that the powers granted and listed hereunder are merely for reference purposes and are not limitative and that the grantees appointed hereunder are authorized to assign this power of attorney to people or attorneys they deem to be trustworthy, with all or any of the powers mentioned above, with or without a restriction on the exercise thereof. This power of attorney neither revokes nor invalidates any other power of attorney previously granted by BRIDGESTONE FIRESTONE VENEZOLANA C.A. In order to certify as to the legal existence of the company I represent for the record, the capacity in which I am acting, my powers and the other issues concerning powers of attorney, and pursuant to the provisions of article 155 of the Code of Civil Procedure, I am hereby listing and producing the following documents to the Notary before whom this power of attorney is being signed and I am asking her to list them in the respective note: ONE: Certified copy issued by the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District dated the twenty-third (23rd) day of October, 1956, of the entry in Companies Register No. 1, containing the original Articles of Incorporation and Bylaws of C.A. FIRESTONE VENEZOLANA, (now known as BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). TWO: Certified copy issued by the First Commercial Register for the Judicial District of the State of ....

(Back of Page Four)

(Hand written) (61)

(Three stamps with illegible initials)

REPUBLIC OF VENEZUELA

(Coat of Arms)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

Carabobo, on the twenty-fifth (25th) day of November, 1992, of the entry in Commercial Register No. 34, Volume 16-A, containing the Minutes of the Extraordinary Shareholders' Meeting held in lieu of an Ordinary Meeting on the nineteenth (19th) day of November, 1992, at which it was agreed, among other things, to change the name of the company to BRIDGESTONE FIRESTONE VENEZOLANA, C.A. THREE: Certified copy issued by the First Commercial Register for the Judicial District of the State of Carabobo dated the twenty-seventh (27th) day of January, 1995, of the entry in Companies Register No. 46, Volume 6-A, containing the minutes of the Extraordinary General Shareholders' Meeting held on the twelfth (12th) day of December, 1994, which sets forth my appointment as President of the company. I am also asking the Notary Public to come to and appear at the company offices for the granting of this power of attorney. Valencia, on the date of the authentication hereof.

(Signed) (Illegible)

(Three stamps)
REPUBLIC OF VENEZUELA
(Seal))
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Fiscal Stamp)
REPUBLIC OF ....
Ministry of Finance
Name of Applicant ____
Identification Number____
For _____ Legal Basis _____
[text cut off]

(Hand written) sixty-two

(Four Partial Stamps down left margin) *(Hand written)* Five (5)
REPUBLIC OF VENEZUELA
(Seal)
in and for Valencia
– *(illegible)*

(Four stamps)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA
(Initials and signature superimposed – illegible)

REPUBLIC OF VENEZUELA. THIRD NOTARY PUBLIC IN AND FOR VALENCIA. Valencia, on the *thirtieth (30th) day* of *January*, nineteen hundred and ninety-six. 185th year of Independence and 136th year of the Federation. The foregoing document, which was prepared by attorney FRANCISCO VELASQUEZ ARCAY, who is registered with the Venezuelan Bar Association under number 54892, was submitted for authentication and return, as per form No. 243271, dated: January 30, 1996. The grantor thereof was present and stated that his name was: ROSENDO S. TERRADAS, acting in his capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., being of legal age, domiciled in *Valencia*, a citizen of *Venezuela*, marital status: *married* and holder of identity card No. 6,297,265. He read the document in the presence of the notary and stated: "The content thereof is true and correct and the signature appearing at the bottom of the instrument is mine." The Notary therefore declared it to be authenticated in the presence of witnesses: MARIELA JIMENEZ AND ESTHER DE CESAR, holders of identity cards Nos. 10,737,912 and 395,502, and she inserted it in the book of authentications maintained by this Notary's office under No. *28*, Volume *11*. The Notary states for the record that she examined and returned BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s entry in the Companies Register, which was originally registered with the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District of the State of Carabobo on October 23, 1956, under No. 1. Also, the Notary went to BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s premises in this city at *10:15 a.m.* for the execution of this document.

THE NOTARY:
(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

GRANTOR:
(Signed) (Illegible)

THE WITNESSES.-
(Two signatures – illegible)

(Three stamps)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

(Four partial stamps down left margin) *(Hand written)* Six (6)
....DE VENEZUELA
(Seal)
..... Valencia

(Three Stamps, two with illegible initials)
BOLIVARIAN REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public's Office in and for Valencia

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp - Value: 148 Bolivars

BOLIVARIAN REPUBLIC OF VENEZUELA.- MINISTRY OF THE INTERIOR AND JUSTICE.- THE UNDERSIGNED, ROSA RUEDA DE HOUTMANN, CHIEF THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO, CERTIFIES: That this photocopy is a true and correct copy of the original document that was submitted to this Notary's Office for authentication and return, and was inserted under No. 28 ....., Volume 11..., dated January 30, 1996. ———, and that was compared by me as the authorized employee and concerns the petition prepared on August 24, 2000 ———, by Citizen: MARJORIE ROSSELL,.- ----------, of age, holder of Identity Card No. V-12,606,141.- ———, according to Receipt Form Number: 336387,- ---------- dated: August 24, 2000. This Certification is issued with the assistance of employee: SULEIDA NOGUERA- ———, of age, holder of Identity Card Number: V-5,622,001...., who works for this Notary's Office, who is duly authorized by the Notary to do so and who is signing each and every page hereof, all pursuant to the provisions of Article 120 of the PUBLIC RECORDS Law and in agreement with ARTICLE 10 and ARTICLE 20 of the Rules for NOTARY PUBLIC OFFICES. Said Certification consists of: THREE ---------- (03.- ——) sheets of paper.- Valencia, on the: TWENTY-FOURTH (24th) ——— day of the month of: AUGUST,- —— in the Year: TWO THOUSAND.- ———. - 189th year of Independence, and 141st year of the Federation.- ———

THE NOTARY
(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public's Office in and for Valencia

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

AUTHORIZED EMPLOYEE
(Signed) (Illegible)

(Four partial stamps down right margin)

REPUBLIC ....
(Seal)
THIRD NOTARY PUBLIC...

(Two stamps with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Stamp)

The undersigned NOTARY confirms that she had before her for examination and return FORM 16 No. *10404634,* paid at the Banco *Del Caribe* on *August 24, 2000*, issued by the MINISTRY OF FINANCE

The Notary

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Five stamps diagonally down page)

Republic of Venezuela

(Coat of Arms)

Third Notary Public in and for Valencia

(Hand written) Eight (8)

COURT IN AND FOR THE MUNICIPALITIES OF JOSE FELIX RIBAS AND JOSE RAFAEL REVENGA OF THE JUDICIAL DISTRICT OF THE STATE OF ARAGUA, LA VICTORIA, ON THE THIRTY-FIRST DAY OF AUGUST, TWO THOUSAND. YEARS: 190th Year of Independence and 141st Year of the Federation.-

Having reviewed the petition filed by citizen: FRANCISCO JESUS VELASQUEZ ARCAY, who is a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,121,658, a practicing Attorney, registered with the Venezuelan Bar Association under No. 54,892; appearing herein in his capacity as counsel for BRIDGESTONE FIRESTONE VENEZOLANA, C.A., it is admitted to the extent provided by law. Consequently, it is ordered that the Court be transferred and called into session at any location the petitioner indicates and that the required Judicial Inspection be held; it is ordered that the necessary time be set aside and it is scheduled for twelve thirty p.m. on the 31st day of August this year.

The Judge
(Signed) (Illegible)
Dr. Clemente Martinez E.
(Partial Stamp)
.....
(Seal)
Court in and for the Municipalities
of José Félix Ribas and José Rafael Revenga

The Clerk.-
(Signed) (Illegible)
Pilar de Mendoza.-

S.-1401.-

(Partial stamp – illegible)

(text missing)...it was noted that there was a vehicle there, Make: Ford, Model: Explorer V-8, color: white, plates: VAI-77P; the expert who had been appointed stated that the chassis serial number was: 8XD7U18V4Y8A14618. ITEM NO. TWO: The Court stated for the record that the vehicle actually had a tire mounted one on each of its rims. ITEM NO. THREE: The Court stated for the record that the expert who had been appointed advised that the vehicle had four tires mounted on it, identified as follows: front right tire: Make: Goodyear Wrangler RT/5 P255/70R-16, serial number DOT PBJR.2JJ4439; the front left tire, Make: Goodyear Wrangler RT/5 P255/70R *(text cut off)*, serial number DOT PBJR-2JJ4439; the rear right tire: Make: Goodyear – Wrangler RT/5 P255/70R *(text cut off)* serial number DOT PBJR-2JJ4439; rear left tire: Make: Goodyear Wrangler RT/5-P255/70 *(text cut off)*, serial number DOT PBJR-2JJ4439. ITEM NO. FOUR: The Court *[stated for the record]* that the expert advised that the front tires were in good condition, as was their tread. The rear tires were in bad condition and it was noted they were punctured, but the tread was in good condition. ITEM NO. FIVE: The Court stated for the record that at that point, photographs were then taken of each of the tires that were fitted, using an instant photograph Polaroid 636 Close Up camera; the photographs were ordered to be added to the record and to form an integral part of this inspection.- ITEM NO. SIX: The Court stated for the record that at this point, ...

(Partial stamp – illegible)

(Hand written) Ten (10)

(Seal)
STATE OF ARAGUA
(Seal)
Fee for Fiscal Stamp – Value: One hundred and ninety-two Bolivars (Bs. 192.00)

AR-99 No. 1816531

photographs were taken of the inspected vehicle's bodywork, using the camera described above; it was ordered that these photographs be added to the record so as to form a part of this inspection.- ITEM NO. SEVEN: The Court stated for the record that the inspected vehicle was dented on the left side, both sides of *(illegible)* had caved in, the front left mudguard had come away, almost all of the bodywork was out of alignment and it was noted that the windshield was shattered.- At this point, the Petitioner stated: I would ask this Court to be so kind as to state the type of suspension on the vehicle for the record, and the year of the vehicle and the condition, Make, type and serial number of the tire in the back of the vehicle, and also the state of the tread on said tire.- The Court stated for the record that the suspension on the inspected vehicle was of the ARB Australiana type, which information was provided by the expert who had been appointed, and the expert also advised that the truck was an Explorer V-8 model, the year was 2000; and also, from the writing on said tire, it was noted that it was Make: Goodyear Wrangler RT/5 P255 – 70R-16, serial number DOT PBJR-2JJ4439; it was in bad condition, punctured,

and the tread had come away from the outside side of the tire; it was noted that in one place, said tire was split. That is all.- The inspection was concluded and the Court ordered its return to its usual seat and that this petition be returned with the results. Completed, read and signed by the undersigned, who were in agreement therewith.

(Stamp)
(illegible)
Judge
(Signed) (Illegible)

(Signed) David Goncalves
Expert

(Signed) (Illegible)
Petitioner

Photographer
(Signed) (Illegible)

Clerk
(Signed) (Illegible)
(Stamp – illegible)

(Partial stamp to right – illegible)

The original was returned with the results thereof on this same day.

Clerk
(Initials illegible)
(Stamp – illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 1491, dated August 31, 2000, concerning an inspection of the Ford Explorer with plates numbered VAI-77P, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

ELENA M. ROSADO
MY COMMISSION # CC784725 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 1491

SOLICITUDES

ARCHIVO

SOLICITANTE (S): Francisco Jesús Velázquez Arroyo

MOTIVO: Inspección Judicial

JUZGADO: Municipal José Félix Ribas y José Rafael Revenga

FECHA DE ENTRADA: Día 31 Mes Agosto Año 2006

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

No. 1491

C-22

AR - 99 No. 1816392

Ciudadano

JUEZ DE LOS MUNICIPIOS JOSE FELIX RIVAS Y JOSE RAFAEL REVENGA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO ARAGUA

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene el respectivo caucho instalado en cada uno de sus rines. ----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehiculo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada u de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimier Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene reproducción fotográfica de los hechos anteriormente especificados y de cualqu otro que expresamente me reservo señalar en la oportunidad de la práctica de dic inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que l referidas fotografías fueron realizadas en su presencia, y que son reproduccion fieles y exactas de los hechos evidenciados en la presente inspección judicial, p lo cual solicito expresamente que dichas fotografías sean agregadas a e Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta original junto con sus resultas. Es gracia que espero en La Victoria, en la fecha su presentación.----------

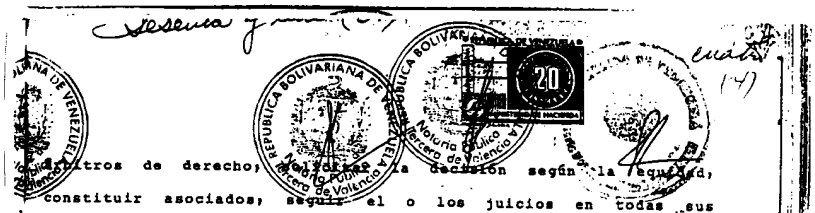


Yo, ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 13.946, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.892, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal y de cualquier competencia, orden o jurisdicción, incluyendo pero

N:- 28- T. 11.



sin estar [illegible] a ello, por ante los Tribunales de Primera
Segunda Instancia, de Distrito o de Municipio, Corte Suprema
Justicia, Corte Primera en lo Contencioso Administrati
Tribunales Superiores en lo Contencioso Administrativo, Tribuna
Superiores en lo Contencioso Tributario, Tribunales en
Contencioso Administrativo, Tribunales Penales, Tribunales
Trabajo y en fin, por ante todos los organismos, tribunal
despachos, autoridades y/o funcionarios de carácter públic
privado. En el ejercicio del presente poder los prenombra
apoderados están facultados para intentar y/o contestar toda cl
de demandas, reclamos, procedimientos, incidencias
reconvenciones, alegar, oponer y/o contestar defensas y cuestio
previas, hacer citas de saneamiento y/o de garantía, conven
desistir, transigir, renunciar a acciones o derechos y dejar
ejercerlos si así fuere conveniente, solicitar acumulación de au
o de acciones, diferir actos, suspender, ejercer, reclamar
renunciar lapsos y recursos, recusar, demandar la nulidad y
reposición cuando fuere necesario o conveniente, apelar, ocurrir
hecho, promover cualquier medio de prueba y oponerse a la admis
de los mismos e intervenir en todos los trámites e incidencias
su evacuación, solicitar y tramitar cualquier medida preventiva
ejecutiva cuando así fuere necesario o conveniente u oponerse a
mismas e intervenir en cualquier otra incidencia que pudi
presentarse, incoar tercerías, tachar y/o desconocer toda clase
documentos, tachar testigos, hacer cesión de bienes, pe
rendición de cuentas, proponer acciones petitorias o confesorias
la especie que fueren, darse por citado o notificado, recibi
entregar cantidades de dinero que legítimamente se adeu
otorgando y exigiendo los correspondientes recibos y finiquit
disponer de los derechos en litigio, solicitar e intervenir
procedimientos de remate, a tales fines hacer posturas y adqu
en actos de remate, otorgar cualesquiera fianzas y caucio
requeridas por alguna Corte o Tribunal, oponerse a cualquier c



abogados, mayores de edad, de este domicilio, titulares de la cédula de identidad Nros. 6.252.135 y 6.252.136, respectivamente, actuando en mi carácter de Presidente y Director Principal, respectivamente, de la sociedad mercantil BRIDGESTONE FIRESTONE VENEZOLANA, C.A., inscrita en el Registro de Comercio que lleva el Tribunal de la Primera Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, Tomo 1-A, cuya última modificación consta de documento inscrito en el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha veintiséis (26) de junio de 2.000, bajo el No. 36, Tomo 124-A, según consta de Poder que acompaño marcado con la letra "A", por medio del presente documento confiero poder especial, amplio y suficiente, tan cumplido y bastante como en derecho se requiere y sea necesario, a los abogados en ejercicio ANTONIO ESTEVEZ, ANTONIO ESTEVEZ HERNANDEZ, ANTONIO ESTEVEZ MARTINEZ, ANTONIO ESTEVEZ PEREZ, ANTONIO ESTEVEZ PEREZ, ANTONIO ESTEVEZ PERE

Carabobo en fecha veinticinco (25) de noviembre de 1992, asiento Registro de Comercio No. 34, Tomo 16-A, contentivo Acta de Asamblea Extraordinaria de Accionistas celebrada a efectos de la Asamblea Ordinaria en fecha diecinueve (19) noviembre de 1992, en la que se acordó entre otros puntos, cambio de denominación de la compañía a BRIDGESTONE FIREST VENEZOLANA, C.A. TERCERO: Copia certificada expedida por Registro Mercantil Primero de la Circunscripción Judicial Estado Carabobo en fecha veintisiete (27) de enero de 1995, asiento Registro de Comercio No. 46, Tomo 6-A, contentivo del a de Asamblea General Extraordinaria de Accionistas celebrada fecha doce (12) de diciembre de 1994, en la que consta designación como Presidente de la compañía. Igualmente solicito Notario Público que para el otorgamiento del presente poder, traslade y constituya en las oficinas de la compañía. Valencia, la fecha de su autenticación.

Tesorería y [illegible]

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia treinta (30) de [illegible] de mil novecientos noventa y seis 185º y 136º. El anterior documento redactado por el abogado [illegible] CO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54892, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737.912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15am.

LA NOTARIO

Rosa Rueda de Houtmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

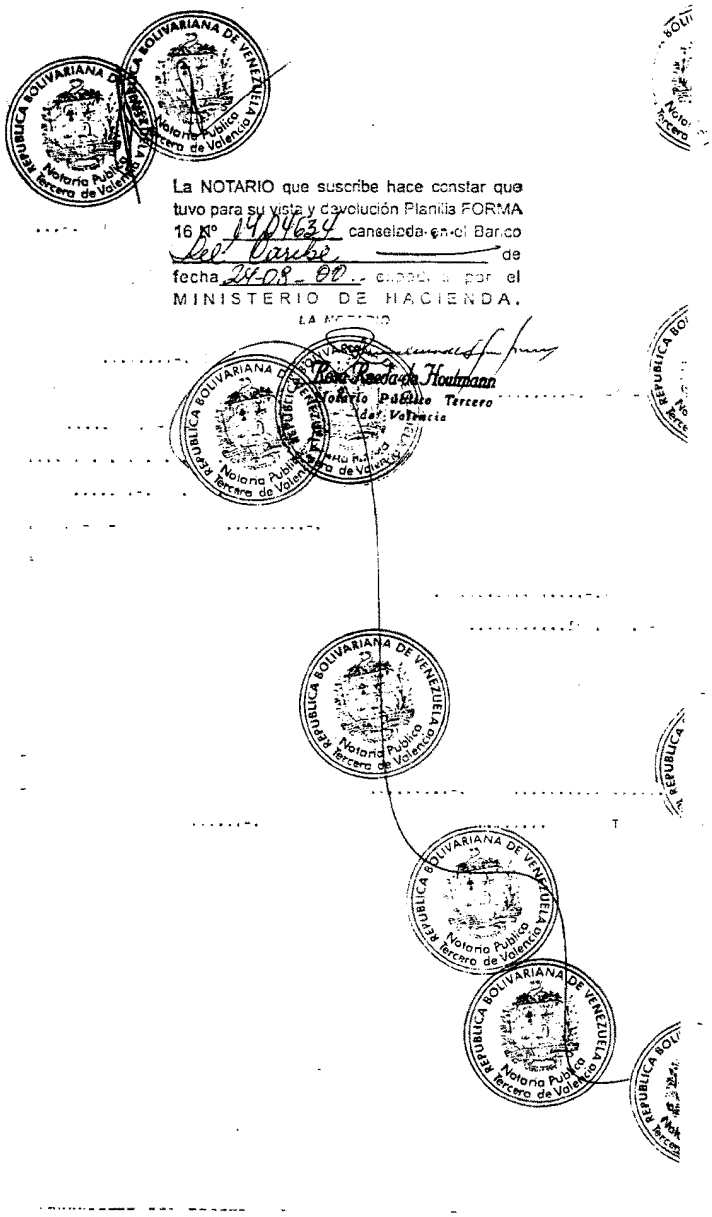


REPUBLICA BOLIVARIANA DE VENEZUELA.- MINISTERIO DEL INTERIOR Y JUSTICIA .-
ROSA RUBIO DE HOULMANN.-..... NOTARIO PUBLICO TERCERO " TITULAR.-...."
EL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFI
A: Que la presente Copia Fotostática es copia fiel y exacta del Documento
riginal presentado en esta Notaría para su Autenticación y Devolución, el
ual quedó inserto bajo el Nº 26.-....., Tomo: 11º.-....., de fecha
30-01-96.-....., la cual fué confrontada por mí como por el Funcionario
utorizado y alude a la solicitud formulada en fecha: 24-08-2.000....., por
1 (la) Ciudadano (a): MARJORIE ROSSELL.- . . . . . .
yor de edad, con Cédula de Identidad Número: V-12.606.141.-.....según-
anilla de Liquidación Número: 336387.-..... de fecha: 24-08-2.000.-
ta Certificación se expide con la colaboración del Funcionario: SULEIDA=
OGUERA.-....., mayor de edad, con Cédula de Identidad Número:
-5.622.001....., al Servicio de esta Notaría, quién está autorizado-
abidamente por el Notario para hacerlo y quién firma en todas y cada una -
las páginas, todo ello de conformidad con lo establecido en el Artículo-
0º de la Ley de REGISTRO PUBLICO y en concordancia con los ARTICULOS 10 y
del Reglamento de NOTARIAS PUBLICAS. Dicha Certificación consta de: TRES-
.....(03.-.....) folios útiles.- Valencia, a los: VEIN-
CUATRO (24).....días del mes de: AGOSTO.-..... del Año: DOS MIL.-
9º de la Independencia y 141º de la Federación.-.....

NOTARIO

Rosa Rubio de Houlmann
Notaria Público Tercera
de Valencia

FUNCIONARIO AUTORIZADO.-


La NOTARIO que suscribe hace constar que tuvo para su vista y devolución Planilla FORMA 16 Nº 1404634 cancelada en el Banco Del Caribe de fecha 24-08-00 emitida por el MINISTERIO DE HACIENDA.
LA NOTARIO
Nora Rueda de Houtmann
Notario Público Tercero del Valencia
REPUBLICA BOLIVARIANA DE VENEZUELA
Notaria Pública Tercera de Valencia

JUZGADO DE LOS MUNICIPIOS JOSE FELIX RIBAS Y JOSE RAFAEL REVENGA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO ARAGUA. LA VICTORIA, 31 DE AGOSTO DEL DOS MIL.- AÑOS: 190º y 141º.-

Vista la solicitud presentada por el ciudadano: Francisco Jesús Velasquez Arcay,venezolano,mayor de edad,domiciliado en Valencia,Estado Carabobo,titular de la cédula de identidad Nº 7.121.658,abogado en ejercicio,inscrito en el Inpreabogado bajo el Nº 54.992,procediendo en este acto en su carácter de apoderado de Bridgestone Firestone Venezolana,C.A se admite cuanto ha lugar en derecho. En consecuencia trasladese y constituyase este Tribunal donde indique el solicitante y practiquese la Inspección Judicial requerida,se habilta el tiempo necsario y se fija para dicho acto el día 31 de Agosto del presente año a las once y treinta minutos de la mañana.-

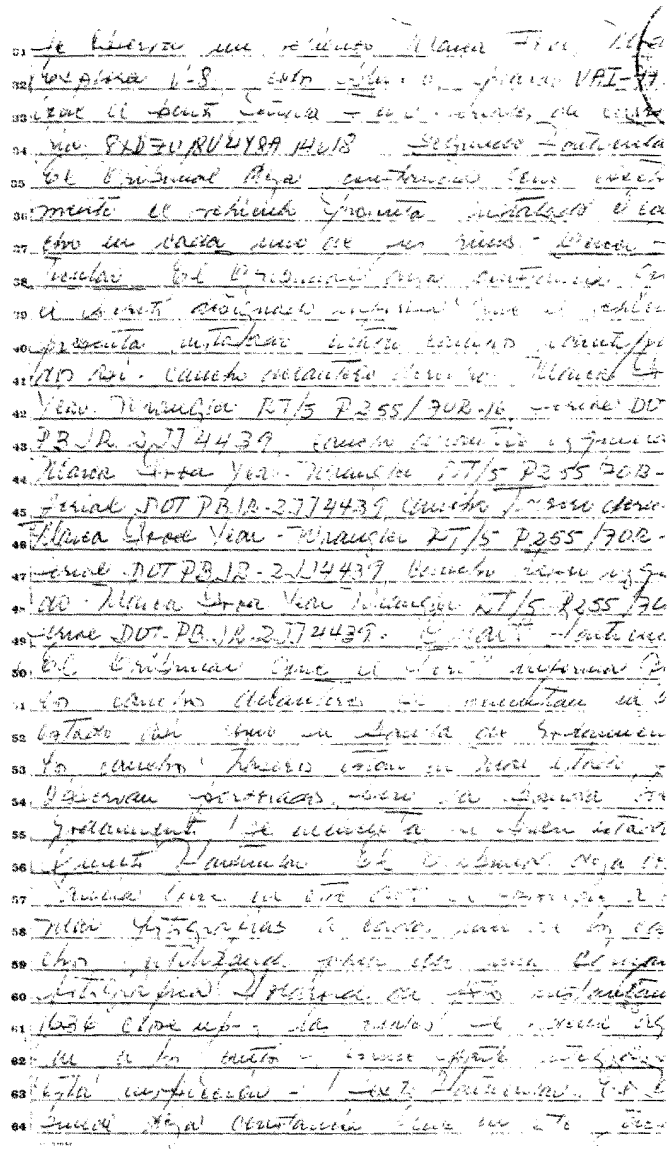
El Juez

Dr Clemente Martinez

La Secretaria

Pilar de Mendoza.-

S.1771.-

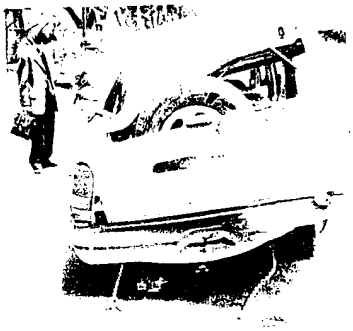


Anl (10)

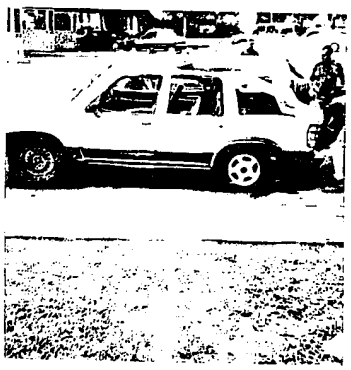
AR - 99 No. 1816531

Tomaron fotografías a la carrocería del
vehículo inspeccionado utilizando para
la cámara antes descrita, dichas fo-
se ordena agregar a los autos a fin
de formar parte de esta inspección -
Título Particular: El Tribunal deja cons-
tancia que el vehículo inspeccionado pre-
senta pobladura en el lado izquierdo
[illegible] en ambos lados [illegible]
[illegible] y [illegible] desprendido y [illegible]
casi la totalidad de la carrocería el
[illegible] se observa [illegible] - [illegible]
el [illegible] [illegible] Tribunal
[illegible] deja constancia del tipo de [illegible]
[illegible] del vehículo del año del vehículo y del
[illegible], marca, tipo y serial del [illegible]
[illegible] en la parte interior [illegible] del
vehículo así como el estado de la [illegible]
[illegible] en dicho caucho. - [illegible]
[illegible] deja constancia que el vehículo [illegible]
[illegible] presenta suspensión tipo [illegible]
[illegible], lo cual es informado por el [illegible]
[illegible], igualmente el [illegible] informa el
[illegible] de la camioneta es [illegible] 8-
2000, así mismo de la [illegible]
[illegible] señalado se observa que es [illegible]
[illegible] Yeru - Naranja RT/J P255 [illegible] -
[illegible] DO PB-12-3 [illegible] 4439 se encuentra -
[illegible] estado [illegible] (y con [illegible]
[illegible] en el lateral externo del caucho

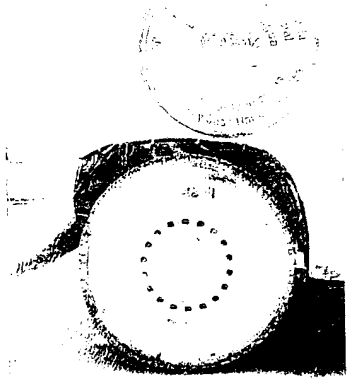


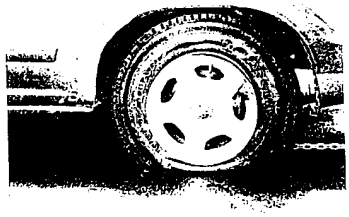


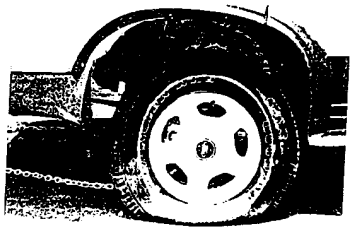
Face 1/21

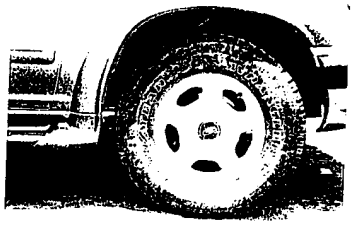




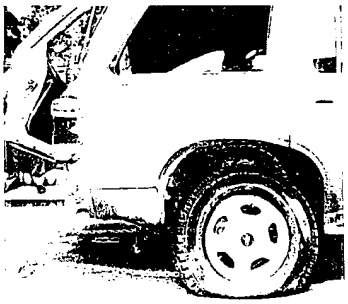


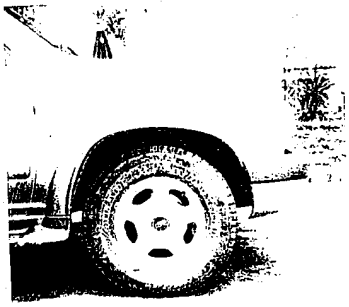






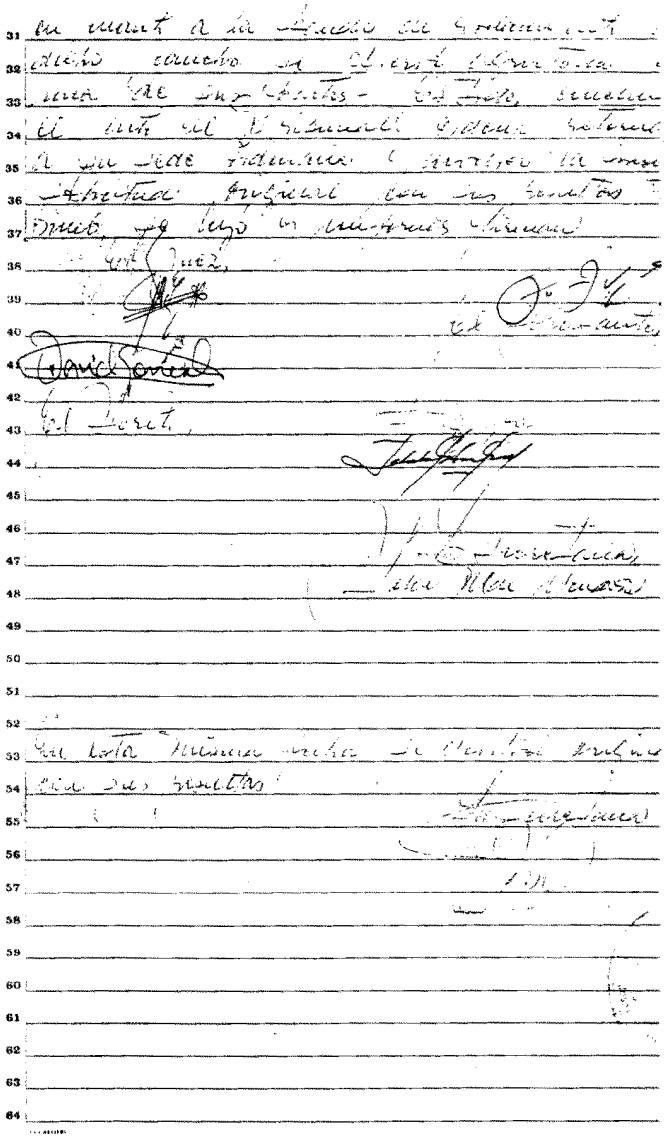
Annexe (15)











REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

No. *3377*

PETITIONS

RECORDS

PETITIONER(S): *FRANCISCO JESÚS VELASQUEZ ARCAY*

REASON: *JUDICIAL INSPECTION*

COURT: *FOURTH MUNICIPAL COURT*

DATE OF ENTRY: Day *05* Month *SEPTEMBER* Year *2000*

DATE RETURNED: Day _____ Month _____ Year _____

No. ***3377***

C.22

(Hand written) One (1)

(Seal)

STATE OF CARABOBO

(Coat of Arms)

• Fee for Fiscal Stamp • VALUE: ONE HUNDRED FORTY-EIGHT BOLIVARS (Bs. 148.00) •

CA-98 No. 04214641 –

Citizen:

FOURTH JUDGE FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

In his Office.

I, **FRANCISCO JESÚS VELASQUEZ ARCAY**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,121,658, a practicing attorney, registered with the Venezuelan Bar Association ("INPREABOGADO") under No. 54,892, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney attached to this petition, for **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with articles 192, 936 and 938 of the Code of Civil Procedure, and article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred to and constituted at the address of which I will advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is constituted of a vehicle: Make: Ford, Model: Explorer, and the Type Color and Plates of the inspected vehicle.- ——

TWO: As to whether the vehicle identified above has four (4) tires fitted one on each of its rims. ——

(Back of Page One)

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. ----------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. ----------

SEVEN: That a statement be made on the record as to the general condition of the vehicle's bodywork. - As to any other fact or circumstance that I reserve the right to indicate in due course. ----------

Pursuant to articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of article 502 of same, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer be appointed, together with an expert mechanic. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of the filing hereof. ----------

(Signed – illegible)

(Stamp)
FILED today, *September 5, 2000*
SET FORTH on *one (1) page with One (1) Exhibit*
AMENDMENTS : *No*
TIME: *9:00 A.M.* OFFICE HOURS
IMMEDIATELY GIVEN TO JUDGE

(Signed – illegible)

(Hand written) Two (2)

(Stamp)
REPUBLIC OF VENEZUELA
(Coat of Arms)
(Initials – illegible)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Back of Page Two)

(Four partial stamps down right margin)
….REPUBLIC OF….
(Coat of Arms)
THIRD NOTARY PUBLIC IN AND FOR ……

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
20 BOLIVARS
Ministry of Finance

(Hand written) Three (3)

(Stamp)
Notary_____
Receipt No. *(illegible)*
Notary:_____
Fees:_____
Authorized by:_____
(stamped): PAID
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Two Stamps)
Republic of Venezuela
(Coat of Arms)
(Initials) (Illegible)
Third Notary Public in and for Valencia

(Signed) (illegible)
FRANCISCO J. VELASQUEZ ARCAY
VENEZUELAN BAR ASSOCIATION NO. 54,892

(Four partial stamps down left margin)
.....of Venezuela
(Seal)
....Valencia

I, ROSENDO S. TERRADAS, a citizen of Venezuela, of age, a resident of this city, in full possession of my civil rights and holder of identity card No. 6,297,265, appearing in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a commercial company domiciled in the city of Valencia, State of Carabobo, and originally registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in and for the Seventh Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, hereby state: That the company I represent is granting a power of attorney that is as broad and sufficient as the law requires and is necessary, to practicing attorneys: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ and FRANCISCO J. VELASQUEZ ARCAY, all citizens of Venezuela, of age, holders of law degrees and holders of identity cards Nos. 3,967,563, 3,661,025, 7,308,173, 6,845,624, 6,822,699, 10,335,670, 9,879,275, 7,139,825 and 7,121,658 respectively, who are registered with the Venezuelan Bar Association under Numbers 13,946, 11,568, 19,692, 26,304, 32,501, 54,502, 48,338, 55,660 and 54,892, also respectively; the first eight of said attorneys being domiciled in the city of Caracas, Federal District, and the last one being domiciled in the city of Valencia, State of Carabobo, to act jointly or separately and represent and uphold the rights, actions and interests of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. in any type of judicial or extra-judicial matter to which it is a party, before any person, whether public or private, and before any national, state, district or municipal, judicial or administrative agency or agencies under any other competence, order or jurisdiction, including, but .....

(Hand written at bottom of page)
No. 28 – Volume 11

(Back of Page Three)

(Hand written) 60
(Partial stamp with initials – both illegible)
(Two stamps with initials - illegible)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

not limited to, the courts of the First or Second Instance, District or Municipal Courts, the Supreme Court of Justice, the First Court for Contentious-Administrative Matters, Higher Courts for Contentious-Administrative Matters, Higher Courts for Contentious-Tax Matters, Courts for Contentious-Administrative Matters, Criminal Courts, Labor Courts and finally, before any agency, court, office, authority and/or officers of any public or private kind. The grantees named above are, when exercising this power of attorney, authorized to file and/or answer any kind of complaint, claim, proceeding, motion and/or counterclaim, allege, object to and/or answer prior defenses and questions, enter into commitments for remedies and/or guarantees, agree to, dismiss, settle and waive actions or rights and refrain from exercising them if appropriate; request the record on orders or actions; defer action, suspend, exercise, request and grant extensions of time and waive appeals, challenge, move for dismissal and reinstatement if necessary or appropriate; appeal, appear in person; produce any type of evidence and object to the admission of same and participate in all of the procedures and motions for compliance therewith, request and arrange for any preventive or executory measure if necessary or appropriate or oppose same and participate in any other motion that may arise; commence third party proceedings; strike and/or disavow all types of documents, strike witnesses, assign property, request accountings, move for petitionary or confessional proceedings of any kind whatsoever; be summoned or subpoenaed, receive and deliver any amount of money that is legitimately due and owing and issue and demand the corresponding receipts and releases, dispose of rights during litigation, request and participate in auctions, by bidding and purchasing at auctions for such purpose, issue any bond and guarantee required by any Court or Tribunal; object to any kind of bond or guarantee, settle at arbitration, with arbitrators and/or .....

(Four partial stamps down right margin)
Republic of...
(Seal)
Third Notary Public....)

(Hand written) Four (4)

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
20 BOLIVARS
Ministry of Finance

(Four partial stamps down left margin)
....OF VENEZUELA
(Coat of Arms)
... OF VALENCIA

(Three stamps over fiscal stamp with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

at arbitration proceedings at law; request rulings in equity, appoint partners, pursue lawsuits that have been commenced in all of their proceedings, motions and procedures and exercise any remedy there may be, whether ordinary or extraordinary, such as cassation or annulment, initiate and refrain from proceedings challenging the constitutionality of laws, propound and answer interrogatories under oath, file claims and small claims and refrain from doing so, and in general, do anything necessary or appropriate for the best defense of the rights and interests of BRIDGESTONE FIRESTONE VENEZOLANA C.A. I hereby certify that the powers granted and listed hereunder are merely for reference purposes and are not limitative and that the grantees appointed hereunder are authorized to assign this power of attorney to people or attorneys they deem to be trustworthy, with all or any of the powers mentioned above, with or without a restriction on the exercise thereof. This power of attorney neither revokes nor invalidates any other power of attorney previously granted by BRIDGESTONE FIRESTONE VENEZOLANA C.A. In order to certify as to the legal existence of the company I represent for the record, the capacity in which I am acting, my powers and the other issues concerning powers of attorney, and pursuant to the provisions of article 155 of the Code of Civil Procedure, I am hereby listing and producing the following documents to the Notary before whom this power of attorney is being signed and I am asking her to list them in the respective note: ONE: Certified copy issued by the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District dated the twenty-third (23rd) day of October, 1956, of the entry in Companies Register No. 1, containing the original Articles of Incorporation and Bylaws of C.A. FIRESTONE VENEZOLANA, (now known as BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). TWO: Certified copy issued by the First Commercial Register for the Judicial District of the State of ....

(Back of Page Four)

(Hand written) No. 61

(Three stamps with illegible initials)

REPUBLIC OF VENEZUELA

(Coat of Arms)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial stamps down right margin)

Republic of .....

(Seal)

Third Notary Public.....

Carabobo, on the twenty-fifth (25th) day of November, 1992, of the entry in Commercial Register No. 34, Volume 16-A, containing the Minutes of the Extraordinary Shareholders' Meeting held in lieu of an Ordinary Meeting on the nineteenth (19th) day of November, 1992, at which it was agreed, among other things, to change the name of the company to BRIDGESTONE FIRESTONE VENEZOLANA, C.A. THREE: Certified copy issued by the First Commercial Register for the Judicial District of the State of Carabobo dated the twenty-seventh (27th) day of January, 1995, of the entry in Companies Register No. 46, Volume 6-A, containing the minutes of the Extraordinary General Shareholders' Meeting held on the twelfth (12th) day of December, 1994, which sets forth my appointment as President of the company. I am also asking the Notary Public to come to and appear at the company offices for the granting of this power of attorney. Valencia, on the date of the authentication hereof.

(Signed) (Illegible)

(Three cancelled stamps down page)

REPUBLIC OF VENEZUELA

(Seal)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Fiscal Stamp)

REPUBLIC OF VENEZUELA

Ministry of Finance

Name of Applicant _____

Identification No._____Date_____

For_____ Legal Basis _____

H-91 1310203

1000 Bs. One thousand Bolivars

(Hand written) Five (5)

(Four partial stamps down left margin)
..of Venezuela
(Seal
...in and for Valencia

(Four stamps)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA
(Initials and signature superimposed – illegible)

REPUBLIC OF VENEZUELA. THIRD NOTARY PUBLIC IN AND FOR VALENCIA. Valencia, on the *thirtieth (30th)* day of *January*, nineteen hundred and ninety-six. 185th year of Independence and 136th year of the Federation. The foregoing document, which was prepared by attorney FRANCISCO VELASQUEZ ARCAY, who is registered with the Venezuelan Bar Association under number 54892, was submitted for authentication and return, as per form No. 243271, dated: January 30, 1996. The grantor thereof was present and stated that his name was: ROSENDO S. TERRADAS, acting in his capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., being of age, domiciled in *Valencia*, a citizen of *Venezuela*, marital status: *married* and holder of identity card No. 6,297,265. He read the document in the presence of the notary ands stated: "The content thereof is true and correct and the signature appearing at the bottom of the instrument is mine." The Notary therefore declared it to be authenticated in the presence of witnesses: MARIELA JIMENEZ AND ESTHER DE CESAR, holders of identity cards Nos. 10,737,912 and 395,502, and she inserted it in the book of authentications maintained by this Notary's office under No. *28*, Volume *11*. The Notary states for the record that she examined and returned BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s entry in the Commercial Register, which was originally registered with the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District of the State of Carabobo on October 23, 1956, under No. 1. Also, the Notary went to BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s premises in this city at *10:15 a.m.* for the execution of this document.

THE NOTARY:

(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

GRANTOR:
(Signed) (Illegible)

THE WITNESSES.-
(Two signatures – illegible)

(Three stamps:)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Back of Page Five)

(Hand written) 62
(Two Stamps with illegible initials and signature)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

(Four Partial stamps in right margin)
REPUBLIC OF.....
(Coat of Arms)
THIRD NOTARY PUBLIC.....

The undersigned Notary hereby certifies that the foregoing power of attorney was replaced by citizen Ramón J. Alvins Santi, and restricted the exercise thereof to citizens Diego Buatillos Beiner, Henry Torrealba, Mario Calosa, José Enrique D'Apselo and Gabriela Núñez Márquez, by means of an instrument signed before the 8th Notary's Office, now the 4th, in and for the Municipality of Chacao in the District of Miranda, under No. 45, Volume 96, on December 11, 1996.

The Notary,
(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Three stamps reading)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

(Four partial stamps down left margin) *(Hand written)* Six (6)
(Illegible)
....in and for Valencia

(Three stamps across page)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia
(Signature and initials superimposed on last two– illegible)

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

REPUBLIC OF VENEZUELA. THE UNDERSIGNED, ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO, CERTIFIES: That I have compared the photocopy consisting of three (03) .... sheets of usable paper and that it is a true and correct copy of the Document inserted at this Notary's Office during the year 1996 ...., under No. 28, Volume 11.... that said copy was made by citizen: SULEIDA NOGUERA,- ...., of age, Holder of Identity Card No. V-5,622,001 ....., a [legally] competent person who is authorized by me to do so and who, together with me, is signing this Certification and each one of its pages. That said copy is issued at the request of the interested party and by Decree of this same date, which are inserted below: Citizen: Third Notary Public in and for Valencia. In her office. I, AN OFFICER OF BAKER & McKENZIE ..., of age, holder of identity card No. ////////////, am requesting a Certified Photocopy of document No. 28 ...., Volume 11 ...., from the Books of Authentications maintained by this Notary's Office dated January 30, 1996 ..... In Valencia, on the TWENTY-FIFTH (25th) .... day of the month of: MAY .- ..... TWO THOUSAND. The Applicant (signed) Illegible. Republic of Venezuela. Office of the Third Notary Public in and for Valencia. Valencia, May 25, 2000, for this purpose, in compliance with the provisions of Article 120 of the Public Records Law. Citizen: SULEIDA NOGUERA ..., of age, Holder of Identity Card No. V-5,622,0001 .... is appointed to perform the photocopying and sign each of the pages together with the Notary (signed) ROSE RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO... Valencia. On the TWENTY-FIFTH (25th) .... day of the month of MAY.- ..... TWO THOUSAND. 189th year of Independence, and 140th year of the Federation.

THE NOTARY

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA
(Stamp)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

THE APPOINTEE. -
(Signed) (Illegible) Noguera

(Back of Page Six):

(Two stamps with illegible initials)
Republic of Venezuela
(Seal)
Third Notary Public in and for Valencia

(Four partial stamps down right margin)
Republic of ....
(Seal)
Third Notary Public.....

THE UNDERSIGNED NOTARY certifies that
she reviewed and returned Form 16, No. 1404769,
paid at Corporate Banking on May 26, 2000
issued by the MINISTRY OF FINANCE
THE NOTARY

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Four stamps down page, three cancelled)
REPUBLIC OF VENEZUELA
(Seal)
OFFICE OF THE THIRD NOTARY PUBLIC IN AND FOR VALENCIA

...../

(Hand written) Seven (7)

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(Back of Page Seven)

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REPUBLIC ....

(Illegible)

(Hand written) Eight (8)

FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.-

Valencia, September 5, 2000.

189th year of Independence and 141st year of the Federation

This petition has been received. It is ordered that distribution be waived because the urgency of the matter has been stated under oath. It is ordered that it be admitted and a file opened therefor. It is ordered that all of the time needed be set aside, and that the Court be transferred and called into session at the location indicated in this petition so that the requested Judicial Inspection may be conducted.

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
JUDICIAL DISTRICT OF THE STATE OF CARABOBO

PROVISIONAL JUDGE,

(Signed – illegible)

DR. RAFAEL E. CASTILLO H.

CLERK,
(Signature– illegible)
ATTORNEY JOSE LUIS SANZ

Admitted on this same date under No. *3377* and complied with as ordered.

CLERK,
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
JUDICIAL DISTRICT OF THE STATE OF CARABOBO

(Back of Page Eight is blank with three stamps):

REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
JUDICIAL DISTRICT OF THE STATE OF CARABOBO

(Partial stamp to left)
...OF VENEZUELA
(Illegible)

(Hand written) Nine (9)

(Seal)
STATE OF CARABOBO
(Coat of Arms)
• Fee for Fiscal Stamp • VALUE: ONE HUNDRED FORTY-EIGHT BOLIVARS (Bs. 148.00) •

CA-98 No. 04214604

At 10:45 a.m. today, the fifth (5th) day of September in the year two thousand, the Court, having first set aside all the necessary time, was transferred and called into session at the public parking lot of the Highway Patrol Command Post, located behind the Big-low Center in this City of Valencia, in the State of Carabobo, in order to conduct the judicial inspection requested by attorney Francisco Jesús Velásquez Arcay, registered with the Venezuelan Bar Association under No. 54,892, appearing in his capacity as legal counsel for Bridgestone Firestone Venezolana C.A., formerly known as C.A. Firestone Venezolana, as evidenced by a power of attorney, a photocopy of which was attached to this petition.- In order to better conduct this inspection, the Court agreed to be advised by an expert photographer and an expert mechanic and to this end, it forthwith appointed citizen Marjorie Rossel, a citizen of Venezuela, of age, holder of identity card No. 12,606,141 and citizen David Goncalves Malpica, a citizen of Venezuela, of age, holder of identity card No. 11,089,574, who, both being present, accepted the assignments, and were sworn in as provided by Law; the expert photographer submitted for its examination .....

(Back of Page Nine) *(Two partial stamps down right margin – illegible)*

a Polaroid camera, Close Up 636 model and she immediately proceeded to take the photographs, which, once they have been certified by the clerk, will be added to this inspection so as to form a part thereof. The Court, being duly advised by the expert mechanic who had been appointed, then stated as follows for the record: ITEM NO. ONE: That at the location at which it had been called into session, there was a vehicle, make: Ford, model: Explorer 2000, XLT, type: 4x2 automatic, Color: gray, Plates: GBH-88A.- ITEM NO. TWO: It was also stated for the record that the inspected vehicle had four (4) tires mounted one on each of its rims. ITEM NO. THREE: Being duly advised by the expert mechanic, the Court stated for the record that the rear left tire was make: Goodyear, Wrangler RT/S, type: LT235/75R15, serial number DOT PBHL2AC4479; that the rear right tire was make: Goodyear Wrangler RT/S, type LT235/75R15, serial number DOTPBHL2AC4479; the front left tire was make: Goodyear Wrangler RT/S, type LT235/75R15, serial number DOT PBHL2AC4479; and that the front right tire was Make: Goodyear Wrangler RT/S, type LT235/75R15, serial number DOT PBHL2AC4479.- ITEM NO. FOUR: Being also duly advised by the expert mechanic, the Court stated for the record that each of the tires mounted on each of the vehicle's rims was in perfect condition. - .....

(Two Partial stamps down left margin) *(Hand written)* Ten (10)
(Illegible)

(Seal)
STATE OF CARABOBO
(Coat of Arms)
• Fee for Fiscal Stamp • VALUE: ONE HUNDRED
FORTY-EIGHT BOLIVARS (Bs. 148.00) •

CA-98 No. 04214605

Moreover, the tread on each of the tires mounted on each of the vehicle's rims was also in perfect condition.- ITEM NO. FIVE: The Court ordered photographs to be taken of each of the tires mounted on each of the inspected vehicle's rims and it ordered these to be added to this inspection so as to form a part thereof. ITEM NO. SIX: The Court also ordered photographs to be taken of the bodywork and condition of the vehicle that was the subject of this inspection with the camera identified above, and it ordered them to be added to this inspection so as to form a part thereof.- ITEM NO. SEVEN: The Court, being duly advised by the expert mechanic, stated for the record that the vehicle's bodywork was generally out of alignment, the roof was caved in and this was more pronounced on the left side, the windshields were shattered and there were dents and scratches on both sides of the vehicle.- At this point, the petitioner intervened, exercised the right he had reserved and stated: I would ask the Court to state the mileage on the vehicle for the record and also the type of suspension on the vehicle, and I would also ask the Court to state the make, type, serial number and condition of the spare tire and the state of its tread .....

(Back of Page Ten)

(Two partial stamps down right margin – illegible)

for the record, and finally, that photographs be taken of the spare tire and the inspected vehicle's suspension. The Court agreed to collaborate on the request and stated for the record that the inspected vehicle showed a mileage of 8,865 kilometers. The Court, being duly advised by the expert mechanic, also stated for the record that the type of suspension on the vehicle was the one known as ARB Australiana and the vehicle was fitted with this suspension both front and rear. The Court also stated for the record that the spare tire was make: Goodyear Wrangler RT/S, type LT235/75R15, serial number DOT PBHL2A84369 and it was in perfect condition, as was its tread. The Court next ordered photographs to be taken of the spare tire and the suspension and agreed to add them to this inspection so as to form a part thereof. The Court concluded its mission at 11:30 a.m. and decided to return to the courthouse. Completed, read and signed by those below, who are in agreement therewith.

PROVISIONAL JUDGE
(Signed) (Illegible)
DR. RAFAEL E. CASTILLO H.-
(Stamp)
(Illegible)

(Hand written) Eleven (11)

(Two partial stamps down left margin – illegible)

(Seal)
STATE OF CARABOBO
(Coat of Arms)
• Fee for Fiscal Stamp • VALUE: ONE HUNDRED FORTY-EIGHT BOLIVARS (Bs. 148.00) •

CA-98 No. 04148901

Petitioner
(Signed) (Illegible)

The Expert Photographer
(Signed) (Illegible)

The Expert Mechanic
(Signed) David Goncalves

Acting Clerk
(Signed) (Illegible)

(Back of Page Eleven is blank with three partially legible stamps):

REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES ....
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
JUDICIAL DISTRICT OF THE STATE OF CARABOBO

(Hand written) Seventeen (17)

(Two partial stamps down left margin)
..... OF VENEZUELA
(Seal)
.....NAGUANAGUA AND SAN DIEGO
.....DISTRICT OF THE STATE OF CARABOBO

Since this petition has been complied with, it is returned to the petitioner with the results, consisting of seventeen (17) sheets of paper, on this sixth day of September, in the year two thousand.

CLERK,

(Signed) (Illegible)

ATTORNEY JOSE LUIS SANZ

(Two illegible stamps)

(Back of Page Seventeen is blank with one illegible stamp)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 3377, dated September 5, 2000, concerning an inspection of the Ford Explorer with plates numbered GBH-88A, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC764725 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC

REPUBLICA DE VENEZUELA

No. 3377

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) FRANCISCO JESUS VELASQUEZ ARCAY

MOTIVO INSPECCION JUDICIAL

JUZGADO CUARTO DE MUNICIPIO

FECHA DE ENTRADA: Día 05 Mes 09 Año 2000

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

C - 22

4422

folio (1)

CA - 98 Nº 04214641

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene cuatro (4) cauchos instalados en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, en la fecha de su presentación.----------

Presentada HOY 05/09/2000.

Un(1) folio U. con Un(1) Anexo

No

9:00 am.

... DE DESPACHO. SE DIO

CUENTA INMEDIATA AL JUEZ.

Notario
Planilla No.
CANCELADO
NOTARIA PUBLICA TERCERA
DE VALENCIA
Abogado
IPSA No. 54.892

Yo, ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 13.946, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.894, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal de cualquier competencia, orden o jurisdicción, incluyendo pero

Nº 28- T. 11.

sin estar limitado a ello, por ante los Tribunales de Primera y Segunda Instancia, de Distrito o de Municipio, Corte Suprema de Justicia, Corte Primera en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Tributario, Tribunales en lo Contencioso Administrativo, Tribunales Penales, Tribunales del Trabajo y en fin, por ante todos los organismos, tribunales, despachos, autoridades y/o funcionarios de carácter público o privado. En el ejercicio del presente poder los prenombrados apoderados están facultados para intentar y/o contestar toda clase de demandas, reclamos, procedimientos, incidencias y reconvenciones; alegar, oponer y/o contestar defensas y cuestiones previas; hacer citas de saneamiento y/o de garantía, convenir, desistir, transigir, renunciar a acciones o derechos y dejar de ejercerlos si así fuere conveniente; solicitar acumulación de autos o de acciones; diferir actos; suspender, ejercer, reclamar y renunciar lapsos y recursos; recusar, demandar la nulidad y la reposición cuando fuere necesario o conveniente; apelar; ocurrir de hecho; promover cualquier medio de prueba y oponerse a la admisión de los mismos e intervenir en todos los trámites e incidencias de su evacuación; solicitar y tramitar cualquier medida preventiva ejecutiva cuando así fuere necesario o conveniente u oponerse a las mismas e intervenir en cualquier otra incidencia que pudiera presentarse; incoar tercerías; tachar y/o desconocer toda clase de documentos; tachar testigos; hacer cesión de bienes; pedir rendición de cuentas; proponer acciones petitorias o confesorias de la especie que fueren; darse por citado o notificado; recibir y entregar cantidades de dinero que legítimamente se adeuden, otorgando y exigiendo los correspondientes recibos y finiquitos; disponer de los derechos en litigio; solicitar e intervenir en procedimientos de remate, a tales fines hacer posturas y adquirir en actos de remate; otorgar cualesquiera fianzas y cauciones requeridas por alguna Corte o Tribunal; oponerse a cualquier clase de fianzas y/o cauciones; comprometer en árbitros arbitradores y/o

árbitros de derecho; solicitar la decisión según la equidad; constituir asociados; seguir el o los juicios en todas sus instancias, incidencias y trámites y ejercer todos los recursos a que hubiere lugar, tanto los ordinarios como los extraordinarios de casación o invalidación; iniciar y desistir del juicio de amparo; promover y absolver posiciones juradas; promover quejas y querellas y desistir de ellas; y en general, hacer todo cuanto fuere necesario o conveniente para la mejor defensa de los derechos e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Dejo constancia que las facultades aquí conferidas son meramente enunciativas y no limitativas y que los apoderados aquí instituidos están facultados para sustituir el presente poder en personas o abogados de su confianza, con todas o algunas de las facultades anteriormente señaladas, con reserva o no de su ejercicio. Este poder no revoca ni deja sin efecto ningún otro poder otorgado con anterioridad por BRIDGESTONE FIRESTONE VENEZOLANA, C.A. A fin de dejar constancia de la existencia legal de mi representada, del carácter con que actúo, de mis atribuciones y de los demás particulares relativos a los poderes, y de conformidad con lo previsto en el artículo 155 del Código de Procedimiento Civil, enuncio y exhibo en este acto al Notario ante quien se otorga el presente poder, solicitándole se sirva hacer constar en la nota respectiva, los siguientes documentos: PRIMERO: Copia certificada expedida por el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial en fecha veintitrés (23) de octubre de 1956, del asiento Registro de Comercio No. 1, contentivo del Documento Constitutivo Estatutario original de C.A. FIRESTONE VENEZOLANA (ahora denominada BRIDGESTONE FIRESTONE VENEZOLANA, C.A.) SEGUNDO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado

Carabobo en fecha veinticinco (25) de noviembre de 1992, del asiento Registro de Comercio No. 34, Tomo 16-A, contentivo del Acta de Asamblea Extraordinaria de Accionistas celebrada a los efectos de la Asamblea Ordinaria en fecha diecinueve (19) de noviembre de 1992, en la que se acordó entre otros puntos, el cambio de denominación de la compañía a BRIDGESTONE FIRESTONE VENEZOLANA, C.A. TERCERO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha veintisiete (27) de enero de 1995, del asiento Registro de Comercio No. 46, Tomo 6-A, contentivo del acta de Asamblea General Extraordinaria de Accionistas celebrada en fecha doce (12) de diciembre de 1994, en la que consta mi designación como Presidente de la compañía. Igualmente solicito al Notario Público que para el otorgamiento del presente poder, se traslade y constituya en las oficinas de la compañía. Valencia, en la fecha de su autenticación.

REPUBLICA DE VENEZUELA
Ministerio de Hacienda

H-91 1310203

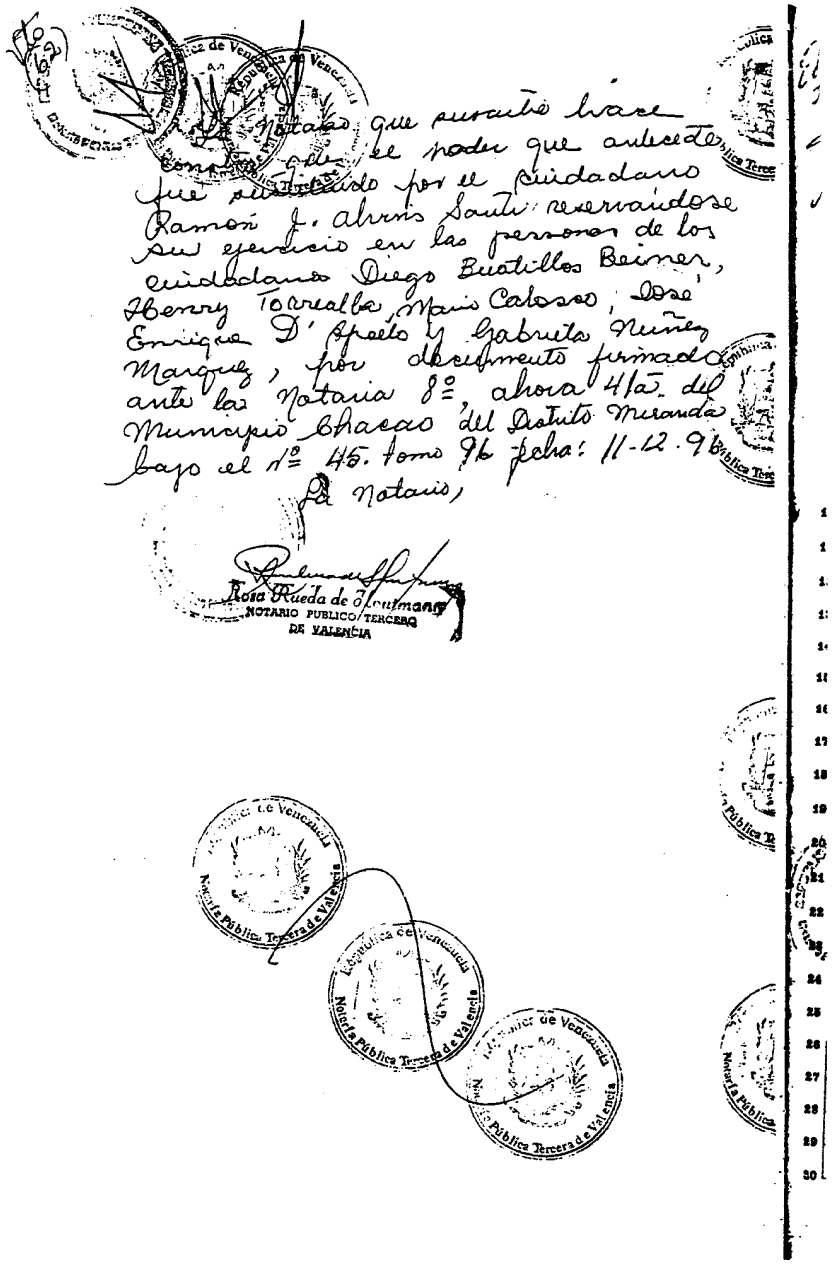
REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia treinta (30) de enero de mil novecientos noventa y seis (1886 y 1369). El anterior documento redactado por el abogado ROSENDO S CO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54992, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737. 912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15am.

LA NOTARIO,

Rosa Rueda de Houtmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-



Nº 62

Yo el Notario que suscribe hace constar que el poder que antecede fue sustituido por el ciudadano Ramón J. Alvins Santi reservándose su ejercicio en las personas de los ciudadanos Diego Bustillos Beiner, Henry Torrealba, Mario Calosso, José Enrique D'Apelo y Gabriela Núñez Marquez, por documento firmado ante la Notaría 8ª, ahora 41ª del Municipio Chacao del Distrito Miranda bajo el Nº 45. tomo 96 fecha: 11-12-96

El Notario,

Rosa Rueda de Houtmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

Notaría Pública Tercera de Valencia

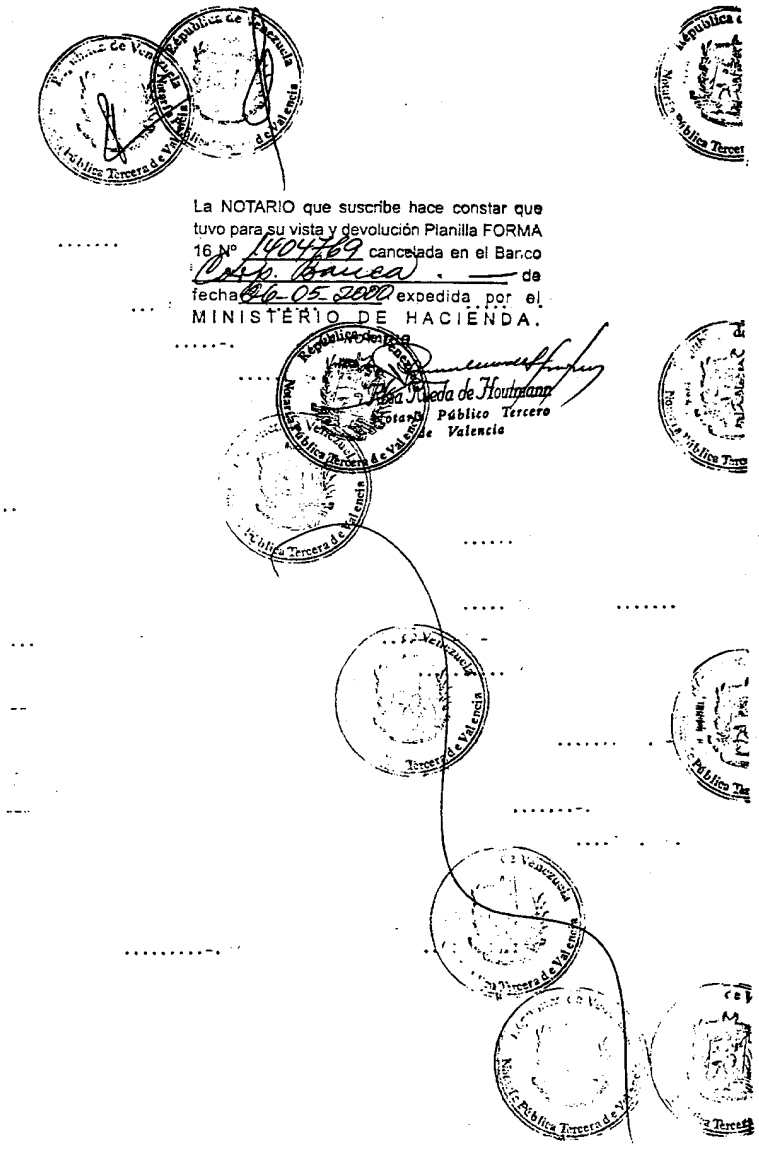


REPUBLICA DE VENEZUELA. ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFICA:-- Que he confrontado la Copia Fotostática constante de: TRES (03).....folios útiles, que es traslado fiel y exacto del Documento inserto en esta Notaría, durante el Año: 1.996....., bajo el Nº 28....., Tomo: 11º..., que dicha Copia fué realizada por la Ciudadana: SULEIDA NOGUERA.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....., persona capaz, Autorizada por mí para hacerla y quién junto conmigo suscribe la presente Certificación y cada una de sus páginas. Que dicha Copia se expide a solicitud de parte interesada y Decreto de esta misma fecha, los cuales a continuación se insertan: Ciudadana: Notario Público Tercero de Valencia. Su Despacho.- Yo, OFC.BAKER & MCKENZIE.....mayor de edad, Titular de la Cédula de Identidad Nº ////////////////Solicito Copia Fotostática Certificada del Documento Nº 28.....,Tomo: 11º..... de los Libros de Autenticaciones llevados por esta Notaría en fecha: 30-01-96.-..... En Valencia, a los: VEINTICINCO (25)... días del mes de: MAYO..... del DOS MIL. El Solcitante: (fdo.) Ilegible. República de Venezuela. Notaría Pública Tercera de Valencia. Valencia, 25-05-2.000.....y a tal efecto de conformidad con lo establecido en el Artículo 120º de la Ley de Registro Público. Se designa a la Ciudadana: SULEIDA NOGUERA.-.....mayor de edad, Titular de la Cédula de Identidad NºV-5.622.001....para que realice la operación de la Copia y suscriba cada una de las páginas junto con la Notaria. (fdo.) ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO. Valencia, a los: VEINTICINCO (25)..días del mes de: MAYO.-.....del DOS MIL.-189º Años de la Independencia y 140º Años de la Federación.-. . . . . .

LA NOTARIO

Rosa Rueda de Houtmann
Notario Público Tercero
de Valencia

LA DESIGNADA.-



La NOTARIO que suscribe hace constar que tuvo para su vista y devolución Planilla FORMA 16 Nº 1404769 cancelada en el Banco Cap. Banesa de fecha 26-05-2000 expedida por el MINISTERIO DE HACIENDA.

Nilda Rueda de Houtmann
Notaria Pública Tercera de Valencia

Auto (8)

JUZGADO CUARTO DE LOS MUNICIPIOS VALENCIA LIBERTADOR LOS GUAYOS NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 05 de Septiembre del 2.000.-
189o. y 141o

Por recibida la presente solicitud. Obviada la distribucion por ser jurada la urgencia del caso. Desele entrada. Formese expediente. Habilitese todo el tiempo necesario y trasladese y constituyase el Tribunal en el sitio indicado en la presente solicitud, a los fines de practicar la inspeccion judicial solicitada.-

EL JUEZ PROVISORIO

DR. RAFAEL E. CAST

EL SECRETARIO

ABG. JOSE LUIS SANZ

En la misma fecha se cumplio lo ordenado, se le dio entrada bajo el No. 3377.-

EL SECRETARIO

mmc
(9)

CA - 98 № 04214604

En horas del día de hoy, cinco (5) de septiembre del año dos mil, siendo las diez y cuarenta y cinco minutos de la mañana, previa habilitación de todo el tiempo necesario, se trasladó y constituyó el Tribunal en el Estacionamiento público del Comando de Patrullero de Carretera, ubicado detrás del Big-Low Center de esta ciudad de Valencia Estado Carabobo, a los fines de practicar la inspección judicial solicitada por el abogado Francisco Jesús Velasquez Arcay, inpreabogado Nº 54892, en su carácter de apoderado judicial de Bridgestone Firestone Venezolana C.A., antes denominada C.A. Firestone Venezolana, según se evidencia del instrumento poder que corre inserto en copia fotostática a la presente solicitud. - El Tribunal para la mejor práctica de la presente inspección acuerda asesorarse de un práctico fotógrafo y de un práctico mecánico y designa en este acto para tal fin a los ciudadanos Marjorie Rossel, venezolana, mayor de edad, titular de la cédula de identidad Nº 12.606.141, y David Gonçalves Malpica, venezolano, mayor de edad, titular de la cédula de identidad Nº 11.089.574, quienes encontrándose presentes aceptaron los cargos y prestaron el juramento de Ley, presentando la práctico fotógrafo para su

visto una camara marca Polaroid, modelo close up 636, quien de inmediato procede a la toma de las fotografías las cuales previa certificación por secretaría serán agregadas a la presente inspección para que formen parte de la misma.- Seguidamente el Tribunal debidamente asesorado por el práctico mecánico designado deja constancia de lo siguiente: Primero: Que en el lugar donde nos encontramos constituídos se haya un vehículo marca Ford, modelo Explorer 2000, XLT, tipo 4X2, automático color gris, placas GBH-88A.- Segundo: Se deja constancia igualmente que el vehículo inspeccionado posee cuatro (4) canchos instalados en cada uno de sus rines.- Tercero: El Tribunal deja constancia debidamente asesorado por el práctico mecánico que el cancho Trasero izquierdo es marca Good-Year, Wrangler RT/S, tipo LT235/75R15, serial DOTPBHL2AC4479; que el cancho trasero derecho es marca Good-Year Wrangler RT/S, tipo LT235/75R15, serial DOTPBHL2AC4479, el cancho delantero izquierdo es marca Good-Year Wrangler RT/S, tipo LT235/75R15, serial DOTPBHL2AC4479; que el cancho delantero derecho es marca Good-Year Wrangler RT/S tipo LT235/75R15, serial DOTPBHL2AC4479.- Cuarto: El Tribunal deja constancia igualmente y debidamente asesorado del práctico mecánico que cada uno de los canchos instalados en cada uno de los rines del vehículo se encuentra en perfecto estado;

D123 (10)

CA - 98 № 04214605

asimismo la banda de rodamiento de cada uno de los cauchos instalados en los rines del vehículo se encuentra igualmente en perfecto estado.- Quinto: El Tribunal ordena la toma de fotografías en cada uno de los cauchos instalado en cada uno de los rines del vehículo inspeccionado y los cuales ordena agregar a la presente inspección para que formen parte de la misma.- Sexto: El Tribunal igualmente ordena la toma de fotografías de la carrocería y condiciones en que se encuentra el vehículo motivo de esta inspección con la cámara anteriormente identificadas y ordena se agreguen a la presente inspección para que formen parte de la misma.- Séptimo: El Tribunal deja constancia debidamente asesorado del práctico mecánico que la carrocería del vehículo presenta descuadre generalizado, techo hundido con pronunciamiento hacia el lado izquierdo, parabrisas reventados, así como abolladuras y raspones en ambos costados del vehículo.- En este estado interviene el solicitante y haciendo uso del particular reservado y expone: Solicito al Tribunal que deje constancia del kilometraje que presenta el vehículo así como del tipo de suspensión del vehículo, e igualmente solicito del Tribunal deje constancia

de la marca, tipo, serial y estado que presenta el cuarto de repuesto y el estado de su banda de rodamiento y pruebas que se tomen fotografías del cuarto de repuesto y de la suspensión que presenta el vehículo inspeccionado.- El Tribunal acuerda de conformidad con lo solicitado y deja constancia que el kilometraje del vehículo inspeccionado es de 8865 km., así mismo el Tribunal deja constancia debidamente asesorado por el práctico mecánico que el tipo de suspensión que presenta el vehículo es la denominada ARB Australiana, dicha suspensión la presenta el vehículo tanto en su parte trasera como en su parte delantera. Igualmente el Tribunal deja constancia que el cuarto de repuesto es marca Good-year Wrangler RT/S, tipo LT235/75R15, serial DOT PBHL2484369 y se encuentra en perfecto estado así como su banda de rodamientos.- Seguidamente el Tribunal ordena la toma de fotografías del cuarto de repuesto y de la suspensión y acuerda agregarlas a la presente inspección para que formen parte de la misma.- El Tribunal dá por concluída la inspección siendo las once y media de la mañana y decide regresar a su sede. Terminó, se leyó y conforme firman.

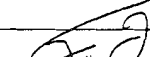
El Juez Provisorio

Dr. Rafael E. Castillo H.

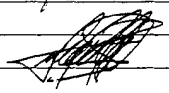
El

CA - 98 № 04148901

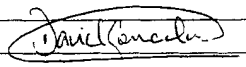
Solicitante



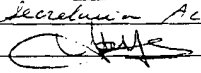
El práctico fotógrafo

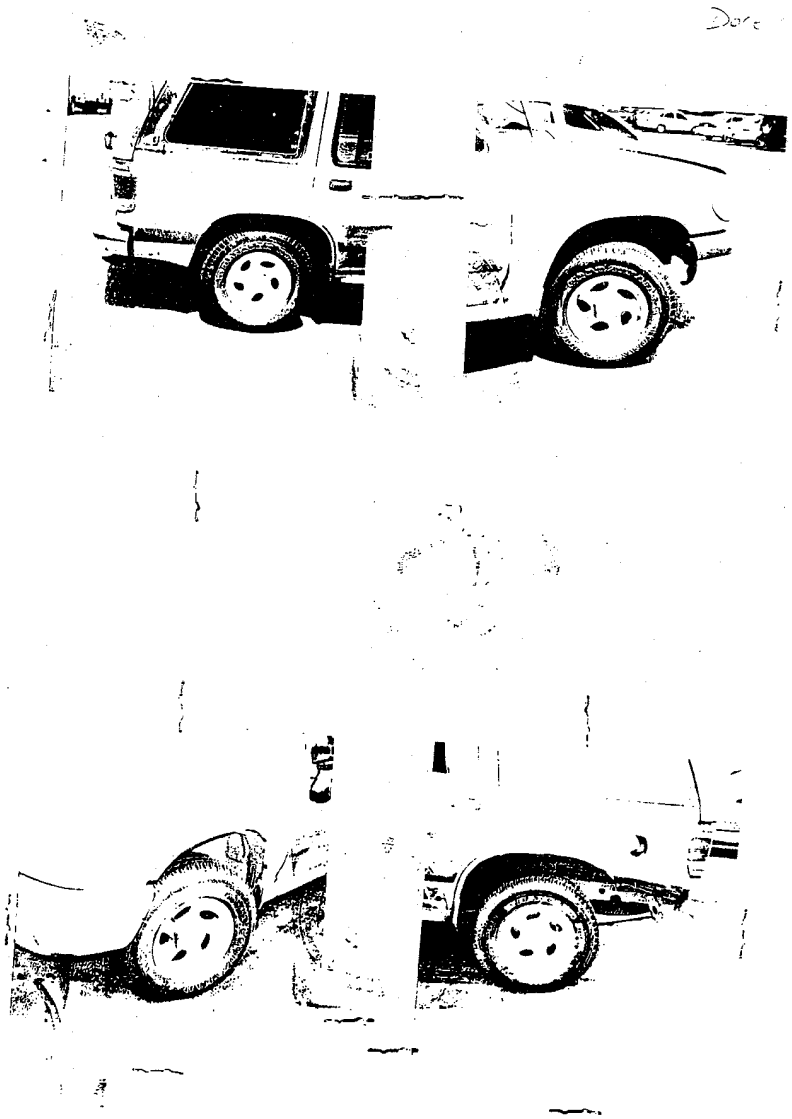


El práctico mecánico



La secretaria Accidental





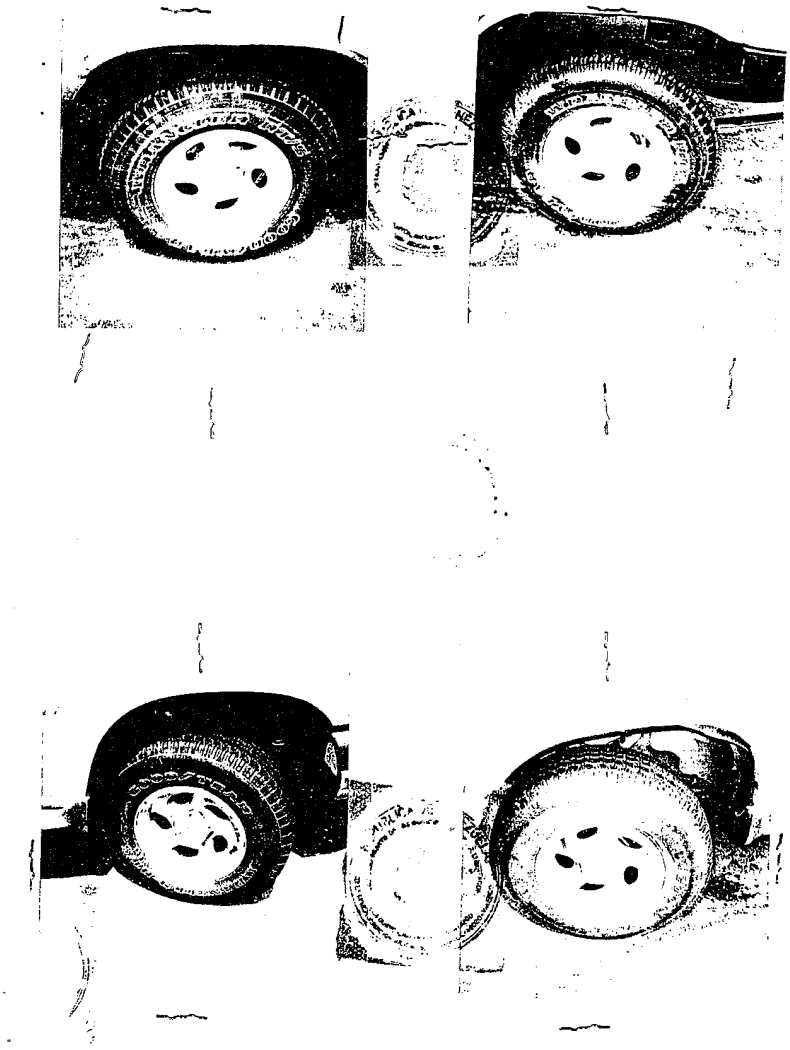
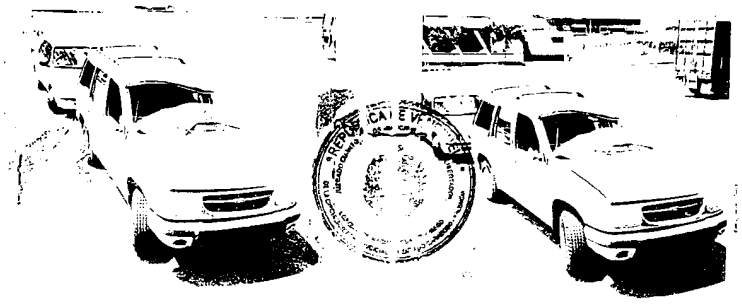
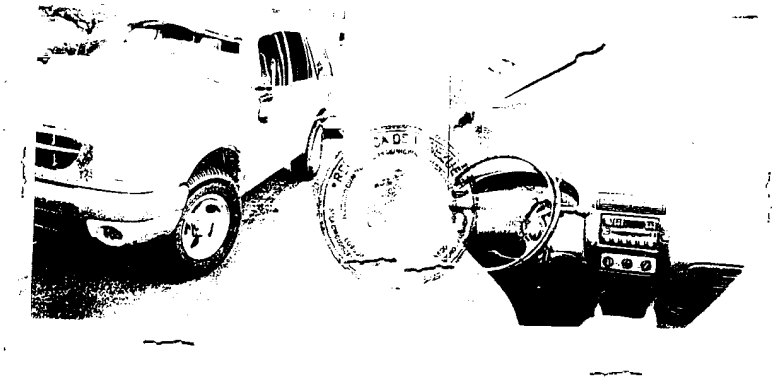






Planche n°5





Diecinueve



Diecisiete (17),

Cumplida como ha sido la presente solicitud, devuelvase con sus resultas al solicitante, constante de (17) folios útiles hoy seis de septiembre del año dos mil.-

EL SECRETARIO,

Lic. [illegible]

REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

No. ***1493***

PETITIONS

RECORDS

PETITIONER(S): *FRANCISCO JESÚS VELASQUEZ ARCAY*

REASON: *JUDICIAL INSPECTION*

COURT: *IN AND FOR THE MUNICIPALITY OF JOSÉ FÉLIX RIBAS AND JOSÉ RAFAEL REVENGA*

DATE OF ENTRY: Day *07* Month *SEPTEMBER* Year *2000*

DATE RETURNED: Day _____ Month _____ Year _____

No. ***1493***

C.22

(Hand written) One (1)

(Seal)

STATE OF ARAGUA

(Coat of Arms)

Fee for Fiscal Stamp – Value: One hundred and ninety-two Bolivars (192.00)

Ar-99 No. 1816391 -

Citizen:

JUDGE IN AND FOR THE MUNICIPALITIES OF JOSE FELIX RIVAS AND JOSE RAFAEL REVENGA IN THE JUDICIAL DISTRICT OF THE STATE OF ARAGUA

In his office.

I, **FRANCISCO JESÚS VELASQUEZ ARCAY**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,121,658, a practicing attorney, registered with the Venezuelan Bar Association ("INPREABOGADO") under No. 54,892, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney attached to this petition, for **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with articles 192, 936 and 938 of the Code of Civil Procedure, and article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred to and constituted at the address of which I will advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is constituted of a vehicle: Make: Ford, Model: Explorer, and the Type Color and Plates of the inspected vehicle.- ——

TWO: As to whether the vehicle identified above has four (4) tires fitted one on each of its rims. ——

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

(Back of Page One)

FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. ----------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. ----------

SEVEN: That a statement be made on the record as to the general condition of the vehicle's bodywork. - As to any other fact or circumstance that I reserve the right to indicate in due course. ----------

Pursuant to articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of article 502 of same, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer be appointed, together with an expert mechanic. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of the filing hereof. ----------

(Signed – illegible)

(Stamp)
Bolivarian Republic of Venezuela
In the Judicial District of
The State of Aragua
(Seal)
In and for the Municipalities of
José Félix Rivas and José Rafael Revenga

(Hand written) Submitted today, August 7, 2000

(Signed – illegible)

(hand written) Two (2)

(Stamp)
REPUBLIC OF VENEZUELA
(Coat of Arms)
(Initials – illegible)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Back of Page Two)
(Four partial stamps down right margin)
REPUBLIC OF VENEZUELA
(Coat of Arms)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial Stamps down left margin)
...Venezuela
(Coat of Arms)
..in and for Valencia

(Fiscal Stamp)
20 BOLIVARS
Ministry of Finance

(Hand written) Three (3)

(Stamp)
Receipt No. *(illegible)*
Notary:_____
Fees:_____
Authorized by:_____
(stamped): PAID
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Three Stamps)
Republic of Venezuela
(Coat of Arms)
(Initials) (Illegible)
Third Notary Public in and for Valencia

(Signed) (illegible)
FRANCISCO J. VELASQUEZ ARCAY
ATTORNEY
VENEZUELAN BAR ASSOCIATION NO. 54,892

I, ROSENDO S. TERRADAS, a citizen of Venezuela, of age, a resident of this city, in full possession of my civil rights and holder of identity card No. 6,297,265, appearing in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a commercial company domiciled in the city of Valencia, State of Carabobo, and originally registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in and for the Seventh Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, hereby state: That the company I represent is granting a power of attorney that is as broad, adequate and sufficient as the law requires and is necessary, to practicing attorneys: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ and FRANCISCO J. VELASQUEZ ARCAY, all citizens of Venezuela, of age, legally competent and holders of identity cards Nos. 3,967,563, 3,661,025, 7,308,173, 6,845,624, 6,822,699, 10,335,670, 9,879,275, 7,139,825 and 7,121,658 respectively, who are registered with the Venezuelan Bar Association ("INPREABOGADO") under Numbers 13,946; 11,568; 19,692; 26,304; 32,501; 54,502; 48,338; 55,660 and 54,892, also respectively; the first eight of said attorneys being domiciled in the city of Caracas, Federal District, and the last one being domiciled in the city of Valencia, State of Carabobo, to act jointly or separately and represent and uphold the rights, actions and interests of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. in any type of judicial or extra-judicial matter to which it is a party, before any person, whether public or private, and before any national, state, district or municipal, judicial or administrative agency or agencies under any other competence, order or jurisdiction, including, but .....

(Hand written at bottom of page)
No. 28 – Volume 11

(Back of Page Three)

(Three stamps with initials and Four partial stamps in right margin)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

not limited to, the courts of the First and/or Second Instance, District or Municipal Courts, the Supreme Court of Justice, the First Court for Contentious-Administrative Matters, Higher Courts for Contentious-Administrative Matters, Higher Courts for Contentious-Tax Matters, Courts for Contentious-Administrative Matters, Criminal Courts, Labor Courts and finally, before any agency, court, office, authority and/or officers of any public or private kind. The grantees named above are, when exercising this power of attorney, authorized to file and/or answer any kind of complaint, claim, proceeding, motion and/or counterclaim, allege, object to and/or answer prior defenses and questions, enter into commitments for remedies and/or guarantees, agree to, dismiss, settle, waive actions or rights and refrain from exercising them if appropriate; request the record on orders or actions; defer action, suspend, exercise, request and waive extensions of time and appeals, challenge, move for dismissal and reinstatement if necessary or appropriate; appeal, appear in person; produce any type of evidence and object to the admission of same and participate in all of the procedures and motions for compliance therewith, request and arrange for any preventive or executory measure if necessary or appropriate or oppose same and participate in any other motion that may arise; commence third party proceedings; strike and/or disavow all types of documents, strike witnesses, assign property, request accountings, move for petitionary or confessional proceedings of any kind whatsoever; be summoned or subpoenaed, receive and deliver any amount of money that is legitimately due and owing and issue and demand the corresponding receipts and releases, dispose of rights during litigation, request and participate in auctions, by bidding and purchasing at auctions for such purpose, issue any bond and guarantee [this text is missing: required by any Court or Tribunal; object to any kind of bond and/or guarantee, settle at arbitration, with arbitrators and/or]

.....

(Hand written) Four (4)

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
20 BOLIVARS
Ministry of Finance
(Four partial stamps in left margin)
....OF VENEZUELA
(Coat of Arms)
...IN AND FOR VALENCIA
(Three stamps over fiscal stamp with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

at arbitration proceedings at law, request rulings in equity, appoint partners, pursue lawsuits that have been commenced in all of their proceedings, motions and procedures and exercise any remedy there may be, whether ordinary or extraordinary, such as cassation or annulment, initiate and refrain from proceedings challenging the constitutionality of laws, propound and answer interrogatories under oath, file claims and small claims and refrain from making them, and in general, do anything necessary or appropriate for the best defense of the rights and interests of BRIDGESTONE FIRESTONE VENEZOLANA C.A. I hereby certify that the powers granted and listed hereunder are merely for reference purposes and are not limitative and that the grantees appointed hereunder are authorized to assign this power of attorney to people or attorneys they deem to be trustworthy, with all or any of the powers mentioned above, with or without a restriction on the exercise thereof. This power of attorney neither revokes nor invalidates any other power of attorney previously granted by BRIDGESTONE FIRESTONE VENEZOLANA C.A. In order to certify as to the legal existence of the company I represent for the record, the capacity in which I am acting, my powers and the other issues concerning powers of attorney, and pursuant to the provisions of article 155 of the Code of Civil Procedure, I am hereby listing and producing the following documents to the Notary before whom this power of attorney is being signed and I am asking her to list them in the respective note: ONE: Certified copy issued by the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District dated the twenty-third (23rd) day of October, 1956, of the entry in Companies Register No. 1, containing the original Articles of Incorporation and Bylaws of C.A. FIRESTONE VENEZOLANA, (now known as BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). TWO: Certified copy issued by the First Commercial Register for the Judicial District of the State of ....

(Back of Page Four)

(Hand written) No. 61

(Three stamps with illegible initials)

REPUBLIC OF VENEZUELA

(Coat of Arms)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Four partial stamps in right margin –:)

REPUBLIC OF.....

(Coat of Arms)

THIRD NOTARY PUBLIC....

Carabobo, on the twenty-fifth (25th) day of November, 1992, of the entry in Commercial Register No. 34, Volume 16-A, containing the Minutes of the Extraordinary Shareholders' Meeting held in lieu of an Ordinary Meeting on the nineteenth (19th) day of November, 1992, at which it was agreed, among other things, to change the name of the company to BRIDGESTONE FIRESTONE VENEZOLANA, C.A. THREE: Certified copy issued by the First Commercial Register for the Judicial District of the State of Carabobo dated the twenty-seventh (27th) day of January, 1995, of the entry in Companies Register No. 46, Volume 6-A, containing the minutes of the Extraordinary General Shareholders' Meeting held on the twelfth (12th) day of December, 1994, which sets forth my appointment as President of the company. I am also asking the Notary Public to come to and appear at the company offices for the granting of this power of attorney. Valencia, on the date of the authentication hereof.

(Signed) (Illegible)

(Three stamps)
REPUBLIC OF VENEZUELA
(Seal))
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant ____
Identification Number_____Date____
For _____ Legal Basis _____
[text cut off]

(Hand written) sixty-(illegible)

(Four Partial Stamps down left margin) *(Hand written)* Five (5)
Republic of Venezuela
(Seal)
in and for Valencia
– *illegible)*

(Four stamps)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA
(Initials and signature superimposed – illegible)

REPUBLIC OF VENEZUELA. THIRD NOTARY PUBLIC IN AND FOR VALENCIA. Valencia, on the *thirtieth (30th) day* of *January*, nineteen hundred and ninety-six. 185th year of Independence and 136th year of the Federation. The foregoing document, which was prepared by attorney FRANCISCO VELASQUEZ ARCAY, who is registered with the Venezuelan Bar Association under number 54892, was submitted for authentication and return, as per form No. 243271, dated: January 30, 1996. The grantor thereof was present and stated that his name was: ROSENDO S. TERRADAS, acting in his capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., being of legal age, domiciled in *Valencia*, a citizen of *Venezuela*, marital status: *married* and holder of identity card No. 6,297,265. He read the document in the presence of the notary and stated: "The content thereof is true and correct and the signature appearing at the bottom of the instrument is mine." The Notary therefore declared it to be authenticated in the presence of witnesses: MARIELA JIMENEZ AND ESTHER DE CESAR, holders of identity cards Nos. 10,737,912 and 395,502, and she inserted it in the book of authentications maintained by this Notary's office under No. 28, Volume 11. The Notary states for the record that she examined and returned BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s entry in the Companies Register, which was originally registered with the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District of the State of Carabobo on October 23, 1956, under No. 1. Also, the Notary went to BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s premises in this city at *10:15 a.m.* for the execution of this document.

THE NOTARY:
(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

GRANTOR:
(Signed) (Illegible)

THE WITNESSES.-
(Two signatures – illegible)

(Three stamps)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

(Back of Page Five)

(Four partial stamps in right margin)

Republic....
(Seal)
Third Notary Public....

(Two stamps with illegible initials)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

(Four stamps diagonally down page)

Republic of Venezuela

(Coat of Arms)

Third Notary Public in and for Valencia

(Four partial stamps down left margin) *(Hand written)* Six (6)
....DE VENEZUELA
(Seal)
...Aragua
..... Valencia

(Three Stamps, two with illegible initials)
BOLIVARIAN REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public's Office in and for Valencia
(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp - Value: 148 Bolivars

BOLIVARIAN REPUBLIC OF VENEZUELA.- MINISTRY OF THE INTERIOR AND JUSTICE.- THE UNDERSIGNED, ROSA RUEDA DE HOUTMANN, CHIEF THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO, CERTIFIES: That this photocopy is a true and correct copy of the original document that was submitted to this Notary's Office for authentication and return, and was inserted under No. 28 ....., Volume 11..., dated January 30, 1996. ----------, and that was compared by me as the authorized employee and concerns the petition prepared on August 24, 2000 ------, by Citizen: MARJORIE ROSSELL,.- ----------, of age, holder of Identity Card No. V-12,606,141.- ----------, according to Receipt Form Number: 336387,- ---------- dated: August 24, 2000. This Certification is issued with the assistance of employee: SULEIDA NOGUERA- ---------, of age, holder of Identity Card Number: V-5,622,001...., who works for this Notary's Office, who is duly authorized by the Notary to do so and who is signing each and every page hereof, all pursuant to the provisions of Article 120 of the PUBLIC RECORDS Law and in agreement with ARTICLE 10 and ARTICLE 20 of the Rules for NOTARY PUBLIC OFFICES. Said Certification consists of: THREE ---------- (03.- -----) sheets of paper.- Valencia, on the: TWENTY-FOURTH (24th) ---------- day of the month of: AUGUST,- ------ in the Year: TWO THOUSAND.- --------. - 189th year of Independence, and 141st year of the Federation.- ----------

THE NOTARY
(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public's Office in and for Valencia

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

AUTHORIZED EMPLOYEE
(Signed) (illegible) Noguera

(Back of Page Six)

(Four partial stamps down right margin)

REPUBLIC ....
(Seal)
THIRD NOTARY PUBLIC...

(Two stamps with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Stamp)

The undersigned NOTARY confirms that she had before her for examination and return FORM 16 No. 10404633, paid at the Banco Del Caribe on August 24, 2000, issued by the MINISTRY OF FINANCE

The Notary

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Four stamps diagonally down page)

Republic of Venezuela

(Coat of Arms)

Third Notary Public in and for Valencia

(Hand written) Seven (7)

(Four partial stamps in left margin)
..... VENEZUELA
.....
.....VALENCIA

(Back of Page Seven):
(Two partial stamps in right margin - illegible)

(Seal) *(Hand written) Eight* (8)
STATE OF ARAGUA
(Seal)
Fee for Fiscal Stamp Value: One hundred and ninety-two Bolivars (Bs. 192.00)

(Two partial stamps down left margin- illegible)

AR – 99 No. 1816528

COURT IN AND FOR THE MUNICIPALITIES OF JOSE FELIX RIBAS AND JOSE RAFAEL REVENGA OF THE JUDICIAL DISTRICT OF THE STATE OF ARAGUA, LA VICTORIA, ON THE SEVENTH DAY OF SEPTEMBER, TWO THOUSAND. YEARS: 190th Year of Independence and 141st Year of the Federation.-

Having reviewed the petition filed by citizen: FRANCISCO JESUS VELASQUEZ ARCAY, who is a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,121,658, a practicing Attorney, registered with the Venezuelan Bar Association under No. 54,892; appearing herein in his capacity as counsel for BRIDGESTONE FIRESTONE VENEZOLANA, C.A., it is admitted to the extent provided by law. Consequently, it is ordered that the Court be transferred and called into session at any location the petitioner indicates and that the required Judicial Inspection be held; it is ordered that the necessary time be set aside for same and it is scheduled for twelve thirty p.m. on the 7th day of September this year.

The Judge
(Signed) (Illegible)
Dr. Clemente Martinez E.

(Stamp)
Bolivarian Republic of Venezuela
Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipalities
of José Félix Ribas and José Rafael Revenga

The Clerk.-
(Signed) (illegible)
Pilar de Mendoza

S -1493-
CME/ms.-

(Back of Page Eight):

(Partial stamp in the center and two partial stamps down the right margin)
Bolivarian Republic of Venezuela
Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipalities....

(Hand written) Nine (9)

(Partial Stamp to left)
...Bolivarian Republic of ..
Judicial District
State of Aragua)
.....(Seal)
.....Revenga

(Seal)

STATE OF ARAGUA

(Coat of Arms)

Fee for Fiscal Stamp Value: One hundred and ninety-two Bolivars (Bs. 192.00)

AR-99 No. 1816527

Court in and for the Municipalities of José Felix Ribas and José Rafael Revenga in the Judicial District of the State of Aragua. La Victoria, the seventh day of September in the year two thousand. 190th Year of Independence and 141st year of the Federation. On this day, being twelve thirty in the afternoon, the necessary time having been set aside, the Court, accompanied by the petitioning attorney, Francisco Jésus Velásquez Arcay, acting in his capacity as counsel for the commercial company, Bridgestone Firestone Venezolana, C.A., a company formerly known as C.A. Firestone Venezolana, previously fully identified in the record, was transferred to and called into session at the La Victoria toll booth, which was the location indicated by the petitioner for the holding of the required Judicial Inspection. Next, in order to conduct the inspection as requested, the Court appointed citizen David Goncalves Malpica, holder of identity card No. 11,029,574 as the expert mechanic and citizen Jelubert Houtmann, holder of identity card No. 13,236,378 as the expert photographer; being present, they accepted the assignment and were sworn in as provided by law. The Court then went on to hold the *[missing text: requested Judicial Inspection]*. ITEM NO. ONE: The Court stated for the record that there was a truck.....

(Back of Page Nine)

(Partial Stamp to right)
Bolivarian Republic..
District.
(Seal)
Court..
José Félix Ribas.....

parked at the La Victoria Toll Booth, Make: Ford, Model: Explorer XLT, year: 1997, type: 4x2 automatic, color: blue, plates: AAR-32A; the expert stated that its chassis serial number was: AJU3TP27957.- ITEM NO. TWO: The Court noted that there was a tire mounted on each rim of said vehicle.- ITEM NO. THREE: The Court stated for the record, with the assistance of the expert who had been appointed, that there was a tire mounted on the front right side of the vehicle, Make: Goodyear, type: Wrangler RT/S LT 235 /75 R15; serial number DOT PBHL2AC4 2200; on the right rear side, there was a tire: Make: Goodyear, type: Wrangler RT/S LT235 /75R15, serial number DOT PBHL 2AC4.2200; on the front left side, a tire, Make: Goodyear, type: Wrangler RT/S LT 235 /75R15, serial number DOT PBHL2AC4.2200; on the rear left side, a tire, Make: Goodyear, type: Wrangler RT/S LT235 /75R15, serial number DOT PBHLZAC42200.- ITEM NO. FOUR: The Court stated for the record that the four tires that were installed were in good condition, as was their tread. ITEM NO. FIVE: The Court stated for the record that at this inspection, photographs were taken of each of the tires that were installed using an instant photograph Polaroid 636 Close Up camera. ITEM NO. SIX: The Court stated for the record that at this inspection, photographs were taken of the inspected vehicle's bodywork using the camera described above. ITEM NO. SEVEN: .....

(Illegible partial stamp to right)

(Two partial stamps to left – illegible)

(Hand written) Ten (10)

(Seal)

STATE OF ARAGUA

(Coat of Arms)

Fee for Fiscal Stamp Value: One hundred and ninety-two Bolivars (Bs. 192.00)

AR-99 No. 1816526

The Court, with the assistance of the expert who had been appointed, stated for the record that the inspected vehicle was misaligned throughout with a caved in roof that was very pronounced on the left side, the windshield was shattered, the hood was caved in, and both sides were dented. At this point, the petitioner stated: I would ask the Court to be so kind as to state for the record the Make, type and serial number of the spare tire, and also its condition and the condition of the tread, and also that a statement be placed on the record as to the inspected vehicle's mileage.- The Court, with the assistance of the expert who had been appointed, then stated for the record that the spare tire was described as follows: Make: Goodyear, type: Wrangler RT/S LT235/75 R15, serial number DOT PBHL2AC42200, which was found to be in good condition, as was its tread.- In addition, the Court stated for the record that the expert who had been appointed advised that the mileage on the inspected vehicle was 108,302 kilometers. That is all.- At this point, the Court ordered the photographs taken for items Five and Six of this inspection to be added to the record.- That is all.- The inspection was concluded and the Court ordered the return to its usual location and that the original…

(Back of Page Ten)

(Two partial stamps to right)
Republic..
.....José Félix Ribas.....

of this petition be returned with the results thereof. Completed, read and signed by those below who were in agreement therewith.

THE JUDGE
(Signed) (Illegible)
(Stamp)
Bolivarian Republic of Venezuela
Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipalities
Of José Félix Ribas and José Rafael Revenga

Petitioner
(Signed) (Illegible)

Expert
(Signed) David Goncalves

Photographer
(Signed) (Illegible)

CLERK
(Signed) Pilar M. de Mendoza

(Hand written) Original with results returned this same day.

Clerk
(Signed) (Illegible)

(Stamp)
Bolivarian Republic of Venezuela
Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipalities
Of José Félix Rivas and José Rafael Revenga
(Signed) (Illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 1493, dated September 7, 2000, concerning an inspection of the Ford Explorer with plates numbered AAR-32A, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena H. Rosado
Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC784723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 1493

SOLICITUDES

ARCHIVO

SOLICITANTE (S): Francisco José Velasquez Arcay.

MOTIVO: Inspección Judicial

JUZGADO: Primero (1º) de Primera Instancia

FECHA DE ENTRADA: Día 07 Mes Septiembre Año 2000

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

No. 1493

C-22

AR-99 No. 1816391

Ciudadano

JUEZ DE LOS MUNICIPIOS JOSE FELIX RIVAS Y JOSE RAFAEL REVENGA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO ARAGUA

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene el respectivo caucho instalado en cada uno de sus rines. ----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

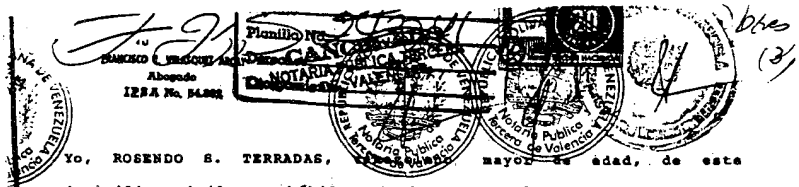
SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en La Victoria, en la fecha de su presentación.----------

Presentada



Yo, ROSENDO S. TERRADAS, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 13.946, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.892, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal y de cualquier competencia, orden o jurisdicción, incluyendo pero

m:- 28- T. 11.

sin excepción a ello, por ante los Tribunales de Primera y/o Segunda Instancia, de Distrito o de Municipio, Corte Suprema de Justicia, Corte Primera en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Tributario, Tribunales en lo Contencioso Administrativo, Tribunales Penales, Tribunales del Trabajo y en fin, por ante todos los organismos, tribunales, despachos, autoridades y/o funcionarios de carácter público o privado. En el ejercicio del presente poder los prenombrados apoderados están facultados para intentar y/o contestar toda clase de demandas, reclamos, procedimientos, incidencias y/o reconvenciones; alegar, oponer y/o contestar defensas y cuestiones previas; hacer citas de saneamiento y/o de garantía; convenir; desistir; transigir; renunciar a acciones o derechos y dejar de ejercerlos si así fuere conveniente; solicitar acumulación de autos o de acciones; diferir actos; suspender, ejercer, reclamar, renunciar lapsos y recursos; recusar; demandar la nulidad por reposición cuando fuere necesario o conveniente; apelar; ocurrir de hecho; promover cualquier medio de prueba y oponerse a la admisión de los mismos e intervenir en todos los trámites e incidencias de su evacuación; solicitar y tramitar cualquier medida preventiva o ejecutiva cuando así fuere necesario o conveniente u oponerse a las mismas e intervenir en cualquier otra incidencia que pudiera presentarse; incoar tercerías; tachar y/o desconocer toda clase de documentos; tachar testigos; hacer cesión de bienes; pedir rendición de cuentas; proponer acciones petitorias o confesorias de la especie que fueren; darse por citado o notificado, recibir y entregar cantidades de dinero que legítimamente se adeuden, otorgando y exigiendo los correspondientes recibos y finiquitos; disponer de los derechos en litigio; solicitar e intervenir en procedimientos de remate, a tales fines hacer posturas y adquirir en actos de remate; otorgar cualesquiera fianzas y cauciones

(4)

árbitros de derecho, solicitar las decisiones según la equidad, constituir asociados, seguir el o los juicios en todas sus instancias, incidencias y trámites y ejercer todos los recursos a que hubiere lugar, tanto los ordinarios como los extraordinarios de casación o invalidación, iniciar y desistir del juicio de amparo, promover y absolver posiciones juradas, promover quejas y querellas y desistir de ellas, y en general, hacer todo cuanto fuere necesario o conveniente para la mejor defensa de los derechos e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Dejo constancia que las facultades aquí conferidas son meramente enunciativas y no taxativas y que los apoderados aquí instituidos están facultados para sustituir el presente poder en personas o abogados de su confianza, con todas o algunas de las facultades anteriormente señaladas, con reserva o no de su ejercicio. Este poder no revoca ni deja sin efecto ningún otro poder otorgado con anterioridad por BRIDGESTONE FIRESTONE VENEZOLANA, C.A. A fin de dejar constancia de la existencia legal de mi representada, del carácter con que actúo, de mis atribuciones y de los demás particulares relativos a los poderes, y de conformidad con lo previsto en el artículo 155 del Código de Procedimiento Civil, enuncio y exhibo en este acto al Notario ante quien se otorga el presente poder, solicitándole se sirva hacer constar en la nota respectiva, los siguientes documentos: PRIMERO: Copia certificada expedida por el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial en fecha veintitrés (23) de octubre de 1956, del asiento Registro de Comercio No. 1, contentivo del Documento Constitutivo Estatutario original de C.A. FIRESTONE VENEZOLANA (ahora denominada BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). SEGUNDO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado

Carabobo veinticinco (25) de noviembre de 1992, del asiento Registro de Comercio No. 34, Tomo 16-A, contentivo del Acta de Asamblea Extraordinaria de Accionistas celebrada a los efectos de la Asamblea Ordinaria en fecha diecinueve (19) de noviembre de 1992, en la que se acordó entre otros puntos, el cambio de denominación de la compañía a BRIDGESTONE FIRESTONE VENEZOLANA, C.A. TERCERO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha veintisiete (27) de enero de 1995, del asiento Registro de Comercio No. 46, Tomo 6-A, contentivo del acta de Asamblea General Extraordinaria de Accionistas celebrada en fecha doce (12) de diciembre de 1994, en la que consta mi designación como Presidente de la compañía. Igualmente solicito al Notario Público que para el otorgamiento del presente poder, se traslade y constituya en las oficinas de la compañía. Valencia, en la fecha de su autenticación.

(5)

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia TREINTA (30) de [illegible] de mil novecientos noventa y seis 185º y 136º. El anterior documento redactado por el abogado [illegible] S CO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54892, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado titular de la cédula de identidad Nº 6.297.265. Leido el documento presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737. 912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15AM.

LA NOTARIO,

Rosa Rueda de Houtmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

Folios (6)

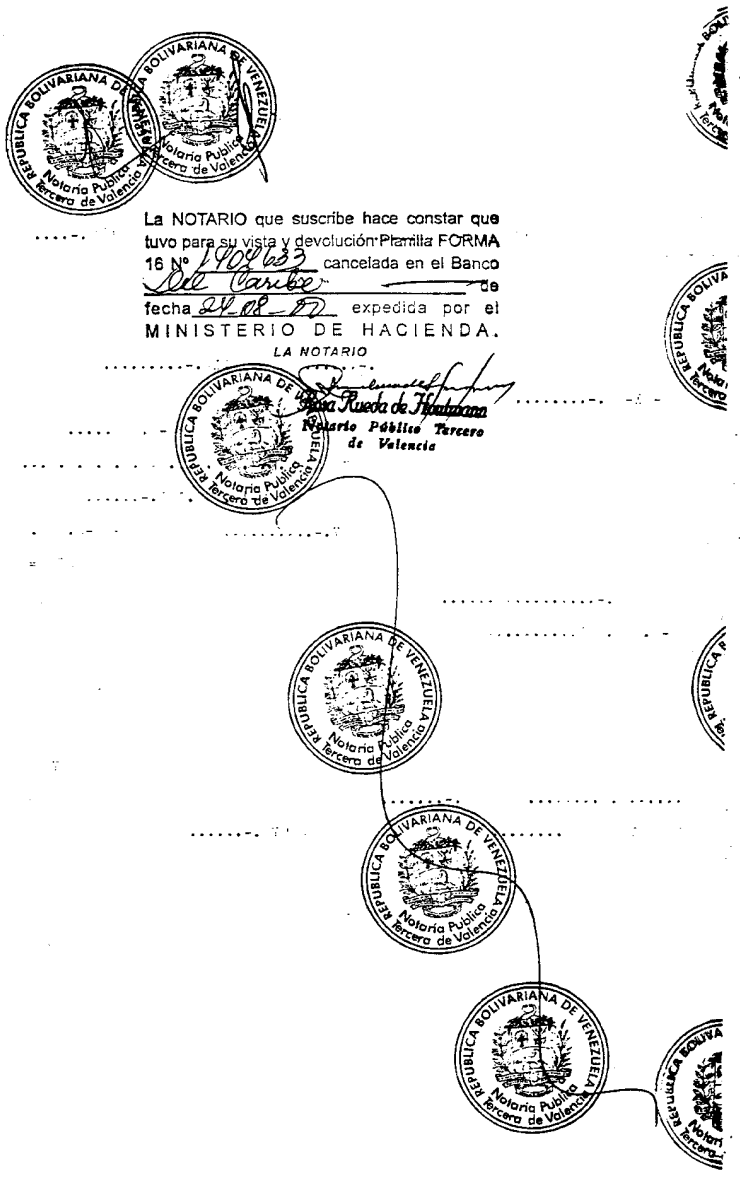


"REPUBLICA BOLIVARIANA DE VENEZUELA.- MINISTERIO DEL INTERIOR Y JUSTICIA .-
ROSA RUEDA DE HOFFMANN.-.....NOTARIO PUBLICO TERCERO "TITULAR.-...."
DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFICA: Que la presente Copia Fotostática es copia fiel y exacta del Documento original presentado en esta Notaría para su Autenticación y Devolución, el cual quedó inserto bajo el Nº 28.-....., Tomo: 11º.-....., de fecha 26-01-96.-....., la cual fué confrontada por mí como por el Funcionario Autorizado y alude a la solicitud formulada en fecha: 24-08-2.000....., por el (la) Ciudadano (a): MARJORIE ROSSELL.- . . . . . mayor de edad, con Cédula de Identidad Número: V-12.606.141.-..... según-Planilla de Liquidación Número: 336387.-.....de fecha: 24-08-2.000.. Esta Certificación se expide con la colaboración del Funcionario: SULEIDA=NOGUERA.-....., mayor de edad, con Cédula de Identidad Número: V-5.622.081....., al Servicio de esta Notaría, quién está autorizado-debidamente por el Notario para hacerlo y quién firma en todas y cada una de las páginas, todo ello de conformidad con lo establecido en el Artículo-128 de la Ley de REGISTRO PUBLICO y en concordancia con los ARTICULOS 10 y 20 del Reglamento de NOTARIAS PUBLICAS. Dicha Certificación consta de: TRES ..... (03.-.....) folios útiles.- Valencia, a los: VEINTICUATRO (24)..... días del mes de: AGOSTO.-.....del Año: DOS MIL.-189º de la Independencia y 141º de la Federación.-.....

LA NOTARIA,

Rosa Rueda de Hoffmann
Notaria Público Tercero
De Valencia

FUNCIONARIO AUTORIZADO.-



La NOTARIO que suscribe hace constar que tuvo para su vista y devolución Planilla FORMA 16 N° 1909633 cancelada en el Banco Del Caribe de fecha 21-08-07 expedida por el MINISTERIO DE HACIENDA.

LA NOTARIO

Rosa Rueda de Hernández
Notario Público Tercero
de Valencia

(Ocho (8)

AR-99 No. 1816528

JUZGADO DE LOS MUNICIPIOS JOSE FELIX RIPAS Y JOSE RAFAEL REVENGA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO ARAGUA. LA VICTORIA, 07 DE SEPTIEMBRE DEL DOS MIL.- AÑOS: 1909 y 1419.-

Vista la solicitud presentada por el ciudadano: FRANCISCO JULIO VELAZQUEZ ARCAY, venezolano, mayor de edad, domiciliado en: Valencia, Estado Carabobo, titular de la cédula de identiad Nº 7.121.658, abogado en ejercicio, inscrito en el Inpresabogado bajo el Nº 54.892, procediendo en este acto en su carácter de apoderado de BRIDGESTONE FIRESTONE VENEZOLANA C.A, se admite cuanto ha lugar en derecho. En consecuencia trasladese y constituyase el Tribunal donde indique el solicitante y practiquese la Inspección Judicial requerida, se habilita el tiempo necesario para realizar la misma y se fija para dicho acto el día 07 de Septiembre del presente año, a las doce y media de la tarde.

El Juez

Dr Clemente Marcano

La Secretaria

Pilar de Mendoza.-

-1493.-

CME/ms.-

Nueve (9)

AR-99 No. 1816527

Juzgado de los Municipios José Félix Ribas y José Rafael Revenga de la Circunscripción Judicial del Estado Aragua.- La Victoria, siete de Septiembre del año dos mil años (1940 y 1941). En esta misma fecha siendo las doce y treinta de la tarde habilitado como se encuentra el tiempo necesario se trasladó y constituyó el Tribunal en compañía del solicitante abogado Francisco Jesús Velásquez Arcay, actuando en su carácter de apoderado de la Sociedad Mercantil Bridgestone Firestone Venezolana, C.A. compañía anónima antes denominada C.A. Firestone Venezolana, plenamente identificada en autos, en la estación peaje La Victoria, sitio señalado por el solicitante, a fin de practicar la Inspección Judicial requerida.- Seguidamente a los fines de la realización del acto y conforme lo solicitado, el Tribunal nombra práctico mecánico al ciudadano David Goncalves Malpica, titular de la cédula de identidad N° 11.029.574 y como perito fotógrafo a la ciudadana Jehuhut Hautmann titular de la cédula de identidad N° 13.236378, quienes presentes aceptan el cargo y prestan el juramento de Ley. En este estado el Tribunal pasa a realizar el Arma Particular. El Tribunal deja constancia que en la estación peaje La Vic-

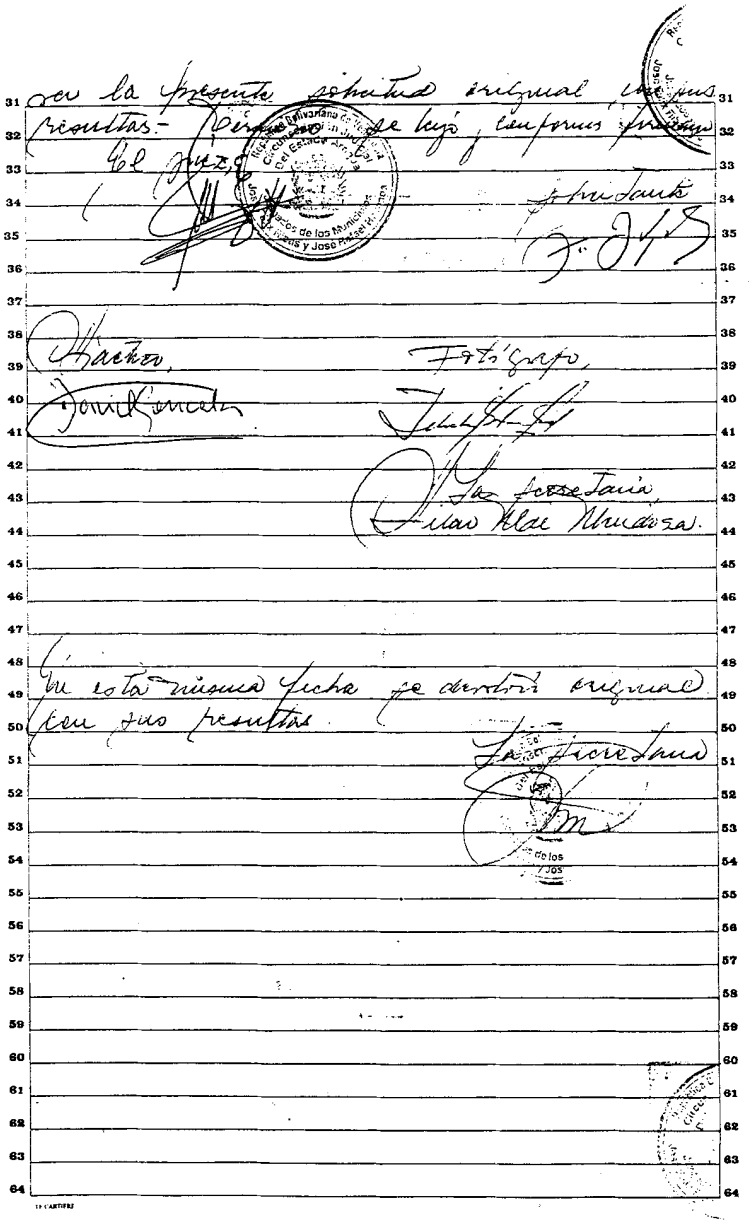
Feria, se observa estacionada una camioneta Marca Ford Modelo Explorer XLT año 1997, tipo 4x2 automática, color azul, placas AAR-32A; el perito informa presenta serial de carrocería AJU3TP27957.- Segundo Particular= El Tribunal observa que el referido vehículo tiene instalados canchos en cada uno de sus rines.- Tercer Particular: El Tribunal con el auxilio del perito designado deja constancia que el vehículo presenta instalado en el lado delantero derecho cancho Marca Good Year, tipo Wrangler RT/S LT235/75R15; serial DOT-PBHL2AC4.2200; en su lado trasero derecho cancho Marca Good Year, tipo Wrangler RT/S LT235/75R15, serial DOT PBHL2AC4.2200; lado delantero izquierdo.- cancho Marca Good Year. tipo Wrangler RT/S LT235/75R15 serial DOT-PBHL2AC4.2200; lado trasero izquierdo: cancho Marca Good Year. tipo Wrangler RT/S LT235/75R15 serial DOT PBHL2AC42200.- Cuarto Particular: El Tribunal deja constancia que los cuatro canchos instalados se encuentran en buen estado así como su banda de rodamiento.- Quinto Particular: El Tribunal deja constancia que en este acto se tomaron fotografías a cada uno de los canchos instalados utilizándose para ello una cámara fotográfica Solaroid de fotos instantánea 636 close-up.- Sexto Particular: El Tribunal deja constancia que en este acto se tomaron se tomaron fotografías a la carrocería del vehículo inspeccionado utilizando para ello la cámara antes descrita.- Séptimo Particular: El

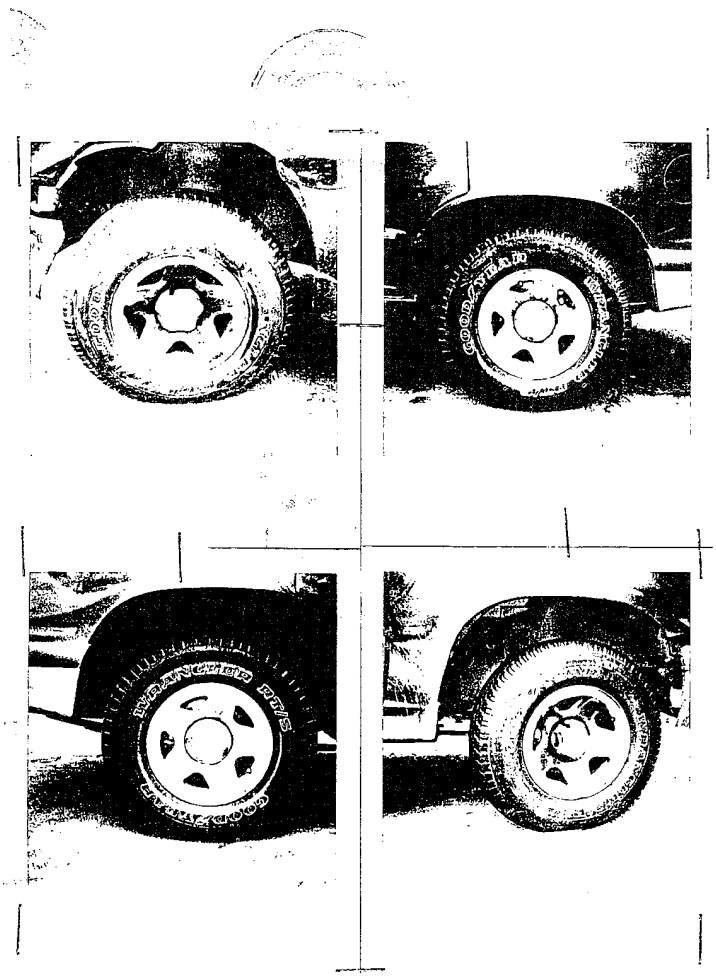
LE CARTIFICO

Diez (10)

AR-99 No. 1816526

Tribunal con el auxilio del práctico designado deja constancia que el vehículo inspeccionado presenta desquadre generalizado con hundimiento del techo muy pronunciado en su lado izquierdo, parabrisa reventado, capot hundido, abolladura en ambos costados.- En este estado el solicitante expone: Sido al Tribunal se sirva dejar constancia de la Marca tipo y serial del cancho de repuesto así como del estado que se encuentra su banda de rodamiento y el cancho así mismo se deje constancia del kilometraje que presenta el vehículo inspeccionado.- En este estado el Tribunal con el auxilio del práctico designado deja constancia que el cancho de repuesto presenta las siguientes características: Marca Good Year, tipo Wrangler RT/S LT 235/75 R16, serial DOT PBHL2AC42200, el cual se encuentra en buen estado así como su banda de rodamiento.- Así mismo el Tribunal deja constancia que el práctico designado informa que el kilometraje que presenta el vehículo inspeccionado es de 118.302 Km.- Es todo.- En este estado el Tribunal ordena agregar a los autos las fotografías contenidas en los particulares quinto y sexto de esta actuación.- Es todo, concluido el acto el Tribunal ordena retornar a su sede ordinaria y devol




GOODYEAR
WRANGLER RTS
GOODYEAR

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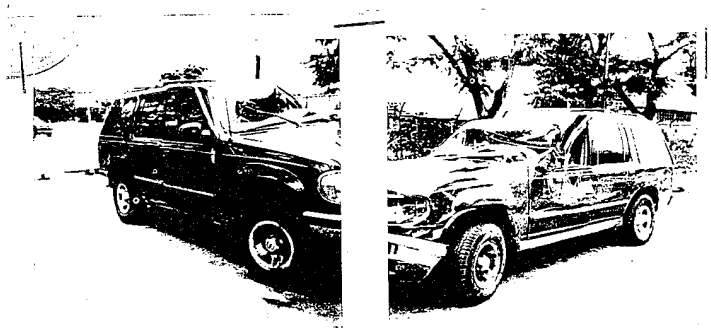



REPUBLIC OF VENEZUELA

No. 3382

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): ARACELIS URDANETA

REASON: JUDICIAL INSPECTION

COURT: FOURTH MUNICIPAL COURT

DATE OF ENTRY: Day: 25 Month: September Year: 2000

DATE RETURNED: Day: ..... Month: ..... Year: .....

No. 3382

C.22

(Back of Page One)

As to any other fact or circumstances that I reserve the right to indicate in due course. ----------
Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502, *ejusdem*, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------
Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of the filing hereof. ----------

(Signed – illegible)

FILED ON SEPTEMBER 25, 2000
ON ONE (1) SHEET OF PAPER AND NO EXHIBIT
AMENDMENTS: NO

TIME: 9:00 a.m., DURING OFFICE HOURS
FORWARD TO JUDGE IMMEDIATELY

(Signed) (Illegible)

(Hand written) Two (2)

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FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.-

Valencia, September 25, 2000
189th Year of Independence and 141st year of the Federation

This petition has been received. It is ordered that distribution be waived since the emergency nature of the case has been stated under oath. It is ordered that it be admitted. It is ordered that a file be opened. It is ordered that the necessary time be set aside and that the Court be transferred and called into session at the location indicated in this petition, for purposes of conducting the requested Judicial Inspection.

(Stamp)
REPUBLIC OF VENEZUELA
(Illegible)
(Seal)
(Illegible)

PROVISIONAL JUDGE
(Signature – illegible)

(Signature – illegible)
CLERK

Complied with as ordered, this same day; logged in under No. **3382**.

THE CLERK
(Signature – illegible)

(Illegible stamp)

(Three partial stamps in left margin – illegible)

(Hand written) Three (3)

CA – 98 No. 04214475

(Seal)
STATE OF CARABOBO
(Coat of Arms
Fee for Fiscal Stamp – Value: 148 Bolivars

At four in the afternoon (4:00 p.m.) today, the twenty-seventh day of September, in the year two thousand, after setting aside all the time needed, the Court was transferred to and called into session at Warehouses Nos. 3, 4, 5 and 6 in the Los Corrales Shopping Center in the La Florida District, at which the mechanic's shop, Primer Auto, does business, in the Municipality of Libertador in this City of Valencia, in order to conduct the Judicial Inspection requested by attorney, Aracelis Urdaneta, Venezuelan Bar No. 30,706, who was present at this Inspection. For the best advice on and illustration of the performance of this Judicial Inspection, the Court appointed Citizen, David Goncalves, as the Expert, and Citizen, Marjorie Rossel, *[sic]* as the expert photographer, both being citizens of Venezuela, of age, and holders of Identity Cards Nos. 11,089,574 and 12,606,141 respectively; they were present, accepted the task, were sworn in as provided by law and stated under oath that they would faithfully fulfill their obligations. Once the photographs that were taken are developed,

(Back of Page Three)

(Three partial stamps in right margin
REPUBLIC OF....
Fourth *Court (Illegible)*
(Seal)
(illegible)

having been first certified by the clerk, they will be added to this petition, as so to form part of same. The Court then proceeded to conduct the requested Judicial Inspection and stated for the record as follows: Item ONE: The Court stated for the record that it was called into session at the Primer Auto mechanic's shop in Warehouses 3, 4, 5 and 6, in the Los Corrales Shopping Center in the La Florida District, in the Municipality of Libertador in this City of Valencia, where there was a vehicle Make: Ford, model: Explorer, type: 4x2, color: blue, year, 97, plates: GAO-41C".- Item TWO: The Court stated for the record that the vehicle described above has four (4) tires mounted one on each of its rims. Item THREE: Upon advice from the expert, the Court stated for the record that four (4) tires fitted one on each rim of the inspected vehicle were, make: Goodyear, type: Wrangler RT/S LT235/75R-15, serial number DOT PBHL2AC43100".- Item FOUR: Upon advice from the expert at this inspection, the Court stated for the record that the treads on the tires on the vehicle were in good condition, as were the tires.-

(Three partial stamps in left margin – illegible)

(Hand written) Four (4)

CA – 98 No. 04214476

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

It was noted that the left front tire was flat".- Item FIVE: The Court ordered photographs to be taken of each of the tires mounted on each of the inspected vehicle's rims, and it ordered that once these were developed, they were to be added to this inspection, so as to form a part thereof".- Item SIX: The Court ordered photographs to be taken of the bodywork and condition of the inspected vehicle, which photographs, once they are developed, will be added to this inspection, so as to form a part thereof".- Item SEVEN: Upon advice from the expert, the Court stated for the record that the bodywork of the vehicle was dented, with generalized misalignment, the roof had caved in on the front left and the windshield was shattered. At this point, the Petitioner identified above

(Back of Page Four)

(three partial stamps in right margin – illegible)

intervened and stated: "I ask the Court to state the vehicle's mileage for the record, and I also ask that it state for the record the make, type, serial number and condition of the spare tire, and also the state of its tread. The Court agreed and as requested, it stated for the record that the mileage of the inspected vehicle was 102,956 kilometers. It also stated for the record that the spare tire was: make: Goodyear, type: Wrangler RT/S LT235/75R-15, serial number DOT PBHL2AC43100, and it was in perfect condition, as was its tread. At this point, citizen Darvis Rosales, holder of Identity Card No. V-7,956,856, in his capacity as a purchasing agent at the Mechanic's workshop at which the Court was called into session, appeared and stated to the Court that the reason the above-described vehicle was brought into said shop was due to a rollover. The Court concluded its mission and decided to return to the Courthouse. That is all. Completed, read and signed by the undersigned, who are in agreement therewith.

(Hand written) Five (5)

CA – 98 No. 04214540

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

(Two partial stamps in left margin – illegible)

THE PROVISIONAL JUDGE
(Signed) (Illegible)
Dr. Rafael E. Castillo H.

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO JUDICIAL DISTRICT OF THE STATE OF CARABOBO

The Petitioner
(signed) (Illegible)

The Photographer
(Signed) (Illegible)

The Expert
(Signed) David Goncalves

Acting Clerk
(Signed) (Illegible)

(Stamp)
(Illegible)
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO JUDICIAL DISTRICT OF THE STATE OF CARABOBO

(Hand written) -43-

(Hand written) Six (6)

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During office hours today, the third (3rd) day of October, 2000, **MARJORIE ROSSELL ORTEGA**, a citizen of Venezuela, of age, who is legally competent, holder of identity card No. 12,606,141, personally appeared before this Court and stated: I am hereby delivering the photographs taken at the Judicial Inspection for which I was appointed as the Expert Photographer". That is all, completed, read and signed by those below, who were in agreement therewith.

(Signed) (Illegible) *(Signed) (Illegible)*

PRESENTER CLERK

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
JUDICIAL DISTRICT OF THE STATE OF CARABOBO

ELEVEN (11)

(partial stamp in left margin)
.. VENEZUELA
... VALENCIA, LIBERTADOR
(Seal)
(illegible)

This petition, consisting of (11) sheets of paper, having been complied with, is returned today, the third of October, two thousand.-

Clerk
(Signed) (illegible)
ATTORNEY JOSE LUIS SANZ
(Stamp – illegible)

(Two partial stamps in right margin – illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 3382, dated September 25, 2000, concerning an inspection of the Ford Explorer with plates numbered GAO-41C, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 29th day of January, 2001.

Elena H. Rosado
Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC784723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

3382

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) ARACELIS URDANETA

MOTIVO INSPECCION JUDICIAL

JUZGADO CUARTO DE MUNICIPIO

FECHA DE ENTRADA: Día 25 Mes 09 Año 2000

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

C - [illegible]

3382

CA - 98 N° 04214556

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **ARACELIS URDANETA**, venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.082.174, abogado en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, actuando en mi propio nombre y para fines legales que me interesan, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford y del Modelo, Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene el respectivo caucho instalado en cada uno de sus rines. ----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la

carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, en la fecha de su presentación.----------

+ [signature]

Presentada 25/09/2000

CONSTANTE DE Un (1) folio sin anexos

ENLACES EN No

HORA 9:00 am. HORA DE DESPACHO: SE

[illegible]

[signature]

Dos (2)

JUZGADO CUARTO DE LOS MUNICIPIOS VALENCIA LIBERTADOR LOS GUAYOS NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 25 de Septiembre del 2.000.-
190°. y 141°

Por recibida la presente solicitud. Previa la distribución por ser urgente la urgencia del caso. Háganse entrada. Fórmese expediente. Habilítese todo el tiempo necesario y hábil para constituirse el Tribunal en el sitio indicado en la presente solicitud, a los fines de practicar la inspección judicial solicitada.-

EL JUEZ PROVISORIO,

EL SECRETARIO.

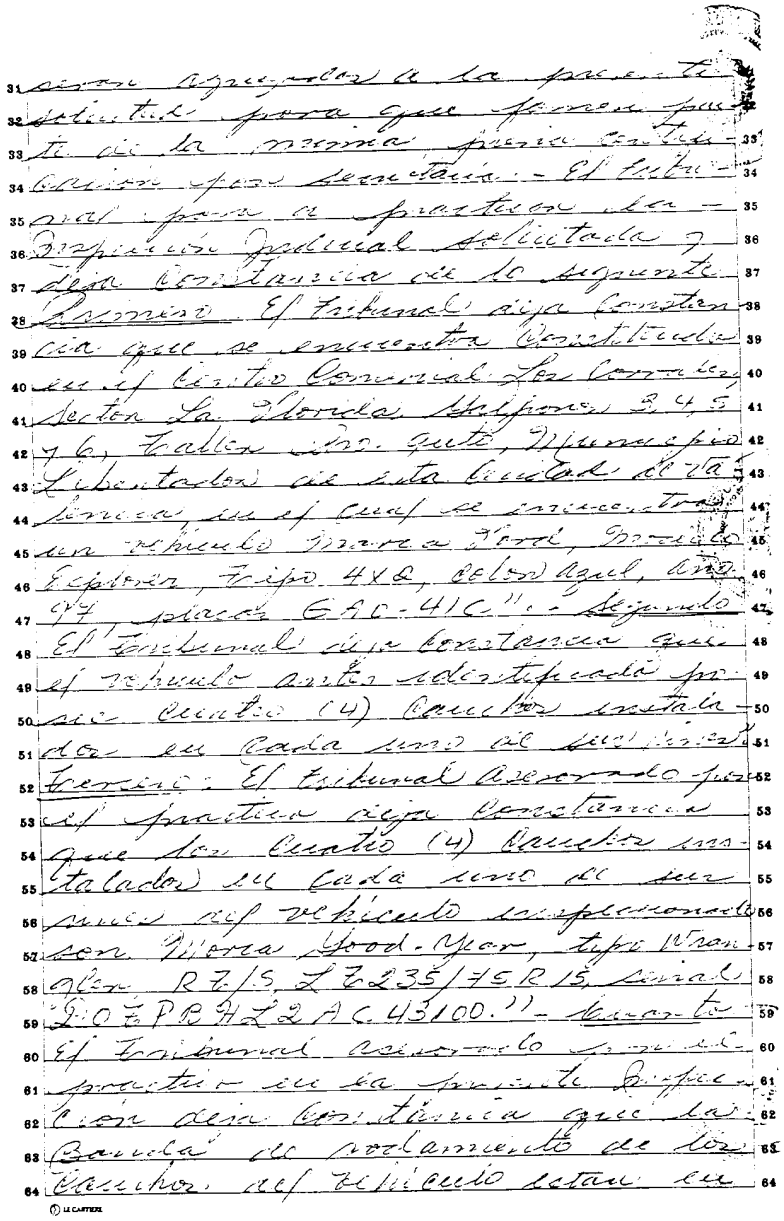
En la misma fecha se cumplió lo ordenado, se le dio entrada bajo el No. 3382 .-

EL SECRETARIO

ESTADO CARABOBO

CA - 98 Nº 04214475

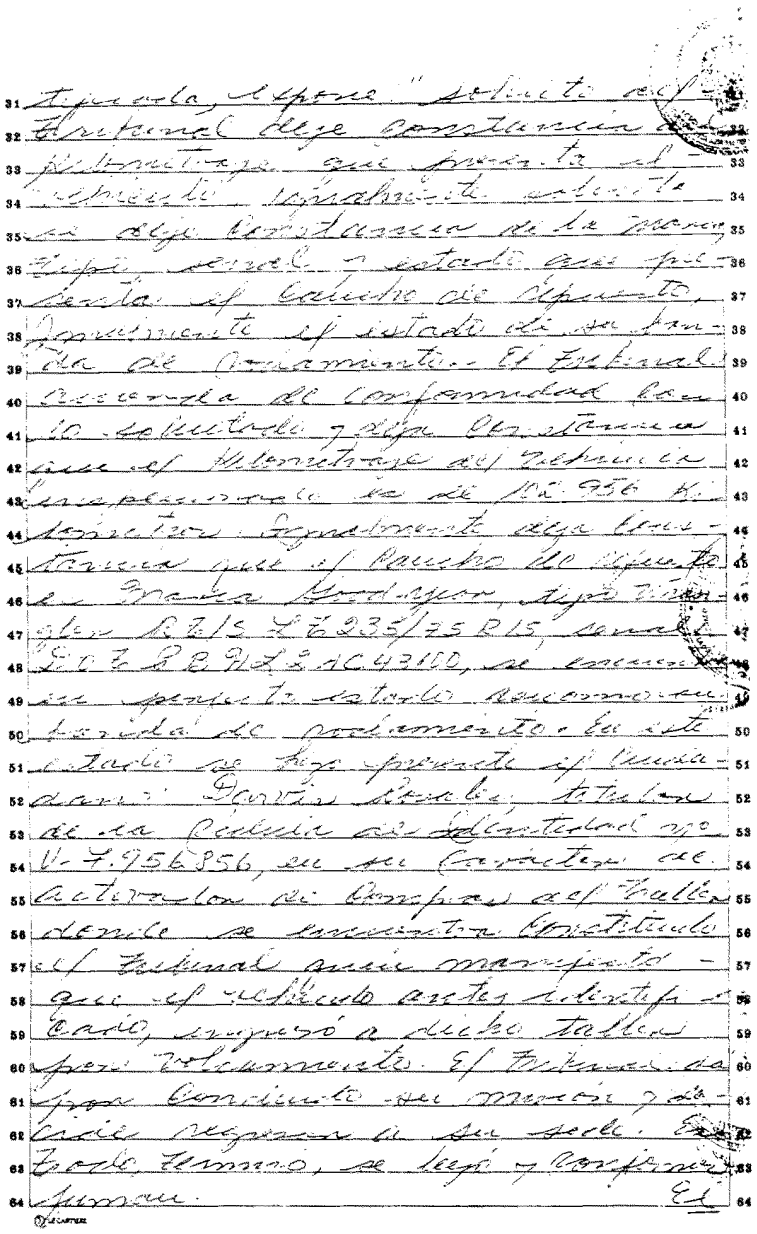
la fecha de hoy Veintisiete de Septiembre del año Dos mil, siendo las Cuatro (4.00) de la tarde, previa habilitación de todo el tiempo necesario, se trasladó y constituyó el Tribunal en el Centro Comercial Los Corrales, Sector La Florida, Galpones 3, 4, 5 y 6 donde funciona el Taller Pro Auto, Municipio Libertador de esta Ciudad de Valencia, a fin de practicar la Inspección Judicial solicitada por la Abogado Graciela Yordaneta, Depreabogado Nº 30.706, presente en este acto. - El Tribunal para el mejor asesoramiento e ilustramiento en la práctica de la presente Inspección Judicial, Nombra Perito y practica fotografía a los Ciudadanos David Goncalves y Marjorie Roosel, venezolanos, mayores de edad, titulares de las Cédulas de Identidad Nos. 11.089.574 y 12.706.141, respectivamente, quienes estando presentes, aceptaron el cargo, prestaron el juramento de Ley y juraron cumplir fielmente con sus obligaciones. Una vez reveladas las fotografías tomadas -



Cuatro (4)

CA - 98 № 04214476

buen estado, igualmente los cau-
chos, notándose que el caucho
delantero izquierdo se encuentra
desinflado." Quinto El Tribunal
ordena la toma de fotografías
a cada uno de los cauchos
instalados en cada uno de
los rines del vehículo inspeccio-
nado, y las cuales una vez re-
veladas se ordenan sean agre-
gadas a la presente inspección
para que formen parte de la
misma". Sexto El Tribunal or-
dena la toma de fotografías
de la Carrocería y Condiciones
en que se encuentra el vehículo
inspeccionado, las cuales una
vez se revelan las mencionadas
fotografías serán agregadas a
la presente inspección para
que formen parte de la misma".
Séptimo: El Tribunal asesorado
por el práctico deja constan-
cia que la Carrocería del vehí-
culo presenta abolladuras, des-
cuadres generalizados, hundi-
miento en parte delantera
izquierda del techo, parabrisas
reventados. En este estado inter-
viene la solicitante, antes idem



(6)

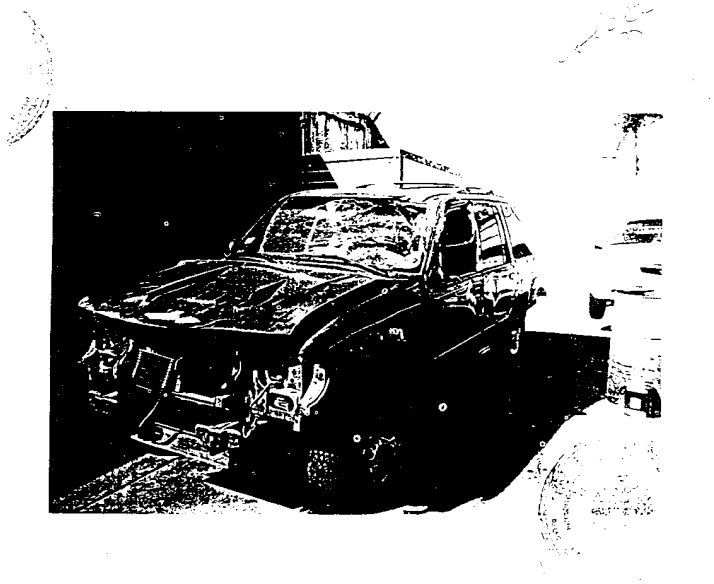
En horas de Despacho del día de hoy tres (3) de octubre de 2000, comparece por ante este tribunal **MARJORIE ROSSELL ORTEGA**, venezolana, mayor de edad, hábil en derecho, titular de la cédula de identidad N° 12.606.141 y seguidamente expone "Consigno en este acto fotografías tomadas en la Inspección Judicial para la cual fui designada Práctico-Fotógrafo". Es todo, terminó, se leyó y conforme firman.

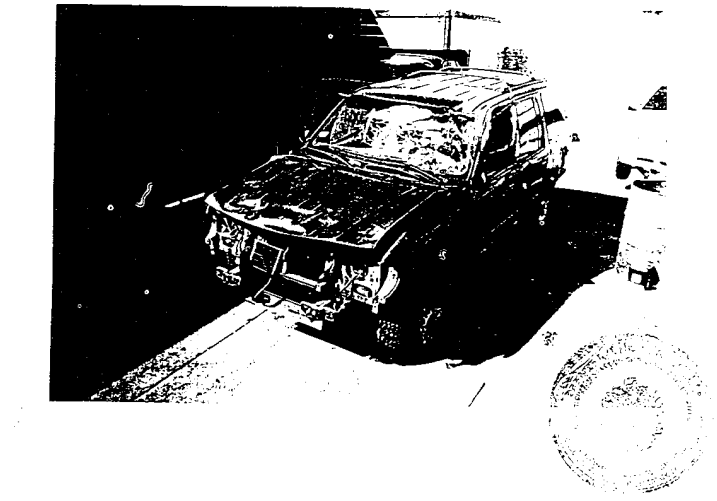
La Diligenciante

El Secretario

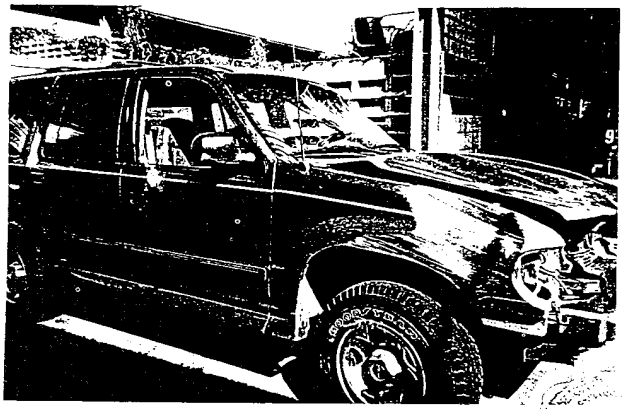
CA - 98 N 64214540

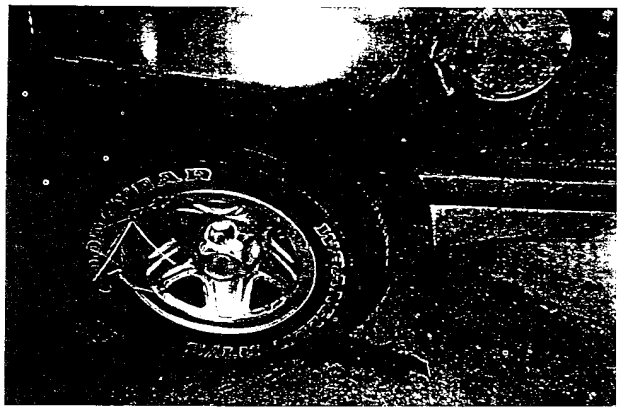


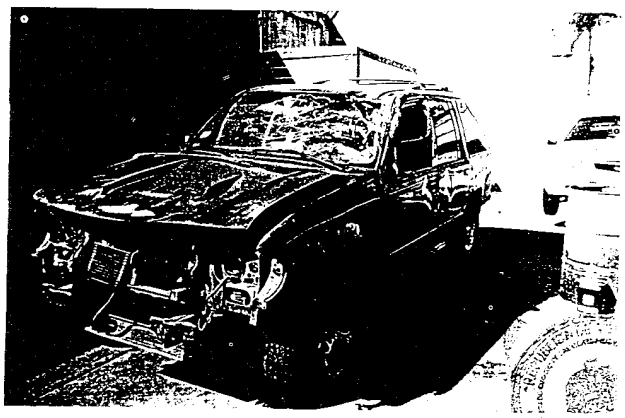


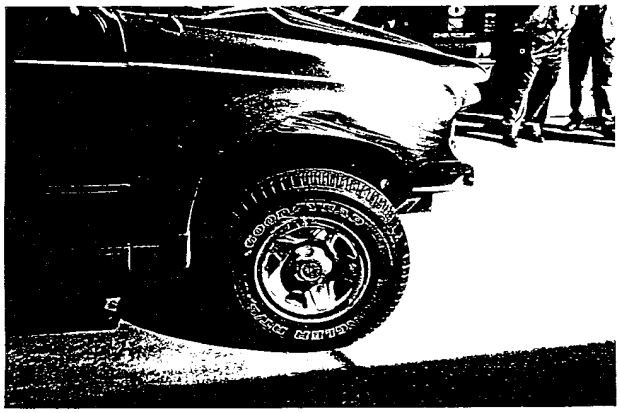


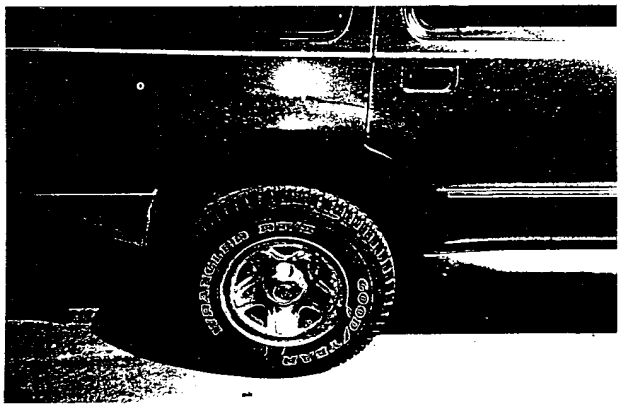












JUEZ (11)

Cúmplida como ha sido la presente solicitud se devuelve constante de (11) folios útiles, hoy tres de octubre del dos mil.-

EL SECRETARIO,

ABG. JOSE LUIS SANZ

REPUBLIC OF VENEZUELA

No. 3384

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): MIGUEL ANGEL COLMENARES

REASON: JUDICIAL INSPECTION

COURT: FOURTH MUNICIPAL COURT

DATE OF ENTRY: Day: 27 Month: September Year: 2000

DATE RETURNED: Day: ..... Month: ..... Year: .....

No. 3384

C.22

(Hand written) One

(Seal)

STATE OF CARABOBO

(Coat of Arms)

Fee for Fiscal Stamp – Value: 148 Bolivars

CA 98 – No. 04214555

Citizen:

FOURTH JUDGE FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

In his office.

I, **MIGUEL ANGEL COLMENARES**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,067,502, a practicing attorney, registered with the Venezuelan Bar Association under No. 30,705, for legal purposes that are of interest to **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, registered in the Commercial Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Commercial Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure, and Article 1,492 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, and thus dispense with the distribution requirement, for the Court to be transferred to and called into session at the address of which I will advise you in due course, in order to have the following items placed on the record by means of a Judicial Inspection: ----------

ONE: As to the presence of a vehicle at the location at which the Court is in session: Make: Ford, and the model, type, color and plates as evidenced by the inspected vehicle.- ----------

TWO: As to whether the vehicle identified above has a tire fitted on each of its rims. ----------

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

(Back of Page One)

FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. ---------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. ----------

SEVEN: That a statement be made on the record as to the general condition of the vehicle's body-work.. As to any other fact or circumstances that I reserve the right to indicate in due course. ----------

Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 *ejusdem*, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of the filing hereof. ----------

(Signed – illegible)

(hand written:) FILED ON SEPTEMBER 27, 2000
ON ONE (1) SHEET OF PAPER AND NO EXHIBIT
[*Amendments*] -No-
12:00 p.m.

(Signed) (Illegible)
(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

(Hand written) Two (2)

CA – 98 No. 04418044

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.

Valencia, September 27, 2000
189th year of Independence and 141st Year of the Federation

This petition has been received. It is ordered that the distribution *[requirement]* be waived as the emergency nature of the case has been stated under oath. It is ordered that the necessary time be set aside. It is ordered that it be admitted. It is ordered that the Court be transferred and called into session at the location indicated in this petition, in order to conduct the requested JUDICIAL INSPECTION.

PROVISIONAL JUDGE
(Signed) (Illegible)
DR. RAFAEL E. CASTILLO HENRIQUEZ
(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF
VALENCIA, LIBERTADOR
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

ACTING CLERK:
(Signed) (Illegible)

ATTORNEY JOSE LUIS SANZ PACHECO

Admitted on this date under No. _____

ACTING CLERK:
(Signed) (Illegible)
(Stamp – illegible)

(Hand written) –41-

(Partial stamp in left margin)

...VENEZUELA

(Illegible)

(Hand written) Three (3)

CA – 98 No. 04418043

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

At 2:50 p.m. today, the twenty-seventh day of September, in the year two thousand, after setting aside all the time needed, the Court was transferred to and called into session at Warehouses Nos. 3, 4, 5 and 6 in the Los Corrales Shopping Center in the La Florida District, at which the mechanic's shop, Primer Auto, does business, in the Municipality of Libertador in this City of Valencia, in order to conduct the Judicial Inspection requested by attorney Miguel Angel Colmenares, Venezuelan Bar No. 30,705, who was present at this Inspection. For the best advice on and illustration of the performance of this Judicial Inspection, the Court appointed Citizen David Goncalves as the expert, and Citizen, Xiomara Barrios García, as the expert photographer, both being citizens of Venezuela, of age, and holders of Identity Cards Nos. V-11,089,574 and 13,234,607 respectively; they were present, accepted the task, were sworn in as provided by law and stated under oath that they would faithfully fulfill their obligations. The expert photographer then proceeded to take the photographs with a camera that she handed to the Court for its examination, Make: .....

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(Back of Page Three)

(Three partial stamps in right margin
REPUBLIC OF....
Fourth *Court (Illegible)*
(Seal)
(illegible)

636 Close up Polariod, which photographs were added to this Inspection, having been first certified, as so to form part of same. The Court then proceeded to conduct the requested Judicial Inspection and, with advice from the expert, stated for the record as follows: Item ONE: The Court stated for the record that it was called into session at the Primer Auto mechanic's shop in Warehouses 3, 4, 5 and 6, in the Los Corrales Shopping Center in the La Florida District, in the Municipality of Libertador in this City of Valencia, where there was a vehicle Make: Ford, model: Explorer, type: 4x2, color: blue, year, 97, plates: GAO-41C".- Item TWO: The Court stated for the record that the vehicle described above has four (4) tires mounted one on each of its rims. Item THREE: Upon advice from the expert, the Court stated for the record that the four (4) tires fitted one on each rim of the inspected vehicle were, make: Goodyear, type: Wrangler RT/S LT235/75R-15, serial number DOT PBHL2AC43100".- Item FOUR: Upon advice from the expert at this inspection, the Court stated for the record that the treads on the tires on the vehicle were in good condition, as were the tires.-

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(Three partial stamps in left margin – illegible)

(Hand written) Four (4)

CA – 98 No. 04418046

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

It was noted that the left front tire was flat".- Item FIVE: The Court ordered photographs to be taken of each of the tires mounted on each of the inspected vehicle's rims with the camera described above, and it ordered they be added to this Inspection, so as to form a part thereof".- Item SIX: The Court ordered photographs to be taken of the bodywork and condition of the inspected vehicle with the camera described above, which photographs will be added to this Inspection".- Item SEVEN: Upon advice from the expert, the Court stated for the record that the bodywork of the vehicle was dented and misaligned throughout, the roof had caved in on the front left and the windshield was shattered. At this point, the Petitioner identified above intervened and stated: I ask the Court to state the vehicle's mileage for the record, and I also ask that it state……..

(Back of Page Four)

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REPUBLIC OF..
FOURTH COURT IN AND FOR..
(illegible)

for the record the make, type, serial number and condition of the spare tire, and also the state of its tread. The Court agreed and as requested, it stated for the record that the mileage of the inspected vehicle was 102,956 kilometers. It also stated for the record that the spare tire was a Goodyear, type: Wrangler RT/S LT235/75R-15, serial number DOT PBHL2AC43100, and it was in perfect condition, as was its tread. At this point, citizen Darvis Rosales, holder of Identity Card No. V-7,956,856, in his capacity as a salesman at the Mechanic's workshop at which the Court was called into session, appeared and stated to the Court that the reason the above-described vehicle was brought into said shop was due to a rollover. The Court concluded its mission and decided to return to the Courthouse. That is all. Completed, read and signed by the undersigned, who are in agreement therewith.

THE PROVISIONAL JUDGE
(Signed) (Illegible)
Dr. Rafael E. Castillo H.

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF
VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
JUDICIAL DISTRICT OF THE STATE OF CARABOBO

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(Hand written) Five (5)

CA – 98 No. 04418047

(Seal)
STATE OF CARABOBO
(Coat of Arms
Fee for Fiscal Stamp – Value: 148 Bolivars

The Petitioner
(signed) (Illegible)

The Expert
(Signed) David Goncalves

The Photographer
(Signed) Xiomara Barrios G.

Acting Clerk
(Signed) (Illegible)

(Stamp)
(Illegible)
(Seal)

(Hand written) –43-

(Hand written) TEN (10)

This petition, having been complied with, consisting of (10) sheets of paper, is returned today, the third of October, two thousand.

CLERK,
(Signed) (illegible)
ATTORNEY JOSE LUIS SANZ
(partial stamp– illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 3384, dated September 27, 2000, concerning an inspection of the Ford Explorer with plates numbered GAO-41C, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 29th day of January, 2001.

Elena H. Rosado
Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC764723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

(Hand written) One (1)

(Seal)

STATE OF CARABOBO

(Coat of Arms)

Fee for Fiscal Stamp – Value: 148 Bolivars

CA 98 - No. 04214554

Citizen:

FOURTH JUDGE FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

In his office.

I, **MIGUEL ANGEL COLMENARES**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,067,502, a practicing attorney, registered with the Venezuelan Bar Association ("INPREABOGADO") under No. 30,705, for legal purposes that are of interest to **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation, as set forth in the Minutes of the Extraordinary General Shareholders' Meeting, recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with articles 192, 936 and 938 of the Code of Civil Procedure, and article 1,492 of the Civil Code, I swear that this case is an emergency, and I would ask that this Honorable Court set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred to and called into session at the address which I will give it in due course, in order to have the following items placed on the record by means of a Judicial Inspection: ----------

ONE: As to the presence, at the location at which the Court is called into session of a vehicle: Make: Ford, and the Model, Type, Color and Plates as evidenced by the inspected vehicle.- ------

TWO: As to whether the vehicle identified above has a tire fitted on each of its rims. ----

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

(Back of Page One)

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FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. ---------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. ----------

SEVEN: That the general condition of the vehicle's bodywork. be put on the record.----------

As to any other fact or circumstance, that I reserve the right to indicate in due course. ----------

Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 of same, I request that photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------

Lastly, I would request that once this petition has been dealt with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of the filing hereof. -------

---

(Signed – illegible)

(hand written:) FILED ON SEPTEMBER 28, 2000
ON ONE (1) SHEET OF PAPER AND NO EXHIBIT
-No-

9:00 a.m.

(Signed) (Illegible)

(Hand written) Two (2)

(Three partial stamps down left margin)
...VENEZUELA
(Seal)
(Illegible)

September 28, 2000

(Stamp)
REPUBLIC OF .....
(Illegible)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

(Signature – illegible)

(Signature – illegible)

(Hand written) 3392

(Illegible stamp)

(Signature – illegible)

(Hand written) - 8 -

(The back of this page has one round stamp in the center):
...VENEZUELA
(Seal)
(Illegible)

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(Hand written) Three (3)

CA – 98 No. 04418004

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

At 4:15 p.m. today, the twenty-eighth day of September, in the year two thousand, after setting aside all the time needed, the Court was transferred to and called into session at the premises of Transporte Charro, C.A. located in the La Lagunita District in the Municipality of Libertador in the State of Carabobo, in this City of Valencia, in order to conduct the Judicial Inspection requested by attorney Miguel Angel Colmenares, Venezuelan Bar No. 30,705 who was present at this Inspection. Citizen Raquel María Sánchez de Federico, the widow of Citizen Salogero Federico Moseasella (who was the owner of the Inspected Vehicle, according to Vehicle Registration Certificate No. 2040749), a citizen of Venezuela, of age, holder of Identity Card No. V-5,386,483. For the best advice on and illustration of the performance of this Judicial Inspection, the Court appointed Citizen .....

(Hand written) -41-

(Back of Page Three)

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Xiomara Barrios García as the Expert Photographer and Citizen David Goncalves as the Expert Mechanic, both being citizens of Venezuela, of age, and holders of Identity Cards Nos. V-13,234,607 and 11,089,574 respectively; they were present, accepted the assignment, were sworn in as provided by law and stated under oath that they would faithfully fulfill their obligations. The Expert Photographer then proceeded to take the photographs with a camera that she submitted to the Court for its examination, being a 636 Polaroid Close Up; the photographs were added to this Judicial Inspection upon first being certified, in order to form part of same. The Court then proceeded to conduct the requested Judicial Inspection and, upon the advice from the expert, it stated for the record as follows: Item ONE: The Court stated for the record that it was called to order on the premises of Transporte Charro, C.A., located in the La Lagunita District, Municipality of Libertador, State of Carabobo in this City of Valencia," where there was a vehicle Make: Ford, Model: Explorer 4x4, Model: Elite XLT, 6 Cylinder, year 98, Color: Blue

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(Hand written) Four (4)

CA – 98 No. 04418005

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

and gray, plates: GAS-11H". Item TWO: The Court, upon the advice of the expert, stated for the record that the inspected vehicle was fitted with three (3) tires, one on each respective rim", which were in good condition, as was their tread; on one of the wheels, there was no rim or tire, which was off to the front left part [of the vehicle] together with the spare tire".- Item THREE: Upon advice from the expert, the Court stated for the record that three tires fitted on the respective rims of the inspected vehicle were, Make: Goodyear, type: Wrangler RT/S P255/70R-16, serial number DOT PBHL2AC43100. The Court also stated for the record that the two (2) tires to the front left part of the vehicle (not mounted) were Make: Goodyear, Type: Wrangler RT/S PB255/70R-16, serial number DOT PBHL2AC43100".- Item FOUR: ...

(Hand written) -41-

(Back of Page Four)

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REPUBLIC OF....
(Illegible)
MUNICIPALITIES OF .....
(Seal)
(Illegible)

Upon advice from the expert mechanic for this inspection, the Court stated for the record that the tread on the tires on the vehicle was in good condition, as were the tires.- Item FIVE: The Court ordered photographs to be taken of each of the tires fitted on each rim of the inspected vehicle, and also the two (2) tires that were to the front left of the inspected vehicle with the camera described above, and it ordered these to be added to this inspection in order to form part of same".- Item SIX: The Court ordered photographs to be taken of the bodywork and condition of the inspected vehicle with the camera described above, and it ordered that these photographs be added to this Inspection".- Item SEVEN: Upon advice from the expert, the Court stated for the record that the vehicle's bodywork had generalized misalignment and there were dents on the front left side, the windshield was broken and.....

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(Hand written) Five (5)

CA – 98 No. 04418006

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

had come away slightly, the rear mudguard had come slightly loose. At this point, the petitioner identified above intervened and stated: "I ask the Court to state the vehicle's mileage for the record, and I also ask that it state for the record the Make, Type, serial number and condition of the spare tire, and also the state of its tread. The Court agreed and as requested, it stated for the record that the mileage of the inspected vehicle was 76,323 kilometers. It also stated for the record that the spare tire was: Make: Goodyear, Type: Wrangler RT/S PB255/70R-16, serial number DOT PBHL2AC43100, and it was in perfect condition, as was its tread. At that point, Raquel María Sánchez de Federico, the subpoenaed party identified above, stated to the Court that the reason for the accident was.....

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(Back of Page Five)

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a rollover".- The Court ordered photographs to be taken of the spare tire and agreed to add them to this Inspection, in order to form a part thereof. The Court adjourned its mission and returned to the courthouse. That is all. Completed, read and signed by the undersigned, who are in agreement therewith.

The Provisional Judge,
(Signed) (Illegible)
Dr. Rafael E. Castillo H.

The Petitioner,
(signed) (Illegible)

The Subpoenaed Party,
(Signed - Raquel De Federico)

The Expert,
(Signed – David Goncalves)

The Photographer,
(Signed – Xiomara Barrios G.)

Acting Clerk,
(Signed) (Illegible)

(Hand written) –41-

TEN (10)

This petition, consisting of (10) sheets of paper, having been complied with, is returned today, the third day of October, two thousand

CLERK,

(stamp – illegible) *(Signed) (illegible)*

ATTORNEY JOSE LUIS SANZ

(Three partial stamps down right margin – illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 3392, dated September 28, 2000, concerning an inspection of the Ford Explorer with plates numbered GAS-11H, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification, or having shown satisfactory evidence of identification.

The foregoing instrument was acknowledged to and before me this 25th day of January, 2001.

Maury Margaret Scharrer
Notary Public
State of Florida

My commission No. CC932436 expires on August 24, 2004

REPUBLIC OF VENEZUELA

No. 3392

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): MIGUEL ANGEL COLMENARES

REASON: JUDICIAL INSPECTION

COURT: FOURTH MUNICIPAL COURT

DATE OF ENTRY: Day: 28 Month: September Year: 2000

DATE RETURNED: Day: ..... Month: ..... Year: .....

No. 3392

C.22

REPUBLICA DE VENEZUELA

3392

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) MIGUEL ANGEL COLMENARES

MOTIVO INSPECCION JUDICIAL

JUZGADO CUARTO DE MUNICIPIO

FECHA DE ENTRADA: Día 28 Mes 09 Año 2000

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

C - 22

CA 98 - 84214554

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **MIGUEL ANGEL COLMENARES**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.067.502, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 30.705, para fines legales que interesan a **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford y del Modelo, Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene el respectivo caucho instalado en cada uno de sus rines. ----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

28 de Septiembre del 2.000.-

TRES (3)

CA - 98 N. 04420004

la fecha de hoy Veintiocho de Septiembre del año Dos Mil, siendo las 4.15 de la tarde, previa habilitación de todo el tiempo necesario, se trasladó y constituyó el Tribunal en la sede del Transporte Chano, C. A., ubicado en el sector La Lagunita, Municipio Libertador, Estado Carabobo, de esta Ciudad de Valencia, a fin de practicar la Inspección Judicial solicitada por el abogado: Miguel Angel Colmenares, Inpreabogado Nº 30.705, presente en este acto.- Se notificó de la Misión del Tribunal a la Ciudadana: Raquel María Sanchez de Federico, Viuda del Ciudadano Calogero Federico Moscacella (quien finge como propietario del vehículo inspeccionado, según certificado de Registro de Vehículo Nº 2046749), Venezolana, mayor de edad, titular de la Cédula de Identidad Nº V- 5.386.483.- El Tribunal para el mejor asesoramiento e ilustramiento en la práctica de la presente inspección Judicial nombra practico fotógrafo y perito a los Ciudadanos

-41-

Cuatro (4)

CA - 98 N 04411005

y gris placas GAS-11 H". Segundo: "El Tribunal deja constancia asesorado por el practico deja constancia, que el vehiculo inspeccionado posee tres (3) caucho instalados en sus respectivos ejes los cuales estan en buen estado asicomo su banda de rodamiento, en uno de los sitios correspondientes a la rueda, no presenta ni el rin ni el caucho, el cual se encuentra puesto en la parte delantera izquierda conjuntamente con el caucho de repuesto".- Tercero El Tribunal asesorado por el practico deja constancia que los tres cauchos instalados en los respectivos rines del vehiculo inspeccionado, son Marca Good-year, tipo Wrangler RT/S P255/70 R-16, serial DOT PBHL2AC 43100, Igualmente el Tribunal deja constancia que los dos (2) cauchos que se encuentran en la parte delantera izquierda del vehiculo (no instalados) son Marca Good-year, tipo Wrangler RT/S P255/70R-16, serial DOT PBHL2AC43100".- Cuarto El

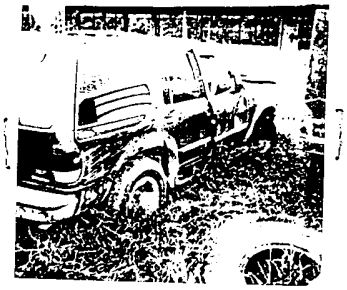
-41.-

Cinco (5)

CA - 98 N. 04410000

ligeramente desprendida, guardafango trasero ligeramente desprendido. En este estado interviene el solicitante, antes identificado, expone "Seguido del Tribunal deje constancia del kilometraje que presenta el vehículo, igualmente solicito deje constancia de la marca, tipo, serial y estado que presenta el caucho de repuesto, igualmente el estado de su banda de rodamiento. El Tribunal acuerda de conformidad con lo solicitado y deja constancia que el kilometraje del vehículo inspeccionado es de 76.323 kilómetros. Igualmente deja constancia que el caucho de repuesto es marca Good-year, tipo Wrangler RT/S GB255/70R-16, serial DOT GB HL2AC43100, se encuentra en perfecto estado así como su banda de rodamiento. En este estado la Notificada, antes identificada, Raquel María Sanchez de Federico manifestó al Tribunal que el motivo del accidente fue

-41-

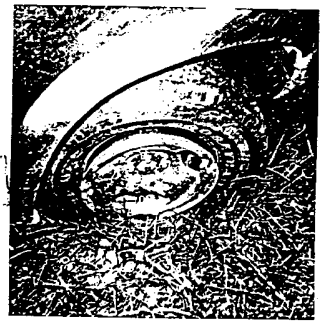


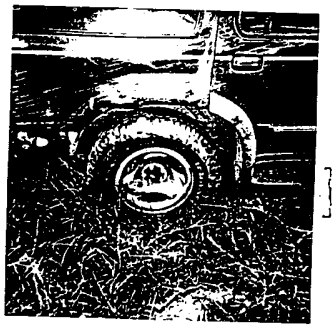






pela (E)





Movie (9)



DIEZ (10)

Cúmplida como ha sido la presente solicitud se devuelve constante de (10) folios útiles, hoy tres de octubre del dos mil.-

EL SECRETARIO,

ABG. JOSE LUIS SAMZ

REPUBLIC OF VENEZUELA

No. 3393

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): ARACELIS URDANETA

REASON: JUDICIAL INSPECTION

COURT: FOURTH MUNICIPAL COURT

DATE OF ENTRY: Day: 28 Month: September Year: 2000

DATE RETURNED: Day: ..... Month: ..... Year: .....

No. 3393

C.22

(Hand written) One

(Seal)

STATE OF CARABOBO

(Coat of Arms)

Fee for Fiscal Stamp – Value: 148 Bolivars

CA 98 – No. 04214550

Citizen:

FOURTH JUDGE FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

In his office.

I, **ARACELIS URDANETA**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,082,174, a practicing attorney, registered with the Venezuelan Bar Association under No. 30,706, acting on my own behalf and for legal purposes that are of interest to me, hereby respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure, and Article 1,492 of the Civil Code, I swear that this case is an emergency, and I would ask that this Honorable Court waive the distribution requirement and set aside the necessary time for the Court to be transferred to and called into session at the address of which I will advise you in due course, in order to have the following items placed on the record by means of a Judicial Inspection: -------

ONE: As to the presence of a vehicle at the location at which the Court is in session: Make: Ford, and the model, type, color and plates as evidenced by the inspected vehicle.----------

TWO: As to whether the vehicle identified above has the respective tire fitted on each of its rims. --------

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. --------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. ----------

SEVEN: That a statement be made on the record as to the general condition of the vehicle's bodywork.

(Back of Page One)

As to any other fact or circumstances that I reserve the right to indicate in due course. ----------
Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502, *ejusdem*, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------
Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of the filing hereof. ----------

(Signed – illegible)

(Hand written)
FILED ON SEPTEMBER 28, 2000
ON ONE (1) SHEET OF PAPER AND NO EXHIBIT
AMENDMENTS: NO

TIME: 9:00 a.m.,

(Signed) (Illegible)

(Hand written) Two (2)

FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.-

Valencia, September 28, 2000
189th Year of Independence and 141st year of the Federation

This petition has been received. It is ordered that it be admitted. It is ordered that a file be opened. It is ordered that the necessary time be set aside and that the Court be transferred and called into session at the location indicated in this petition, for purposes of conducting the requested Judicial Inspection.

(Stamp - Illegible)

PROVISIONAL JUDGE
(Signature – illegible)
DR. RAFAEL E. CASTILLO H.

(Signature – illegible)
CLERK
ATTORNEY JOSE LUIS SANZ

Complied with as ordered, this same day; logged in under No. **3393**.

THE CLERK
(Signature – illegible)

(Illegible stamp)

-9-

[Back of Page Two (2) only
has three illegible stamps]

(Three partial stamps down left margin – illegible)

(Hand written) Three (3)

CA – 98 No. 04214541

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

At 5:00 p.m. today, the twenty-eighth day of September, in the year two thousand, after setting aside all the time needed, the Court was transferred to and called to session at the premises of Transporte Charro, C.A. located in the La Lagunita District in the Municipality of Libertador in the State of Carabobo, in this City of Valencia, in order to conduct the Judicial Inspection requested by attorney Arecelis Urdaneta, Venezuelan Bar No. 30,706 who was present at this Inspection. Citizen Raquel María Sánchez de Federico, a citizen of Venezuela, of age, holder of Identity Card No. V-5,386,483, the widow of Citizen Calogero Federico Mocarella (who was the owner of the Inspected Vehicle, according to Vehicle Registration Certificate No. 2040749), was served with a subpoena regarding the Court's mission. For the best advice on and illustration of the performance of this Judicial Inspection, the Court appointed Citizen .....

(Hand written) -42-

(Back of Page Three)

(Three partial stamps down right margin – illegible)

Xiomara Barrios García as the Expert Photographer and Citizen David Goncalves as the Expert [Mechanic], both being citizens of Venezuela, of age, and holders of Identity Cards Nos. V-13,234,607 and 11,089,574 respectively; they were present, accepted the assignment, were sworn in as provided by law and stated under oath that they would faithfully fulfill their obligations. The Expert Photographer then proceeded to take the photographs with a camera that she submitted to the Court for its examination, being a Polaroid 636 Close Up; the photographs were added to this Judicial Inspection after being certified, as so to form part of same. The Court then proceeded to conduct the requested Judicial Inspection and, upon the advice of the expert, it stated for the record as follows: Item ONE: The Court stated for the record that it was called into session at the premises of Transporte Charro, C.A., located in the La Lagunita District, Municipality of Libertador, State of Carabobo in this City of Valencia," where there was ..

(Three partial stamps down left margin – illegible)

(Hand written) Four (4)

CA – 98 No. 04214542

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

a vehicle Make: Ford, Model: Explorer 4x4, Model: Elite XLT, 6 Cylinder, year, 98, Color: Blue and gray, plates: GAS-11H". Item TWO: The Court, upon the advice of the expert, stated for the record that the inspected vehicle was fitted with three (3) tires, one on each respective rim, which were in good condition, as was their tread, there was no rim or tire on one of the wheels; these was outside to the front left together with the spare tire.- Item THREE: Upon advice from the expert, the Court stated for the record that three tires fitted on the respective rims of the inspected vehicle were, Make: Goodyear, type: Wrangler RT/S P255/70R-16, serial number DOT PBHL2AC43100. The Court also stated for the record that the two (2) tires that were located.....

(Back of Page Four)

(two partial stamps in right margin)
REPUBLIC OF....
(Illegible)
MUNICIPALITIES OF .....
(Seal)
(Illegible)

to the front left of the vehicle (not mounted) were Make: Goodyear, Type: Wrangler RT/S PB255/70R-16, serial number DOT PBHL2AC43100".- Item FOUR: Upon advice from the expert for this inspection, the Court stated for the record that the tread on the tires on the vehicle was in good condition, as were the tires.- Item FIVE: The Court ordered photographs to be taken, with the camera described above, of each of the tires fitted on each rim of the inspected vehicle, and also the two (2) tires that were to the front left of the inspected vehicle, and it ordered these to be added to this inspection so as to form part of same".- Item SIX: The Court ordered photographs to be taken of the bodywork and condition of the inspected vehicle with the camera described above, and it ordered these photographs to be added to this Inspection".-

(Three partial stamps in left margin – illegible)

(Hand written) Five (5)

CA – 98 No. 04214543

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp – Value: 148 Bolivars

Item SEVEN: Upon advice from the expert, the Court stated for the record that the vehicle's bodywork was generally misaligned and the front left side was dented, the windshields were broken and had come away slightly, the rear mudguard had come slightly loose. At this point, the petitioner identified above intervened and stated: "I ask the Court to state the vehicle's mileage for the record, and I also ask that it state for the record the make, type, serial number and condition of the spare tire, and also the state of its tread. The Court agreed to her request, and stated for the record that the mileage of the inspected vehicle was 76,323 kilometers; it also stated for the record that the spare tire was: Make: Goodyear, Type: Wrangler RT/S PB255/70R-16, ...

(Back of Page Five)

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REPUBLIC OF....
(Illegible)
MUNICIPALITIES OF .....
(Seal)
(Illegible)

serial number DOT PBHL2AC43100, it was in perfect condition, as was its tread. The Court ordered a photograph to be taken of the spare tire and ordered it to be attached to this inspection so as to form a part thereof. At this point, the subpoenaed party identified above, Raquel María Sánchez de Féderico, stated to the Court that the accident was due to a rollover.- The Court concluded its mission and returned to the courthouse. That is all. Completed, read and signed by the undersigned, who are in agreement therewith.

THE PROVISIONAL JUDGE,
(Signed) (Illegible)
Dr. Rafael E. Castillo H.
(Stamp – illegible)

Petitioner,
(signed) (Illegible)

The Photographer,
(Signed) Xiomara Barrios G.

The Expert,
(Signed) David Goncalves

The Subpoenaed party,
(Signed) Raquel De Federico

Acting Clerk,
(Signed) (Illegible)

(Hand written) -42-

NINE (9)

(Three partial stamps to left)

(illegible)

This petition, consisting of (9) sheets of paper, having been complied with, is returned today, the third of October, two thousand.-

Clerk,
(Signed) (illegible)
ATTORNEY JOSE LUIS SANZ

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 3393, dated September 28, 2000, concerning an inspection of the Ford Explorer with plates numbered GAS-11H, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena H. Rosado
Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC784723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

3393

No.

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) ARACELIS URDANETA

MOTIVO INSPECCION JUDICIAL

JUZGADO CUARTO DE MUNICIPIO

FECHA DE ENTRADA: Día 28 Mes 09 Año 2000

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

3393

C - 22

Uno (1)

CA - 98 N° 0421450

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **ARACELIS URDANETA**, venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.082.174, abogado en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, actuando en mi propio nombre y para fines legales que me interesan, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford y del Modelo, Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene el respectivo caucho instalado en cada uno de sus rines. ----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la

carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, en la fecha de su presentación.----------





Watoo (4)

CA - 98 N 04214542

cuentra un vehiculo Marca - Ford, Modelo Explorer 4 x 4, - Modelo Elite XLT, 6 Cilindros, año 98, Color azul y gris, placas Gas 11 H." Segundo. El Tribunal deja constancia - asesorado por el practico que el vehiculo inspeccionado posee tres cauchos instalados en sus respectivos rines los cuales estan en buen estado asi como su banda de rodamiento, en uno de los sitios correspondientes a la rueda no presenta ni el rin ni el caucho el cual se encuentra fuera en la parte delantera izquierda conjuntamente con el caucho de repuesto. Tercero. El Tribunal asesorado por el practico deja constancia que los tres cauchos instalados en los respectivos rines del vehiculo inspeccionado son Marca - Good-Year, tipo Wrangler RT/S P255/70R-16, serial D0TBB HL2AC43100, igualmente el - Tribunal deja constancia - que los dos cauchos que se

carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, en la fecha de su presentación.----------

Pag 2

28 de Septiembre del 2.000

3573 -

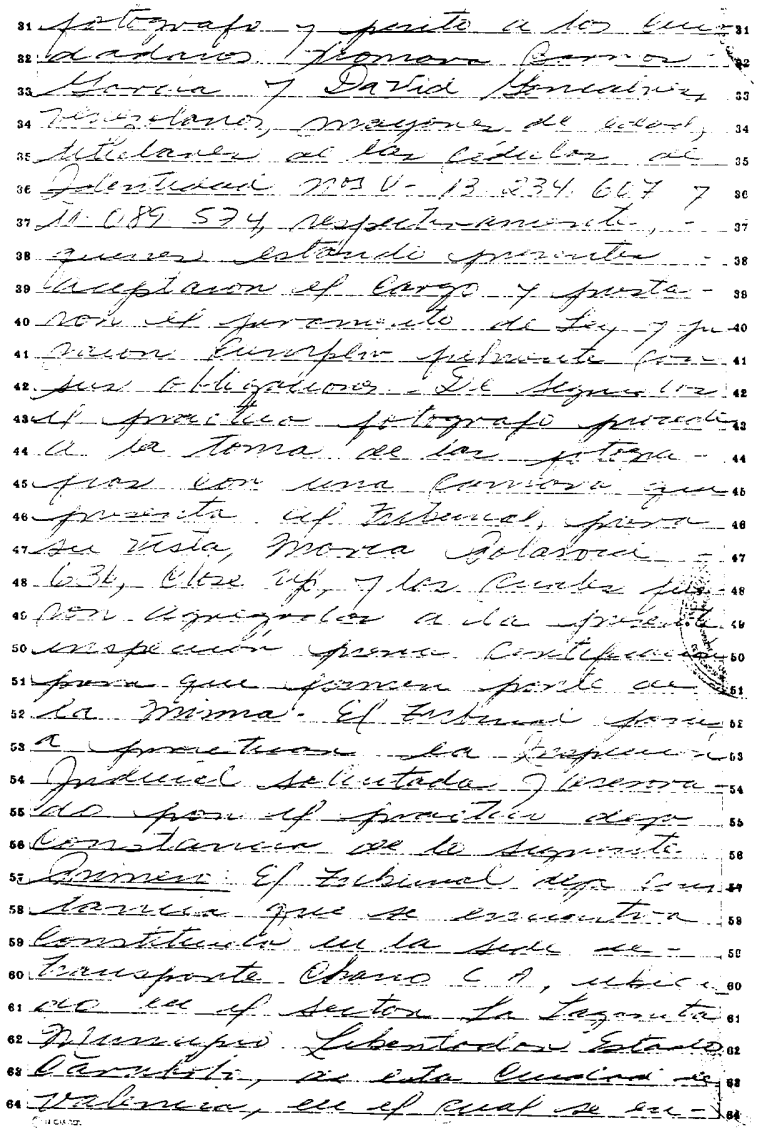
-9-

Tres (3)

CA - 98 Nº 94214541

la fecha de hoy, veintiocho de septiembre del año Dos mil, siendo las Cinco (5.00) de la tarde, previa habilitación de todo el tiempo necesario, se trasladó y constituyó el Tribunal en la sede del Transporte Chavez C.A, ubicado en el sector La Lagunita, Municipio Libertador Estado Carabobo, de esta Ciudad de Valencia, a fin de practicar la Inspección Judicial solicitada por la Abogado: Graciela Urdaneta, Inpreabogado Nº 30706, presente en este acto - se notificó de la Misión del Tribunal a la Ciudadana: Raquel María Sanchez de Federico, venezolana, mayor de edad, titular de la Cedula de Identidad Nº V-5.386.483, Viuda de Calogero Federico Mocarilla (quien funge como propietario del vehículo inspeccionado según Certificado de Registro de vehículo Nº 2046749). El Tribunal para el mejor asesoramiento e ilustramiento en la practica de la presente Inspección Judicial, nombra practico

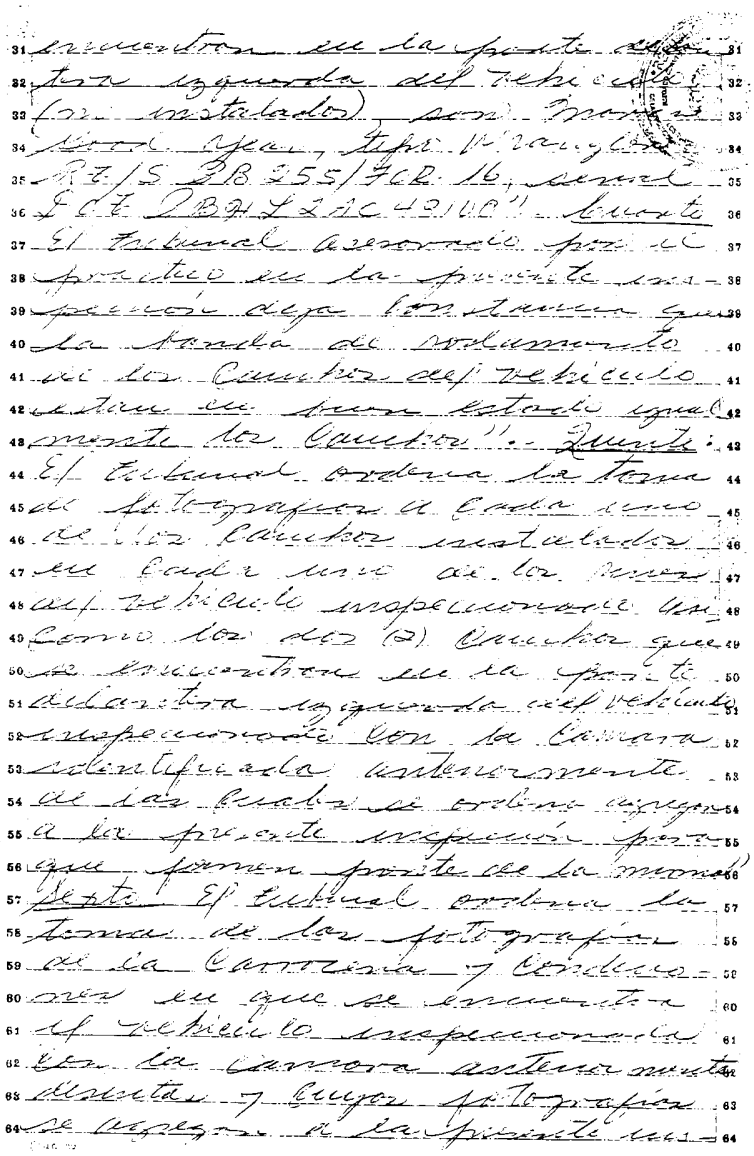
-42-



Watoo (4)

CA - 98 N° 04214542

cuentra un vehículo Marca Ford, Modelo Explorer 4x4, Modelo Elite XLT, 6 Cilindros, año 98, Color azul y gris, placas Gas 11 H." Segundo. El Tribunal deja constancia asesorado por el practico que el vehículo inspeccionado posee tres cauchos instalados en sus respectivos rines los cuales están en buen estado así como su banda de rodamiento, en uno de los sitios correspondientes a la rueda no presenta ni el rin ni el caucho el cual se encuentra fuera en la parte delantera izquierda conjuntamente con el caucho de repuesto. Tercero. El Tribunal asesorado por el practico deja constancia que los tres cauchos instalados en los respectivos rines del vehículo inspeccionado son Marca Good-Year, tipo Wrangler RT/S P255/70R-16, serial D0TBB HL2AC43100, igualmente el Tribunal deja constancia que los dos cauchos que se

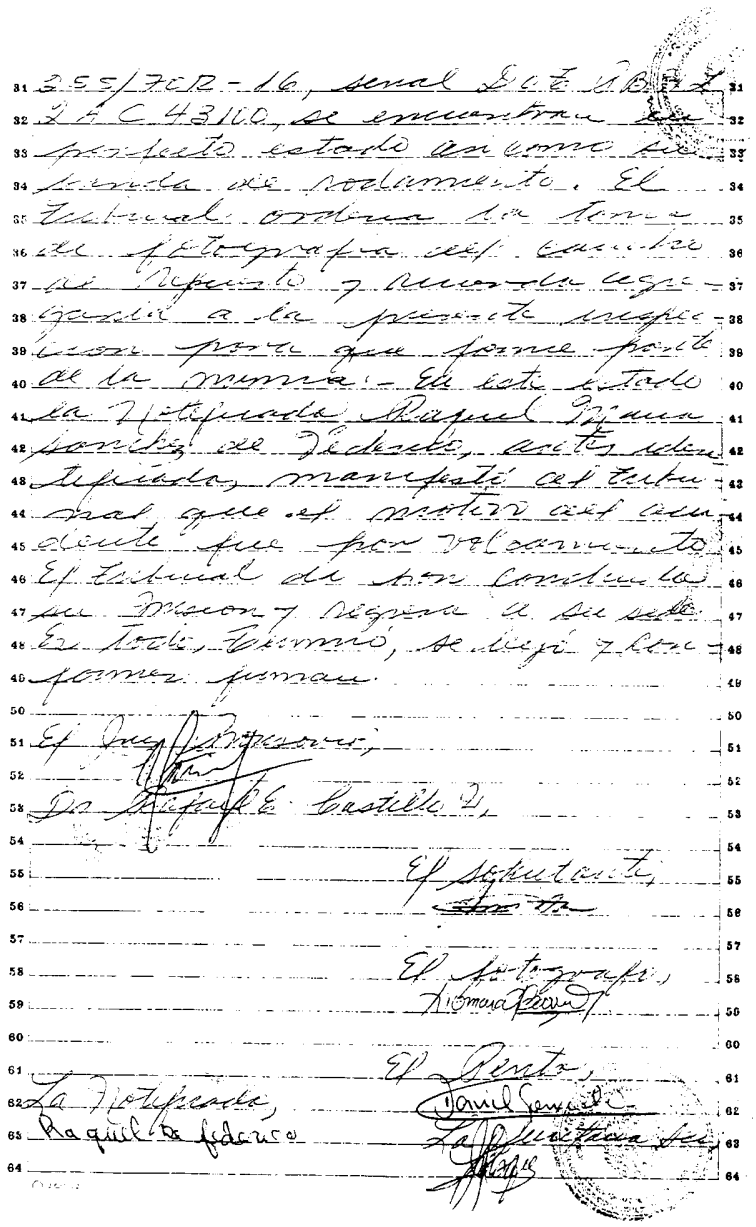


Vinos (5)

ESTADO CARABOBO

CA 98 N 04214543

pección." Septimo: El Tribunal asesorado por el practico deja constancia que la carrocería del vehículo presenta descuadre generalizado en la carrocería y abollamiento en la parte delantera lateral izquierda, Parabrisas rotos y ligeramente desprendidos, guardafango trasero ligeramente desprendido. En este estado interviene la solicitante, antes identificada, expone: "solicito del Tribunal deje constancia del kilometraje que presenta el vehículo, igualmente solicito deje constancia de la marca tipo, serial y estado que presenta el caucho de repuesto igualmente el estado de su banda de rodamiento. El Tribunal acuerda de conformidad con lo solicitado y deja constancia que el kilometraje del vehículo inspeccionado es 76.323 kilómetros, igualmente deja constancia que el caucho de repuesto es marca Gordyear, tipo Wrangler RT/S P.B.



355/70R-16, serial DOT [illegible] 2AC 43100, se encuentran en perfecto estado en como su banda de rodamiento. El tribunal ordena la toma de fotografía del cambio de repuesto y rueda agregada a la presente inspección para que forme parte de la misma.- En este estado la Notificada Raquel María Sánchez de Federico, antes identificada, manifestó al tribunal que el motivo del accidente fue por volcamiento. El tribunal da por concluida su misión y regresa a su sede. En todo, terminó, se leyó y conformes firman.

El Juez Provisorio,

Dr. Rafael E. Castillo Z.

El Solicitante,

El fotógrafo,

Nicomedes [illegible]

El Perito,

Daniel [illegible]

La Notificada,

Raquel de Federico

La Secretaria Sr.

SEES (6)



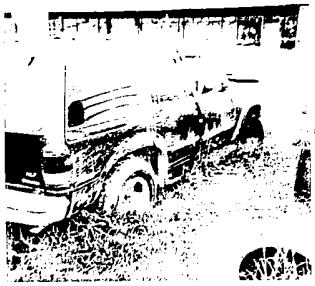


Foto (7)











REPUBLIC OF VENEZUELA

No. 1770

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): ATTORNEY ARCELIS URDANETA NAVAS

REASON: JUDICIAL INSPECTION

COURT: IN AND FOR THE MUNICIPALITIES OF SAN CARLOS AND ROMULO GALLEGOS COJEDES

DATE OF ENTRY: Day: 16 Month: 10 Year: 2000

DATE RETURNED: Day: ..... Month: ..... Year: .....

No. 1770

C.22

(Seal) *(Hand written)* One (1)

STATE OF CARABOBO

(Coat of Arms)

Fee for Fiscal Stamp – Value: 148 Bolivars

CA 98 – No. 04418038

Citizen

JUDGE IN AND FOR THE MUNICIPALITIES OF SAN CARLOS AND ROMULO GALLEGOS IN THE JUDICIAL DISTRICT OF THE STATE OF COJEDES

In his Office.

I, ARACELIS URDANETA NAVA, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of Identity Card No. V-7.082.174, a practicing attorney, ----------

registered with the Venezuelan Bar Association under No. 30.706, appearing herein on behalf of BRIDGESTONE FIRESTONE VENEZOLANA, CA., a corporation formerly known as C.A. FIRESTONE VENEZOLANA, which was registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation, as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure and Article 1429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred and called into session at the location of which I shall advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is in session of a vehicle: make: Ford, model: Explorer, and the type, color and plates as evidenced by the inspected vehicle. **TWO:** As to whether the vehicle identified above has four (4) tires mounted one on each of its rims. **THREE:** As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. **FOUR:** As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. **FIVE:** That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. **SIX:** That photographs be taken of the bodywork and condition of the inspected vehicle. **SEVEN:** That a statement be made on the record as to the general condition of the inspected vehicle's bodywork.. As to any other fact or circumstances that I reserve the right to indicate in due course. Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 *ejusdem*, I request that the photographic reproduction be ordered of the items expressly specified above and any

(Back of Page One)

other item that I expressly reserve the right to indicate at the time said Judicial Inspection takes place and that to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court *[to state for the record]* that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this Judicial Inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, on the date of the submission for filing hereof.

(Signed) (illegible)
(Hand written)

[handwritten] *Received during office hours today, the sixteenth day of October, consisting of one (1) sheet of paper, filed by the signatory thereto.- San Carlos, the sixteenth day of October, 2000.*

Acting Clerk.
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
Court in and for the Municipalities of San Carlos and Romulo Gallegos
(Seal)
in the Judicial District of the State of Cojedes

FILING PARTY
(Signed) (Illegible)

[handwritten] JUDGE

(Stamp)
No. 15, October 16, 2000
(ILLEGIBLE)

(Hand written) Two (2)

(Partially legible stamp):
REPUBLIC OF VENEZUELA
...San Carlos
(Seal)
in the Judicial District of the State of Cojedes

COURT IN AND FOR THE MUNICIPALITIES OF SAN CARLOS AND ROMULO GALLEGOS IN THE JUDICIAL DISTRICT OF THE STATE OF COJEDES.-

San Carlos, October 16, 2000

190th Year of Independence and 141st Year of the Federation

Having reviewed the foregoing petition, it is ordered that it be admitted and the petition is agreed to. Therefore, as requested, it is ordered that all of the time needed for this inspection be set aside. It is ordered that the requested Judicial Inspection be conducted and to this end, the Court is ordered to be transferred and called into session at the location that the petitioner will indicate prior thereto.- It is ordered that the original be returned together with the results thereof.

PROVISIONAL JUDGE
(Signed) (Illegible)
(Stamp – illegible)

Acting Clerk
(Signed) (Illegible)

(Stamp)
No. 16 October 16, 2000 JM
(Illegible)

(Back of Page Two)

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(partial stamp):

....**Court in and for the Municipalities**
(Seal)
...in the Judicial District of the State of Cojedes

(Hand written) Three (3)

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At 2:45 p.m. today, the sixteenth day of October, two thousand, having first set aside the time needed, since the case was stated under oath to be an emergency, the Court was transferred and set up at the premises at No. 19-123, Avenida de los Estadios in the Altagracia District of this City of San Carlos, State of Cojedes, as indicated by the petitioner, in order to conduct the Judicial Inspection ordered in the foregoing pleading. Present at the inspection was citizen, Lesvia Josefina de Rodriguez, a citizen of Venezuela, of age, holder of identity card No. 4,097,395, a housewife, married and domiciled in this City, who was served with a subpoena with regard to the Court's mission. The Court then proceeded to appoint David Goncalves, a citizen of Venezuela, of age, holder of identity card No. 11,089,574, a mechanic, domiciled in Valencia, in the State of Carabobo, and here in transit, as the expert to advise the Court on conducting its mission, and citizen, Marcelino Andrejo, a citizen of Venezuela, of age,.....

(Back of Page Three)

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....**Court in and for the Municipalities**
(Seal)
...in the Judicial District of the State of Cojedes

(Hand written) Four (4)

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holder of identity card No. 342,309 and domiciled in this city, as the expert photographer; both being present, they accepted the jobs as the expert mechanic and the expert photographer respectively, and were sworn in as provided by law. At this point, the Court stated for the record that the camera used for this inspection has the following characteristics: make: POLAROID 636 Close Up. The Court then ordered the expert photographer, who had been appointed, to take the pertinent photographs, so that they could be added to the record. The Court then went on to conduct the Judicial Inspection that had been requested and ordered and made a statement on the record as to the following items, tracking the items in the petition. Item No. ONE. With regard to this item, the Court stated for the record that it was set up on the premises at No. 19-123 located in the Altagracia District on Avenida de los Estadios .....

(Back of Page Four)

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(Hand written) Five (5)

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in this City of San Carlos, State of Cojedes, where there was a vehicle, make: Ford, model: Explorer XLT, type: 4x2, Color: two tone green, year: 1996, plates: KAD-50P.- Item No. TWO: With regard to this item, the Court stated for the record that the vehicle described above had four (4) tires mounted one on each of its rims.- Item No. THREE: With regard to this item, the Court, being duly advised by the expert mechanic who had been appointed, stated for the record that the four (4) tires mounted one on each of the rims on the inspected vehicle were: make: Goodyear, type: LT 235/75R-15, the serial number of the right front tire was: DOT PBHL 2ACA 2800; on the front left tire: DOT PBHL 2ACA 2800; on the rear left tire, serial number: DOT PBHL 2ACA 2800 and on the rear right tire, serial No. DOT PBHL 2ACA 2800; furthermore, the Court stated for the record with the advise of the expert, that the tires were Goodyear Wrangler RT/S LT 235/75R15. Item No. FOUR: With.....

(Back of Page Five)

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(Hand written) Six (6)

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regard to this item, the Court, upon advice from the expert, stated for the record that the general condition of each of the tires and also their tread was good. Item No. FIVE: With regard to this item, the Court agreed to the request and ordered the expert photographer who had been appointed to take photographs of each of the tires mounted on each of the rims of the inspected vehicle with the camera described above, so as to be added to the record. The expert photographer appointed then proceeded to take the photographs ordered in this item. Item No. SIX: With regard to this item, the Court ordered photographs to be taken of the bodywork and condition of the inspected vehicle with the camera described above, and that the photographs be added to this Inspection. Item No. SEVEN: With regard to this item, the Court, upon the advice of the expert, ...

(Back of Page Six)

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(Hand written) seven (7)

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stated for the record that the vehicle was generally misaligned, the hood and roof were caved in, the sides were misaligned and dented, the windshield was shattered, the front end was misaligned. At this point, the petitioning attorney, Aracelis Urdaneta Navas, stated: "I would ask the Court to state the mileage on the vehicle for the record and I would also ask it to state for the record the make, type, serial number and condition of the spare tire and also the state of the tread on same. At this point, the Court acted pursuant to these requests and consequently, with regard to the first request, it stated for the record, upon advice from the expert who had been appointed, that the mileage was eighty-two thousand five hundred and twenty-six kilometers (82,526 Kms.). Likewise, with regard to the second request, upon advice from the expert, it stated for the record that the spare tire was: make: Goodyear, type: Wrangler RT/S LT 235/75R-15,.....

(Back of Page Seven)

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(Hand written) eight (8)

(Illegible stamp in left margin)

serial number DOT PBHL 2ACA 2800; he also requested that a statement be placed on the record that this tire proved to be in perfect condition as was its tread. Lastly, he asked the Court to place a statemen: on the record, upon advice from the expert, as to the state of the power steering box and it was ordered that photographs be taken of same so that they could be added to the record The Court then agreed to the request and consequently, upon advice from the appointed expert, it stated for the record that the steering box was cracked in the center. At this point, citizen, Lesvia Josefina de Rodriguez, being present, who was shown, as the owner of the Inspected Vehicle on Vehicle Registration Certificate No. 1086208, stated: "I was driving from the City of San Carlos to Valencia in the Inspected Vehicle near the town .....

(Back of Page Eight)

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(Hand written) nine (9)

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of Tinaquillo, State of Cojedes when I tried to avoid a hole or pothole in the road, the truck did not respond to the maneuver and then rolled over; moreover, the subpoenaed party identified above stated for the specific record that the tires that were fitted, and also the spare tire for the Inspected Vehicle had been installed about sixty (60) days ago. Having fulfilled the purpose of the transfer, the Court agreed to return to the Courthouse at 4 p.m. Completed, read and signed by the undersigned who are in agreement therewith.

Provisional Judge,
(Signed) (Illegible)
(Stamp – illegible)

The subpoenaed party,
(Signed) (Illegible) Rodriguez

Petitioner,
(Signed) (Illegible)

The Expert,
(Signed) David Goncalves

Expert Photographer,
(Signed) (Illegible)

(Stamp - Illegible)
No. 17 – October 16, 2000

Acting Clerk,
(Signed) (Illegible)

(Back of Page Nine)

Returned on this same day, consisting of twelve (12) sheets of paper.

Acting Clerk,
(Signed) (Illegible)

(Illegible stamps down right margin and diagonally down the page)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 1770, dated October 16, 2000, concerning an inspection of the Ford Explorer with plates numbered KAD-50P, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Kosaac
MY COMMISSION # CC784725 EXPIRE.
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

PODER JUDICIAL
JURISDICCION CIVIL

No 1770

SOLICITUDES

ARCHIVO

Solicitante(s): Abogado ARACELIS URDANETA NAVAS

Motivo: INSPECCION JUDICIAL

Juzgado: DE LOS MUNICIPIOS SAN CARLOS Y ROMULO GALLEGOS COJEDES

Fecha Entrada: Día 16 Mes 10 Año 2.000.-

Fecha Devolución: Día ..... Mes ..... Año .....

Cho (1)

CA - 98 № 04418038

Ciudadano

JUEZ DE LOS MUNICIPIOS SAN CARLOS Y ROMULO GALLEGOS DE LA CIRCUNS-
CRIPCION JUDICIAL DEL ESTADO COJEDES

Su Despacho.-

Yo, ARACELIS URDANETA NAVA, venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos

evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en en la fecha de su presentación.

Recibido en el día de hoy, dieciseis de Octubre en horas de despacho, constante de un (1) folio útil, presentado por sus firmantes. San Carlos, dieciseis de Octubre de dos mil.-

La Secretaria acc.

Por Presentantes,

N 15 - 16-10-00 JM

2o (2)

---GADO DE LOS MUNICIPIOS SAN CARLOS Y ROMULO GALLEGOS DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO COJEDES.-

San Carlos, 16 de Octubre del 2.000.-

190º y 141º

Vista la anterior solicitud.- Admítase y se acuerda de conformidad.- En consecuencia, conforme está solicitado se habilita todo el tiempo que sea necesario para este acto.- Practíquese la Inspección Judicial solicitada y a tales fines se ordena el traslado y constitución del Tribunal en el lugar que previamente indicara la parte solicitante.- Devuélvase original con sus resultas.-

El Juez Temporal,

La Secretaria Accidental,

N-16 16-10-00

tres (3)

el día de hoy, dieciséis de Octubre de dos mil, siendo las 2,45 P.M., previa la habilitación del tiempo necesario jurada como ha sido la urgencia del caso, el Tribunal se trasladó y constituyó en el inmueble Nº 19-123, ubicado en la Urbanización Altagracia, avenida Los Estadios, de esta ciudad de San Carlos, Estado Cojedes, indicado por la solicitante, con el fin de practicar la Inspección Judicial ordenada en el auto anterior.- Presente en este acto la ciudadana Lesvia Josefina de Rodríguez, Venezolana, mayor de edad, titular de la cédula de identidad Nº 4097395, Oficios del hogar, casada y de este domicilio, fué notificada de la misión del Tribunal.- Seguidamente el Tribunal procede a nombrar Práctico mecánico para que asesore al Tribunal en la práctica de la misma al ciudadano David Gonzalves, Venezolano, mayor de edad, titular de la cédula Nº 11.089.574, mecánico, domiciliado en Valencia Estado Carabobo y aquí de tránsito, como práctico y al ciudadano Marcelino Araujo, Venezolano, mayor de edad,

Cuatro (4)

titular de la cédula de identidad Nº 842.309 y de este domicilio, como experto fotógrafo, quienes estando presentes aceptaron los cargos de Práctico mecánico y experto fotógrafo respectivamente y prestaron el juramento de ley.- En este estado el Tribunal deja constancia que la Cámara de fotografía utilizada en la presente inspección tiene las siguientes características: Marca Polaroid 636 close up. En este estado el Tribunal ordena al experto-fotógrafo designado tome las fotografías correspondientes, a los fines de ser agregada a los autos. Seguidamente el Tribunal procede a practicar la inspección judicial solicitada y ordenada y deja constancia de los siguientes hechos, conforme a los particulares de la solicitud; PRIMERA: con relación a este particular el Tribunal deja constancia que se encuentra constituido en el inmueble Nº 19-123, ubicado en la Urbanización Altagracia, Avenida los Estadios de esta

ciudad de San Carlos, estado Cojedes en el cual se encuentra un vehículo marca FORD, Modelo Explorer XLT, tipo 4x2, color verde dos tonos, año 96, placas KAD-50P.- SEGUNDO: Que recibió a este particular el Tribunal deja constancia que el vehículo antes identificado posee cuatro (4) cauchos instalados cada uno de sus ejes.- TERCERO: Que acerca a este particular el Tribunal deja constancia que los cuatro cauchos instalados en cada uno de los ejes del vehículo mencionado son marca good year, tipo LT 235/75R15, de uso real: caucho delantero derecho DOT-PBHL 2ACA 2800, delantero izquierdo DOT-PBHL 2ACA 2800, cauchos traseros izquierdo DOT PBHL 2ACA 2800 y el caucho trasero derecho de uso real DOT-PBHL 2ACA 2800 debidamente asesorado por el particular anteriormente designado, igualmente el Tribunal deja constancia conocimiento del particular que los cauchos son Good Year Wrangler RT/S LT 235/75R15. CUARTO: Que

rep (6)

relación a este particular el Tribunal asesorado por el práctico deja constancia que las condiciones generales de los cauchos, así como la banda de rodamiento de cada uno de ellos se encuentran en buen estado. QUINTO: con relación a este particular el Tribunal acuerda de conformidad con lo solicitado y ordena al experto fotógrafo designado tomar fotografías a cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado con la cámara descrita anteriormente a los fines de ser agregadas a los autos.- En este estado el experto fotógrafo designado proceda a tomar las fotografías ordenadas en el presente particular.- SEXTO: con relación a este particular el Tribunal ordena la toma de fotografías de la carrocería y condiciones en que se encuentra el vehículo inspeccionado con la cámara anteriormente descrita y cuyas fotografías se agregan a la presente inspección.- SEPTIMA: Con relación a este particular el Tribunal deja constancia previo asesoramiento del prác

Corte 117

tico que la carrocería del vehículo presenta desenadre generalizado, hundimiento del capot y techo, partes laterales desenadradas y abrazadas, parabrisa reventado, frontal desenadrado.- En este estado la solicitante abogado Aracelis Vadaneta Nava, expone: "Solicito del Tribunal deje constancia del Kilometraje que presenta el vehículo e igualmente solicito se deje constancia de la marca, tipo, serial y estado que presente el cauchо de repuesto, así como el estado de la Banda de rodamiento del mismo. En este estado el Tribunal acuerda de conformidad el pedimento formulado y en consecuencia deja constancia con relación al primer pedimento y previo asesoramiento del práctico designado que el Kilometraje es de (82.526 Km) Ochenta y dos mil quinientos veintiseis Kilometros. Igualmente deja constancia con relación al segundo pedimento, con asesoramiento del práctico que el cauchо de repuesto es marca Good year tipo Wrangler RT/S LT 235/75R15,

Ocho (8)

serial DOT PBHL 2ACA 2800; igual-
mente se deje constancia que el
mismo se encuentra en perfecto
estado, así como su banda de
rodamiento. Por último pido al Tri-
bunal previo asesoramiento del prác-
tico deje constancia del estado en
que se encuentra el cajetín de la
dirección hidráulica y se ordene
tomar fotografías de la misma a los
fines de ser agregadas a los autos. En
este estado el Tribunal acuerda de
conformidad con lo solicitado y en
consecuencia previo asesoramiento
del práctico designado deje constan-
cia que el cajetín de la dirección
presenta una fisura en el centro.
En este estado estando presente la
ciudadana Teresa Josefina de Rodri-
guez quién figura como propietaria
del Vehículo inspeccionado, como se
desprende del certificado de Registro
de Vehículo Nº 1086208, quién expo-
ne: "Yo me desplazaba de la ciudad
de San Carlos a Valencia en el Vehículo
inspeccionado, cerca de la población

anexo (9)

de Tinaquillo estado Cojedes, al tratar de esquivar un hueco o bache de la carretera, la camioneta no respondió a la maniobra produciéndose el volcamiento, asimismo la notificada antes identificada deja expresa constancia que los canchos instalados así como el cancho de repuesto del vehículo inspeccionado, tienen aproximadamente sesenta días de instalados. Terminado el objeto del traslado el Tribunal acuerda regresar a su sede siendo las 4 P.M.- Terminó, se leyó y conforme firman.-

El Juez Temporal,

La Notificada,

La Solicitante,

El Práctico,

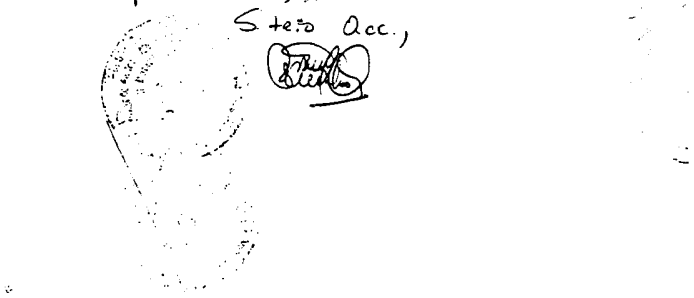
El Experto Fotógrafo

La Secretaria acc.

16-10-60

– La misma fecha se devolvió, constante de Doce (12) folios útiles.

Sr. Ecc.,



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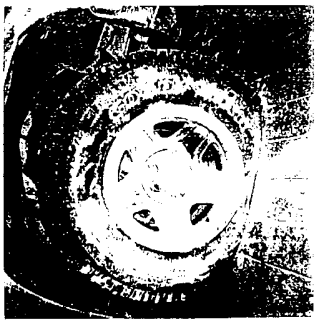

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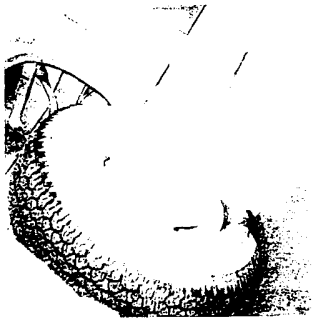


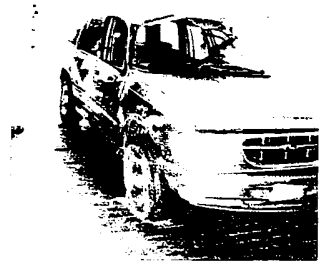
Les grifes correspondent al particular QUINTO. (1-2-374)
La Secretaria acc.

Orca (11)

(5)



(6)



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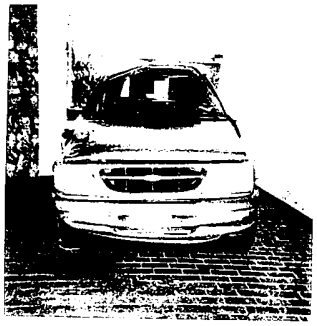
(8)



Las grápias corresponden al particular SEXTO - (5-6-7-8.9.)
La Secretaria Acc,

(9)

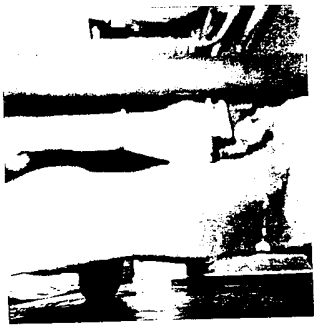


(10) Dia 1/7



Las gráficas corresponden al particular SEXTO.

(11)



(12)



Las gráficas corresponden al particular SEPTIMO. 10-11 y 12.-

La ~~[illegible]~~ acc.,

REPUBLIC OF VENEZUELA

No. 1771

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): ATTORNEY MIGUEL ANGEL COLMENARES MONCADA

REASON: JUDICIAL INSPECTION

COURT: IN AND FOR THE MUNICIPALITIES OF SAN CARLOS AND ROMULO GALLEGOS COJEDES

DATE OF ENTRY: Day: 16 Month: 10 Year: 2000

DATE RETURNED: Day: ..... Month: ..... Year: .....

No. 1771

C.22

(Hand written) One (1)

(Seal)

STATE OF CARABOBO

(Coat of Arms)

Fee for Fiscal Stamp – Value: 148 Bolivars

CA 98 – No. 04418042

Citizen

JUDGE IN AND FOR THE MUNICIPALITIES OF SAN CARLOS AND ROMULO GALLEGOS IN THE JUDICIAL DISTRICT OF THE STATE OF COJEDES

In his Office.

I, MIGUEL ANGEL COLMENARES MONCADA, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of Identity Card No. V-7,067,502, a practicing attorney, ----------

registered with the Venezuelan Bar Association under No. 30,705, appearing herein on behalf of BRIDGESTONE FIRESTONE VENEZOLANA, CA., a corporation formerly known as C.A. FIRESTONE VENEZOLANA, which was registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation, as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure and Article 1429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred and called into session at the location of which I shall advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is in session of a vehicle: make: Ford, model: Explorer, and the type, color and plates as evidenced by the inspected vehicle. **TWO:** As to whether the vehicle identified above has four (4) tires mounted one on each of its rims. **THREE:** As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. **FOUR:** As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. **FIVE:** That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. **SIX:** That photographs be taken of the bodywork and condition of the inspected vehicle. **SEVEN:** That a statement be made on the record as to the general condition of the inspected vehicle's bodywork..

(Back of Page One)

As to any other fact or circumstances that I reserve the right to indicate in due course. Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 *ejusdem*, I request that the photographic reproduction be ordered of the items expressly specified above and any other item that I expressly reserve the right to indicate at the time said Judicial Inspection takes place and that to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court *[to state for the record]* that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this Judicial Inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, on the date of the submission for filing hereof.

(Signed) (illegible)

(Hand written)

[handwritten] *Received during office hours today, the sixteenth day of October, consisting of one (1) sheet of paper, filed by the signatory thereto.*

Acting Clerk.
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
Court in and for the Municipalities of San Carlos and Romulo Gallegos
(Seal)
in the Judicial District of the State of Cojedes

FILING PARTY
(Signed) (Illegible)

[handwritten] JUDGE

(Stamp)
No. 18, October 16, 2000
(ILLEGIBLE)

[Form Logo] Le Cartiere

(Hand written) Two (2)

(Three partial stamps in left margin – illegible)

COURT IN AND FOR THE MUNICIPALITIES OF SAN CARLOS AND ROMULO GALLEGOS IN THE JUDICIAL DISTRICT OF THE STATE OF COJEDES.-

San Carlos, October 16, 2000

190th Year of Independence and 141st Year of the Federation

Having reviewed the foregoing petition, it is ordered that it be admitted and the petition is agreed to. Therefore, as requested, it is ordered that all of the time needed for this inspection be set aside. It is ordered that the requested Judicial Inspection be conducted and to this end, the Court is ordered to be transferred and called into session at the location that the petitioner will indicate prior thereto.- It is ordered that the original be returned together with the results thereof.

PROVISIONAL JUDGE
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
Court in and for the Municipalities of San Carlos and Romulo Gallegos
(Seal)
in the Judicial District of the State of Cojedes

Acting Clerk
(Signed) (Illegible)

(Stamp)
No. 19 October 16, 2000 JM
(Illegible)

(Hand written) Three (3)

(Two partial stamps in the left margin – illegible)

At 4:10 p.m. today, the sixteenth day of October, two thousand, having first set aside the time needed, since the case was stated under oath to be an emergency, the Court was transferred and set up at the premises at No. 19-123, Avenida de los Estadios in the Altagracia District of this City of San Carlos, State of Cojedes, as indicated by the petitioner, in order to conduct the Judicial Inspection ordered in the foregoing pleading. Present at the inspection was citizen, Lesvia Josefina de Rodríguez, a citizen of Venezuela, of age, holder of identity card No. 4,097,395, a housewife, married and domiciled in this City, who was served with a subpoena with regard to the Court's mission. The Court then proceeded to appoint David Goncalves, a citizen of Venezuela, of age, holder of identity card No. 11,089,574, a mechanic, domiciled in.....

(Hand written) Four (4)

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Valencia and here in transit, as the expert to advise the Court on conducting its mission, and citizen, Marcelino Andrejo, a citizen of Venezuela, of age, holder of identity card No. 342,309 and domiciled in this city, as the expert photographer; both being present, they accepted the jobs as the expert mechanic and the expert photographer respectively, and were sworn in as provided by law. At this point, the Court stated for the record that the camera used for this inspection has the following characteristics: make: POLAROID 636 Close Up. The Court then ordered the expert photographer, who had been appointed, to take the pertinent photographs, so that they could be added to the record. The Court then went on to conduct the Judicial Inspection that had been requested and ordered and made a statement on the record as to the following items, tracking the items in the petition. Item No. ONE. With regard to this item, the Court stated for the record.....

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that it was set up on the premises at No. 19-153 located in the Altagracia District on Avenida de los Estadios in this City of San Carlos, State of Cojedes, where there was a vehicle, make: Ford, model: Explorer XLT, type: 4x2, Color: two tone green, year: 1996, plates: KAD-50P.- Item No. TWO: With regard to this item, the Court stated for the record that the vehicle described above had four (4) tires mounted one on each of its rims.- Item No. THREE: With regard to this item, the Court, being duly advised by the expert mechanic who had been appointed, stated for the record that the four (4) tires mounted one on each of the rims on the inspected vehicle were: make: Goodyear, type: Wrangler RT/S LT 235/75R-15, the serial number of the right front tire was: DOT PBHL 2ACA 2800; on the front left tire: DOT PBHL 2ACA 2800; on the rear left tire, serial number: DOT PBHL 2ACA 2800 and on the rear right tire, serial No. DOT PBHL 2ACA 2800.

. .....

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Item No. FOUR: With regard to this item, the Court, upon advice from the expert, stated for the record that the general condition of each of the tires and also their tread was good. Item No. FIVE: With regard to this item, the Court agreed to the request and ordered the expert photographer who had been appointed to take photographs of each of the tires mounted on each of the rims of the inspected vehicle with the camera described above, so as to be added to the record. The expert photographer appointed then proceeded to take the photographs ordered in this item. Item No. SIX: With regard to this item, the Court ordered photographs to be taken of the bodywork and condition of the inspected vehicle with the camera.....

(Hand written) seven (7)

(Two illegible stamps in left margin)

described above, and that the photographs be added to this Inspection. Item No. SEVEN: With regard to this item, the Court, upon the advice of the expert, stated for the record that the vehicle was generally misaligned, the hood and roof were caved in, the sides were misaligned and dented, the windshield was shattered, the front end was misaligned. At this point, the petitioning attorney, Miguel Angel Colmenares, representing Bridgestone Firestone Venezolana, C.A., formerly known as C.A. Firestone Venezolana, stated: "I would ask the Court to state the mileage on the vehicle for the record and I would also ask it to state for the record the make, type, serial number and condition of the spare tire and also the state of the tread on same. At this point, the Court acted pursuant

(Hand written) eight (8)

(One illegible stamp in left margin)

to these requests and consequently, with regard to the first request, it stated for the record, upon advice from the expert who had been appointed, that the mileage was eighty-two thousand five hundred and twenty-six kilometers (82,526 Kms.). With regard to the second request, upon advice from the expert, it stated for the record that the spare tire was: make: Goodyear, type: Wrangler RT/S LT 235/75R-15, serial number DOT PBHL 2ACA 2800; he also requested that a statement be placed on the record that this tire proved to be in perfect condition as was its tread. Lastly, he asked the Court to place a statement on the record, upon advice from the expert, as to the state of the power steering box and it was ordered that photographs be taken of same so that they could be added to the record.....

(Hand written) nine (9)

(Illegible stamp in left margin)

The Court then agreed to the request and consequently, upon advice from the appointed expert, it stated for the record that the steering box was cracked in the center. At this point, citizen, Lesvia Josefina de Rodriguez, being present, who was shown, as the owner of the Inspected Vehicle on Vehicle Registration Certificate No. 1086208, stated: "I was driving from the City of San Carlos to Valencia in the Inspected Vehicle near the town of Tinaquillo, State of Cojedes when I tried to avoid a hole or pothole in the road, the truck did not respond to the maneuver and then rolled over; moreover, the subpoenaed party identified above .....

(Hand written) ten (10)

(Three partial stamps in left margin – illegible)

stated for the record that the tires that were fitted, and also the spare tire for the Inspected Vehicle had been installed about sixty (60) days ago. Having fulfilled the purpose of the transfer, the Court agreed to return to the Courthouse at 5:30 p.m. Completed, read and signed by the undersigned who are in agreement therewith.

Provisional Judge,
(Signed) (Illegible)
(Stamp – illegible)

The subpoenaed party,
(Signed) (Illegible) Rodriguez

Petitioner,
(Signed) (Illegible)

The ,
(Signed) David Goncalves

Expert Photographer,
(Signed) (Illegible)

(Stamp - Illegible)

No. 20 – October 16, 2000

Acting Clerk,
(Signed) (Illegible)

(Two partial stamps in right margin – illegible)

Returned on this same day, consisting of thirteen (13) sheets of paper.

Acting Clerk,
(Signed) (Illegible)

(Four stamps down page):
REPUBLIC OF VENEZUELA
Court in and for the Municipalities of San Carlos
and Romulo Gallegos
(Seal)
in the Judicial District of the State of Cojedes

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 1771, dated October 16, 2000, concerning an inspection of the Ford Explorer with plates numbered KAD-50P, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 29th day of January, 2001.

Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena M. Rosado
MY COMMISSION # CC784725 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE INC

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 1771

SOLICITUDES

ARCHIVO

Solicitante (s): Abogado MIGUEL ANGEL COIMENARES MONCADA

Motivo: INSPECCION JUDICIAL

Juzgado: DE LOS MUNICIPIOS SAN CARLOS Y ROMULO GALLEGOS COJEDES

Fecha Entrada: Día 16 Mes 10 Año 2.000.-

Fecha Devolución: Día ..... Mes ..... Año .....

uno /1

CA - 98 № 0441804

Ciudadano

JUEZ DE LOS MUNICIPIOS SAN CARLOS Y ROMULO GALLEGOS DE LA CIRCUNS_
CRIPCION JUDICIAL DEL ESTADO COJEDES

Su Despacho.-

Yo, MIGUEL ANGEL COLMENARES MONCADA, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.067.502, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 30.705, procediendo en interés de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales

---GADO DE LOS MUNICIPIOS SAN CARLOS Y ROMULO GALLEGOS DE LA CIR CUNSCRIPCION JUDICIAL DEL ESTADO COJEDES.-

San Carlos, 16 de Octubre del 2.000.-

190º y 141º

Vista la anterior solicitud.- Admítase y se acuerda de conformidad. En consecuencia, conforme está solicitado se habilita todo el tiempo que sea necesario para este acto.- Practíquese la Inspección Judicial solicitada y a tales fines se ordena el traslado y constitución del Tribunal en el lugar que indicare previamente el solicitante.- Devuélvase original con sus resultas.-

El Juez Temporal,

La Secretaria Accidental,

N= 19 16-10-00

tres(3)

En el día de hoy, dieciséis de Octubre de dos mil, siendo las 4 y 10 P.M., previa la habilitación del tiempo necesario fijada como ha sido la urgencia del caso se trasladó y constituyó el Tribunal en el inmueble Nº 19-123 ubicado en la Urbanización Altagracia avenida los Estadios de esta ciudad de San Carlos, Estado Cojedes, indicada por el solicitante, con el fin de practicar la inspección judicial ordenada en el auto anterior.- Presente en este acto la ciudadana Teresa Josefina de Rodríguez, venezolana, mayor de edad, titular de la cédula de identidad Nº 4.097.395, Oficios del hogar, casada y de este domicilio, fué notificada de la misión del Tribunal.- Seguidamente el Tribunal procede a nombrar Práctico mecánico para asesorar al Tribunal en la práctica de la misma, al ciudadano David Gonzalves, venezolano, mayor de edad, titular de la cédula de identidad Nº 11.089.574, mecánico, domicilia-

cuatro (4)

do en Valencia y aquí de tránsito, como práctico, y al ciudadano Marcelino Araujo, Venezolano, mayor de edad, titular de la cédula de identidad Nº 342 309 y de este domicilio, como Experto fotógrafo, quienes estando presentes aceptaron los cargos de Práctico mecánico y Experto fotógrafo respectivamente, y prestaron el juramento de ley.- En este estado el Tribunal deja constancia que la cámara de fotografía utilizada en la presente inspección, tiene las siguientes características: Marca POLAROID 636. Close-up.- En este estado el Tribunal ordena al Experto fotógrafo designado tome las fotografías correspondientes a los fines de ser agregadas a los autos.- Seguidamente el Tribunal procede a practicar la inspección judicial solicitada y ordenada y deja constancia de los siguientes hechos, conforme a los particulares de la solicitud;

PRIMERO: Con relación a este particular el Tribunal deja constancia -

pinto (5)

que se encuentra constituido e
el inmueble Nº 19-153, ubicado en
la Urbanización Altagracia aven
da los Estadios de esta ciudad de San
Carlos, Estado Cojedes, en el cual se
encuentra un Vehículo Marca FOR
Modelo Explorer XLT, tipo 4X2, color
Verde dos tonos, año 96, placas —
KAD-50P,— SEGUNDO: Con relación
a este particular el Tribunal deja —
constancia que el vehículo antes
identificado posee cuatro (4) Can
chos instalados en cada uno de
sus rines,— TERCERO: Con relación a
este particular el Tribunal deja cons
tancia que los cuatro (4) canchos in
stalados en cada uno de los rines
del vehículo inspeccionados son
marca Good Year tipo Wrangler
RT/S LT 235/75R15, serial del
cancho delantero derecho; DOT PB
HL 2ACA 2800, delantero izquier
do DOT PBHL 2ACA 2800, cancho
trasero izquierdo DOT- PBHL 2ACA
2800 y el cancho trasero derecho se
rial DOT PBHL 2ACA 2800 delsi

seis (6)

damente asesorado por el práctico mecánico designado.- CUARTO: Con relación a este particular el Tribunal asesorado por el práctico deja constancia que las condiciones generales de los cauchos así como la banda de rodamiento de cada uno de ellos se encuentran en buen estado.- QUINTO: Con relación a este particular el Tribunal acuerda de conformidad con lo solicitado y ordena al experto-fotógrafo designado tomar fotografías a cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado con la cámara descrita anteriormente a los fines de ser agregados a los autos.- En este estado el experto-fotógrafo designado procede a tomar las fotografías ordenadas en el presente particular.- SEXTO: Con relación a este particular el Tribunal ordena la toma de fotografías de la convocatoria y condiciones en que se encuentra el vehículo inspeccionado con la cámara ante-

siete (7)

-riormente descrita, cuyas foto-
grafías se agregan a la presente Es-
pección. SEPTIMA: Con relación a
este particular el Tribunal deja
constancia previo asesoramiento
del práctico que la carrocería del
Vehículo presenta desenadre gene-
ralizado, hundimiento del capot
y techo, partes laterales desenadradas
y abovedadas, parabrisa reventado,
frontal desenadrado.- En este esta-
do el solicitante abogado Miguel
Angel Colmenares, procediendo en
interés de Bridgestone Firestone Ve-
nezolana, C.A. Compañía antes de-
nominada C.A. Firestone Venezola-
na, Expone: "Solicito al Tribunal
deje constancia del kilometraje que
presenta el Vehículo e igualmente
solicito se deje constancia de la
marca, tipo, serial, y estado que
presenta el cauchu de repuesto,
así como el estado de la banda
de rodamiento del mismo, en
este estado el Tribunal actuan-

ocho (8)

do de conformidad al pedimento formulado y en consecuencia deja constancia al primer pedimento y previo asesoramiento del práctico designado que el Kilometraje es de ochenta y dos mil quinientos veintiseis Kilometros (82.526 Km) deja constancia con relación al segundo pedimento con asesoramiento del práctico que el cambio de repuesto es marca Good Year tipo Wrangler RT/S LT235/75R15, serie DOT PBHL 2ACA 2800. Igualmente solicito se deje constancia que el mismo se encuentra en perfecto estado, así como su banda de rodamiento. Por último pido al Tribunal previo asesoramiento del práctico deje constancia del estado en que se encuentra el cajetín de la Dirección Hidráulica y se ordene tomar fotografías de las mismas a los fines de ser agregados a los autos.

mere(s)

en este estado, el Tribunal acuerda de conformidad con lo solicitado y en consecuencia previo asesoramiento del práctico designado deja constancia que el Capitán de la Dirección presenta una firma en el centro. - En este estado estando presente la ciudadana Teresa Josefina de Rodríguez, quien figura como propietaria del Vehículo Inspeccionado, como se desprende del certificado de Registro de Vehículo DC1086208, - quien expone: "Yo me desplazaba de la ciudad de San Carlos a Valencia en el Vehículo Inspeccionado, cerca de la población de Tinaquillo estado Cojedes, al tratar de esquivar un hueco o bache de la carretera, la camioneta no respondió a la maniobra produciéndose el Volcamiento, así mismo la notificada antes identificada, -

Diez (10)

Deja constancia que los cauchos instalados, así como el caucho de repuesto del vehículo inspeccionado tienen aproximadamente sesenta (60) días de instalados. Terminado el objeto del traslado el Tribunal acuerda regresar a su sede, siendo las 5 y 30 P.M. — Terminó, se leyó y conforme firman. —

El Juez Temporal,

La notificada,

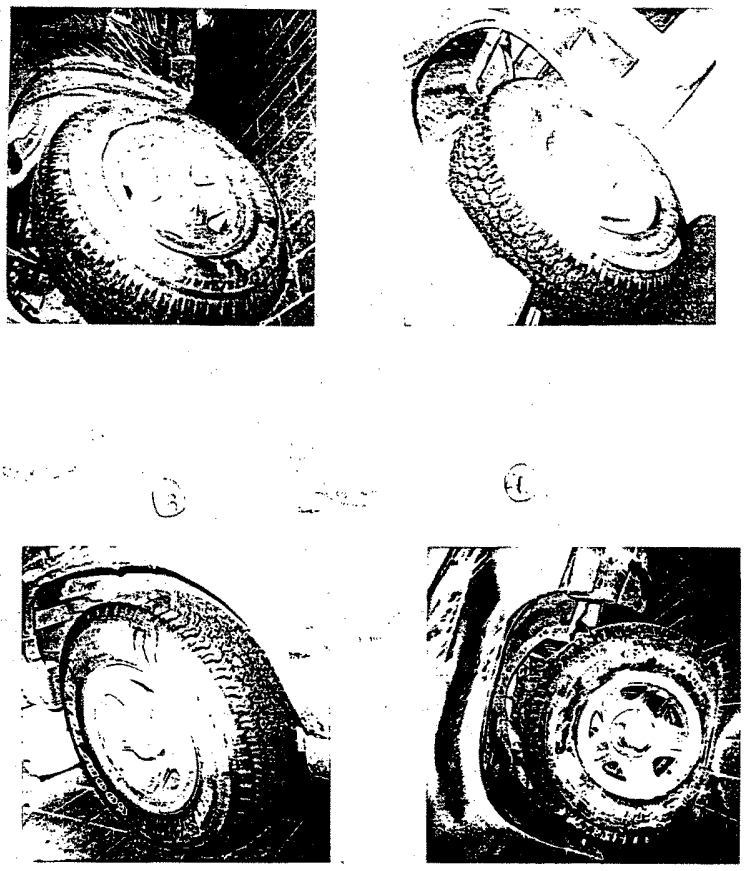
El solicitante,

El Práctico,

El Experto fotógrafo,

La Secretaria acc.,

N: 20 16-10-00



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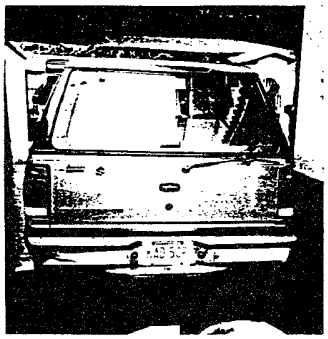

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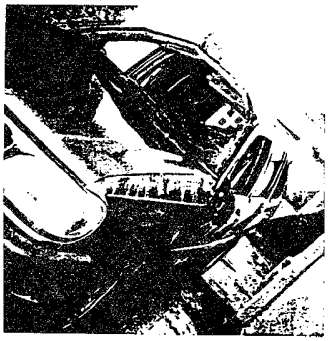


8



Las grafías corresponden al particular SEXTE. 5-6-7 y 9 -

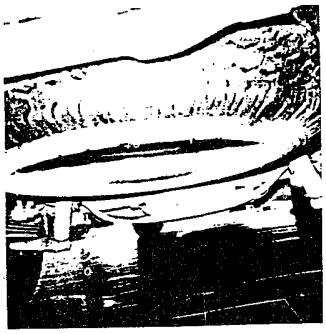
La secretaria acc,

Item (3)

(9)



(10)



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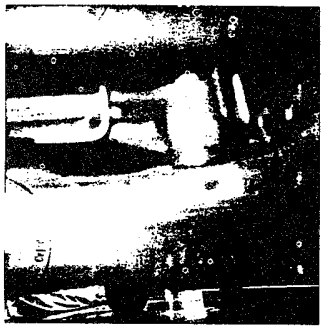
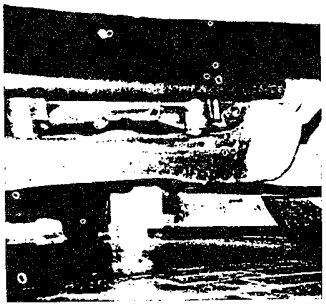


(12)



Las gráficas corresponden al Particular SEPTIMO (10-11 y 12.)

La secretaria acc.,

REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

No. *3439*

PETITIONER(S): ARACELIS URDÁNETA

REASON: JUDICIAL INSPECTION

COURT: FOURTH MUNICIPAL COURT

DATE OF ENTRY: Day: 10 Month: 11 Year: 2000

DATE RETURNED: Day: Month: Year:

No. *3439*

C.22

(Hand written) One (1)

Citizen:

FOURTH JUDGE FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

In his office.

I, ARACELIS URDANETA, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of national identity card No. V-7,082,174, a practicing attorney, registered with the Venezuelan Bar Association under No. 30,706, appearing herein in my capacity as counsel for BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a corporation formerly known as C.A. FIRESTONE VENEZOLANA, which was registered with the Commercial Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation, as set forth in the Minutes of the Extraordinary General Shareholders' Meeting, recorded in the First Commercial Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, my capacity being evidenced by the power of attorney executed before the Sixth Notary Public's Office in Valencia, on the 25th day of October, 2000, which was recorded under No. 41, Volume 79 of the Books of Authentications maintained by that Notary Public's Office, respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure, and Article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred and called into session at the location of which I shall advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is called into session of a vehicle described as follows: make: Ford, model: Explorer, with the type, color and plates as evidenced by the inspected vehicle.- TWO: As to whether the vehicle described above has four (4) tires mounted one on each of its rims. THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. FOUR: As to the general condition of the tires mounted on each rim of the inspected vehicle and their tread. FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. SIX: That photographs be taken of the bodywork and condition of the inspected

vehicle. SEVEN: That a statement be placed on the record as to the general condition of the bodywork of the inspected vehicle. As to any other fact or circumstance, that I reserve the right to indicate in due course. Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 *ejusdem*, I request that the photographic reproduction be ordered of the items expressly specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court *[to state for the record]* that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this Judicial Inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, on the date of the submission for filing hereof.

(Signed – illegible)

(Stamp)
Submitted for filing on November 10, 2000
consisting of one (1) sheet of paper
Amendments: NONE
11:30 a.m. during office hours
GIVEN IMMEDIATELY TO JUDGE
(Hand written) The Filing Party,
(Signed) (Illegible)

(Hand written) Acting Clerk,
(Signed) (Illegible)

[*(Hand written)* Two (2)]
(Partial stamp)
Form No_____ *(illegible)*
Fees:_____
GRANTING OF _____

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Fiscal Stamp:
One hundred and forty-eight Bolivars 148.00

CA – 98 4272717

(Stamp):
Bolivarian Republic of Venezuela
Ministry of the Interior and Public Justice
(Coat of Arms)
Sixth Notary Public in and for Valencia
(Stamp):
TRANSFERRED: [✓]
ADVANCE PAYMENT: [✓]

(Signed) (illegible)
(Stamp): Francis Ginart de Olivastri
Attorney
Venezuelan Bar Association No. 67,252

I, JORGE ANTONIO GONZALEZ ALVAREZ, a citizen of the United States of America, being of age, legally competent, domiciled in the City of Valencia, State of Carabobo and holder of identity card No. 81,607,491, acting in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., (formerly known as C.A. Firestone Venezuela), a corporation registered in the Commercial Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, the reforms thereto being assembled in a single body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Commercial Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, authorized herefor as evidenced in the Twelfth Clause of part "C" of the Articles of Incorporation and Bylaws, hereby declare: That on behalf of the company I represent, I am granting a Special Power of Attorney that is as broad and sufficient as the law requires, to Attorneys: **MIGUEL ANGEL COLMENARES** and **ARACELIS URDANETA NAVAS**, who are citizens of Venezuela, of age, single, legally competent, holders of identity cards Nos. 7,067,502 and 7,082,174 respectively, and registered with the Venezuelan Bar Association under Numbers 30,705 and 30,706 respectively, and who are both domiciled in this City, to act jointly or separately and represent and uphold the rights, actions and interests of the company I represent, BRIDGESTONE FIRESTONE VENEZOLANA, C.A., which is identified above, and consequently, pursuant to this mandate, the Attorneys mentioned above are authorized to file and answer complaints, be deemed to have been summoned and subpoenaed; assert affirmative defenses and file motions to dismiss, answer same and file counterclaims, withdraw claims, settle, agree, compromise in arbitration proceedings before arbitrators or at law, offer and produce evidence, move for and execute attachments and enforcement procedures, exercise any ordinary or extraordinary remedies granted by Law, including that of cassation, place bids at auctions and adjudications. The attorneys may appoint special attorneys for certain matters if they deem it appropriate or if the law so requires, replace them in whole or in part, reserve the exercise thereof or not, and resume it at any time they wish.....

(Three partial stamps down right margin:)
Bolivarian Republic..
Ministry of the Interior..
(Seal)
Sixth Notary Public

(Stamp):
Bolivarian Republic of Venezuela
Ministry of the Interior and Public Justice
(Coat of Arms)
Sixth Notary Public in and for Valencia

before the Courts, officials and competent agencies of the Republic, the states and municipalities, and any other natural persons or legal entities of a public or private nature. It is understood that the powers listed herein are merely for purposes of example and are not limitative. Two identical counterparts hereof are being made for a single purpose. Valencia, on the date of the authentication hereof.-

For BFVZ
(Signed) (illegible)
JORGE A. GONZÁLEZ A.

[(Hand written) Three (3)]
(Stamp)
Dilia Rodríguez de *(illegible)*
SIXTH NOTARY PUBLIC
IN AND FOR VALENCIA

(Three partial stamps down left margin)
Sixth.....of Venezuela
(Illegible)

(Two stamps across page)
BOLIVARIAN REPUBLIC OF VENEZUELA
Ministry of the Interior and Public Justice
(Seal)
Sixth Notary Public in and for Valencia

BOLIVARIAN REPUBLIC OF VENEZUELA. SIXTH NOTARY PUBLIC'S OFFICE IN AND FOR VALENCIA IN THE MUNICIPALITY OF VALENCIA. The *twenty-fifth (25th) day of October*, two thousand. 190th Year of Independence and the 141st year of the Federation. The foregoing document, which was prepared by Attorney, FRANCIS GINART DE OLIVASTRI *[sic]*, who is registered with the VENEZUELAN BAR ASSOCIATION under No. 67252, was submitted for AUTHENTICATION AND RETURN, as per form No. 36798 dated October 24, 2000. Present was (were) the Grantor(s) thereof, who stated that his/her (their) name(s) was (were): JORGE ANTONIO GONZALEZ ALVAREZ, acting in his capacity as President of "BRIDGESTONE FIRESTONE VENEZOLANA, C.A"). ————.

.....

.....

Of age, domiciled in VALENCIA

.....

Nationality:. UNITED STATES OF AMERICA

.....

Marital status: *MARRIED* [handwritten]

.....

Holder of Identity Card(s) No.(s) E-81,607,491————————————————————

.....

Having read, and compared the original with the photocopies thereof, which were all then signed, in the presence of THE NOTARY, THE GRANTOR(S) stated: "THE CONTENT THEREOF IS TRUE AND THE SIGNATURE(S) APPEARING AT THE BOTTOM OF THE DOCUMENT ARE MINE (OURS)". THE NOTARY therefore declared it to be AUTHENTICATED in the presence of clerks/witnesses: MILAGROS RUEDA and MIGUEL BOADA, holders of Identity Cards No. V-4,872,554 and V-4,684,501, and it was inserted under No. 41, Volume 79, of the books of AUTHENTICATIONS maintained by this Notary's Office. THE UNDERSIGNED NOTARY STATES FOR THE RECORD THAT SHE DECLARED THAT SHE ...

(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
Ministry of the Interior and Public Justice
(Seal)
Sixth Notary Public in and for Valencia

REVIEWED AND RETURNED THE REGISTRATION OF BRIDGESTONE FIRESTONE VENEZOLANA C.A., RECORDED IN THE COMMERCIAL REGISTER MAINTAINED BY THE COURT OF THE FIRST INSTANCE FOR CIVIL AND COMMERCIAL MATTERS IN THIS JUDICIAL DISTRICT, ON OCTOBER 23, 1956, UNDER NO. 1, THE REFORMS THERETO BEING ASSEMBLED IN A SINGLE BODY OF DOCUMENTATION AS SET FORTH IN THE MINUTES OF THE EXTRAORDINARY GENERAL SHAREHOLDERS' MEETING, RECORDED IN THE FIRST COMMERCIAL REGISTER IN AND FOR THIS JUDICIAL DISTRICT, ON JANUARY 29, 1997, UNDER NO. 2, VOLUME 8-A, AND BEING AUTHORIZED FOR THIS ACT AS EVIDENCED BY CLAUSE TWELVE OF PART "C" OF THE STATUTORY INCORPORATION PAPERS AND ALSO, FOR THE RECORD, IT IS STATED THAT I AM AUTHORIZING CLERK NO. 1 AT THIS NOTARY'S OFFICE, CITIZEN MARIA VICTORIA RODRIGUEZ, HOLDER OF IDENTITY CARD V-7,098,108, TO WITNESS THE SIGNING THEREOF PURSUANT TO ARTICLE 29 OF THE NOTARY PUBLIC REGULATIONS, AT FIRESTONE'S OFFICES ON THE OLD LOS GUAYOS HIGHWAY IN VALENCIA, AT 2:00 P.M.

SIXTH NOTARY PUBLIC,
(Signed) (Illegible)

GRANTOR,
(Signed) J.A. González

(Stamp)
Dilia Rodriguez de *(illegible)*
SIXTH NOTARY PUBLIC
IN AND FOR VALENCIA

(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
Ministry of the Interior and Public Justice
(Seal)
Sixth Notary Public in and for Valencia

THE WITNESSES,
(Two signatures – illegible)

AUTHORIZED EMPLOYEE,
(Signed) (Illegible)

(Hand written) Four (4)

FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.

Valencia, November 10, 2000
189th year of Independence and 141st Year of the Federation

This petition has been received. It is ordered that the distribution *[requirement]* be waived as the emergency nature of the case has been stated under oath. It is ordered that the necessary time be set aside. It is ordered that it be admitted. It is ordered that the Court be transferred and called into session at the location indicated in this petition, in order to conduct the requested JUDICIAL INSPECTION.

PROVISIONAL JUDGE:
(Signed) (Illegible)
DR. RAFAEL E. CASTILLO H;
(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

ACTING CLERK:
(Signed) (Illegible)

LUISA J. VASQUEZ C.-

Admitted on this date under No. _____

ACTING CLERK:
(Signed) (Illegible)
(Stamp – illegible)

(Three partial stamps down left margin – illegible)

(Seal)
STATE OF CARABOBO
(Seal)
Fee for fiscal stamp – Value: One hundred and forty-eight Bolivars (Bs. 148.00)

CA-98 No. 04406987

At 3:30 p.m. today, the tenth (10th) day of November in the year two thousand, the Court was transferred and called into session at the at the Marina Apartments Parking Lot in the Marina Apartments on Libra Street in the Trigal Norte Development, in order to conduct the judicial inspection requested by attorney Aracelis Urdaneta, registered with the Venezuelan Bar Association under No. 30,706, appearing in her capacity as legal counsel for Bridgestone Firestone Venezolana C.A., pursuant to the copy of power of attorney attached to this inspection.- In order to conduct this inspection, the Court agreed to appoint an expert mechanic and an expert photographer and to this end, it appointed citizens David Goncalves, a citizen of Venezuela, of age, holder of identity card No. 11,089,574 and Pedro Adolfo Fraga Henriquez, a citizen of Venezuela, of age, holder of identity card No. 11,809,283, who, being present, accepted the assignment, and were sworn in as provided by Law. Citizen Elynor Triaua Abreu Udana, a citizen of Venezuela, of age, holder of identity card No. 81,562,111 was served with a subpoena regarding the Court's mission; she stated she was the driver of the vehicle that is the subject of this inspection and the wife of the owner of said.....

(Back of Page Five)

(Two partial stamps down right margin – illegible)

vehicle, citizen Jesús Pujol, holder of identity card No. 4,322,353. The Court proceeded to place the items requested on the record and ordered the photographs to be taken; at this point, the expert photographer produced for examination by the Court a Polaroid 636 Close Up camera, and said photographs will be added to this inspection so as to form a part thereof, after being certified. The Court, being duly advised by the expert mechanic, then stated for the record as follows: ITEM NO. ONE: That there was a vehicle at the location at which the Court had been called into session, make: Ford, model: Explorer 4x2, year: '98, color: lead gray, plates: EAD-33E. ITEM NO. TWO: The Court stated for the record that the inspected vehicle had four (4) tires mounted one on each of its rims. ITEM NO. THREE: The Court stated for the record that the front right tire on the vehicle was make: Goodyear, type: Wrangler RT/S, type: LT235/75R15, serial No. DOT PBHL-2AC41400, the front left tire was make: Goodyear, Wrangler RT/S, type: LT235/75R15, serial number DOT PBHL-2AC41400; the rear right tire was: make: Goodyear, Wrangler RT/S, Type: LT235/75R15, serial number DOT PBHL-2AC41400, the rear left tire was make: Goodyear Wrangler RT/S, type: LT235/75R15, serial number DOT PBHL2AC41400.- ITEM NO. FOUR: The Court, being duly advised by the expert mechanic,.....

(Hand written) Six (6)

(Two partial stamps down left margin– illegible)

(Seal)
STATE OF CARABOBO
(Seal)
Fee for fiscal stamp – Value: One hundred and forty-eight Bolivars (Bs. 148.00)

CA-98 No. 04418097

stated for the record that each of the tires on the inspected vehicle was in good condition, as was their tread. ITEM NO. FIVE: The Court ordered photographs to be taken, with the camera described above, of each of the tires that were mounted on the rims, and also of the vehicle's bodywork. ITEM NO. SIX: The Court ordered as set forth in the preceding item. ITEM NO. SEVEN: The Court, being duly advised by the expert mechanic, stated for the record that the inspected vehicle was generally misaligned, showed signs of multiple denting, the windshield was shattered, the front end was out of alignment and the roof was caved in. At this point, the petitioner intervened and exercising the right to speak she had reserved, asked to Court to state the mileage on the vehicle for the record, and state the conditions, make, type and serial number of the spare tire and the condition of the vehicle's suspension. The Court, being duly advised, stated for the record that the mileage showing was forty-three thousand eight hundred and twenty (43,820) kilometers and that the spare tire was make: Goodyear Wrangler RT/S, type: LT235/75R15, serial number DOT PBHL2AC41400, and that the suspension was of the Australian ARB type. At this point, ...

(Back of Page Six)

(Two partial stamps down right margin– illegible)

the subpoenaed party identified above intervened and stated: On Wednesday, November 8 this year, at approximately seven thirty at night, I was driving down Anto*(illegible)* Street in the Trigol Norte Development and when I turned on to El Pacífico Avenue, I smashed into a blue Toyota, Samurai; when I tried to avoid it, I crossed to the right and I felt the steering lock up, I crashed into the barrier and the embankment and then it rolled over, also, I was travelling at a speed of approximately thirty (30) kilometers per hour. The Court concluded its mission and left the location at four thirty in the afternoon. Completed, read and signed by those below, who were in agreement therewith.

Provisional Judge,
(Signed) (Illegible)
Dr. Rafael E. Castillo H.-
(Stamp) **REPUBLIC OF VENEZUELA**
(Illegible)

Petitioner,
(Signed) (Illegible)

Subpoenaed Party,
(Signed) (Illegible)

The Expert Mechanic,
(Signed) David Goncalves

The Expert Photographer,
(Signed) (Illegible)

Acting Clerk,
(Signed) (Illegible)

(Stamp – illegible)

(Hand written) –16-

TWELVE (12)

(Three illegible stamps down left margin)

CERTIFIED AS BEING RETURNED TO THE PETITIONER, CONSISTING OF TWELVE (12) SHEETS OF PAPER, ON THE SIXTEENTH DAY OF NOVEMBER IN THE YEAR TWO THOUSAND.

ACTING CLERK
(Signed) (Illegible)
ATTORNEY JOSE LUIS SANZ PANCHECO.

(Stamp)
REPUBLIC OF VENEZUELA
FOURTH COURT IN AND FOR THE MUNICIPALITIES OF
VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 3439, dated November 10, 2000, concerning an inspection of the Ford Explorer with plates numbered EAD-33E, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena H. Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC764723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

NO 3439

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) ARACELIS UZCATEGUI

MOTIVO INSPECCION JUDICIAL

JUZGADO CUARTO DE MUNICIPIO

FECHA DE ENTRADA: Día 10 Mes 11 Año 2000

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

NO 3439

uno
(1)

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.-

Yo, ARACELIS URDANETA, venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad Nº V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el Nº 30.706, procediendo en este acto en mi carácter de apoderada de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el Nº 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el Nº 2, Tomo 8-A, carácter el mío que se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el Nº 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se

encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

POR Presentado en 10-11-2000.

CONSISTENTE DE Un (1) folio útil

EMOLUMENTOS EN

HORA 11:30 am. HORA DE DESPACHO DE HOY

CUENTA INMEDIATA AL JUEZ.-

La Presentante,

La Secretaria Temp.



PLANILLA N°
DERECHOS
COTEJAMIENTO

TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

Dr. Rodríguez de Marval
NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA. NOTARIA PUBLICA SEXTA DE VALENCIA DEL MUNICIPIO VALENCIA: Quinteros (25) de Octubre del Dos Mil. 000° (141) El anterior documento, redactado por el Abogado: FRANCIS GINART DE GUIDASTEL. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.")

Mayor (es) de edad, domiciliado (s) en: VALENCIA.

De Nacionalidad (es): ESTADOUNIDENSE.

De estado civil: Casado

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A.,INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 03-10-54, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE EXHIBICION EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

EL NOTARIO SEXTO

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

(4)

GADO CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, N.GUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO C.4948080.-

Valencia, 10 de Noviembre 2.000

189º y 141º

Por recibida la presente solicitud. Obviando la Distribución por ser jurada la urgencia del caso. Previa habilitación de todo el tiempo necesario. Désele entrada. Trasládese y constituyase el Tribunal al sitio indicado en la presente solicitud, a fín de practicar la INSPECCION JUDICIAL, solicitada.

EL JUEZ PROVISORIO:

DR. RAFAEL E. CASTILLO H;

EL SECRETARIO ACCIDENTAL;

LUISA J. VASQUEZ C.-.

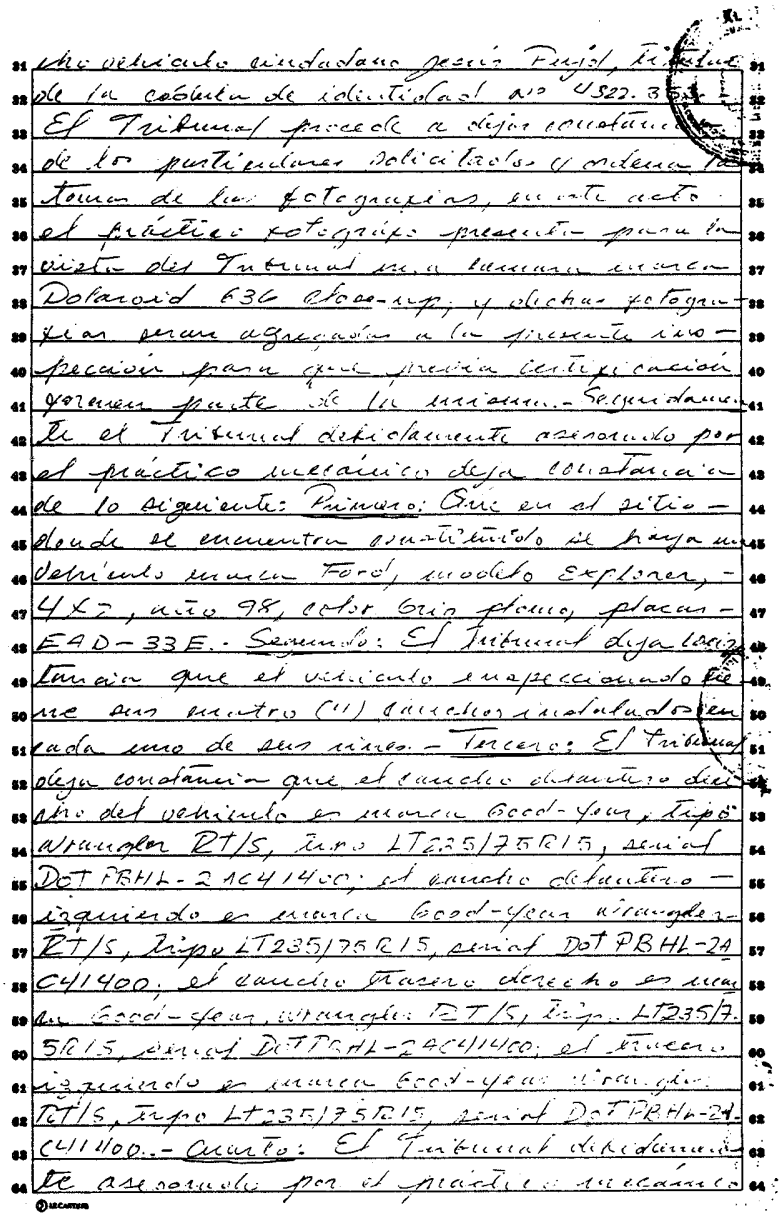
En la misma fecha se le dió entrada bajo el Nº

EL SECRETARIO ACCIDENTAL;

Cenco

CA - 98 № 04406987

En horas del día de hoy, diez (10) de noviembre del año dos mil, siendo las tres (3:30) de la tarde se trasladó y constituyó el Tribunal en la Urbanización Trigal Norte, calle Libra, Residencias Marina, en el estacionamiento de Residencias Marina, a los fines de practicar la inspección judicial solicitada por la abogado Araceris Urdaneta, inpreabogado Nº 30.706, procediendo con el carácter de apoderado judicial de Bridgestone Firestone Venezolana C.A. según copia del poder que corre inserto a la presente inspección.- El Tribunal para la práctica de la presente inspección acuerda asesorarse por un práctico mecánico y un práctico fotógrafo y designa para tal fin a los ciudadanos David Goncalves venezolano, mayor de edad, titular de la cédula de identidad Nº 11.089.574, y Pedro Adolfo Fraga Enriquez, venezolano mayor de edad y titular de la cédula de identidad Nº 11.869.283, quienes estando presentes aceptaron el cargo y prestaron el juramento de Ley.- Se notificó de la misión del Tribunal a la ciudadana Elynor Analia Abreu Vidana, venezolana mayor de edad, titular de la cédula de identidad Nº 81.362.41, quien manifestó ser la conductora del vehículo objeto de la presente inspección y esposa del propietario de di-

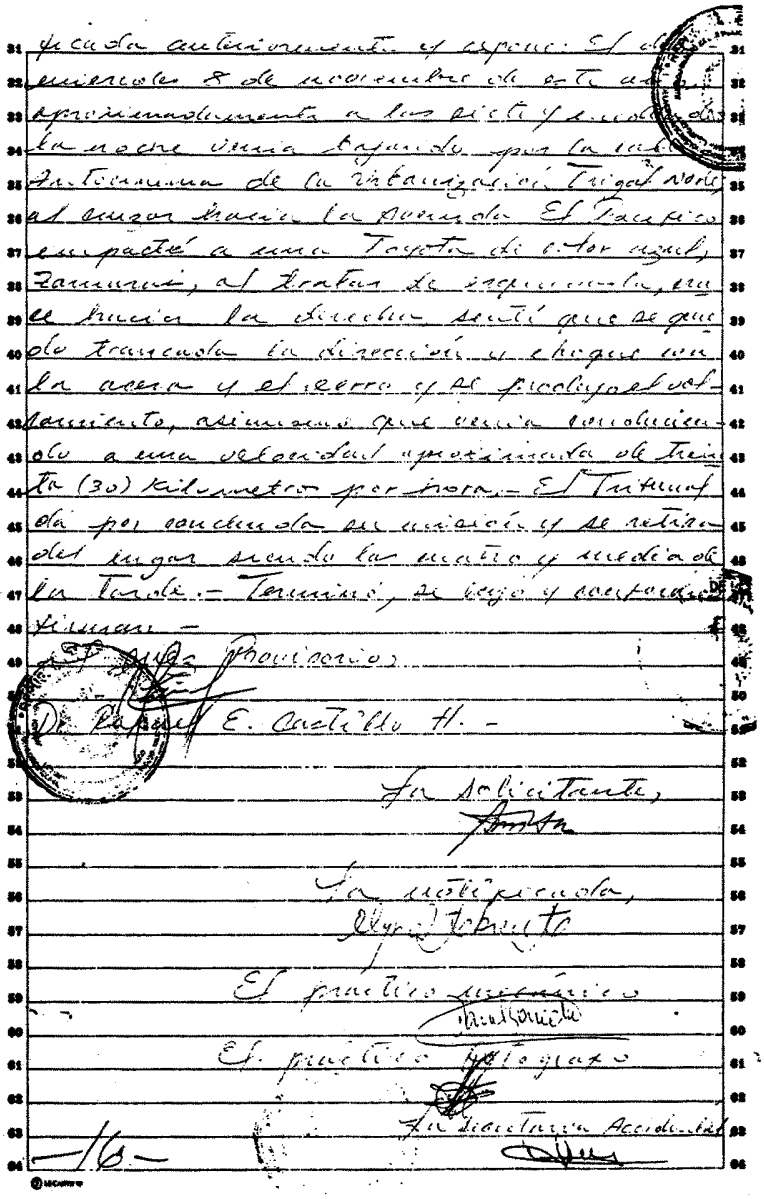


cho vehículo ciudadano Jesús Pujol, titular de la cédula de identidad nº 4522.35[illegible]. El Tribunal procede a dejar constancia de los particulares solicitados y ordena la toma de las fotografías, en este acto el práctico fotógrafo presenta para la vista del Tribunal una cámara marca Polaroid 636 close-up, y dichas fotografías serán agregadas a la presente inspección para que previa certificación formen parte de la misma.- Seguidamente el Tribunal debidamente asesorado por el práctico mecánico deja constancia de lo siguiente: Primero: Que en el sitio donde se encuentra constituido se haya un vehículo marca Ford, modelo Explorer, 4X2, año 98, color Gris plomo, placas EAD-33E.- Segundo: El Tribunal deja constancia que el vehículo inspeccionado tiene sus cuatro (4) cauchos instalados en cada uno de sus rines.- Tercero: El Tribunal deja constancia que el caucho delantero derecho del vehículo es marca Good-Year, tipo Wrangler RT/S, tipo LT235/75R15, serial DOT PBHL-2AC41400; el caucho delantero izquierdo es marca Good-Year Wrangler RT/S, tipo LT235/75R15, serial DOT PBHL-2AC41400; el caucho trasero derecho es marca Good-Year, Wrangler RT/S, tipo LT235/75R15, serial DOT PBHL-2AC41400; el trasero izquierdo es marca Good-Year Wrangler RT/S, tipo LT235/75R15, serial DOT PBHL-2AC41400.- Cuarto: El Tribunal debidamente asesorado por el práctico mecánico

Seis

CA - 98 № 04418097

deja constancia que cada uno de los cauchos del vehículo inspeccionado están en buen estado, al igual que su banda de rodamiento.- Quinto: El Tribunal ordena la toma de las fotografías en cada uno de los cauchos de los rines como se encuentran instalados, así como de la carrocería del vehículo con la cámara identificada anteriormente.- Sexto: El Tribunal lo ordenó en el particular anterior.- Séptimo: El Tribunal debidamente asesorado por el práctico mecánico deja constancia que el vehículo inspeccionado presenta desmadre generalizado, hundimientos múltiples, parabrisa reventado, trompa desmadrada y hundimiento de techo. En este estado interviene la solicitante haciendo uso de la reserva solicita al Tribunal deje constancia del kilometraje que presenta el vehículo, del estado, marca, tipo y serial del caucho de respuesto y de la suspensión del vehículo. El Tribunal deja constancia con el debido asesoramiento que el kilometraje es de cuarenta y tres mil ochocientos veinte (43820); que el caucho de repuesto es marca Good-year Wrangler RT/S, tipo LT235/75R15, serial DOT PRHL2AC41400, que la suspensión es tipo Australiana ARB.- En este estado interviene la no-



ficada anteriormente y expone: El día miércoles 8 de noviembre de este año aproximadamente a las siete y media de la noche venía bajando por la calle Antoninna de la Urbanización Trigal Norte al cruzar hacia la Avenida El Pacífico empaté a una Toyota de color azul, Zamarai, al tratar de esquivarla, me hacia la derecha sentí que se quedo trancada la dirección y choque con la acera y el cerro y se produjo el volcamiento, asimismo que venía conduciendo a una velocidad aproximada de treinta (30) kilómetros por hora.- El Tribunal da por concluida su misión y se retira del lugar siendo las cuatro y media de la tarde.- Terminó, se leyó y conforme firman.-

El Juez Provisorio,

Dr. Rafael E. Castillo H.-

La solicitante,

La notificada,

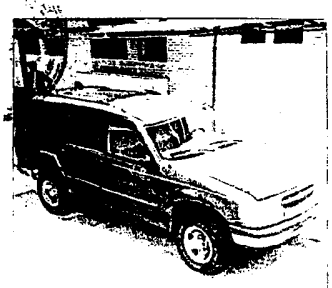
El práctico mecánico

El práctico fotógrafo

La Secretaria Accidental

-16-

Anexo (7)









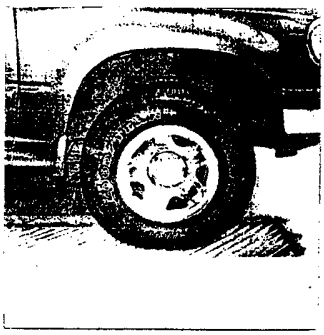








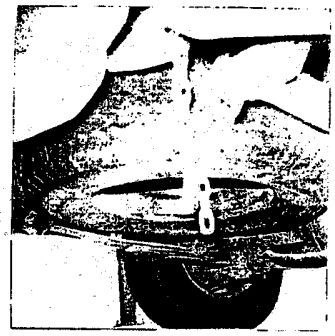


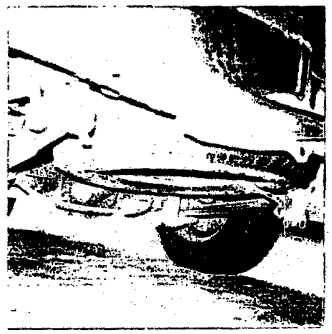


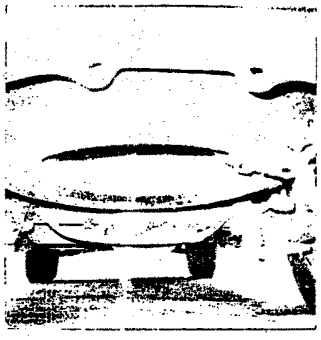














DOCE (12)

SE DEVUELVE AL SOLICITANTE COMPARTE DE DOCE (12) FOLIOS UTI
LES, CONSTE HOy, DIECISEIS DE NOVIEMBR DEL AÑO 2.000

EL SECRETARIO TITULAR:

LIC. ABG. JOSE LUIS SANZ PACHECO.

REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

RECORDS

No. *2402-2000*

Document No. _____

PETITIONER(S): ARACELIS URDANETA (COUNSEL FOR BRIDGESTONE FIRESTONE VENEZOLANA, C.A.)

PETITIONED: _____

REASON: JUDICIAL INSPECTION

_____

COURT: IN AND FOR THE MUNICIPALITY OF SANTIAGO MARIÑO IN THE STATE OF ARAGUA

Date of entry: Day: 27 Month: 11 Year: 2000

RETURNED: _____

Day: _____ Month: _____ Year: _____

RETURNED: _____

Day: _____ Month: _____ Year: _____

DATE COMPLETED: _____

No. *2402-2000*

Document No. _____

C.22

(Hand written) One (1)

Citizen:

JUDGE IN AND FOR THE MUNICIPALITY OF SANTIAGO MARIÑO IN THE STATE OF ARAGUA

IN HIS OFFICE. -

I, ARACELIS URDANETA, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of national identity card No. V-7,082,174, a practicing attorney, registered with the Venezuelan Bar Association under No. 30,706, appearing herein in my capacity as counsel for BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a corporation formerly known as C.A. FIRESTONE VENEZOLANA, which was registered with the Commercial Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation, as set forth in the Minutes of the Extraordinary General Shareholders' Meeting, recorded in the First Commercial Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, my capacity being evidenced by the power of attorney executed before the Sixth Notary Public's Office in Valencia, on the 25th day of October, 2000, which was recorded under No. 41, Volume 79 of the Books of Authentications maintained by that Notary Public's Office, respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure, and Article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred and called into session at the location of which I shall advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is called into session of a vehicle described as follows: make: Ford, model: Explorer, with the type, color and plates as evidenced by the inspected vehicle.- TWO: As to whether the vehicle described above has four (4) tires mounted one on each of its rims. THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. FOUR: As to the general condition of the tires mounted on each rim of the inspected vehicle and their tread. FIVE: That photographs be taken of the bodywork and the state of the inspected vehicle. ["SIX:" missing from source document] SEVEN: *[sic]* That a statement be placed on the record as to the general condition of the bodywork of the inspected vehicle. As to any other fact or circumstance, that I reserve the right to indicate in due course. Pursuant to Articles 472 and 475 of the

Code of Civil Procedure, in agreement with the provisions of Article 502 *ejusdem*, I request that the photographic reproduction be ordered of the items expressly specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court *[to state for the record]* that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this Judicial Inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, on the date of the submission for filing hereof.

(Signed – illegible)

(Partial stamp – illegible)
***CA – 98* 4272717** *(Hand written)* Two (2)
(Stamp)
...RECEIPT
Form No_____ *(illegible)*
Fees:_____
GRANTING OF _____

(Seal)
STATE OF CARABOBO
(Coat of Arms)
Fee for Sealed Paper:
One hundred and forty-eight Bolivars 148.00

(Stamp):
Bolivarian Republic of Venezuela
Ministry of the Interior and Public Justice
(Coat of Arms)
Sixth Notary Public in and for Valencia

(Signed) (illegible)
(Stamp): Francis Ginart de Olivastri
Attorney
Venezuelan Bar Association No. 67,252

I, JORGE ANTONIO GONZALEZ ALVAREZ, a citizen of the United States of America, being of age, legally competent, domiciled in the City of Valencia, State of Carabobo and holder of identity card No. 81,607,491, acting in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., (formerly known as C.A. Firestone Venezuela), a corporation registered in the Commercial Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, the reforms thereto being assembled in a single body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Commercial Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, authorized herefor as evidenced in the Twelfth Clause of part "C" of the Articles of Incorporation and Bylaws, hereby declare: That on behalf of the company I represent, I am granting a Special Power of Attorney that is as broad and sufficient as the law requires, to Attorneys: **MIGUEL ANGEL COLMENARES** and **ARACELIS URDANETA NAVAS,** who are citizens of Venezuela, of age, single, legally competent, holders of identity cards Nos. 7,067,502 and 7,082,174 respectively, and registered with the Venezuelan Bar Association under Numbers 30,705 and 30,706 respectively, and who are both domiciled in this City, to act jointly or separately and represent and uphold the rights, actions and interests of the company I represent, BRIDGESTONE FIRESTONE VENEZOLANA, C.A., which is identified above, and consequently, pursuant to this mandate, the Attorneys mentioned above are authorized to file and answer complaints, be deemed to have been summoned and subpoenaed; assert affirmative defenses and file motions to dismiss, answer same and file counterclaims, withdraw claims, settle, agree, compromise in arbitration proceedings before arbitrators or at law, offer and produce evidence, move for and execute attachments and enforcement procedures, exercise any ordinary or extraordinary remedies granted by Law, including that of cassation, place bids at auctions and adjudications. The attorneys may appoint special attorneys for certain matters if they deem it appropriate or if the law so requires, replace them in whole or in part, reserve the exercise thereof or not, and resume it at any time they wish.....

(Three partial stamps down right margin)

Bolivarian Republic..
Ministry of the Interior..
(Seal)
Sixth Notary Public

before the Courts, officials and competent agencies of the Republic, the states and municipalities, and any other natural persons or legal entities of a public or private nature. It is understood that the powers listed herein are merely for purposes of example and are not limitative. Two identical counterparts hereof are being made for a single purpose. Valencia, on the date of the authentication hereof.-

For BFVZ
(Signed) (illegible)
JORGE A. GONZÁLEZ A.

(Hand written) Three (3)
(Stamp)
Dr. .... Rodriguez *(illegible)*
SIXTH NOTARY PUBLIC
IN AND FOR VALENCIA

(Three partial stamps down left margin)
Sixth.....of Venezuela
(Illegible)

(Two stamps across page)
BOLIVARIAN REPUBLIC OF VENEZUELA
Ministry of the Interior and Public Justice
(Seal)
Sixth Notary Public in and for Valencia

BOLIVARIAN REPUBLIC OF VENEZUELA. SIXTH NOTARY PUBLIC'S OFFICE IN AND FOR VALENCIA IN THE MUNICIPALITY OF VALENCIA. The *twenty-fifih (25th) day of October*, two thousand. 190th Year of Independence and the 141st year of the Federation. The foregoing document, which was prepared by Attorney, FRANCIS GINART DE OLIVASTRI *[sic]*, who is registered with the VENEZUELAN BAR ASSOCIATION under No. 67252, was submitted for AUTHENTICATION AND RETURN, as per form No. 36798 dated October 24, 2000. Present was (were) the Grantor(s) thereof, who stated that his/her (their) name(s) was (were): JORGE ANTONIO GONZALEZ ALVAREZ, acting in his capacity as President of "BRIDGESTONE FIRESTONE VENEZOLANA, C.A"). ----------.

.....

.....

Of age, domiciled in VALENCIA

.....

Nationality:. United States of America

.....

Marital status: *MARRIED* [handwritten]

.....

Holder of Identity Card(s) No.(s) E-81,607,491----------

.....

Having read, and compared the original with the photocopies thereof, which were all then signed, in the presence of THE NOTARY, THE GRANTOR(S) stated: "THE CONTENT THEREOF IS TRUE AND THE SIGNATURE(S) APPEARING AT THE BOTTOM OF THE DOCUMENT ARE MINE (OURS)". THE NOTARY therefore declared it to be AUTHENTICATED in the presence of clerks/witnesses: MILAGROS RUEDA and MIGUEL BOADA, holders of Identity Cards No. V-4,872,554 and V-4,684,501, and it was inserted under No. 41, Volume 79, of the books of AUTHENTICATIONS maintained by this Notary's Office. THE UNDERSIGNED NOTARY STATES FOR THE RECORD THAT SHE DECLARED THAT SHE ...

(Stamp)

Bolivarian Republic of Venezuela
Ministry of the Interior and Public Justice
(Seal)
Sixth Notary Public in and for Valencia

(Partial stamp to right – illegible)

REVIEWED AND RETURNED THE REGISTRATION OF BRIDGESTONE FIRESTONE VENEZOLANA C.A., RECORDED IN THE COMMERCIAL REGISTER MAINTAINED BY THE COURT OF THE FIRST INSTANCE FOR CIVIL AND COMMERCIAL MATTERS IN THIS JUDICIAL DISTRICT, ON OCTOBER 23, 1956, UNDER NO. 1, THE REFORMS THERETO BEING ASSEMBLED IN A SINGLE BODY OF DOCUMENTATION AS SET FORTH IN THE MINUTES OF THE EXTRAORDINARY GENERAL SHAREHOLDERS' MEETING, RECORDED IN THE FIRST COMMERCIAL REGISTER IN AND FOR THIS JUDICIAL DISTRICT, ON JANUARY 29, 1997, UNDER NO. 2, VOLUME 8-A, AND BEING AUTHORIZED FOR THIS ACT AS EVIDENCED BY CLAUSE TWELVE OF PART "C" OF THE STATUTORY INCORPORATION PAPERS AND ALSO, FOR THE RECORD, IT IS STATED THAT I AM AUTHORIZING CLERK NO. 1 AT THIS NOTARY'S OFFICE, CITIZEN MARIA VICTORIA RODRIGUEZ, HOLDER OF IDENTITY CARD V-7,098,108, TO WITNESS THE SIGNING THEREOF PURSUANT TO ARTICLE 29 OF THE NOTARY PUBLIC REGULATIONS, AT FIRESTONE'S OFFICES ON THE OLD LOS GUAYOS HIGHWAY IN VALENCIA, AT 2:00 P.M.

SIXTH NOTARY PUBLIC
(Signed) (Illegible)

GRANTOR
(Signed) J.A. González

(Stamp) (Illegible)
(Stamp)
Bolivarian Republic of Venezuela
Ministry of the Interior and Public Justice
(Seal)
Sixth Notary Public in and for Valencia

THE WITNESSES
(Two signatures – illegible)

AUTHORIZED EMPLOYEE
(Signed) (Illegible)

CERTIFICATION

The undersigned, SERGIO ALBERTO ESPINOZA, Chief Clerk of the Court in and for the Municipality of Santiago Mariño in the State of Aragua, CERTIFIES: That the foregoing are true and correct copies of the original thereof, which was returned after being certified for the record. In Turmero, on the twenty-eighth day of November, two thousand.----------

CLERK
(Signed) (Illegible)

(Two partial stamps on left)

.....of Venezuela
..Aragua
....Judicial District
(Seal)
Municipality of Santiago Mariño

(Hand written) Four (4)

COURT IN AND FOR THE MUNICIPALITY OF SANTIAGO MARIÑO IN THE STATE OF ARAGUA, Turmero, on the twenty-eighth day of November in the year two thousand.

189th Year of Independence and 141st Year of the Federation

Having received the petition filed by citizen ARACELIS URDANETA, who is a citizen of Venezuela, holder of identity card No. V.-7,082,174, a practicing attorney, registered with the Venezuelan Bar Association under No. 30,706; in her capacity as counsel for BRIDGESTONE FIRESTONE VENEZOLANA, C.A. a corporation formally known as C.A. FIRESTONE VENEZOLANA, it is ordered that it be admitted and recorded in the corresponding book; consequently, it is agreed that the Court be transferred and called into session at any location the petitioner indicates in the petition in order to conduct the Judicial Inspection requested in this petition, and that a statement be placed on the record as to the items contained therein, for which 11:30 a.m. today, November 28, 2000, is scheduled, having first set aside the necessary time therefor.

Provisional Judge
(Signed) (Illegible)

(Stamp) (Illegible)

The Clerk.-
(Signed) (Illegible)

(Partial Stamp)
.....Republic of Venezuela
in the Judicial District
of the State of Aragua
(Seal)
Court in and for the Municipality of Santiago Mariño

(Hand written) Five (5)

(Partial Stamp to left)
.....Venezuela
.Judicial District
....State of Aragua
(Seal)
..Municipality of Santiago Mariño

At 11:30 a.m. today, November 28, in the year two thousand, having set aside the necessary time, the Court, accompanied by Attorney, Aracelis Del V. Urdaneta Nava, registered with the Venezuelan Bar Association under No. 30,706 and fully identified in the record, was transferred and called into session at the following address: Turmero Highway – La Encrucijada, where the 2,000 Parking Lot does business in the Municipality of Santiago Mariño in the State of Aragua, in order to hold the Judicial Inspection requested in this petition; present thereat was citizen ELIAS ALBERTO MIÑO COLL, holder of identity card No. 645,737, whom the Court subpoenaed for its mission, and he allowed it access inside the 2000 Parking Lot Office. The Court then appointed citizen, DAVID GONCALVES MALPICA, holder of identity card No. 11,089,574 as the expert mechanic and citizen, PEDRO ADOLFO FRAGA HENRIQUEZ, holder of identity card No. 11,809,283 as the expert photographer; both being present, they thereupon stated under oath that they would properly and faithfully fulfill the duties inherent in the assignment for which they had been appointed.- The Court then went on to place a statement on the record as to the items contained in this petition, as follows: ITEM NO. ONE: The Court stated for the record that there was a vehicle described as follows at the location at which it had been called into session, make: Ford, model: Elite XLT, color: wine, plates: GVC-96X[1] *[sic]*, State of Carabobo, Chassis serial number 8XDZU18EOX8A31137, model: Explorer. ITEM NO. TWO: The court stated for the record that the four tires and rims on the vehicle described above were in good condition and only the tire *[text missing]*. ITEM NO. THREE: The Court stated for the record that the tires on the inspected vehicle were, make: Goodyear, type: Wrangler RT/S, P255/70R16; with regard to the serial numbers, we noted that the one on the front right tire was DOT PBJR 2JJ4 2100; with regard to the front left tire, the serial number was DOT PBJR 2JJ4 2100; with regard to the rear.....

[1] The photographs supplied with the source document indicate a different plate number: GBC-96X.

(Two partial stamps to right – illegible)

right tire, the serial number was DOT PBJR 2JJ4 2100 and with regard to the rear left tire, the serial number was DOT PBJR 2JJ4 2100.- ITEM NO. FOUR: The court stated for the record that the four tires on the above-described vehicle were in good condition, as was their tread. ITEM NO. FIVE: The court ordered photographs to be taken in order to place on the record the condition of the inspected vehicle's bodywork; these photographs will be added to this Inspection. ITEM NO. SIX: Which was erroneously shown as seven, the court stated for the record that the general condition of the inspected vehicle's bodywork was, first, generalized misalignment, the frames and doors were wrecked, all of the windows were shattered, the roof was completely caved in, the trunk was misaligned and there was general denting. At this point, the petitioner exercised the right to speak she had reserved. She asked that a statement be placed on the record as to the mileage showing on the inspected vehicle, the type of suspension the vehicle had and the state of the spare tire and also its tread and she asked the Court to have photographs taken of each of the vehicle's tires and its bodywork. At this point, the court, with the assistance of the expert, stated for the record [text missing] and granted him the right to speak: Suspension: type: ARB Australiana, reinforced crossbar, reinforced shock absorbers; the mileage on the inspected vehicle was 37,465 kilometers, the spare tires *[sic]* were make: Goodyear, type: Wrangler RT/S, P255/70R16, Serial No. DOT PBJR 2JJ4 2100 and the condition of the spare tire was perfect, as was its tread (new); the court agreed to take the photographs requested by Attorney, ARACELIS DEL V. URDANETA NAVA, whose camera was described as follows: Make: Polaroid, type: 636 Close Up, with a capacity of ten to a roll, which will be taken by citizen, expert photographer, Pedro Fraga, who was appointed by this court to perform this function, and the photographs taken will also be added to this inspection.- Now, therefore, there being no further business for the Court to attend to, it agreed to return to its usual site, at 12:30 p.m. That is all, completed, read and signed by those below who are in agreement therewith,-

PROVISIONAL JUDGE

(Signed) (Illegible)

(Hand written) Six (6)

(Two partial stamps to left)
..of Venezuela
..Judicial District
of the State of Aragua
(Seal)
..Municipality of Santiago Mariño

SUBPOENAED PARTY
(Initials – illegible)

EXPERT PHOTOGRAPHER
(Signed) (Illegible)

EXPERT MECHANIC
(Signed) David Goncalves

PETITIONING ATTORNEY
(Signed) (Illegible)

CLERK
(Signed) (Illegible)

(Hand written) Eleven (11)

(Two partial stamps to left)
..Venezuela
Judicial District
..of Aragua
(Seal)
(Illegible)

...COURT IN AND FOR THE MUNICIPALITY OF SANTIAGO MARIÑO IN THE STATE OF ARAGUA.- TURMERO, NOVEMBER 28, IN THE YEAR TWO THOUSAND.

This order has been complied with. – It is agreed to return the original to the petitioner with the results thereof.

PROVISIONAL JUDGE
(Signed) (Illegible)
(Stamp)
Republic of Venezuela
Judicial District
Of the State of Aragua
(Seal)
Court in and for the Municipality of Santiago Mariño.-

CLERK
(Signed) (Illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 2402/2000, dated November 27, 2000, concerning an inspection of the Ford Explorer with plates numbered GVC-96X (or GBC-96X), is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 8th day of February, 2001.

Maury Margaret Scharrer

Maury Margaret Scharrer
Notary Public
State of Florida

[Seal] My commission expires: 8/24/04

Maury Margaret Scharrer
COMMISSION # CC560647 EXPIRES
August 24, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

ARCHIVO

No. 2402-2000

Pieza No. _____

DEMANDANTE (S) ARACELIS URDANETA (APODERADA DE BRIDGESTONE FIRESTONE VENEZOLANA C.A.)

DEMANDADO (S) _____

MOTIVO INSPECCION JUDICIAL

TRIBUNAL DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA

Fecha de entrada: Día 27 Mes 11 Año 2.000

REMITIDO _____

Día _____ Mes _____ Año _____

REMITIDO _____

Día _____ Mes _____ Año _____

TERMINADO EN FECHA _____

No. 2402-2000

Pieza No. _____

C-10

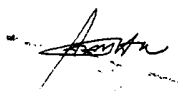
Ciudadano

JUEZ DEL MUNICIPIO SANTIAGO MARIÑO
DEL ESTADO ARAGUA
SU DESPACHO.-

Yo, ARACELIS URDANETA, venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, carácter el mio que se evidencia de instrumento poder otorgado por ante la Notaria Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaria Pública, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehiculo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehiculo inspeccionado y su banda de rodamiento. QUINTO: Se tomen

fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.





Francis Ginart de Olivares
Abogado
I.P.S.A. 67.252

PLANILLA N° 3710
DERECHOS
OOTRGAMIENTO

CA - 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo mas no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

Dr. Rodríguez de Marval
NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA. NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Veintiuno (25) de Octubre del Dos Mil 190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE CASTRO. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado — .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

Tes (3)

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

EL NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

C E R T I F I C A C I O N

El Suscrito, SERGIO ALBERTO ESPINOZA, Secretario Titular del Juzgado del Municipio Santiago Mariño del Estado Aragua, CERTIFICA: Que las copias que enteceden son traslado fiel y exactos a su original, la cual fué devuelta — previa su certificación en autos.-En Turmero a los Veintiocho de Noviembre del Dos Mil.----------

EL SECRETARIO.

...GADO DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA.-

Turmero, Veintiocho de Noviembre del año Dos Mil

Años 189 y 141

Por recibida la presente solicitud presentada por ciudadana ARACELIS URDANETA, quien es Venezolana, titular de la Cédula de Identidad N.V-7.082.174; abogada en ejercicio, inscrita en el Inpre abogado bajo el N.30.706; en su caracter de apoderada de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Compañia antes denominada C.A FIRESTONE VENEZOLANA.-Desele entrada y anotese en el libro correspondiente, en consecuencia se acuerda realizar el traslado y constitución del Tribunal al sitio que indique la parte actora en el escrito de solicitud, a los fines de practicar Inspección Judicial a que se contrae la presente solicitud, y dejar constancia sobre los particulares contenidos en la misma, para lo cual se fijan las 11:30 horas de la mediodia, del dia 28-11-2000, habilitandose todo el tiempo necesario para ello.-

La Juez Provisorio,

El Secretario,

En el dia de hoy 28 de Noviembre del año dos mil, siendo las 11:30 horas del mediodia, previa habilitación del tiempo necesario, se trasladó y constituyo el Tribunal en compañia de la Abogado Urdaneta Nava Aracelis Del V., inscrita en el inpresbogado Nro. 30706 plenamente identificada en autos; a la siguiente dirección Carretera Turmero- La Encrucijada, donde funciona el Estacionamiento - 2.000, Municipio Santiago Mariño del Estado Aragua, a los finès - de practicar Inspección Judicial a que se contrae la presente solicitud, presente en este acto el ciudadano ELIAS ALBERTO MIÑO — COLL, titular de la cédula de identidad Nro. 645.737 a quien el - Tribunal impuso de su Misión y permitio el acceso al interior de- la Oficina del Estacionamiento 2000. En este estado el Tribunal - designa como Perito Mecanico al ciudadano DAVID GONCALVES MALPICA titular de la cédula de identidad nro. 11.089.574 y como experto- Fotografo al ciudadano PEDRO ADOLFO FRAGA HENRIQUEZ, titular de - la cédula de identidad Nro. 11.809.283, quienes estando presentes en este acto juraron cumplir bien y fielmente con los deberes inherentes al cargo para lo cual fueron designados.- En este estado el Tribunal pasa a dejar constancia sobre los particulares contenidos en la presente solicitud de la siguiente manera: AL PRIMERO: El tribunal deja constancia que en el lugar donde se encuentra — constituido, se encuentra un vehiculo que posee las siguientes caracteristicas Marca: Ford, Modelo Elite XLT, Color Vino Tinto, Placa GNC-96X, Estado Carabobo, Serial Carroceria 8XDZUI8ECX8A31137 - Modelo Explorer,.- AL SEGUNDO: El tribunal deja constancia que el- vehiculo antes identificado se encuentra con su cuatro cauchos y- rines en buen estado y solo el caucho.- AL TERCERO: El tribunal - deja constancia que los cauchos que posee el vehiculo inspeccionado son de marca good Year tipo Wrangler Rt/S, P255/70R16, en lo - que respecta a los seriales observamos que en el caucho delantero derecho es DOT PBJR 2JJ4 2100; con respecto al delantero izquierdo el serial es DOT PBJR 2JJ4 2100; con respecto al caucho trase-

ro derecho el serial es DOT PBJR 2JJ4 2100 y con respecto al caucho trasero izquierdo el serial es DOT PBJR 2JJ4 2100.- AL CAURTO: El tribunal deja constancia que los cuatro cauchos del vehiculo antes identificado se encuentra en buen estado asi momo su banda de rodamiento.- AL QUINTO: El tribunal ordeno la toma de fotografia para dejar constancia de las condiciones de la carroceria que se encuentra el vehiculo inspeccionado, las cuales seran agregadas a esta Inspección.- AL SEXTO: Que por error pusieron septimo, el tribunal deja constancia que las condiciones generales que presenta la carroceria del vehiculo inspeccionado son primero descuadre generalizado, parales y puertas destrozadas, todos los vidrios reventados, hundimiento total del techo, descuadre de tromps y abollsduras generales. En este estado la solicitante hace uso del derecho de reserva.- Solicita se deje constancia que el Kilometraje que presenta el vehiculo inspeccionado del tipo de suspención que presenta el vehiculo del estado del cauche de respuesto asi como su banda de rodamiento y pido al tribunal se tome fotografia de cada uno de los cauchos y de la carroceria del vehiculo.- En este estado el tribunal con la ayuda del experto deja constancisel cual le sede la palabra: Suspención tipo ARB Australiana, Travesaño reforzado, amortiguadores reforzado el kilometraje que presenta el vehiculo inspeccionado es de 37.465 Kilometros, cauchos de repuesto Marca Good Year Tipo Wrangler RT/S, P255/70R16, Serial DOT PBJR 2JJ4 2100 y las condiciones del cauche de repuesto son perfecta al igual que su banda de rodamiento (nuevo) el tribunal acuerda tomar las fotografias solicitada por la Abogada URDANETA NAVA ARACELIS DEL V., cuya camara presenta las siguientes caracteristicas Marca Polaroid, tipo 636 Closeup, de capacidad de 10 en 10 cartuchos las cuales seran tomadas por el ciudadano Practico Fotografo Pedro Fraga, el cual fue designado por éste tribunal para cumplir con dicha función, y asi mismo agrega las tomas fotograficas a la presente inspección.- Por cuanto no existe otra diligencia que practicar el tribunal acuerda regresar a su sede ordinaria, siendo las 12:30 horas del mediodia.- Es todo, termino, se leyo y conforme firman.-

LA JUEZ PROVISORIA

L

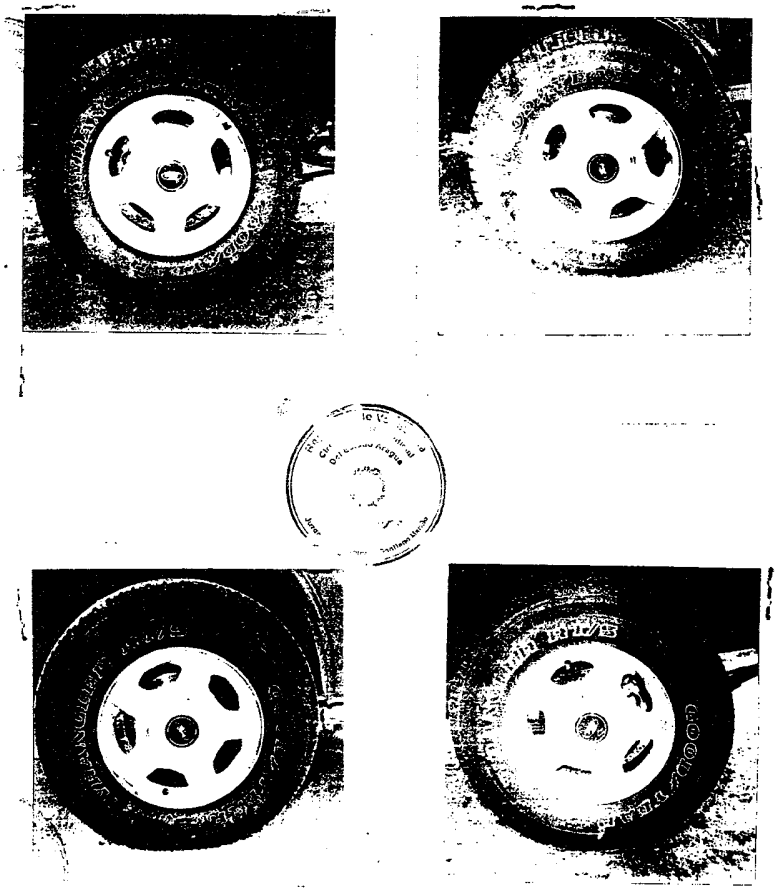
EL NOTIFICADO

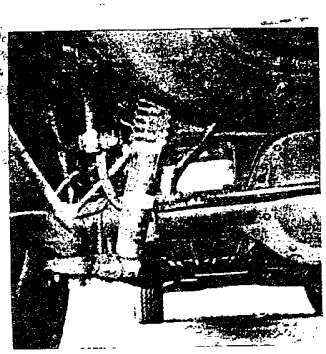
EL EXPERTO FOTOGRAFO

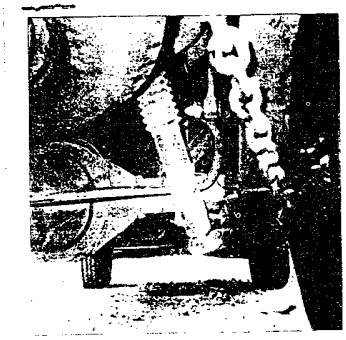
EL EXPERTO MECANICO

LA ABOGADO SOLICITANTE

EL SECRETARIO





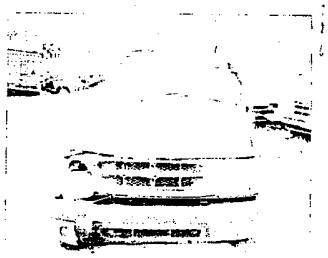


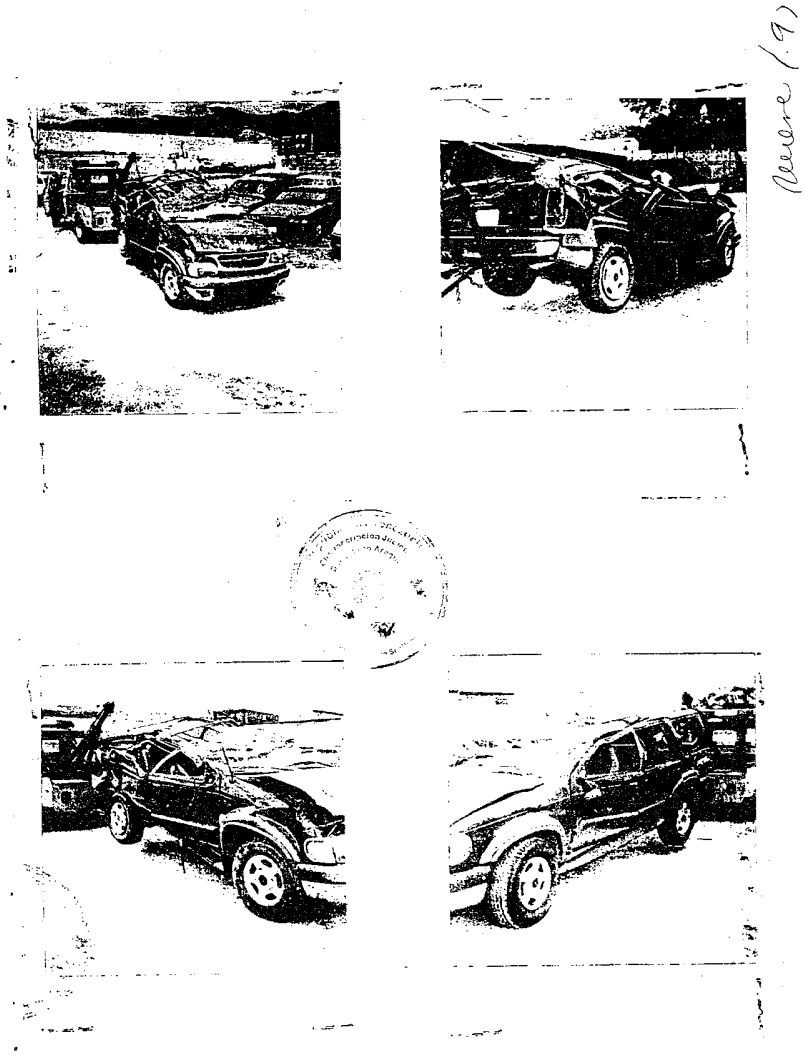
Ocho (8)











.../GADO DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA.- TURMERO, 28 DE NOVIEMBRE DEL AÑO DOS MIL.-

Evacuada como ha sido la presente solicitud.- Se acuerda devolver original con sus resultas a la parte solicitante.-

LA JUEZ PROVISORIA

EL SECRETARIO

REPUBLIC OF VENEZUELA

No. L02-2000

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): MIGUEL ANGEL COLMENAREZ MONCADA

REASON: JUDICIAL INSPECTION

COURT: IN AND FOR THE MUNICIPALITY OF BRUZUAL IN THE JUDICIAL DISTRICT OF THE STATE OF YARACUY.

DATE OF ENTRY: Day: 06 Month: November Year: 2000.-

DATE RETURNED: Day: _____ Month: _____ Year: _____

No. _____

C.22

(Hand written) Sheet One (1)

Citizen:

JUDGE IN AND FOR THE MUNICIPALITY OF BRUZUAL IN THE JUDICIAL DISTRICT OF THE STATE OF YARACUY

In his office. -

I, MIGUEL ANGEL COLMENARES MONCADA, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. V-7,067,502, a practicing attorney, registered with the Venezuelan Bar Association under No. 30,705, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney executed in the presence of the Sixth Notary Public in and for Valencia, on October 25, 2000, which was recorded under No. 41, Volume 79, of the Books of Authentications maintained at this Notary Public's Office, which is attached to this petition of **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation, as set forth in the Minutes of the Extraordinary General Shareholders' Meeting, recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure, and article 1492 of the Civil Code, I swear that this case is an emergency, and I would ask that this Honorable Court set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred to and called into session at the address which I will give it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence, at the location at which the Court is called into session, of a vehicle: Make: Ford, Model: Explorer, and the type, color and plates, as evidenced by the inspected vehicle.- **TWO:** As to whether the vehicle identified above has four (4) tires fitted one on each of its rims.- **THREE:** As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle.- **FOUR:** As to the general condition of the tires installed one on each rim of the inspected vehicle and their tread. **FIVE:** That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. - **SIX:** That photographs be taken of the bodywork and condition of the inspected vehicle. .....

SEVEN: That the general condition of the bodywork of the inspected vehicle be put on the record. As to any other fact or circumstance, that I reserve the right to indicate in due course. Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 of same, I request that photographic reproduction be ordered of the items expressly specified above and any other item that I expressly reserve the right to indicate at the time said Judicial Inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court *[to state]* that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this Judicial Inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. Lastly, I would request that once this petition has been dealt with, the original be returned to me together with the results thereof. Trusting in the Court's grace, on the date of the filing hereof. ----------

(Signed – illegible)

FILED BY THE SIGNATORY DURING OFFICE HOURS,
TODAY, NOVEMBER 6, 2000 AT 12:30 IN THE AFTERNOON
ACTING CLERK
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
(Illegible)
(Seal)
(Illegible)
THE STATE OF YARACUY

(Partial stamp in right margin)
(Illegible)
(Seal)
STATE OF.... -

(hand written) Sheet Two (2)

COURT IN AND FOR THE MUNICIPALITY OF BRUZUAL IN THE JUDICIAL DISTRICT OF THE STATE OF YARACUY.

Chivacoa, November 6, 2000
Years: 190th Year of Independence and 141st Year of the Federation

Having reviewed the foregoing petition, it is agreed to grant it as requested and consequently, 1:00 p.m. this afternoon has been scheduled for the Court to be transferred and called into session at the location indicated in this petition to conduct the requested Judicial Inspection.

Acting Judge
(Signed) (Illegible)
Attorney Efrain Ballester Acosta.

(Stamp)
REPUBLIC OF VENEZUELA
(Seal)
Court in and for the Municipality of Bruzual
STATE OF YARACUY

Acting Clerk
(Signed) (Illegible)
Isaura Giménez Brito.-

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.....Municipality of Bruzual
...YARACUY

(Hand written) Sheet Three (3)

(partial stamp in left margin)
...Municipality of Bruzual
... YARACUY

As agreed upon, today, the sixth day of November, in the year two thousand, the Court was transferred and called into session at the Bruzual parking lot, located on the East-West Central Western Highway, together with the Petitioner, Attorney Miguel Angel Colmenarez, acting in the capacity set forth in the record, in order to conduct the requested Judicial Inspection; to this end, citizen, JUAN PABLO MONTENEGRO SANQUIS, was appointed as the Expert Photographer and citizen, DAVID GONCALVES, was appointed as the Expert Mechanic, both being of age, holders of Identity Cards Nos. 13,104.440 and 11,089,576 respectively, and being present, they accepted the assignments and stated under oath as provided by law that they would properly and faithfully fulfill them. The Court then made a statement on the record as to the following items: **Item No. ONE:** The Court stated for the record that it was called into session on the premises of Bruzual Parking Lot in this city of Chivacoa, specifically, on the right side of the East-West Central Western Highway, where there was a vehicle, Make: Ford, Model: Explorer XLT 4x4, Year: 97, 6 cylinder, Color: blue, Plates: IAB-33I. **Item No. TWO:** The Court stated for the record that the inspected vehicle was indeed fitted with four (4) tires, one on each rim. Item **No. THREE:** The Court stated for the record, upon information from the expert Mechanic, that the four (4) tires were described as follows: Make: Goodyear, Wrangler RT/S P255/OR16, Serial number DOT MKCU NCHR 2800 (made in the USA). **Item No. FOUR:** The Court stated for the record, upon information from the expert mechanic, that the tires on the vehicle were in good condition and the tread was totally new. The four tires were flat. **Item No. FIVE:** The Court ordered the expert photographer to take photographs of each of the tires fitted on each of the rims on the inspected vehicle with a camera to be identified later, and these were ordered to be added to this inspection in order to form part of same. **Item No. SIX:** The Court ordered photographs to be taken of the bodywork and the condition of the inspected vehicle, which photographs were to be attached to this inspection. Item No. SEVEN: Upon advice from the expert mechanic, the Court stated for the record that the condition of the inspected vehicle was as follows: Overall generalized misalignment, the roof and hood were caved in, and doors were wrecked, the windshield was shattered, the front of the vehicle was misaligned. At this point, the Petitioner intervened and stated: I would respectfully request that this Court put on the record the vehicle's mileage. That is all. The Court agreed to his request and stated for the record that the inspected vehicle showed fifty-four thousand nine hundred and forty (54,940) kilometers on the odometer. ……..

(Hand written) Sheet Four (4)

The expert photographer produced a 636 Close Up Polaroid camera, with which the photographs were taken. The Court, having fulfilled its mission, ordered its return to the Courthouse.

Acting Judge
(Signed)
Attorney Efrain Ballester Acosta

(Stamp)
REPUBLIC OF VENEZUELA
(Seal)
Court in and for the Municipality of Bruzual
STATE OF YARACUY

(Signed) (Illegible)
Expert Photographer

The Petitioner
(Signed) (Illegible)

(Signed) DAVID GONCALVES
Expert Mechanic

(Partial stamp)
....Municipality of Bruzual
...YARACUY

Acting Clerk
(Signed) (Illegible)
Ysaura Giménez

CERTIFICATE OF TRANSLATION ACCURACY

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, MAURY MARGARET SCHARRER, duly certified by the University of Miami, Coral Gables, Florida, for proficiency in the Spanish language, hereby certify that the attached translation, from Spanish to English, of the Judicial Inspection, No. L02-2000, dated November 6, 2000, concerning an inspection of the Ford Explorer, with plates numbered IAB-33I, is accurate, true and complete, to the best of my knowledge, ability and belief.

Maury Margaret Scharrer
MAURY MARGARET SCHARRER

The foregoing instrument was acknowledged before me this 25th day of January, 2001, by Maury Margaret Scharrer who is personally known to me and who did not take an oath.

NOTARY PUBLIC

[SEAL]

Vanessa Havel
My Commission CC785281
Expires October 22, 2002

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 102-2000.-

SOLICITUDES

ARCHIVO

SOLICITANTE (S): MIGUEL ANGEL COLMENAREZ MONCADA.

MOTIVO: INSPECCION JUDICIAL

JUZGADO: Municipio Bruzual de la Circunscripción Judicial del Estado Yaracuy.

FECHA DE ENTRADA: Día 06 Mes Noviembre Año 2.000.-

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

Ciudadano

Juez del Municipio Bruzual de la Circunscripción Judicial Edo Yaracuy.

Su Despacho.-

Yo, MIGUEL ANGEL COLMENARES MONCADA, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.067.502, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 30.705, procediendo en este acto en mi carácter de apoderado, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por via de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se

encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

Presentado por su firmante en horas de Despacho del día de hoy 06-11-2000, siendo las 12:30 de la tarde.
La Secretaria Acc,

JUZGADO DEL MUNICIPIO BRUZUAL DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO YARACUY.

Chivacoa, 06 de Noviembre del 2.000.-
Años: 190º y 141º.-

Vista la anterior solicitud. Se acuerda conforme lo pedido, en consecuencia se fija la 1:00 de la tarde de esta misma fecha, para trasladarse y constituirse el Tribunal en el sitio indicado en la presente solicitud y llevar a la practica la Inspección Judicial solicitada.

El Juez Acc,

Abog. [illegible] Acosta.

La Secretaria Acc,

Ismura Giménez Brito.-

la fecha de hoy, Seis de Noviembre del año Dos Mil, como estaba -- acordado, se trasladó y constituyó el Tribunal al Estacionamiento Bruzual, ubicado en la Autopista Centro Occidental, sentido Oeste - Este, con el Solicitante, Abg. Miguel Angel Colmenarez, actuando - con su carácter de autos, a fin de llevar a la practica la Inspección Judicial solicitada, a tal efecto se nombra Perito Fotógrafo ciudadano: JUAN PABLO MONTENEGRO SANCUIS y Perito Mecánico, ciudadano: DAVID GONCALVES, mayores de edad, titulares de las Cédulas - de Identidad Nros. 13.104.440 y 11.089.576 respectivamente, quienes estando presentes aceptaron el cargo y prestaron juramento de Ley y juraron cumplirlo bien y fielmente. El Tribunal pasa a dejar constancia de los siguientes particulares. Al Particular PRIMERO, el -- Tribunal deja Constancia que se encuentra constituido en la sede del Estacionamiento Bruzual de esta ciudad de Chivacoa, especificamente al margen derecho de la Autopista Centro Occidental sentido Oeste - este, en el cual se encuentra un vehículo Marca: Ford, Modelo Explorer XLT 4x4, Año: 97, 6 Cilindros, Color: Azul, Placas: IAB-33I. SEGUNDO el Tribunal deja constancia que efectivamente el vehículo inspeccionado tiene cuatro (4) Cauchos instalados con sus respectivos - Rines. Al particular TERCERO, el Tribunal deja constancia previa información del práctico Mecánico, que los cuatro (4) cauchos tienen - las siguientes características:Marca: Good Year, Wrangler RT/S P255/ 70R16, Serial DOT MKCU NCHR 2800 (made in USA). Al particular CUARTO el Tribunal deja constancia previa información del perito mecánico,- que los cauchos del vehículo están en buen estado y su banda de Rodamiento está totalmente nueva, los cuatro cauchos se encuentran desinflados. Al particular QUINTO, el Tribunal ordena al perito fotográfico se tomen fotografias a cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado con la Cámara que posteriormente será identificada y las cuales se ordenan agregar a la presente inspección para que formen parte de la misma. Al particular -- SEXTO el Tribunal ordena la toma de fotografías de la carroceria y - condición en que se encuentra el vehículo inspeccionado y cuyas fotografías se anexaran a la presente inspección. Al particular SEPTIMO el Tribunal deja constancia previo asesoramiento del práctico mecanico, de las condiciones el vehiculo inspeccionado son las siguientes: Descuadre múltiple generalizado, hundimiento de techo, Capot,- puertas destrozadas, parabris s reventado, frontal descuadrado. En este estado interviene el Solicitante y expone: Solicito respetuosamente al Tribunal deje constancia del Kilometraje que presenta el vehículo. Es todo. El Tribunal acuerda lo pedido y deja constancia de que el Kilometraje que presenta el vehiculo inspeccionado es de Cinc enta y cuatro Mil Novecientos Cuarenta (54.940) Kilometros recorri

dos. El perito fotografo presenta para su vista una cámara marca: Polaroid , 636 Close Up con la cual se hacen las reproducciones fotograficas. El Tribunal cumplida como ha sido su misión, ordena el regreso a su sede natural.

El Juez Acc.,

Abg. Efrain Bellester Acosta

El Solicitante

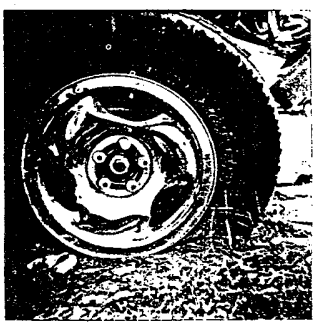
Perito Fotografico,

Perito Mecánico

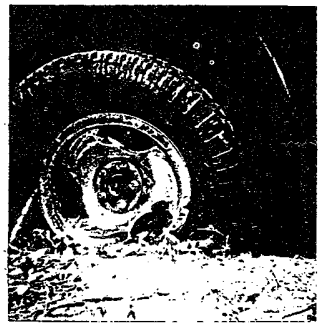
La Secretaria Acc.,

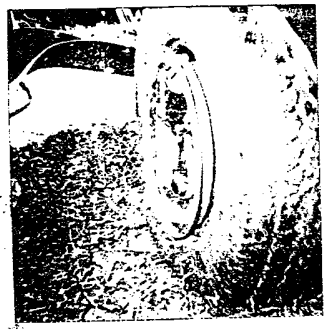
Ysaura Jiménez

Folio Und












AB 331

Folio Date (a)





REPUBLIC OF VENEZUELA

No. 323
(Hand written) 323

(Coat of Arms)

(Stamp) No. 323

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): MARIELITA IDROGO OVIEDO

REASON: JUDICIAL INSPECTION

COURT: JUDICIAL INSPECTION

DATE OF ENTRY: Day: 04 Month: DECEMBER Year: 2000

DATE RETURNED: Day: _____ Month: _____ Year: _____

No. 323

C.22

(page with numbered lines 1 through 30)

(Hand written) 16
(Hand written) 3rd

(Seal)
STATE OF LARA
(Coat of Arms)
Fee for Sealed Paper – Value: 192 Bolivars

(Hand written) One –1-
(Stamp) 16 *(illegible)*

HL 99 – No. 288090

Citizen:

THIRD JUDGE IN AND FOR THE MUNICIPALITY OF IRIBARREN IN THE JUDICIAL DISTRICT OF THE STATE OF LARA

In his office.

I, **MARIELITA IDROGO OVIEDO**, a citizen of Venezuela, of age, a practicing Attorney, holder of identity card No. **9,608,220**, registered with the Venezuelan Bar Association under No. **45,435**, and a resident of this City, respectfully appear before you and state and petition as follows:

For legal purposes that are of interest to me, I respectfully request that the Court over which your Honor presides be transferred and called to order at the following address: Old Carora Highway, Pavia District, El Corralón Parking Lot in the Municipality of Iribarren in the State of Lara; pursuant to Articles 192, 936 and 938 of the Code of Civil Procedure, and Article 1,429 of the Civil Code. I also swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement; so that it may put on the record on the following items by means of a Judicial Inspection: **ONE:** As to the presence at the location at which the Court is called to order of a vehicle: Make: **FORD**, Model: **EXPLORER**, and the type, year, color and plates of the inspected vehicle.- **TWO:** As to whether the vehicle identified above has four (04) tires fitted one on each of its rims. **THREE:** As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. **FOUR**: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. **FIVE**: That photographs be taken of the bodywork and that the condition of the inspected vehicle also be put on the record. **SIX**: That the general condition of the inspected vehicle's bodywork be put on the record. **SEVEN**: As to any other fact or circumstance, that I reserve the right to indicate [same] in due course.

Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 of the same nature, I request that the photographic reproduction be ordered of the items expressly specified above and

(page with numbered lines 31 through 64)

any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed.

Furthermore, I would ask that the said photographs taken in this Court's presence, that are true and correct reproductions of the facts evidenced in this judicial inspection, be added to this Judicial Inspection. ----------

Lastly, I would request that once this petition has been dealt with, the original be returned to me together with the results thereof.

Trusting in the Court's grace, on the date of the filing hereof.

(Signed) (Illegible)

(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
...JUDICIAL DISTRICT
(Seal)
BARQUISIMETO
STATE OF LARA
THIRD COURT IN AND FOR THE MUNICIPALITY .....

(Stamp)
RECEIVED DURING OFFICE HOURS
TODAY, DECEMBER 1, 2000
CONSISTING OF 01 SHEETS OF PAPER

THE CLERK
(Signed) (Illegible)

(Stamp with signature - illegible)
BOLIVARIAN REPUBLIC OF VENEZUELA
...JUDICIAL DISTRICT
(Seal)
BARQUISIMETO
STATE OF LARA
THIRD COURT IN AND FOR THE MUNICIPALITY OF IRIBARREN

LOG
(Stamp) (Illegible)
Entry No. J3

(Hand written) Two (2)

BOLIVARIAN REPUBLIC OF VENEZUELA

THIRD COURT IN AND FOR THE MUNICIPALITY OF IRIBARREN IN THE
JUDICIAL DISTRICT OF THE STATE OF LARA
BARQUISIMETO. December 1, 2000
Years: 190th year of Independence and 141st year of the Federation

Forward to the 3rd Court in and for the Municipality
Of Iribarren in the Judicial District of the State
Of Lara, to which it has been assigned.

THE JUDGE
(Signed) (Illegible)
RAFAEL ANTONIO ALBAHACA MENDOZA

(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
JUDICIAL DISTRICT
(Seal)
BARQUISIMETO
STATE OF LARA
THIRD COURT IN AND FOR THE MUNICIPALITY OF IRIBARREN

CLERK
(Signed) (Illegible)
MARIA MILAGRO SILVA.

(Partial stamp in left margin)
...IRIBARREN

Forwarded on this same day consisting of two sheets of paper.
Clerk
(Signed) (illegible)
(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
JUDICIAL DISTRICT
(Seal)
BARQUISIMETO
STATE OF LARA
THIRD COURT IN AND FOR THE MUNICIPALITY OF IRIBARREN

(Stamp): LOG
Entry No.: 21 Sheets of paper: 58 *(initials - illegible)*

THIRD COURT IN AND FOR THE MUNICIPALITY
OF IRIBARREN IN THE JUDICIAL DISTRICT
OF THE STATE OF LARA
BARQUISIMETO, DECEMBER 4, 2000
Years: 190th Year of Independence and 141st year of the Federation

Having reviewed the foregoing petition, it is ordered that it be admitted, complied with and returned. It is ordered that the Court be transferred and called to order at the location indicated for holding the requested Judicial Inspection, having first set aside the necessary time and the emergency nature of the case having been stated under oath; and 3:00 p.m. today is scheduled therefor.

(Partial stamp in left margin)
.... IRIBARREN

THE JUDGE
(Signed) (Illegible)
DR. RAFAEL ANTONIO ALBAHACA M.

(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
JUDICIAL DISTIRCT
(Seal)
BARQUISIMETO
STATE OF LARA
THIRD COURT IN AND FOR THE MUNICIPALITY OF IRIBARREN

CLERK
(Signed) (Illegible)
MARIA MILAGRO SILVA.

Wp.-

(Hand written): Four (4)

(Stamp): LOG
Entry No.: 47 Sheets of paper: 59 *(initials - illegible)*

(Partial stamp in left margin – illegible)

At 3:00 p.m. today, the fourth day of December, two thousand, during office hours, the Court was transferred to and called to order on the premises of the "El Corralón" Parking Lot located on the Old Carora Highway, Pavia District, Km. 7, in order to conduct the requested Judicial Inspection. Giovanni Marchioni, holder of Identity Card No. Medina _____, was appointed as the Expert Mechanic and Citizen Rubén Garcilago Curda, holder of Identity Card No. 5,251,231 12,092,014 *[sic]* was appointed as the Expert Photographer, and both being present, they accepted the assignment and promised under oath to fulfill their duties. The Court was called to order at the indicated location and it subpoenaed for its mission: César Enrique Giffoni Barráes, holder of Identity Card No. 9,542,586, in his capacity as General Coordinator of the Parking Lot. The Court then proceeded to make a statement on the record as to the following items: Item ONE, that there was a vehicle that had been deposited at the above-mentioned parking lot, Make: Ford, Model: Explorer, Color: gray; year 2001, Chassis serial number 8XDYU60E318A10178, with no plates .....

(Partial stamp in right margin – illegible)

and no serial number visible on the engine, with a mileage of 1,055 kilometers. Item TWO: The Court stated for the record that the inspected vehicle was fitted with four (4) tires one on each of the respective rims, Make: Goodyear, Wrangler RT/S, size: LT 235/75RTS. Item THREE: The inside had been emptied out. Item FOUR, It was agreed to add the photographs once they were developed. Item FIVE, It was noted that the vehicle was totally wrecked, apparently as a result of a rollover, the windshield and windows were broken, the rims were bent, the rear view mirror was broken, the tires were damaged, the axle was loose. It was noticed that the front assembly torque arm was broken, the bodywork was in bad shape and damaged, the paint work was damaged, and the vehicle was generally unusable. It was agreed to add the developed photographs to this Inspection. Item SIX: The inside had been emptied out. That is all. It was completed, read and signed by the undersigned who were in agreement therewith. The Court returned to the Courthouse at 4:15 p.m.

The Judge:
(Signed) (Illegible)
Dr. Rafael Alabahaca Mendoza

(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
JUDICIAL DISTRICT
(Seal)
BARQUISIMETO
STATE OF LARA
THIRD COURT IN AND FOR THE MUNICIPALITY OF IRIBARREN

The Subpoenaed party:
(Signed) (Illegible)
(Stamp)
(Logo) EL CORRALON S.R.L.
(Illegible) Setra DRTT-PPE A-0005.99

The Petitioner:
(Signed) (Illegible)

The Expert:
(Signed) (Illegible)

The Photographer:
(Signed) (Illegible)

(Hand written): Five (5)

The Clerk:
(Signed) (Illegible)
MARIA MILAGRO SILVA

The pleadings, consisting of fifteen (15) sheets of paper and eighteen (18) photographs with negatives, were returned immediately.

Clerk
(Signed) (illegible)

(Partial stamp in left margin
..VENEZUELA
...IRIBARREN

(Two Stamps)
BOLIVARIAN REPUBLIC OF VENEZUELA
JUDICIAL DISTRICT
(Seal)
BARQUISIMETO
STATE OF LARA
THIRD COURT IN AND FOR THE MUNICIPALITY OF IRIBARREN

(Newspaper article)

Hernan Velasquez, President of Asoexplorer-Lara

2001 Explorers also have accidents

(Photograph)

(Caption) The 2001 Explorer that rolled over on Riberaña Avenue. (Photo supplied by Hernán Velásquez)

Jairo Márquez Lugo.

The president of Asoexplorer-Lara, Hernán Velásquez, alleged that 2001 Ford Explorers contain the design defects noted in their predecessors, which have caused numerous accidents and claimed several victims to date.

To back his allegations, he cited the case of an owner – whose name he did not provide; who on Sunday, November 19, rolled over in one of these trucks by the Police Unit on Riberaña Avenue, when he was travelling between 90 and 100 kilometers per hour.

He mentioned that the truck's wheels locked, which caused it to immediately roll over 3 or 4 times. He stated that the tires did not lose their tread.

"It was the same thing that happened to the truck that rolled over between Caseteja Road and Yaritagua, which, according to witnesses, immediately rolled over once. A girl of 16 was killed in that accident," he said. He stated that in this regard, the tires are just one of many causes creating instability in the Explorer.

(handwritten) ***EL INFORMADOR***
NOVEMBER 20, 2000.

CERTIFICATE OF TRANSLATION ACCURACY

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, MAURY MARGARET SCHARRER, duly certified by the University of Miami, Coral Gables, Florida, for proficiency in the Spanish language, hereby certify that the attached translation, from Spanish to English, of the Judicial Inspection, No. 323, dated December 4, 2000, concerning an inspection of the Ford Explorer, with no plates, Chassis Serial No. 8XDYU60E318A10178, is accurate, true and complete, to the best of my knowledge, ability and belief.

Maury Margaret Scharrer
MAURY MARGARET SCHARRER

The foregoing instrument was acknowledged before me this 25th day of January, 2001, by Maury Margaret Scharrer who is personally known to me and who did not take an oath.

Vanessa Havel
NOTARY PUBLIC

[SEAL]

Vanessa Havel
My Commission CC785281
Expires October 22, 2002

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

№323

No. 323

№323

SOLICITANTE (S): MARIELITA IDROGO OVIEDO

MOTIVO: INSPECCION JUDICIAL

JUZGADO: INSPECCION JUDICIAL

FECHA DE ENTRADA: Día 04 Mes DICIEMBRE Año 2.000

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

No. №323

C-22

3°

HL 99 No. 288090

Ciudadano
Juez Tercero del Municipio Iribarren de la Circunscripción Judicial del Estado Lara.
Su despacho.-

Yo, **MARIELITA IDROGO OVIEDO**, venezolana, mayor de edad, Abogado en ejercicio, titular de la cédula de identidad N° **9.608.220,** inscrita en el Instituto de previsión Social del Abogado bajo el N° **45.435,** y de este domicilio, ante usted respetuosamente ocurro para exponer y solicitar cuanto sigue:

Para fines legales que me interesan, solicito respetuosamente que traslade y constituya el Tribunal a su digno cargo, en la siguiente dirección Carretera Vieja Via Carora, Sector Pavia, Estacionamiento El Corralón del Municipio Iribarren, del Estado Lara, de conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, asimismo juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie, el requisito de la distribución; a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: **PRIMERO:** De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca **FORD**, Modelo: **EXPLORER**, y el tipo, año, color y placas, que presenta el vehículo inspeccionado. **SEGUNDO**: Si el vehículo antes identificado, tiene cuatro (04) cauchos instalados en cada uno de sus rines. **TERCERO**: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. **CUARTO**: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de rines del vehículo inspeccionado. **QUINTO**: Se tomen fotografías de la carrocería, y asimismo se deje constancia de las condiciones en que se encuentra el vehículo inspeccionado. **SEXTO**: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. **SEPTIMO**: De cualquier otro hecho o circunstancia me reservo el derecho de señalar en su debida oportunidad.

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de

cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que a tal efecto, se designe un práctico fotógrafo y un práctico mecánico.

Así mismo, solicito al tribunal que las referidas fotografías que fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, sean agregadas a esta inspección judicial.

Pido por último, que una vez evacuada la presente solicitud, me sea devuelta original con sus resultas.

Es justicia, que solicito en la fecha de su presentación.

RECIBIDO EN HORAS DE DESPACHO
DEL DIA DE HOY
CONSTANTE DE 01 FOLIO [S]
UTIL [ES].

LA SECRETARIA

- Vale -

REPUBLICA BOLIVARIANA DE VENEZUELA

JUZGADO TERCERO DEL MUNICIPIO IRIBARREN DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO LARA.-.
BARQUISIMETO: 01 DE 12 DE 2.000
AÑOS: 190° y 141°

Remítase al Juzgado 3° del Municipio Iribarren de la Circunscripción Judicial del Estado Lara, por corresponderle el turno. -

EL JUEZ:

DR. RAFAEL ANTONIO ALBAMAR MENDOZA.

LA SECRETARIA

MARIA MILAGRO SILVA.

En la misma fecha de se remite constante de folios útiles.

La sec.

Asiento 21 Folio(s) 08 pm

JUZGADO TERCERO DEL MUNICIPIO
IRIBARREN DE LA CIRCUNSCRIPCIÓN JUDICIAL
DEL ESTADO LARA.
Barquisimeto, 04 de Diciembre de 2000.
Años: 190[illegible] y 141[illegible]

Vista la anterior solicitud, admítase, evacuese y devuélvase. Trasládese y constitúyase el Tribunal en el lugar señalado para la práctica de la Inspección Judicial solicitada. Previa habilitación del tiempo necesario jurada la urgencia del caso; para lo cual se fijan las 3:00 p.m. del día de Hoy.-

EL JUEZ

DR. R[illegible] ANTONIO ALBALLACA M.

LA SECRETARIA

MARIA MILAGRO SILVA

Wp.-

DIARIO
Asiento 47 Folio(s) 59 18.

horas de Despacho del día de hoy cuatro de Diciembre del 2000, siendo las 3:00 pm, se trasladó y constituyó el Tribunal en la sede del Estacionamiento: "El Corralón" ubicado en: Carret. Vieja, Vía a Carora, Sector Pavia. Km. 7 con el fin de practicar la Inspección judicial solicitada. Se designó como Experto mecánico a: Giovanny Marchiori titular de la Cédula de Identidad N° Medina —, y como fotógrafo al Ciudadano: Rubén Garcilazo Curda, portador de la Cédula de Identidad N° 5.251.231 12.092.014, quienes presentes aceptaron el cargo y juraron cumplir con sus deberes. Constituido el Tribunal en el lugar indicado notificó de su misión a: César Enrique Siffoni Barraez, titular de la Cédula de Identidad N° 9.542.586, en su carácter de Coordinador General del Estacionamiento. Seguidamente el Tribunal procede a dejar constancia de los siguientes particulares: Primero: Que se encuentra en el estacionamiento señalado en donde se encuentra en calidad de depósito un vehículo marca: Ford, modelo Explorer, color gris, año 2001, Serial Carrocería: 8XDYU60E318A10178, sin pla

da y Sin Serial visible del motor y con un Kilometraje de 1055 Kilometros. Al Segundo: El Tribunal constata que el vehículo presenta Cuatro (4) Cauchos con sus respectivos rines, marca Good Yeas, Wrangler RT/S, medida: LT235/75R15. Al Tercero: Quedó evacuado en el anterior, Al Cuarto: Se acuerda agregar las fotografías una vez reveladas. Al Quinto: El vehículo se observa totalmente destrozado producto aparentemente de un volcamiento, presentando parabrisas y vidrios rotos, rines doblados, retrovisor roto, Cauchos dañados ~~[illegible]~~ suelto, Se observa la barra tensora del tren delantero rota, Carrocería en malas condiciones, averiada, pintura dañada, en líneas generales vehículo inservible. Se acuerda agregar las fotografías reveladas a la presente inspección. El Sexto Quedó evacuado en el anterior. Es todo. Es mismo, Se leyó y Conformes firman, regresando el Tribunal a proceder a las 4:15 pm.

El Juez.

Dr. Rafael Albarrán Mendoza

La Solicitante:

El Perito

El Notificado.

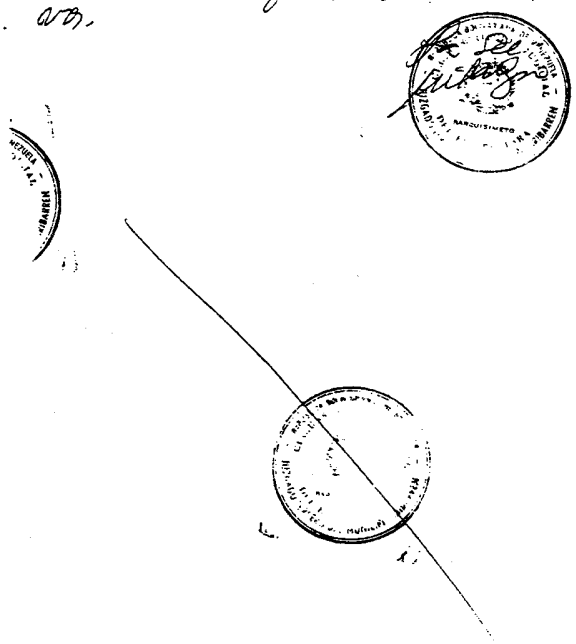
El Secretario.

Cinco (5)

La Secretaria:

Silvano
María Milagro Silva

Seguidamente se devuelven las actuaciones constantes en Cuince (15) folios útiles y Dieciocho (18) fotografías con sus negativos.



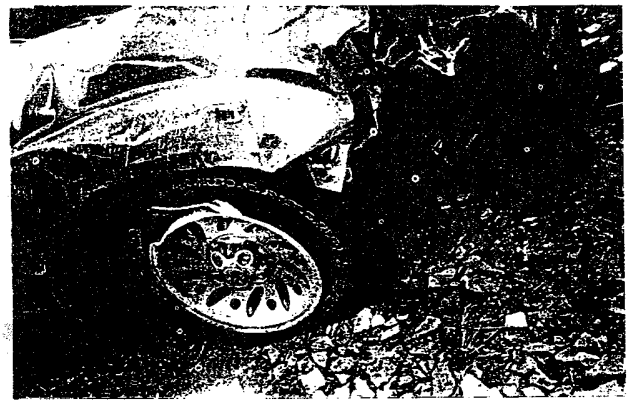
La Sec.
Milagro

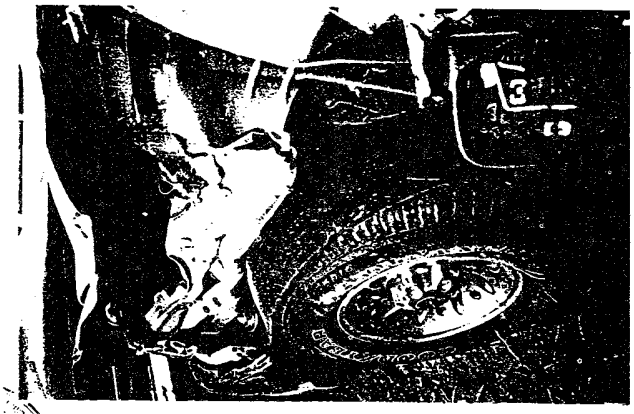
Pers (6)







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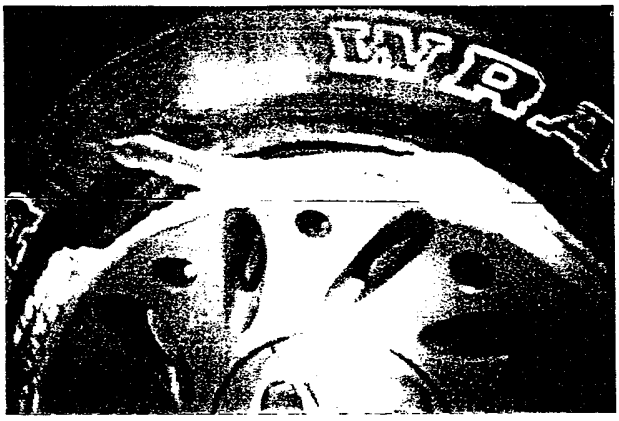

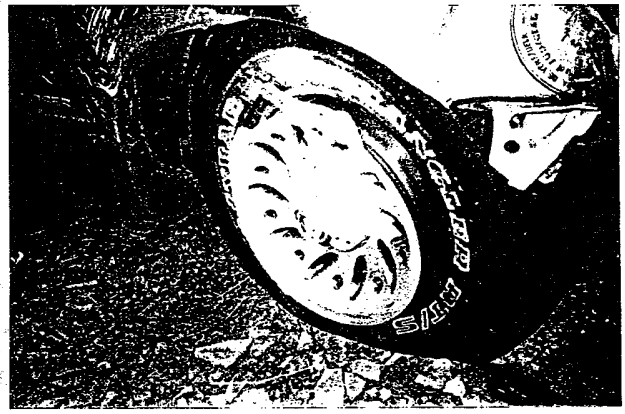

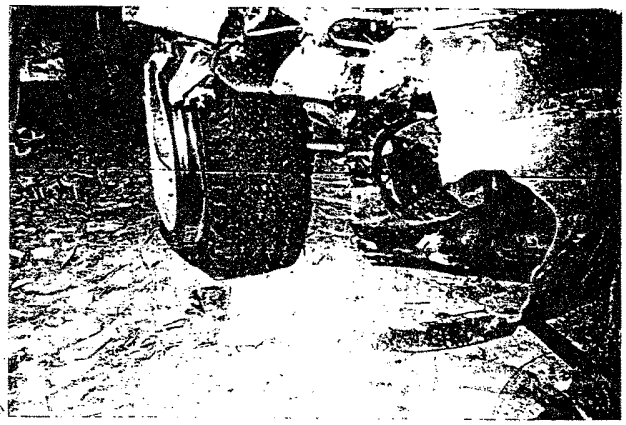

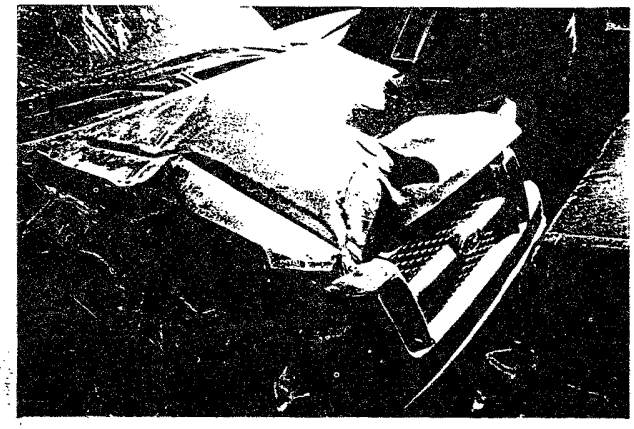

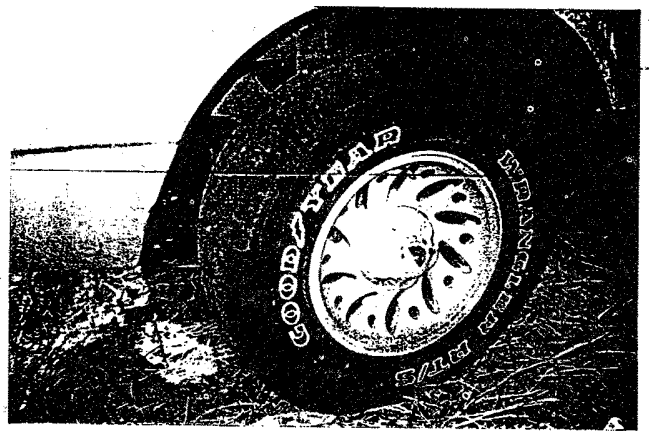
GOODYEAR
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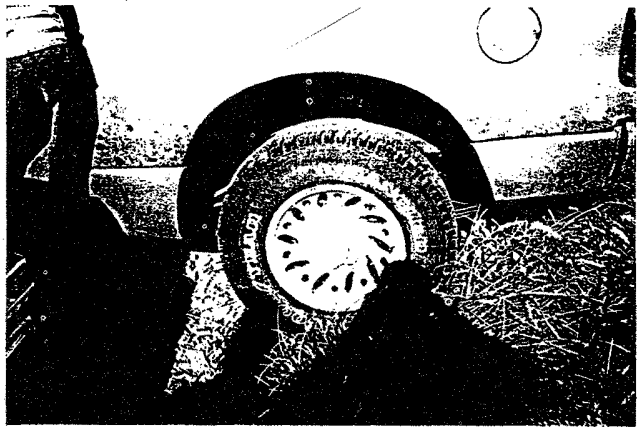
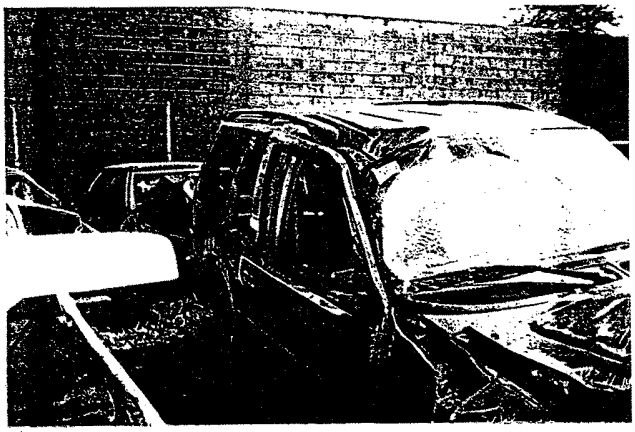
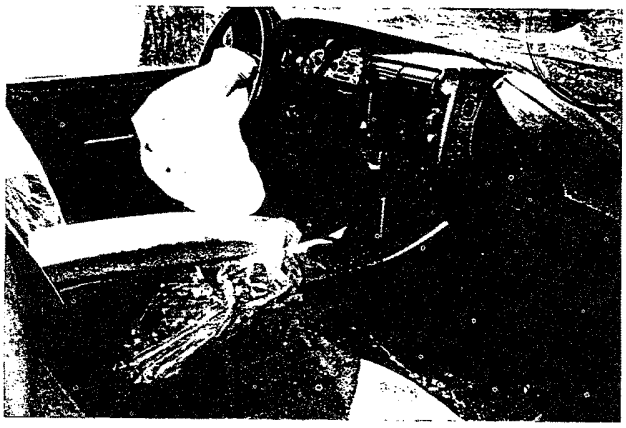








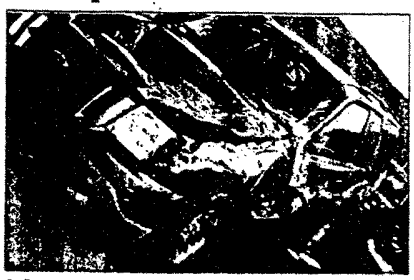






Hernán Velásquez, presidente de la Asoexplorer-Lara

En Explorers 2001 también se producen accidentes



La Explorer modelo 2001 que se volcó en la Ribereña. (Foto proporcionada por Hernán Velásquez).

Jairo Márquez Lugo.

El presidente de la Asoexplorer-Lara, Hernán Velásquez, afirmó que las Ford Explorer modelo 2001 presentan las fallas de diseño registradas en sus antecesoras, las mismas que hasta el momento han originado numerosos accidentes y han cobrado varias víctimas.

Para sustentar sus afirmaciones, citó el caso de un propietario -cuyo nombre no proporcionó- que el domingo 19 de noviembre volcó una de estas camionetas a la altura del Módulo Policial de la avenida la Ribereña, cuando viajaba entre 90 y 100 kilómetros por hora.

Mencionó que las ruedas de la camioneta se frenaron, lo que ocasionó que la misma diera 3 ó 4 vueltas de campana. Los cauchos no perdieron su banda de rodamiento, indicó.

"Ocurrió el mismo fenómeno de la camioneta que se volteó entre el peaje Caseteja y Yaritagua, la cual, de acuerdo con lo afirmado por los testigos, dio una vuelta de campana. En este caso, murió una niña de 16 años", señaló. Indicó, en tal sentido, que los cauchos son una de las tantas causas que generan inestabilidad en la Explorer.

EL INFORMADOR

20-11-00

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL No. 3493

SOLICITUDES

ARCHIVO

SOLICITANTE (S): IDROGO OVIEDO, MARIELITA

MOTIVO: INSPECCION JUDICIAL

JUZGADO: PRIMERO DE MUNICIPIOS SAN FELIPE, COCOROTE, INDEPENDENCIA Y VEROES DEL ESTADO YARACUY

FECHA DE ENTRADA: Día 10 Mes ENERO Año 2001

FECHA DEVOLUCION: Día ____ Mes ____ Año ____

No. 3493

uno (1)

MARIÉLITA IDROGO OVIEDO
I.P.S.A. Nº 45.435
Abogado

Ciudadano
Juez del Municipio San Felipe de la Circunscripción Judicial del Estado Yaracuy.
Su despacho.-

Yo, **MARIELITA IDROGO OVIEDO**, venezolana, mayor de edad, Abogado en ejercicio, titular de la cédula de identidad N° **9.608.220,** inscrita en el Instituto de previsión Social del Abogado bajo el N° **45.435,** y de este domicilio, ante usted respetuosamente ocurro para exponer y solicitar cuanto sigue:

Para fines legales que me interesan, solicito respetuosamente que traslade y constituya el Tribunal a su digno cargo, en la dirección que oportunamente señalaré, de conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, asimismo juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie, el requisito de la distribución; a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: **PRIMERO**: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehiculo Marca **FORD**, Modelo: **EXPLORER**, placas **KAK-02M** y el tipo, año, color que presenta el vehículo inspeccionado. **SEGUNDO**: Si el vehículo antes identificado, tiene cuatro (04) cauchos instalados en cada uno de sus rines. **TERCERO**: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. **CUARTO**: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de rines del vehículo inspeccionado. **QUINTO**: Se tomen fotografías de la carrocería y la parte inferior del vehículo inspeccionado, y asimismo se deje constancia de las condiciones en que se encuentra el vehículo inspeccionado. **SEXTO**: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. **SEPTIMO**: De cualquier otro hecho o circunstancia me reservo el derecho de señalar en su debida oportunidad.

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y

Goz (2)

de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que a tal efecto, se designe un práctico fotógrafo y un práctico mecánico.

Así mismo, solicito al tribunal que las referidas fotografías que fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, sean agregadas a esta inspección judicial.

Pido por último, que una vez evacuada la presente solicitud, me sea devuelta original con sus resultas.

Es justicia, que solicito en la fecha de su presentación.

I.P.S.A. Nº 45.435

Presentado personalmente por su firmante hoy, 10-01-2001

La secretaria

Tres (3)

---GADO PRIMERO DE LOS MUNICIPIOS SAN FELIPE, COCOROTE, INDEPENDENCIA Y VEROES DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO YARACUY.

San Felipe Enero 10, de 2001

190º. y 141º.

Vista la presente solicitud, désele entrada, tómese razón y cumplase. Se fija la hora de la , del día de hoy, para el traslado y constitución del Tribunal, a objeto de practicar la - Inspección judicial solicitada. Tómese razón en el Libro Diario.

El Juez Temporal,

JOSE YOLMAN GARCIA

La Secretaria,

HAYLEEN R. DE GARCIA

En la misma fecha se le dió entrada en el Libro de Solicitudes bajo el Nro. 3493, y se tomó razón en el Libro Diario.

La Secretaria,

HAYLEEN R. DE GARCIA

cuatro (4)

do las 11 y 50 am del día de hoy, diez de Enero del dos mil uno, de conformidad con el auto de entrada, a instancia y en compañía de la solicitante Dra. Marinita Idrogo Oviedo, Yrpreabogado N: 45.435, domiciliada en Valencia, Estado Carabobo, aquí de tránsito, el Juzgado Primero de los Municipios San Felipe, Socorote, Yndependencia y Veroes de la Circunscripción Judicial del Estado Yaracuy, se trasladó y constituyó en la Sede del Estacionamiento Yara ubicado en el sector Vadarbacoa, Municipio Yndependencia, Estado Yaracuy, con el objeto de practicar la Yrspección Judicial solicitada. El Tribunal impone de su misión al ciudadano José Ramón Arza, CIN 4.123.092, propietario del Estacionamiento Yara. El Tribunal designa Práctico al ciudadano Oneldo López, Venezolano, mayor de edad, de este domicilio CIN: 7.578.651, quien estando presente acepta el cargo y jura cumplir bien y fielmente con su deber. Seguidamente el Tribunal pasa a dejar constancia de los particulares señalados de la manera siguiente: Primero: El Tribunal deja constancia que en las instalaciones del Estacionamiento Yara, se encuentra estacionada una camioneta marca Ford, Modelo Explorer, Placas KAK 02M, color verde, Segundo: El Tribunal deja constancia que en dicha camioneta

Cinco 5

-se observan cuatro canchos con sus respectivos rines. Tercero: El tribunal deja constancia que los canchos instalados en la camioneta son de Marca Good Year, Modelo LT 235/75 R15 RT/S. Cuarto: El tribunal deja constancia que durante el transcurso de la inspección judicial se toman fotografías con la cámara Marca Vintar T201 28mm Lens, y se acuerda agregarlas a la presente inspección judicial. Quinto: El tribunal deja constancia que la camioneta inspeccionada Serial Motor V-8, serial carrocería AJU3WP40252, placas KAK 02M, con Kilometraje de 83.197 Km, y se encuentra en las siguientes condiciones: los dos canchos delanteros desinflados, vidrio delantero y trasero partidos, vidrios laterales delantero y trasero del lado derecho partidos, al igual que el lateral delantero izquierdo, capo presenta abolladuras, techo con abolladura y hundimiento, a consecuencia de haber volcado, según manifiesta el práctico asesor. Sexto: El tribunal deja constancia que la carrocería del vehículo presenta abolladuras y hundimiento en general. No habiendo otros

Seis (6)

particulares a los efectos de dejar constancia el Juzgado Primero de los Municipios San Felipe, Sucre, Independencia y Jesús de la circunscripción judicial del Estado Yaracuy, obrando en nombre de la República y por autoridad de la Ley, declara practicada la inspección judicial solicitada. Cumplida su misión el tribunal regresa a su sede. Terminó, se leyó y conforme firman

El Juez Temporal

Notificado

Practica Besos.

Dos Secretaria

DIARIZADO

Recibido (17)

---GADO PRIMERO DE LOS MUNICIPIOS SAN FELIPE, COCOROTE, INDEPENDENCIA Y VEROES DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO YARACUY.

San Felipe Enero 12, de 2001

190º. y 141º.

Practicada como ha sido la presente Inspección Judicial, devuelvase las actuaciones originales al solicitante. Désele salida en el Libro respectivo y tómese razón en el Libro Diario,

El Juez Temporal,

DR. YOLMAN GARCIA

La Secretaria,

HAYLEEN R. DE GARCIA

En la misma fecha se le dió salida, se devolió al solicitante en constante de Diecisiete (17) folios útiles, se tomó razón en el Libro Diario.

La Secretaria,

HAYLEEN R. DE GARCIA

DIARIADO

Siete (7)

Exp/:lo.-_____/



La presente gráfica nos muestra un aspecto general de la entrada del - Estacionamiento Municipal "YARA" ubicado en la Avenida Intercomunal - Sector Uadabacoa, Municipio Independencia, San Felipe Estado-Yaracuy.-

Octavo (8)

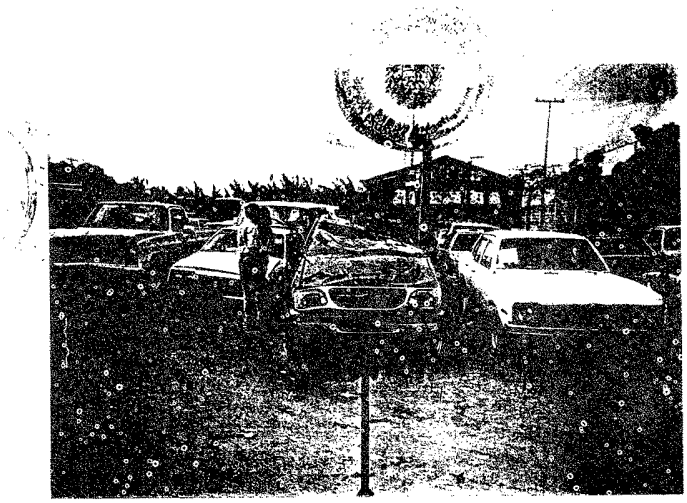
Exp.- _____.



La presente gráfica nos muestra una secuencia de la entrada principal del Estacionamiento Municipal "YARA", ubicado en la Avenida Intercomunal, sector Uadabacoa, Municipio La Independencia, San Felipe Estado-Yaracuy.-

Marcas (9)

No.-_____/



La presente gráfica nos muestra mediante una(1) flecha elaborada con tinta de color azul, un aspecto general de un)1) vehículo automotor marca:"FORD" Modelo: EXPLORER, Año: 1998, Color: Verde, Serial Carrocería: AJU3MP40252, Serial Motor: V-8, placa: KAK-02M; al ser revisada minuciosamente se le — observa que los vidrios del Parabrisa, puerta lado derecho anterior y posterior, lateral derecho e izquierdo, compuerta y puerta posterior izquierda se encuentran fractutados; el capot y techo presentan abulladuras con hundimiento, que por sus características de haber sido volcado e impactado con - un(1) objeto fijo de igual o mayor cohesión molecular.-

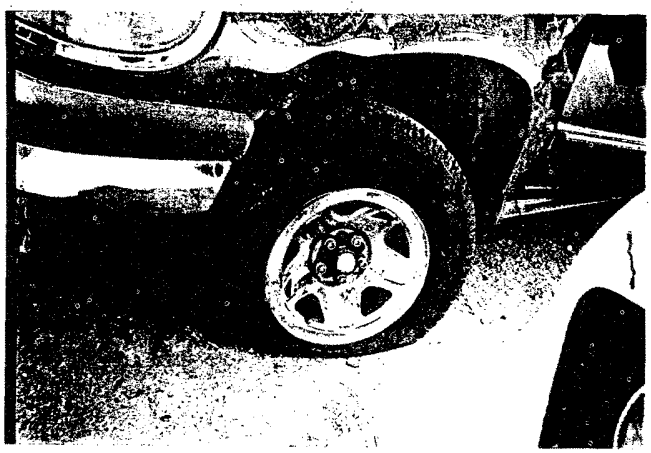
Exp/No.-_____/



La presente gráfica nos muestra un aspecto general del Neumático lado izquierdo, marca: "GOOD-YEAR", modelo: WL/S LT235/75R15, el cual se encuentra desinflamado, y el mismo pertenece a una camioneta marca: "FORD", modelo: EXPLORER, año: 1998, Color: verde, serial Carrocería:- AJU3MP40252, serial Motor: V-8, placa: KAK-02M.- Dicho neumático presen su respectivo rín cromado, en cuya parte central de su copa presenta la inscripción que se lee: "FORD".-

once (11)

Exp/No.-_____/



La presente gráfica nos muestra un aspecto general del neumático lado derecho marca: "GOOD-YEAR", modelo RF/S LT235/75R15, el cual se encuentra desinflamado, y el mismo pertenece a una camioneta marca: "FORD", modelo: EXPLORER, año: 1998, Color: verde, serial carrocería: AJU3WP40252, serial Motor: V-8, placa: KAK-02M.- El mencionado neumático se le observa su respectivo rín.-

Foto (12)

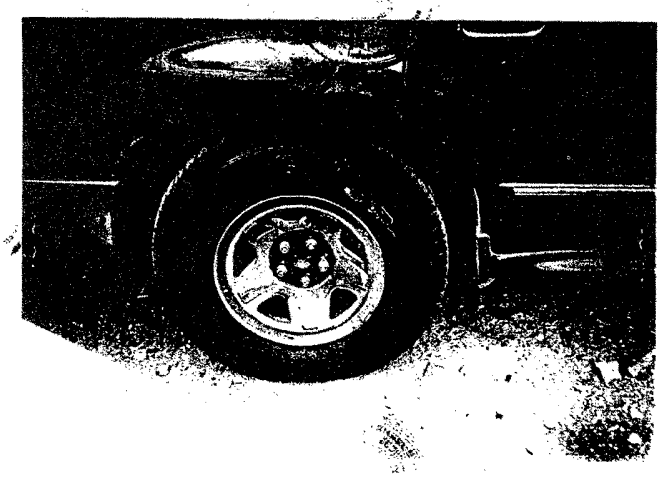
/Exp/No.-_____/



La presente gráfica nos muestra un aspecto general del Neumático del lado derecho parte posterior, el cual es marca: "GOOD-YEAR", modelo RT/S LT235/75R15, el cual se observa inflamado, con su respectivo rín, en cuya parte central de la copa presente la inscripción que se lee: "FORD"; el mism pertenece a una camioneta marca: "FODR", modelo: EXPLORER, año: 1998, color: verde; Serial Carrocería: AJU3MP40252, Serial Motor: V-8, placas: — KAK-02M.-

Trece (13)

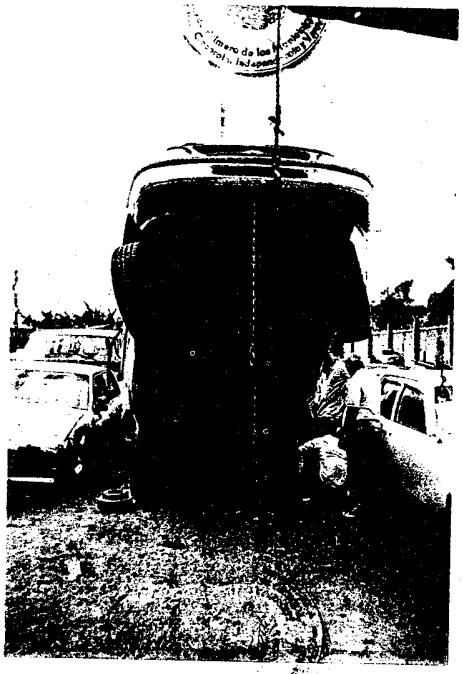
Exp/No.-_____/



La presente gráfica nos muestra un aspecto general del Neumático izquierdo parte posterior, el cual es marca "GOOD-YEAR", modelo RT/S LT235/75R 15, el cual se observa inflamado, con su respectivo rín; el mismo pertenece a una camioneta marca: "FORD", modelo: EXPLORER, año: 1998, color:- Verde, serial carrocería: AJU3HP40252, serial motor: V-8, placas: KAK-02 K.-

catorce (14)

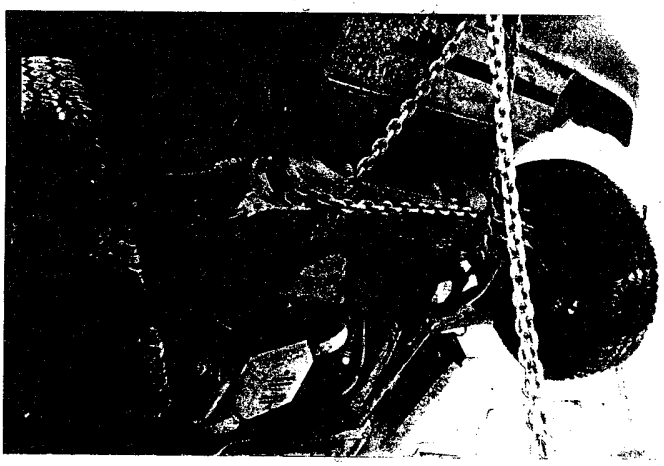
Exp/No.-_____/



La presente gráfica nos muestra un aspecto general de la parte inferior de un(1) vehículo automotor marca: "FORD", modelo: EXPLORER, año: 1998, color: Verde, Serial Carrocería: AJU3MP40252, serial Motor: V-8, placa: KAK-02M.-

Quince (15).

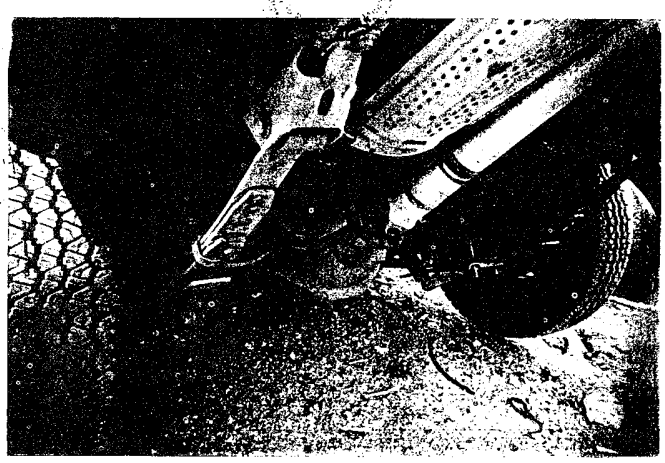
Exp/No.-_____/



La presente gráfica nos muestra un aspecto general de la parte anterior inferior del vehículo automotor marca: "FODR"; modelo: EXPLORER, año: 1998, - color: Verde, serial carrocería: AJU3"P40252.-

Decisa (16)

Exp/No.-_____/



La presente gráfica nos muestra un aspecto general de la parte posterior inferior de un(1) vehículo automotor, marca: FORD, modelo: EXPLORER, año: 1998 color: Verde, Serial Carrocería: AJU3WP40252.-

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 7128

SOLICITUDES

ARCHIVO

SOLICITANTE (S) ARACELIS DEL VALLE URDANETA N.-

MOTIVO: INSPECCION JUDICIAL

JUZGADO: PRIMERO DE LOS MUNICIPIOS LEONARDO INFANTE, LAS MERCEDES DEL LLANO Y CHAGUARAMAS DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO GUARICO.-

FECHA DE ENTRADA: Día 22 Mes ENERO Año 2.001

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

7128

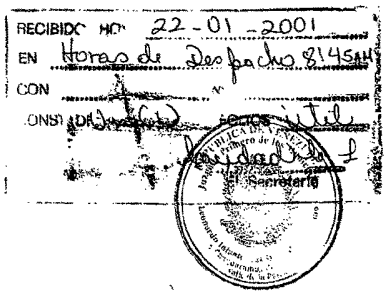
Ciudadano
Juez Primero de los Municipios Leonardo Infante, Las Mercedes del Llano y Chaguaramas del Estado Guárico.

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaria Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes ideñtificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de

los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en la fecha de su presentación.



Francis Ginart de Olivastri
Abogado
I.P.S.A. 67.252

DE VALENCIA
PLANILLA N° 3713
DERECHOS
OOTRGAMIENTO

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

Dr. Rodríguez Marval

NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA. NOTARIA PUBLICA SEXTA DE VALENCIA DEL MUNICIPIO VALENCIA Veintiuno (25) de Octubre del Dos Mil 190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.")

Mayor (es) de edad, domiciliado (s) en: VALENCIA

De Nacionalidad (es): ESTADOUNIDENSE

De estado civil: Casado

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

EL NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

CUATRO (4)

...[illegible] Primero de los Municipios Leonardo Infante, Las Mercedes del Llano y Chaguaramas de la Circunscripción Judicial del Estado Guárico. Valle de la Pascua, - Veintiseis de Enero del Dos Mil Uno.-

193º y 141º

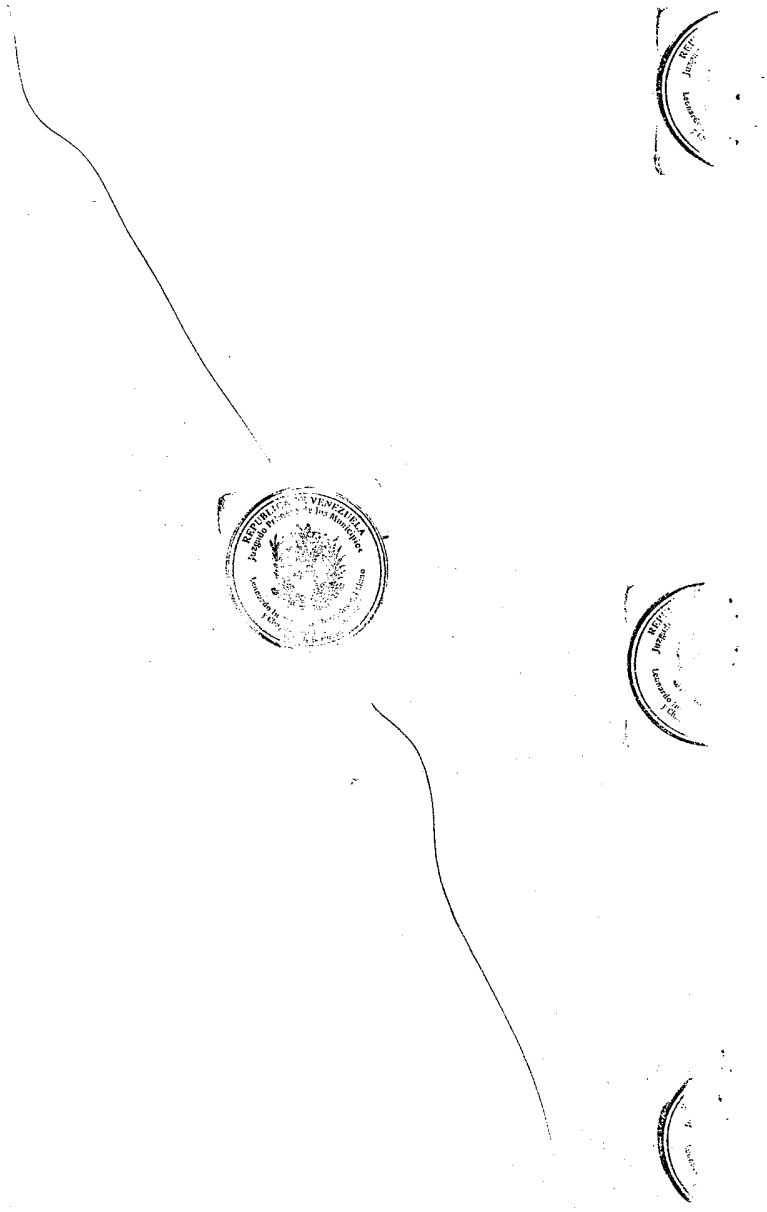
Visto la solicitud que antecede, suscrita por la ciudadana: ARACELIS DEL - VALLE [illegible]BANETA N., Venezolana, mayor de edad, titular de la Cédula de Identidad- Nº [illegible].222.174, Abogada en ejercicio, inscrita en el Inpreabogado bajo el Nº ---[illegible], en su caracter de Apoderada de la Empresa BRIDGESTONE FIRESTONE VENEZOLANA [illegible], antes denominada C.A. FIRESTONE VENEZOLANA, conforme se evidencia de -- Instrumento Poder que en copia se acompaña a la solicitud otorgado por ante la - Notaría Pública Sexta de Valencia Estado Carabobo, en fecha Veinticinco de Octubre [illegible] Dos mil, anotado bajo el Nº 41, Tomo 79 de los Libros de autenticaciones respectivos, solicitud esta asignada a este Tribunal por distribución, désele entrada en el libro respectivo y su curso de Ley. En consecuencia trasladese y --- constituyase el Tribunal en el sitio indicado por la solicitante y llevese a --- efecto la Inspección Judicial a que se contrae el escrito que encabeza estas actuaciones. Designese Practico Mecanico y Practico Fotografo en su oportunidad -- [illegible] a la Ley. Habilitese todo el tiempo necesario para ello, por haber sido justificada la urgencia del caso por la solicitante.- Dejese copia certificada.-

El Juez Temporal

Dra. Mirvia Piñango de Martinez

La Secretaria Acc.

Abog. Eleizalde C. Campos L.-



C. nco (5)

... el día Veintidos de Enero del año Dos Mil Uno siendo las 2:30 p.m, oportunidad fijada por el Tribunal para llevar a cabo la Inspección Judicial a que se contrae la solicitud que antecede; el Tribunal se trasladó y constituyó, previa indicación de la solicitante, al Hato denominado Mapuritico, jurisdicción del Municipio Las Mercedes del Llano, Estado Guárico; estando presenta la mencionada solicitante: Pracelo del Valle Urdaneta Navas, Venezolana, mayor de edad, titular de la C I nº 7.082.174, abogada en ejercicio, inscrita en el I.P.S.A nº: 20.706, domiciliada en Valencia, Edo. Carabobo, seguidamente se procedió a notificar de la misión del Tribunal al ciudadano: José Alejandro Sánchez, Venezolano, mayor de edad, titular de la C.I nº 12.361.807, soltero, domiciliado en el Hato donde está constituido el Tribunal, quien manifestó ser el Encargado de dicho Hato, de igual manera previa su aceptación y juramentación se designaron, como Práctico Peasor del Tribunal al ciudadano: David Goncalves Malpica, Venezolano, mayor de edad, soltero, titular de la cédula de identidad nº 11.089.574, domiciliado en Valencia, Estado Carabobo, y como Fotografo al ciudadano Pedro Adolfo Fraga Henriquez, Venezolano, mayor de edad, soltero, titular de la cédula de identidad nº 11.809.283, del mismo domicilio, Acto seguido y siempre previo ase-



[illegible]miento del Práctico designado el Tribunal pasa a dejar constancia de los siguientes hechos: Primero: El Tribunal deja constancia de la presencia en el Hato Hapuitero, donde se encuentra constituido, de un Vehículo, Marca: Ford, Modelo: Explorer XLT, Tipo: 4x2, 6 Cilindros, Año: 1998, placas: KAK-94M, Color: Amarillo, Serial de Carrocería: AJU 3W742787. Segundo: El Tribunal deja constancia de que el Vehículo inspeccionado Tiene Cuatro (4) cauchos instalados en cada uno de sus pines. Tercero: El Tribunal deja expresa constancia de que los cauchos instalados en cada uno de los pines del Vehículo inspeccionado, tienen las siguientes características: Caucho Delantero Derecho: Marca: BF Goodrich, Tipo: P295/50R15 105SH+S, Serial: DOTBETJNX71229 Caucho Delantero Izquierdo: Marca: BF Goodrich, Tipo: P295/50R15 105SH+S, Serial: DOTBETJNX71229. Caucho Trasero Derecho: Marca: BF Goodrich, Tipo: P295/50R15 105SH+S, Serial: DOTBETJNX71229. Caucho Trasero Izquierdo: Marca: BF Goodrich, Tipo: P295/50R15 105SH+S, Serial: DOTBETJNX71229. Cuarto: El Tribunal deja constancia de que las condiciones generales de los cauchos instalados en cada uno de sus pines, así como las de sus bandas de rodamiento son las siguientes: los cauchos así como las bandas de rodamiento se encuentran

perfecto estado. Quinto: El Tribunal deja constancia de que se tomaron fotografías (Once 11) de los cauchos instalados en cada uno de los pines del Vehículo inspeccionado. Sexto: El Tribunal deja constancia que se tomaron fotografías de la carrocería del Vehículo inspeccionado y dicha carrocería está en las siguientes condiciones generales: El Vehículo inspeccionado presenta Volcamiento. Séptimo: El Tribunal deja constancia de las condiciones generales en que se encuentra la carrocería del Vehículo inspeccionado las cuales son las siguientes: Descuadre generalizado, hundimiento de techo, parabrisas roto, vidrios laterales (Puertas) rotos, parales rotos, trompa descuadrada, retrovisores rotos, puertas descuadradas y con hundimiento. En este estado, la solicitante hace uso del particular abierto y expone: "Solicito del Tribunal deje constancia del kilometraje que presenta el Vehículo e igualmente deje constancia del ancho de los pines instalados". Vista la petición hecha por la solicitante el Tribunal deja constancia de lo siguiente: El Vehículo inspeccionado presenta 55.999 Kilometros, e igualmente se deja constancia de que los pines del Vehículo inspeccionado son de una medida de 10 pulgadas de ancho. El Tribunal deja constancia de

ocho (8)

que la cámara fotográfica utilizada para la toma de fotos en la presente inspección es de marca: Polaroid 636, Close Up. El Tribunal deja constancia de que la persona notificada manifestó no saber firmar. Cumplida como ha sido la misión del Tribunal, este ordena el regreso a su sede natural, siendo las 5:20 minutos de la tarde. Es todo, terminó, se leyó y conformes firman: -

El Juez,

Dra. Maria Piñango de Martinez.

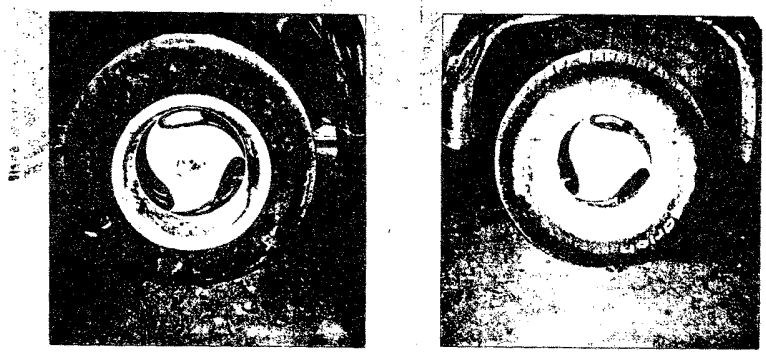
La Solicitante,

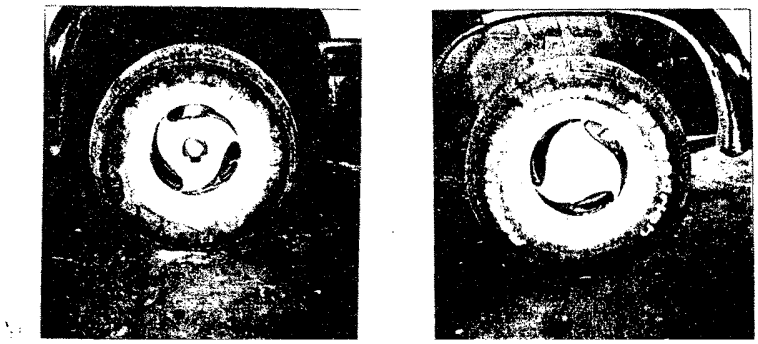
El Práctico Asesor,

El Fotógrafo,

La Secretaria,
Caridad C. L.
Abog. Eleizalde Caridad Campos L.

Nueve (9).





Diez (10)

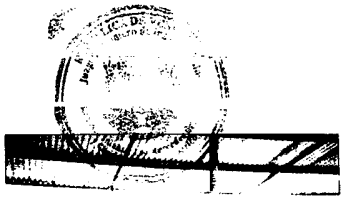














DOCE (12).

Seguidamente se devuelven las presentes actuaciones, en forma original con sus resultas, constante de DOCE (12) folios útiles, a la solicitante.

[illegible]. L.

REPUBLICA BOLIVARIANA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

01-844

N°. _____

ARCHIVO

SOLICITANTE(S) _____

_____

MOTIVO: _____

_____

JUZGADO: _____

_____

FECHA DE ENTRADA Día _____ Mes _____ Año _____

FECHA DEVOLUCION: Día 7 Mes 02 Año 2001

N° 01-844

C - 22

01-844

Ciudadana
Juez Décimo Octavo de Municipio de la Circunscripción Judicial del
Área Metropolitana de Caracas.
Su Despacho.-

Yo, ARACEIS DEL VALLE URDANETA NAVA, venezolana, mayor de edad, abogado, domiciliada en la ciudad de Valencia, Estado Carabobo, titular de la cédula de identidad número V.-7.082.174, e inscrito en el Instituto de Previsión Social del Abogado bajo el número 30.706, aquí de tránsito; procediendo en este acto en mi carácter de apoderada de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. (antes denominada Firestone Venezolana), sociedad mercantil inscrita originalmente en el Registro de Comercio que llevaba el Juzgado de Primera Instancia en lo Mercantil del Distrito Federal en fecha 4 de julio de 1944, bajo el número 1667, Tomo 6; posteriormente domiciliada en la ciudad de Valencia, Estado Carabobo, inscrita en el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial, Valencia, el 23 de octubre de 1956, bajo el N°1, hoy llevado por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo, cuya última reforma del documento Constitutivo y Estatutos Sociales fue registrada por ante dicha Oficina de Registro el 29 de enero de 1997, bajo el N° 2, Tomo 8-A. Dicha representación la ejerzo de conformidad con el poder que en fecha 25 de octubre de 2000, BRIDGESTONE FIRESTONE VENEZOLANA, C.A., otorgó por ante la Notaría Pública Sexta del Municipio Valencia del Estado Carabobo, el cual quedó anotado bajo el Número 41, Tomo 79, de los Libros de Autenticaciones llevados por dicha Notaria, cuya copia acompaño a la presente solicitud marcada "A"; ante usted de conformidad con lo pautado en el artículo 1.429 del Código Civil, en concordancia con lo establecido en el Libro Segundo, Sección 4°, Capítulo VII, último aparte del artículo 472 del Código de Procedimiento Civil, con todo respeto ocurro para solicitar el traslado y constitución del Tribunal en el comercio denominado Taller Las Vegas, situado en el sector denominado Coco Frio, ubicado a la altura del kilometro 4 de la carretera que

conduce de la ciudad de Caracas al Junquito, Caracas; para que por vía de Inspección Ocular se sirva verificar y dejar constancia de las personas, objetos, cosas, lugares, bienes y documentos a que se refieren los siguientes particulares:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de los vehículos Marca: Ford; Modelo: Explorer, Tipo, Color, Serial de Carrocería, Placas; así como también de cualesquiera otros datos que permitan una mayor y mejor identificación de los vehículos objeto de Inspección.

SEGUNDO: Que los vehículos identificados en el punto PRIMERO de esta solicitud, tienen instalados los cauchos en cada uno de sus rines.

TERCERO: De la marca, tipo, serial y cualesquiera otras características de cada uno de los cauchos instalados en cada uno de los rines de los vehículos objeto de la inspección.

CUARTO: De conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los vehículos, cauchos, rines, bandas de rodamiento y demás objetos y cosas que expresamente me reservo señalar, al momento de la práctica de esta inspección ocular. Para los fines anteriormente indicados, pido al Tribunal se sirva designar un práctico fotógrafo y un práctico mecánico para que le asistan al momento de la evacuación de la Inspección. Asimismo, solicito a la ciudadana Juez, se sirva dejar expresa constancia, de que las fotografías tomadas al momento de la practica de la inspección fueron realizadas en su presencia, y que por lo tanto, sean consideradas como reproducciones fieles y exactas de los hechos presenciados, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Ocular con la finalidad de que formen parte integrante e inseparable de la misma.

QUINTO: De las condiciones generales de los cauchos, colocados en cada uno de los

fines de los vehículos inspeccionados y de sus respectivas bandas de rodamiento.

SEXTO: Me reservo igualmente en nombre de mi representada, el derecho de dejar expresa constancia de cualquier otro hecho o circunstancia que, como solicitante, considere conveniente o necesario al momento de la practica de esta solicitud.

SEPTIMO: A los fines de la evacuación de la Inspección Ocular aqui solicitada, juro la urgencia del caso, y a tal efecto pido al Tribunal se sirva habilitar todo el tiempo que fuera necesario para la admisión y evacuación de la solicitud contenida en este documento. De igual forma solicito de la ciudadana Juez del Despacho, se sirva devolverme en original la presente Inspección con sus resultas, una vez que haya sido evacuada.

Es justicia, que espero en esta ciudad de Caracas, en la fecha de su presentación.

Recibido hoy 05 FEB. 2001 de _____ de 1.9__
en tres (3) ... iles, con oficio
No._____

EL SECRETARIO,

REPUBLICA BOLIVARIANA DE VENEZUELA

JUZGADO DECIMO OCTAVO DE MUNICIPIO DE LA CIRCUNSCRIPCION JUDICIAL DEL AREA METROPOLITANA DE CARACAS. Caracas, cinco (05) de febrero de dos mil uno (2001).-

190º y 141º

Por recibida y vista la anterior solicitud de Inspección Judicial y jurada como ha sido la urgencia del caso por la parte interesada, practíquese en la oportunidad que ha bien tenga el Tribunal, habilitándose el tiempo necesario a los fines de proveer acerca de la misma. En consecuencia, desele entrada anotese en el libro respectivo y fórmese expediente. A tales fines se fijan las 2:20 PM del día 05-02-2001 para el traslado y constitución del Tribunal en el lugar señalado en la solicitud.

LA JUEZA

JANETH COLINA PEÑA

LA SECRETARIA

YROID FUENTES

JCP/bartolo

EXP. Nº 01-844

NOTARIA PUBLICA SEXTA DE VALENCIA
PLANILLA N° 3075
DERECHOS
OOTRGAMIENTO

Francis Ghiart de Olivastri
Abogado
I.P.S.A. 67.252

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo mas no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

REPUBLICA BOLIVARIANA DE VENEZUELA.

NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Valencia (25 de Octubre — del Dos Mil

190° y 141° El anterior documento, redactado por el Abogado: FRANCIS GINART DE CASTRO. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado —.....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO,.Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A.,INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 8:00 P.M.

EL NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

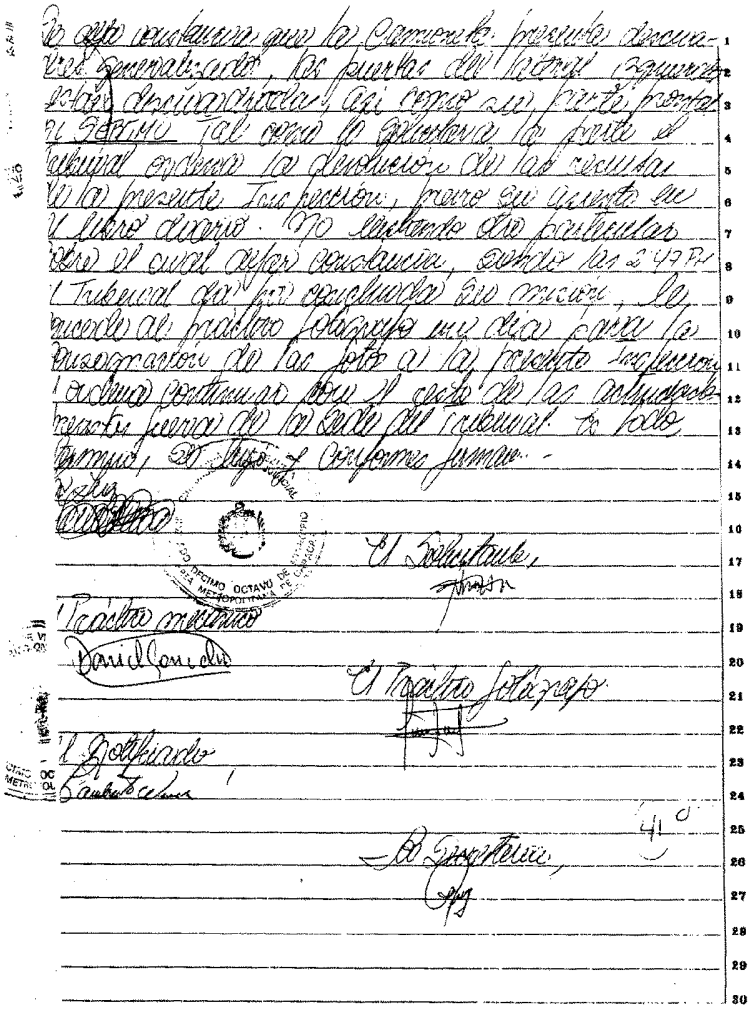
EL FUNCIONARIO AUTORIZADO.

En el día de hoy, cinco (05) de febrero de 2001 previa habilitación del tiempo necesario, se trasladó y constituyó este Juzgado Decimoctavo de Municipio en compañía del solicitante en la siguiente dirección: Sector denominado Coco frío, ubicado a la altura del km 4 de la carretera que conduce de la ciudad de Caracas al Junquito, Taller Las Vegas, a fin de practicar la Inspección Judicial solicitada. Siendo las 2:20 P.M. se hizo presente el Tribunal a las puertas del inmueble, y se presentó una persona que dijo ser y llamarse Humberto Nunes Ornelia, titular de la cédula de identidad nº 81.203.057 en su carácter de encargado del taller, a quien el Tribunal impuso de su misión, y permitió el ingreso al interior del taller. El Tribunal designa como práctico mecánico al ciudadano David Gonzalez Malpica, titular de la cédula de identidad nº 11.089.574 y como práctico fotógrafo al ciudadano Luis Felipe Lozano Lozada, titular de la cédula de identidad nº 13.508.04, quienes estando presentes aceptaron el cargo y prestaron el juramento de Ley. Seguidamente el Tribunal pasa a dejar constancia por vía de Inspección Judicial de los siguientes particulares AL PRIMERO: El Tribunal observa y deja constancia que en el interior del taller se encuentra una camioneta marca Ford, modelo Explorer XLT tipo 4x2, 6 cilindros, color beige, serial de carrocería 8XDZU17E3Y8-A12942, placas

2-

ABI-25W, año 2000. AL SEGUNDO El Tribunal observa y deja constancia que los cuatro cauchos de la camioneta están instalados con sus respectivos rines. AL TERCERO El Tribunal observa y deja constancia que el caucho delantero izquierdo es de marca Good Year, tipo Wrangler AT/S LT 235/75R15 serial DOTPBHL2AH4319; el delantero derecho es de marca Good Year, tipo Wrangler AT/S LT235/75R15 serial DOTPBHL2AH4319; el trasero derecho marca Good Year, tipo Wrangler AT/S LT235/75R15 serial DOTPBHL2A84409; el trasero izquierdo marca Good Year, tipo Wrangler AT/S LT235/75R15 serial DOTPBHL2AH4319. AL CUARTO Tal como se señalara anteriormente el Tribunal deja constancia que el práctico fotógrafo designado efectuó las tomas fotográficas con una máquina Polaroid instantánea, modelo 636, en presencia del Tribunal. AL QUINTO El Tribunal deja constancia con la ayuda del práctico mecánico, que los cuatro cauchos instalados con sus rines están en buen estado de conservación y mantenimiento; y las bandas de rodamiento también están en perfecto estado. AL SEXTO A petición del solicitante se deja constancia que el caucho de repuesto es marca Good Year tipo Wrangler AT/S LT 235/75R15, serial DOTPBHL2A84409 y se encuentra en buen estado de conservación y mantenimiento, así como también le está su banda de rodamiento. La camioneta marca un kilometraje de km 64.349

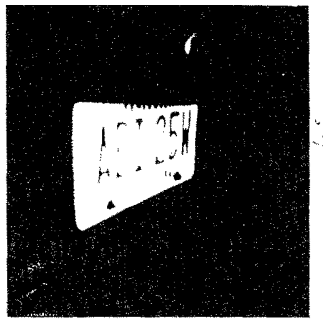
3..



En horas de despacho del día de hoy, seis (6) de febrero de dos mil uno (2001), comparece por ante este Tribunal el ciudadano **LUIS FELIPE LOZANO**, venezolano, mayor de edad y titular de la cédula de identidad N° 13.508.041, en su carácter de práctico fotógrafo designado en la presente Inspección, y expone: "Consigno en este acto, constante de (3) folios, las fotos a que se refiere el acta de fecha 5 de febrero de 2001. Es todo." Terminó, se leyó y conformes firman,

LA SECRETARIA

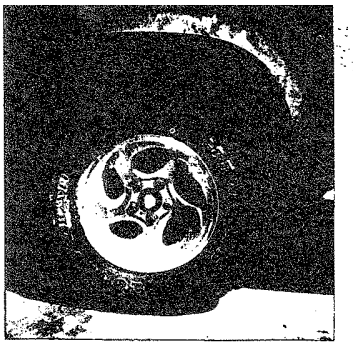
EL DILIGENCIANTE





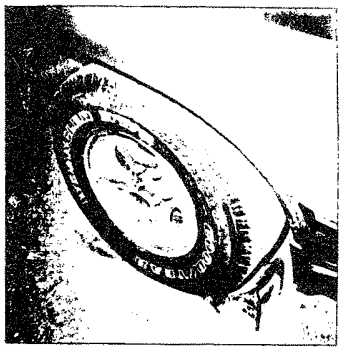


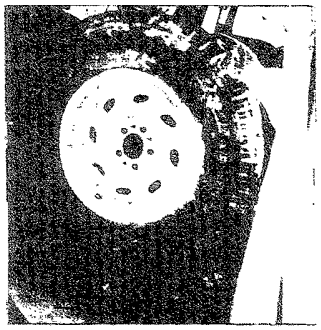


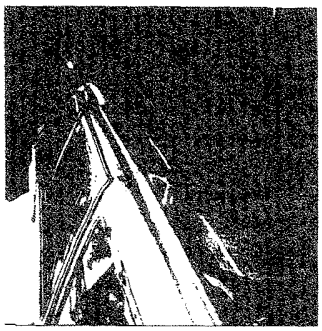



ABT 23

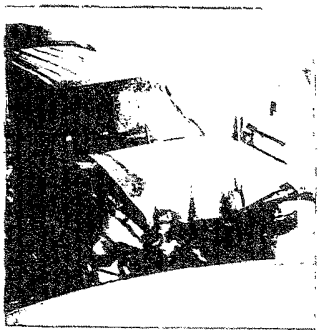












REPUBLICA BOLIVARIANA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

Nº. 01-845

ARCHIVO

SOLICITANTE(S) [illegible]

MOTIVO: [illegible]

JUZGADO: [illegible]

FECHA DE ENTRADA Día [illegible] Mes [illegible] Año [illegible]

FECHA DEVOLUCION: Día 07 Mes 02 Año 2001

Nº. 01-845

01-845

Ciudadana
Juez Décimo Octavo de Municipio de la Circunscripción Judicial del
Área Metropolitana de Caracas.
Su Despacho.-

Yo, ARACEIS DEL VALLE URDANETA NAVA, venezolana, mayor de edad, abogado, domiciliada en la ciudad de Valencia, Estado Carabobo, titular de la cédula de identidad número V.-7.082.474, e inscrito en el Instituto de Previsión Social del Abogado bajo el número 30.706, aquí de tránsito; procediendo en este acto en mi carácter de apoderada de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. (antes denominada Firestone Venezolana), sociedad mercantil inscrita originalmente en el Registro de Comercio que llevaba el Juzgado de Primera Instancia en lo Mercantil del Distrito Federal en fecha 4 de julio de 1944, bajo el número 1667, Tomo 6; posteriormente domiciliada en la ciudad de Valencia, Estado Carabobo, inscrita en el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial, Valencia, el 23 de octubre de 1956, bajo el N°1, hoy llevado por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo, cuya última reforma del documento Constitutivo y Estatutos Sociales fue registrada por ante dicha Oficina de Registro el 29 de enero de 1997, bajo el N° 2, Tomo 8-A. Dicha representación la ejerzo de conformidad con el poder que en fecha 25 de octubre de 2000, BRIDGESTONE FIRESTONE VENEZOLANA, C.A., otorgó por ante la Notaría Pública Sexta del Municipio Valencia del Estado Carabobo, el cual quedó anotado bajo el Número 41, Tomo 79, de los Libros de Autenticaciones llevados por dicha Notaría, cuya copia acompaño a la presente solicitud marcada "A"; ante usted de conformidad con lo pautado en el artículo 1.429 del Código Civil, en concordancia con lo establecido en el Libro Segundo, Sección 4°, Capítulo VII, último aparte del artículo 472 del Código de Procedimiento Civil, con todo respeto ocurro para solicitar el traslado y constitución del Tribunal en el comercio denominado Repuestos Nuevo Chopi, situado en la calle la Guallanita, urbanización Bella Vista, de esta ciudad de Caracas; para que por vía de Inspección Ocular se sirva verificar y dejar constancia de las

personas, objetos, cosas, lugares bienes y documentos a que se refieren los siguientes particulares:

PRIMERO: De la presencia en el lugar donde en que se encuentra constituido el Tribunal, de varios vehículos Marca: Ford; Modelo: Explorer; Tipo, Color, Serial de Carrocería, Placas; así como también de cualesquiera otros datos que permitan una mayor y mejor identificación de los vehículos objeto de Inspección.

SEGUNDO: Que los vehículos identificados en el punto PRIMERO de esta solicitud, tienen instalados los cauchos en cada uno de sus rines.

TERCERO: De la marca, tipo, serial y cualesquiera otras características de cada uno de los cauchos instalados en cada uno de los rines de los vehículos objeto de la inspección.

CUARTO: De conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los vehículos, cauchos, rines, bandas de rodamiento y demás objetos y cosas que expresamente me reservo señalar, al momento de la práctica de esta inspección ocular. Para los fines anteriormente indicados, pido al Tribunal se sirva designar un práctico fotógrafo y un práctico mecánico para que le asistan al momento de la evacuación de la Inspección. Asimismo, solicito a la ciudadana Juez, se sirva dejar expresa constancia, de que las fotografías tomadas al momento de la practica de la inspección fueron realizadas en su presencia, y que por lo tanto, sean consideradas como reproducciones fieles y exactas de los hechos presenciados, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Ocular con la finalidad de que formen parte integrante e inseparable de la misma.

QUINTO: De las condiciones generales de los cauchos, colocados en cada uno de los rines de los vehículos inspeccionados y de sus respectivas bandas de rodamiento.

SEXTO: Me reservo igualmente en nombre de mí representada, el derecho de dejar expresa constancia de cualquier otro hecho o circunstancia que, como solicitante, considere conveniente o necesario al momento de la practica de esta solicitud.

SEPTIMO: A los fines de la evacuación de la Inspección Ocular aquí solicitada, juro la urgencia del caso, y a tal efecto pido al Tribunal se sirva habilitar todo el tiempo que fuera necesario para la admisión y evacuación de la solicitud contenida en este documento. De igual forma solicito de la ciudadana Juez del Despacho, se sirva devolverme en original la presente Inspección con sus resultas, una vez que haya sido evacuada.

Es justicia, que espero en esta ciudad de Caracas, en la fecha de su presentación.

Recibido hoy 09 de FEB. 2001 de 1.9__
en tres (3) folios útiles, con oficio
No.____
EL SECRETARIO.

REPUBLICA BOLIVARIANA DE VENEZUELA

JUZGADO DECIMO OCTAVO DE MUNICIPIO DE LA CIRCUNSCRIPCION JUDICIAL DEL AREA METROPOLITANA DE CARACAS. Caracas, cinco (05) de febrero de dos mil uno (2001).-

190º y 141º

Por recibida y vista la anterior solicitud de Inspección Judicial y jurada como ha sido la urgencia del caso por la parte interesada, practíquese en la oportunidad que ha bien tenga el Tribunal, habilitándose el tiempo necesario a los fines de proveer acerca de la misma. En consecuencia, désele entrada anotese en el libro respectivo y fórmese expediente. A tales fines se fijan las 3:10 PM. del día 5/02/2001. para el traslado y constitución del Tribunal en el lugar señalado en la solicitud.

LA JUEZ
JANETH COLINA PEÑA

LA SECRETARIA
YROIS FUENTES

JCP/bartolo
EXP. Nº 01-845

3J

NOTARIA PUBLICA SEXTA DE VALENCIA
PLANILLA N° 2713
DERECHOS
OTORGAMIENTO

Francis Gmart de Oliveira
Abogado
I.P.S.A. 67.252

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

REPUBLICA BOLIVARIANA DE VENEZUELA.
NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Valencia (25) de Octubre del Dos Mil. 160° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE CASTRO. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....
.....
.....
.....
.....
.....
Mayor (es) de edad, domiciliado (s) en: VALENCIA.....
.....
De Nacionalidad (es): ESTADOUNIDENSE.....
.....
De estado civil: Casado .....
.....
Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....
.....
Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A.,INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

LA NOTARIO SEXTO.

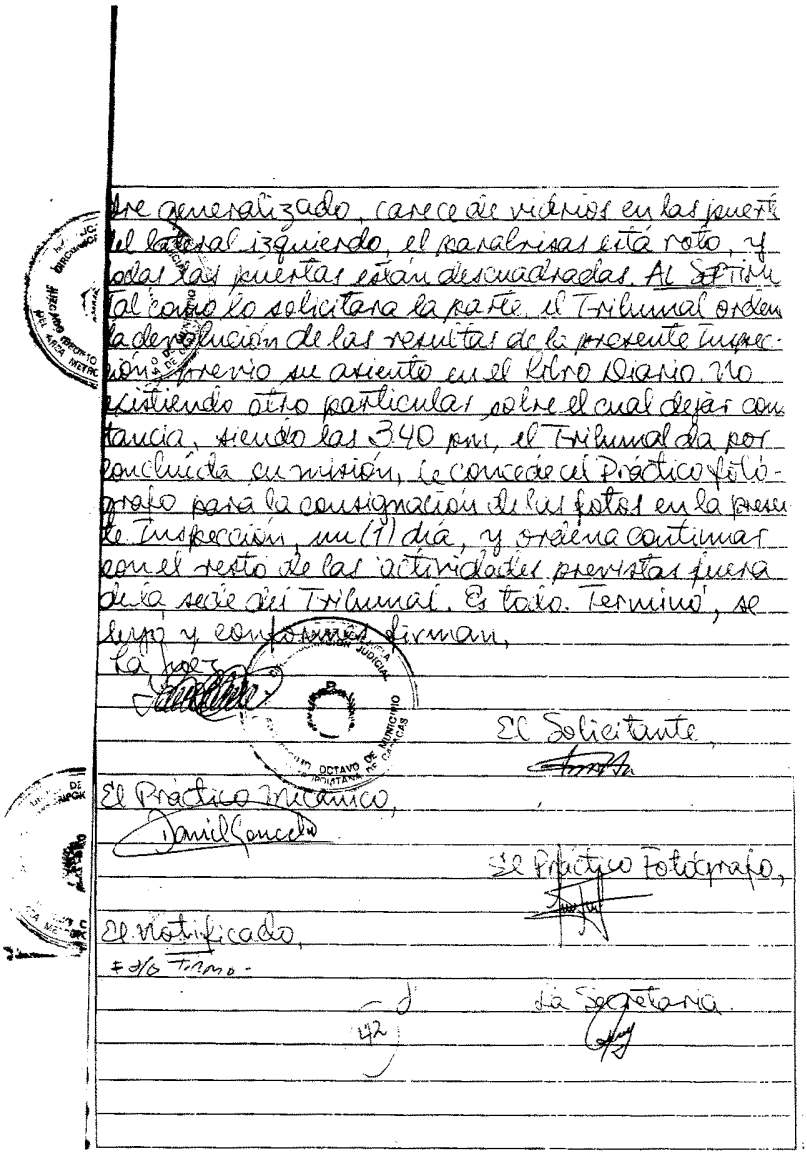
EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

En el día de hoy, cinco (5) de febrero de dos mil uno (2001), previa habilitación del tiempo necesario, siendo las 3:10 pm, se trasladó y constituyó este Juzgado Décimo Octavo de Municipio, en compañía del solicitante en la siguiente dirección: Calle La Guayanita, Repuestos Nuevo Chopi, Bella Vista, a fin de practicar la Inspección Judicial solicitada. Presente el Tribunal a las puertas del inmueble, se hizo presente una persona que dijo ser y llamarse FILIBERTO FARIÑO, titular de la cédula de identidad Nº 6.072.714, en su carácter de encargado a quien el Tribunal impuso de su misión y permitió el ingreso al interior del mismo. El Tribunal designa como Práctico Mecánico al ciudadano David Gonçalves Maipica, titular de la cédula de identidad Nº 11.089.574, y como práctico fotógrafo al ciudadano Luis Felipe Rozano, titular de la cédula de identidad Nº 13.508.041, quienes estando presentes aceptaron el cargo y prestaron el juramento de Ley. Seguidamente el Tribunal pasa a dejar constancia por vía de inspección judicial de los siguientes particulares: AL PRIMERO El Tribunal observa y deja constancia que en el interior del taller se encuentra un vehículo camioneta marca FORD, modelo EXPLORER XLT, tipo 4X4, 6 cilindros, Color Verde, Serial de Carrocería no visible, Placas JAH45F, año 2000. AL SEGUNDO: El Tribunal observa y deja com-

tancia que los cuatro cauchos de la camioneta están instalados con sus respectivos rines. AL TERCERO: El Tribunal observa y deja constancia que el caucho delantero izquierdo es de marca Good Year, tipo Wrangler RT/S P255/70R16, Serial DOT PBJR 2JJA 469; el delantero derecho es de marca Good Year, tipo Wrangler, RT/S P255/70 R16, Serial DOT PBJR 2JJA 469; el trasero derecho marca Good Year, tipo Wrangler RT/S P255/70 R16, Serial DOT PBJR 2JJA 469; y, el trasero izquierdo marca Good Year, tipo Wrangler RT/S P255/70 R16, Serial DOT PBJR 2JJA 469. AL CUARTO: tal como se señalara anteriormente, el Tribunal deja constancia que se designo un práctico fotógrafo, quien efectuo las tomas fotograficas con una máquina POLAROID instantánea Modelo 636, en presencia de Tribunal. AL QUINTO: El Tribunal deja constancia, con la ayuda del Practico mecánico, que los 4 cauchos instalados con sus rines, son nuevos, en buen estado de conservación y mantenimiento, al igual que las bandas de rodamiento que también se encuentran en perfecto estado. AL SEXTO: A peticion del solicitante se deja constancia que el caucho de repuesto es de marca Good Year, tipo Wrangler RT/S P255/70 R16, Serial DOT PBJR2JJA469 y se encuentra nuevo, en buen estado de conservación y mantenimiento, así como su banda de rodamiento. La camioneta marca un kilometraje de 55.403 Kms. Se deja constancia que la camioneta presenta desga-



...re generalizado, carece de vidrios en las puert... el lateral izquierdo, el parabrisas está roto, y ...das las puertas están descuadradas. Al SEPTIMO ...tal cargo lo solicitara la parte, el Tribunal ordena ...la devolución de las resultas de la presente Inspec... ...sión. Previo su asiento en el Libro Diario No ...existiendo otro particular sobre el cual dejar con... ...tancia, siendo las 3:40 pm, el Tribunal da por ...concluída su misión, le concede al Práctico Foto... ...grafo para la consignación de las fotos en la pres... ...te Inspección, un (1) día, y ordena continuar ...con el resto de las actividades previstas fuera ...de la sede del Tribunal. Es todo. Terminó, se ...leyó y conformes firman.

La Juez,

El Solicitante,

El Práctico Mecánico,

El Práctico Fotógrafo,

El Notificado,

La Secretaria.

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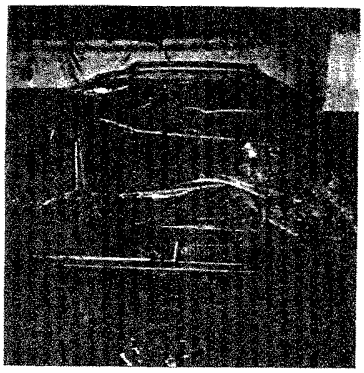
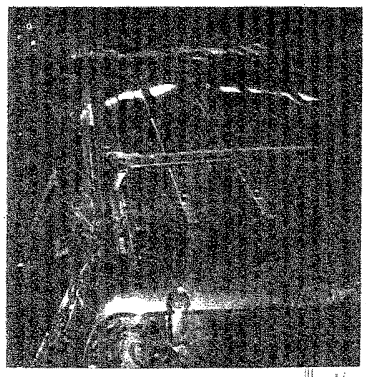
En horas de despacho del día de hoy, seis (6) de febrero de dos mil uno (2001), comparece por ante este Tribunal el ciudadano **LUIS FELIPE LOZANO**, venezolano, mayor de edad y titular de la cédula de identidad N° 13.508.041, en su carácter de práctico fotógrafo designado en la presente Inspección, y expone: "Consigno en este acto, constante de (4) folios, las fotos a que se refiere el acta de fecha 5 de febrero de 2001. Es todo." Terminó, se leyó y conformes firman,

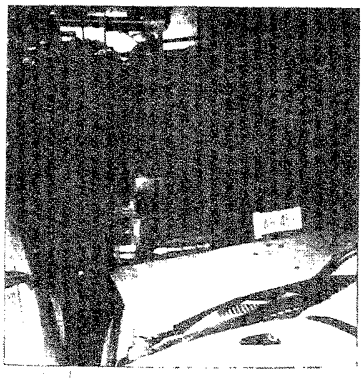
LA SECRETARIA

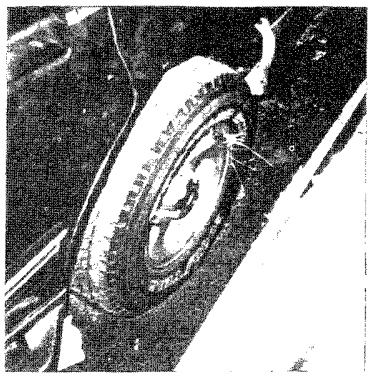
EL DILIGENCIANTE



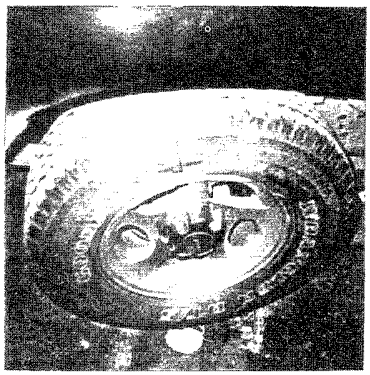


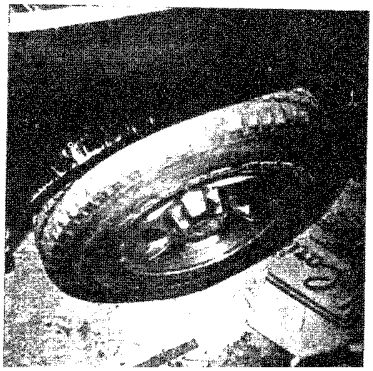


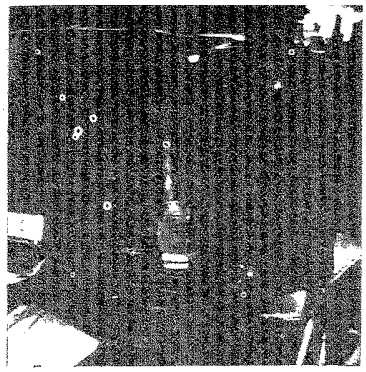


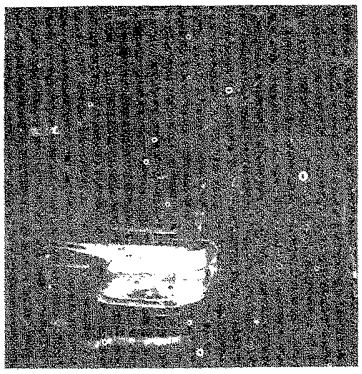


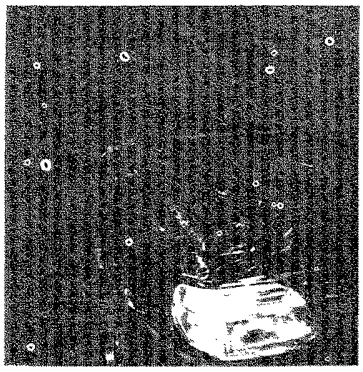


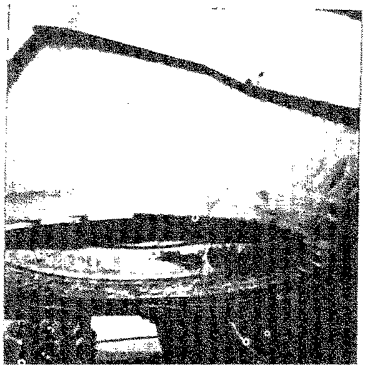






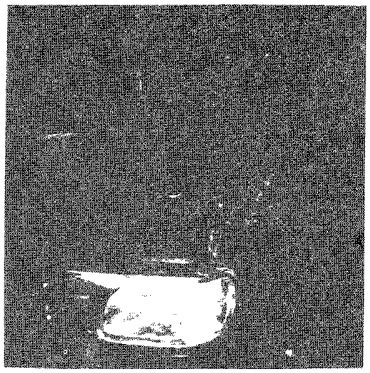


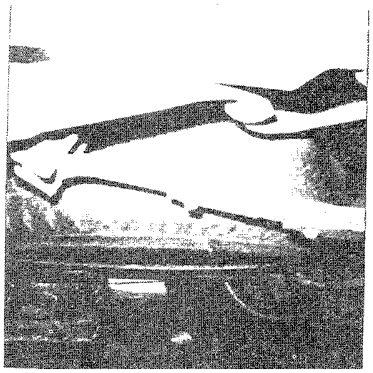












REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION

No. 53/20

Pieza No. ___

Cuadernos de Recaudos ___

Cuadernos de Medidas ___

~~DEMANDANTE(S)~~ ARACELIS DEL VALLE URDANETA N.

~~DEMANDADO(S)~~ XXXXXXXXXX

MOTIVO: INSPECCION JUDICIAL.

TRIBUNAL: SEGUNDO DEL MUNICIPIO GUAICAIPURO. ESTADO MIRANDA

FECHA ENTRADA: Dia 07/ Mes FEBRERO Año 2001

FECHA DE SALIDA: Dia ___ Mes ___ Año ___

FECHA DEVOLUCION: Dia ___ Mes ___ Año ___

FECHA TERMINADO: Dia 08 Mes FEBRERO Año 2001.

Pieza No. ___ No. ___

Miguel A. Colmenares M.
Abogado
Inpresbogado No 30.705

Notaría Pública Quinta de Maracay
Notaría: Quinta
Planilla Nº 161296
Derechos: 9280
Otorgamientos: 22-2-01

REPÚBLICA BOLIVARIANA
NOTARÍA PÚBLICA
MARACAY

Yo, CRISTÓBAL GARCÍA MORENO, venezolano, mayor de edad, casado, médico anestesiólogo, domiciliado en Maracay, Estado Aragua y titular de la Cédula de Identidad N° V-6.513.498, por el presente documento, declaro: //

PRIMERO: Conjuntamente con mi cónyuge, MILDRED JOSEFINA RODRÍGUEZ DE GARCÍA, venezolana, mayor de edad, domiciliada en Maracay, Estado Aragua y titular de la Cédula de Identidad N° V-4.232.263, somos propietarios de un vehículo con las siguientes características: Clase Camioneta, Tipo Sport-Wagon, Marca Ford, Modelo Explorer Elite, Año 1999, Colores Plata y Gris, Uso Particular, Serial de Motor X A21335, Placa DAZ-39B, en lo sucesivo denominado "VEHÍCULO". //

SEGUNDO: El día 19 de enero del año 2001, siendo aproximadamente las diez de la mañana (10:00 a.m.), me trasladada hacia la ciudad de Caracas, a nivel de la bajada de Tazón, y encontrándose la vía en condiciones normales (no mojado), a una velocidad promedio de sesenta y cinco kilómetros por hora (65 Km/h), súbitamente y sin explicación alguna, el VEHÍCULO perdió el control y comenzó a colearse alternativamente a la derecha e izquierda desde su parte trasera, siendo imposible para mí, controlarlo mediante la dirección, considerando que no quise aplicar los frenos; a consecuencia de esto, terminé dado vueltas en trompo, chocando lateralmente contra la montaña que se encontraba a la derecha y finalmente el vehículo se volcó sobre el techo por dos veces consecutivas, quedando con las ruedas hacia arriba. //

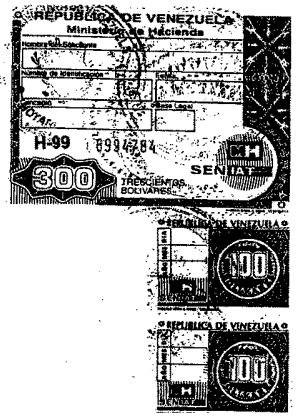
Como consecuencia de este accidente, sufrí una herida en la cabeza que ameritó 20 puntos de sutura sin lesiones internas. Mis dos acompañantes, el Ing. Maximiliano Buedo y el Sr. Aníbal Bravo, resultaron ilesos. Es de hacer notar que los tres ocupantes del VEHÍCULO llevábamos puesto el cinturón de seguridad y gracias a la baja velocidad a que conducía, tuvieron tiempo de agacharse al ver lo que se avecinaba. //

Cabe destacar, que el VEHÍCULO fue atendido en SENDERAUTO (concesionario FORD) en varias oportunidades donde le fueron realizadas una serie de modificaciones, las cuales incluían amortiguadores y otros cambios en la parte trasera para estabilidad del VEHÍCULO; además, el VEHÍCULO permaneció por más de un mes en reparación porque el módulo gem tenía problemas ya que se activaron los limpiaparabrisas espontáneamente y no había forma de apagarlos, no bajaban los vidrios y la luz indicadora de 4X4 titilaba indicando un problema. Al retirar el VEHÍCULO del taller, cuando supuestamente estos problemas estaban reparados, me percaté de

otra anomalía en el funcionamiento del tablero del VEHÍCULO, al regresar al taller me dijeron que tomara cita para otro día. En virtud de tales inconvenientes, dejé el VEHÍCULO y la respuesta que me dieron fue que la computadora del taller indicaba que todo estaba bien, aunque persistía la anomalía. Previamente, seguido a la compra del vehículo, yo le había cambiado los cauchos por otros marca DUNLOP.//

En Maracay, Estado Aragua, en la fecha de su autenticación.

Cristóbal García Moreno



REPUBLICA BOLIVARIANA DE VENEZUELA
NOTARIO PUBLICO QUINTO DE MARACAY
DEL ESTADO ARAGUA
RAMIREZ ALVAREZ GERARDO

Maracay, Veintidos (22) de febrero del año Dos Mil Uno (2.001). 1 90 y 142 . El anterior documento redactado por el Abogado : MIGUEL COMENARES debidamente inscrito en el inpreabogado bajo el Número : 30.705 fue presentado para su Autenticación y devolución según planilla número: 161296 de fecha: 22-02-2001 Presente su Otorgante : CRISTOBAL GARCIA MORENO.- , Mayor de edad Domiciliado en : MARACAY ESTADO ARAGUA de Nacionalidad : VENEZOLANO de estado Civil: CASADO y portador de la cédula de identidad número: V- 6.513.498 . Leído y confrontado el original con su fotocopia y firmada ésta y el presente original expuso :" SU CONTENIDO ES CIERTO Y MIA LA FIRMA QUE APARECE AL PIE DEL INSTRUMETO", El Notario en tal virtud lo declara legalmente Autenticado en presencia de los Testigos: IRIS ESTRADA y MARLENE MUÑOZ identificados con cédulas de identidad Números : V- 5.454.807 y V- 9.918.575 . Respectivamente , dejándolo inserto bajo el Número 55 Tomo No. 55 de los Libros de Autenticaciones llevados por esa Notaría Igualmente certifica que a petición de parte interesada la Notaría se trasladó y constituyó hoy a las 11:30am en Centro Maracay autorizando a IRIS ESTRADA, titular de la cédula de identidad Nº V- 5.454.807, para que presencie dicho Otorgamiento según lo establecido en el Artículo 89 del Reglamento de Notarias Públicas.

EL NOTARIO PUBLICO

Dr. José Eduardo [illegible]
Notario Público Quinto
Maracay Edo. Aragua

EL OTORGANTE

1.-

LOS TESTIGOS

1.-

2.-

Ciudadano
JUZGADO SEGUNDO DEL MUNICIPIO GUAICAIPURO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO MIRANDA.

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por via de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se

tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en la fecha de su presentación.

RECIBIDO
EN BOR
Constante

Francis Gmart de Olivastri
Abogado
I.P.S.A. 67.252

DE VALENCIA
PLANILLA N°
DERECHOS
OOTRGAMIENTO

Dos (2)

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

Fus (3)

D. Rodríguez de Marval

NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA. NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Veinticinco (25) de Octubre del Dos Mil. 190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.")

Mayor (es) de edad, domiciliado (s) en: VALENCIA

De Nacionalidad (es): ESTADOUNIDENSE

De estado civil: Casado

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

LA NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

Cuatro(4)

REPUBLICA BOLIVARIANA DE VENEZUELA. JUZGADO SEGUNDO DEL MUNICIPIO GUAICAIPURO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO MIRANDA; -- SAN DIEGO DE LOS ALTOS, SIETE DE FEBRERO DEL AÑO DOS MIL UNO.

190º y 141º

Vista la solicitud que antecede se acuerda de conformidad por cuanto no es contraria a derecho. En consecuencia, se habilita el tiempo que sea necesario por haber sido jurada la urgencia del caso. Se fija el día 08/02/2.001, a las nueve (9:00) de la mañana para la practica de la Inspección Judicial Solicitada. Se designa como --- práctico y fotógrafo, a los ciudadanos: DAVID GONCALVES, venezolano, titular de la Cédula de Identidad Nº. 11.089.574, mayor de edad, mecanico y JORGE COLMENARES, venezolano, mayor de edad, titular de la Cédula de Identidad Nº. 386.596, fotógrafo, quienes estando presentes aceptaron los cargos para los cuales fueron designados y tomarorn los juramentos en forma de Ley. Cumplida como sea la anterior solicitud, devuélvase original con sus resultas al interesado. LA JUEZ TEMPORAL,

DRA. JENNY TAINOT APONTE CASTRO.

EL PRACTICO DESIGNADO.

EL FOTOGRAFO DESIGNADO.

LA SECRETARIA,

CARMEN CECILIA ABREU.

Cinco (5)

En el dia de hoy, ocho de febrero de dos mil uno, siendo la -- oportunidad fijada para tener lugar la Inspección Judicial solicitada y acordada en el auto anterior, previa la habilitación del tiempo necesario por haber sido jurada la urgencia del caso, se trasladó y constituyó el Tribunal Segundo del Municipio Guaicaipuro de la Circunscripción Judicial del Estado Miranda, en el lugar indicado por la solicitante, el cual es el siguiente: Estacionamiento Paracotos, ubicado en la Vía que conduce al Club El Dorado, Paracotos, Carretera Vieja Palo Negro, Sector El Samán, jurisdicción de este Municipio, Estado Miranda, presentes en este Acto, la solicitante, Dra. ARACELIS DEL VALLE URDANETA N., procediendo con el carácter de Apoderada de BRIDGESTONE FIRESTONE - VENEZOLANA, C.A., companía antes denominada C.A. FIRESTONE VENEZOLANA; el Práctico Mecánico designado, ciudadano DAVID GONCALVES y el Fotógrafo designado, ciudadano JORGE COLMENARES. Acto - continuo, una vez en el sitio, el Tribunal fue atendido por el ciudadano CARLOS HERNANDEZ, titular de la cédula de identidad Nº 6.875.679, quien dijo ser el Encargado del Estacionamiento Paracotos y fue la persona que le permitió el acceso al Tribunal al interior del mismo. Seguidamente el Juzgado pasa a realizar la Inspección solicitada, previa consulta con el práctico designado de todos y cada uno de los particulares contenidos en la referida solicitud y deja constancia de éllo así: AL PRIMERO: Con el asesoramiento del práctico designado, el Tribunal deja constancia, que en sitio donde se encuentra constituído, hay un vehículo con las siguientes caracteríasticas: Marca: Ford, Modelo: Explorer XLT, 4X4, año 1999, Placas: DAZ 39B, Color: Plata.- AL SEGUNDO: EL Tribunal deja constancia que el vehículo inspecciona tiene sus cuatro (04) cauchos instalados en cada uno de sus rines. AL TERCERO: Con el asesoramiento del práctico designado, se deja constancia de las características de los cauchos que tiene instalado dicho vehículo, las cuales son las siguientes: Cauchos

Seis (6)

Marca Dunlop, Tipo GRANDTREK, LT 265/75R16, AT1. Made in Japan, SERIALES DE CADA UNO: Delantero Derecho, DOT V2LT V7 Y 259; -- Trasero Derecho, DOT V2LT V7 Y 259; Derecho Izquierdo: DOT V2LT V7 Y 249 y Trasero Izquierdo: DOT V2LT V7 Y 259. AL CUARTO: Con el asesoramiento del práctico, se deja constancia que las condiciones generales de los cauchos instalados a dicho vehículo se observan en buen estado, así como también su banda de rodamiento. AL QUINTO: Se deja constancia que al momento de la práctica de la presente Inspección, fueron tomadas fotografías instantaneas, a los cuatro (04) cauchos y sus rines. AL SEXTO: Se deja constancia que al momento de la practica de esta Inspección, le fueron tomadas varias fotografías del vehículo inspeccionado. AL SEPTIMO: Con el asesoramiento del práctico designado, el Tribunal deja constancia que las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado, es totalmente deteriorada, presenta descuadre generalizado, rotos todos sus vidrios, undimiento del techo, así como de los parales, capot y compuerta. Haciendo uso de la reserva, la solicitante pide al Tribunal que deje constancia de lo siguiente: A) Del kilometraje que se observe en el tablero donde se lee el mismo. El Tribunal, visto el pedimento que antecede, lo acuerda de conformidad y deja constancia de éllo así: A LA LETRA A: El Tribunal deja constancia con el asesoramiento del práctico designado, que en el Tablero del vehículo inspeccionado, se observa el siguiente kilómetraje: 28.413. Se deja constancia que en este acto fueron tomadas Diez (10) fotografías instantaneas, las cuales debidamente selladas, se agregan a la misma para que formen parte de élla, con la Camara Marca Polaroid, Nº 636 Close-up, reproducción instantanea. Concluída su misión, el Tribunal acuerda el regreso a su sede, es todo. Terminó, se leyó y conformes firman.-

LA JUEZ TEMPORAL,

DRA. JENNY APONTE CASTRO,

LA --

Suite (7)

SOLICITANTE,

EL PRACTICO DESIGNADO,

EL FOTOGRAFO DESIGNADO,

LA SECRETARIA,

CARMEN CECILIA ABREU,

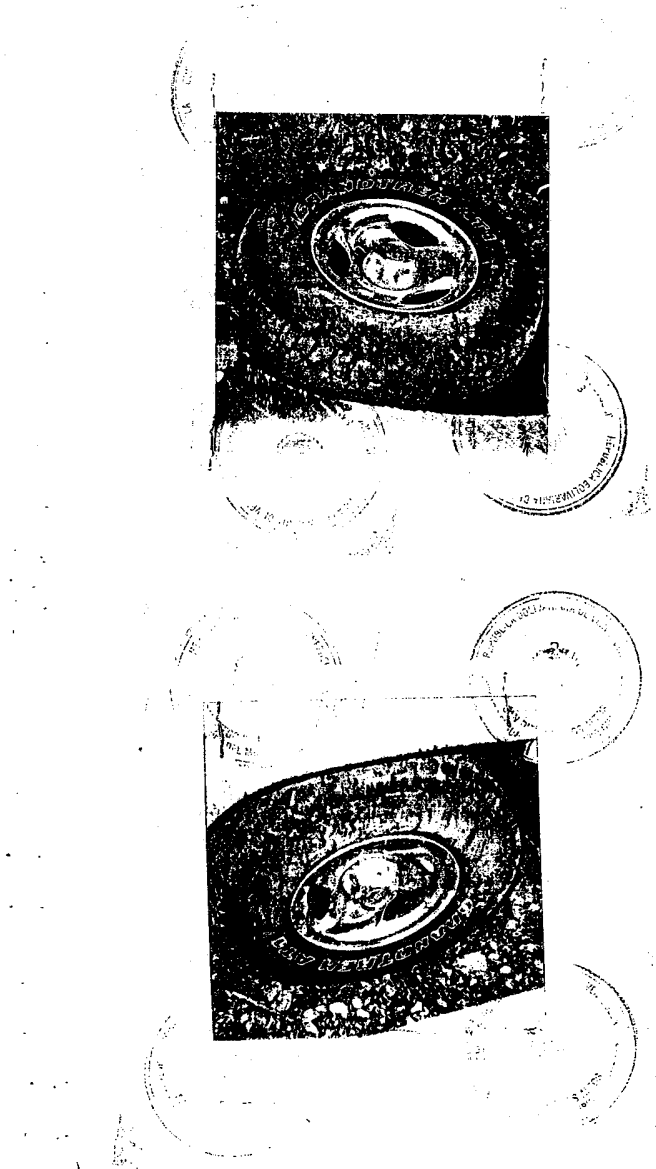
En el día de hoy, ocho de febrero de dos mil uno, se devuelve la presente Inspección, original con sus resultas, constante de doce (12) folios útiles, a la solicitante.

LA SECRETARIA,

CARMEN CECILIA ABREU,







Dwg #03



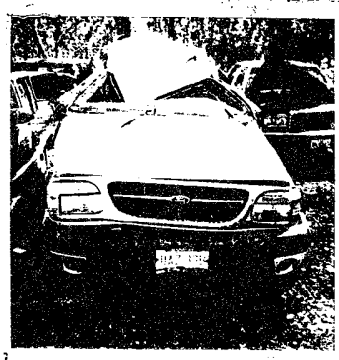


Once (A)





Doc (82)





REPUBLICA DE VENEZUELA

No. 03807

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) ARACELIS DEL VALLE URDANETA N. Apodo. de BRIDGESTONE FIRESTONE VENEZOLANA C.A.

MOTIVO INSPECCION JUDICIAL

JUZGADO TERCERO DE LOS MUNICIPIOS VALENCIA Edo. Carabobo

FECHA DE ENTRADA: Día 12 Mes Febrero Año 2.001

FECHA DEVOLUCION: Día 13 Mes febrero Año 2.001.

No. 03807

uno
1/

Ciudadano
Juez Tercero de los Municipios Valencia, Libertador, Los Guayos, Naguanagua y San Diego de la Circunscripción Judicial del Estado Carabobo.
Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se

tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en la fecha de su presentación.

Presentado ... Despacho
de hoy Doce (12) febrero del 2001 ... conste
de un (1) folio, junto con poder original, anexando su copia, contentivo de Inspección Judicial.
El (los) ...

LA SECRETARIA

DIARIZADO
(13)

Francis Ghart de Olivastri
Abogado
I.P.S.A. 67.252

NOTARIA PUBLICA SEXTA
DE VALENCIA
PLANILLA N° 30715
DERECHOS
OOTORGAMIENTO

CA 98 TRASLADO
ANVERSO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

Dr. Rodríguez de Arroyal
NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA. NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Veintiuno (25) de Octubre del Dos Mil. 190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA, Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

NOTARIO SEXTO PUBLICO DE VALENCIA

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

GADO TERCERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, - NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO - CARABOBO.

Valencia, 12 de Febrero del 2.001

190º y 141º

Por recibida la anterior solicitud. Désele entrada y cúmplase. En consecuencia, trasládese y constitúyase el Tribunal al sitio que indica el escrito de solicitud que antecede, a fin de practicar la -- INSPECCION JUDICIAL solicitada. Se omite el requisito de distribuición por haber sido jurada la urgencia del caso. Se habilita todo el -- tiempo necesario. Devuélvase oportunamente con sus resultas. **Junto con el poder original presentado.**

La Juez,

La Secretaria,

En la misma fecha se le dió entrada bajo el Nº 3807.

La Secretaria,

dvp.

DIARIZADO (13)

Sale 7 cmc 5)

CA - 98 N. 04507745

el día de hoy doce de Febrero del año dos
mil uno, siendo las 3:00 de la tarde,
previa habilitación del tiempo necesa-
rio por haber sido jurada la urgen-
cia del caso, se trasladó y constituyó el
Tribunal en un inmueble ubicado
en Autopista Valencia - Tocuyito, Colon-
zación Avenida Lisandro Alvarado
Centro Comercial Los Corrales, Taller
Prado en jurisdicción del Mu-
nicipio Autónomo Valencia, Estado
Carabobo, con el fin de practicar
la Inspección Judicial a que se
contrae el escrito de solicitud que an-
tecede. Presente en este acto la ciu-
dadana Abogado Araceli del Valle
Pardanita, inscrita en el Inpreabo-
gado bajo el N° 30.706 y de este domi-
cilio, en su carácter de apoderado ju-
dicial de Bridgestone Firestone
Venezolana C.A. quien expone: So-
licito del Tribunal pase a examinar
los particulares contenidos en el
escrito de solicitud que antecede.
Seguidamente el Tribunal visto
el pedimento anterior pasa a de-
jar constancia de lo siguiente: Al
particular Primero. El Tribunal
deja constancia que en el Taller -
donde se encuentra constituido se

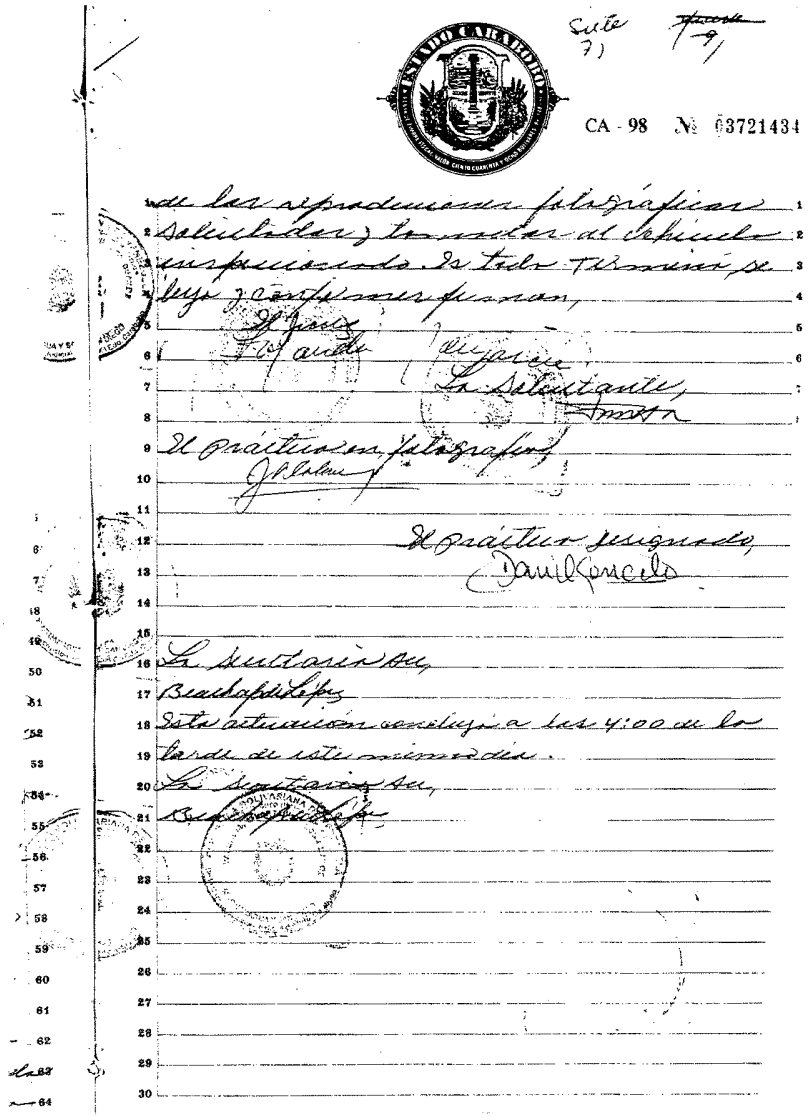
observa una camioneta marca Ford, modelo Ex plorer, color verde oscuro, tipo XLT, 4x4, placas GAO-42D. Al particular Segundo. El Tri-
funal deja constancia que el vehíc-
ulo objeto de esta Inspección si-
tiene cuatro cauchos instalados
en cada uno de sus rines. Al par-
ticular Tercero. El Tribunal deja
constancia que en este acto se desig-
na como práctico que asesore al
Tribunal al ciudadano David Gon-
calves Malpica, Venezolano, ma-
yor de edad, titular de la cédula de
identidad N° 11.089.574 y de este
domicilio quien encontrándose
presente aceptó el cargo y prestó el
juramento de Ley. Seguidamente
el Tribunal deja constancia previa
asesoramiento del práctico desig-
nado que cada uno de los cauchos
que tiene la camioneta inspecci-
ada son de los siguientes caracterís-
ticas: caucho delantero derecho mar-
ca Good-year, tipo Wrangler RT/S
medida P255/70R16, serial DOT MK
CU NCHR 2700, caucho delantero iz-
quierdo, marca Good-year, tipo Wran-
gler RT/S, medida P255/70R16, se-
rial DOT MKCUNCHR2700; caucho Tra-
sero derecho marca Good-year, tipo
Wrangler RT/S medida P255/70R-
16, serial DOT MKCU NCHR 2700; cau-
cho Trasero izquierdo, marca Good-

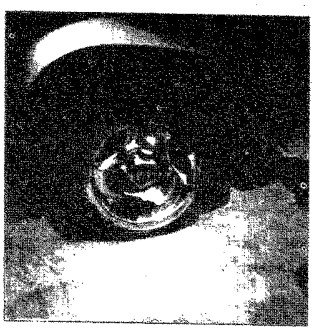
Sus 6/ 8/

CA - 98 № 03896125

year tipo Wrangler RT/S, medida
P255/70R16 serial DOT MKCUNCHR
2700. Al particular cuarto. El Tribunal
deja constancia previo asesoramiento
del práctico designado que los cauchos
se observan en buen estado de conser-
vación, pero desinflados por impacto
igualmente su fondo de rodamiento
están en buen estado. Al particular
Quinto. En este estado, el Tribunal
designa como práctico en fotografía
al ciudadano Jorge Colmenares, ve-
nezolano, mayor de edad, titular de
la cédula de identidad N° 386.596
y de este domicilio quien encontrán-
dose presente aceptó el cargo y prestó
el juramento de Ley y de seguidas pro-
cedió a tomar gráficas del vehículo
inspeccionado con una cámara mar-
ca Polaroid 636, Close-up, instanta-
nea, las cuales se agregarán en este
acto en la presente inspección, las
fotografías que se acuerda agregar son
tomadas a cada uno de los cauchos
del vehículo inspeccionado. Al parti-
cular Sexto. En este estado, el Tribunal
acuerda agregar a los autos las gráfi-
cas tomadas sobre la carrocería del
vehículo inspeccionado. Al particular
Séptimo. En este estado, el Tribunal

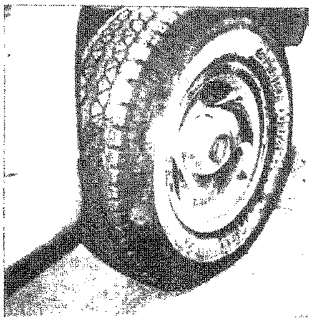
previo asesoramiento del práctico de-
signado que las condiciones de la ca-
rrocería del vehículo inspeccionado son
las siguientes: Descuadre generalizado
parafuso reventado, descuadre de tram-
pa, paralelo delantero de techo descua-
drados, puertas descuadradas, techo
afillado. En este estado, la solicitante
expone: Solicito del Tribunal deje cons-
tancia si el vehículo inspeccionado
posee caucho de repuesto del estado
marca, tipo, medida y serial del mis-
mo, así mismo se tomen fotografías
del caucho de repuesto; igualmente so-
licito se deje constancia del Kilometra-
je del vehículo; de igual manera se
deje constancia del tipo de suspensión
del vehículo inspeccionado. En este
estado, el Tribunal deja constancia pre-
via asesoramiento del práctico de-
signado que el vehículo inspeccionado
se posee caucho de repuesto, siendo sus
características marca Good-year,
tipo Wrangler RT/S medida LT235/7.
5R15, serial VOT PBHL 2ACY 3200
con relación al estado del caucho, se ob-
serva que el mismo está nuevo, sin
uso. Se deja constancia que el vehículo
inspeccionado tiene un Kilometraje
de 67.893 Kilómetros recorridos.
En cuanto a la suspensión que se
observa en el vehículo tipo Rancho
RS 5000. En este estado, el Tribunal acuerda
agregar a los autos todas y cada una











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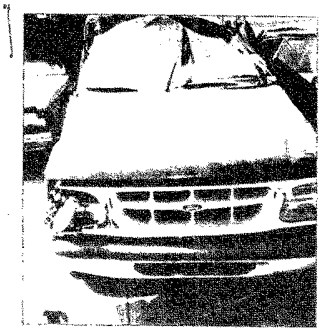

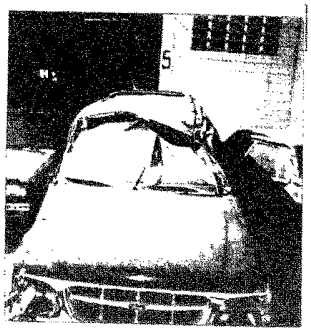



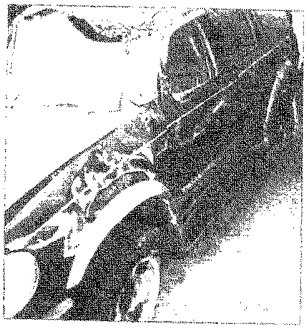

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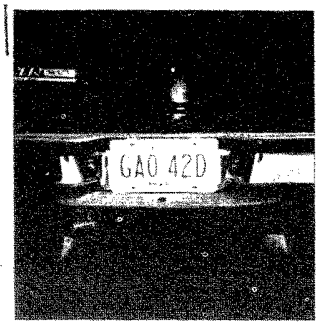
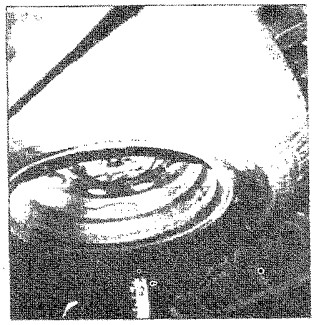
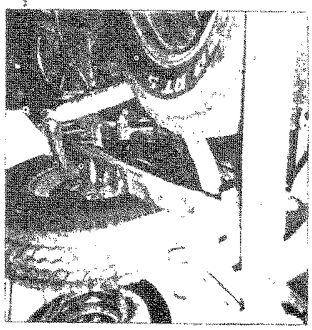








once (11) Cuatro (4)

GADO TERCERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, - NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIAPCION JUDICIAL DEL ESTADO CARABOBO.

Valencia, 13 de Febrero del 2.001

190º y 141º

Cumplida como ha sido la presente solicitud, se acuerda devolver la misma a la parte interesada.

La Juez,

La Secretaria,

En la misma fecha se devuelve constante de (11) folios útiles.

La Secretaria,

dvp.

S. 3807.

YALIKSE GARCIA DE MORENO, Secretaria del Juzgado Tercero de los Municipios Valencia, Libertador, Los Guayos, Naguanagua y San Diego de la Circunscripción Judicial del Estado Carabobo. Hace constar - que la foliatura testada del folio cuatro(4) al folio once(11) no vale.

La Secretaria,

REPUBLICA DE VENEZUELA

PODER JUDICIAL
JURISDICCION CIVIL

SOLICITUDES
ARCHIVO

17-2001

SOLICITANTE (S) PATRICIA CEROMOTOS CARVAJAL, viuda de CARVALLO.

MOTIVO: INSPECCION JUDICIAL.

JUZGADO: DEL MUNICIPIO ZAMORA DEL ESTADO MIRANDA. GUATIRE.

FECHA DE ENTRADA: Día: VEINTE **Mes:** FEBRERO **Año:** 2.001.

FECHA DE EVOLUCIÓN: Día: _____ **Mes:** _____ **Año:** _____

C-22

No. 17-2001

Ciudadano
Juzgado de Municipio del Municipio Zamora de la Circunscripción Judicial del Estado Miranda.
Su Despacho.

Yo, **PATRICIA COROMOTO CARVAJAL**, viuda de **CARVALLO**, mayor de edad, domiciliada en Guatire, Estado Miranda, Venezolana, titular de la Cédula de Identidad número V - 3.666.797, debidamente asistida en este acto por el ciudadano **ELEAZAR GUEVARA SIFONTES**, abogado en ejercicio, de Transito por esta ciudad de Guatire, Estado Miranda, inscrito en el Inpreabogado bajo el N° 8.562, ante su competente autoridad ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en el estacionamiento La Gran Parada, El Rodeo, Sector El Rodeo, Carretera Nacional Guatire - Araira del Estado Miranda, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehiculo Marca: Ford, Modelo: Explorer Sport Nagon, Color: Verde, Año: 1.997, Clase: Camioneta, Placas: JAC72G, Serial Carroceria: AJU2VP15306, Serial Motor: V6 - CIL.

SEGUNDO: Si el vehiculo antes identificado tiene cuatro (4) cauchos instalados en cada uno de sus rines.

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehiculo inspeccionado.

CUARTO: De las condiciones generales de los cauchos instalados en cada

uno de los rines del vehículo inspeccionado y su banda de rodamiento.

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

SEXTO: Se tomen fotografías de la carroceria y las condiciones en que se encuentren el vehículo inspeccionado..

SÉPTIMO: Se deje constancia por medio del experto mecánico, de las condiciones en que se encuentran en dicho vehículo, las extensiones o barras de acople que se adhieren a las mesetas delanteras, tanto la ubicada en el lado derecho así como en el lado izquierdo del vehículo en cuestión.

OCTAVA: Se deje constancia de las condiciones generales en que se encuentra la carroceria del vehículo.

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el Articulo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la practica de dicha inspección judicial y que, a tal efecto, se designe un practico fotógrafo y un practico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fuerón realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas.

En Guatire, a la fecha de su presentación.

JUZGADO DEL MUNICIPIO ZAMORA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO MIRANDA.- GUATIRE; VEINTE DE FEBRERO DE DOS MIL UNO.-

190º y 141º

Visto el anterior escrito que antecede, se admite.- En consecuencia, habilitado como se encuentra todo el tiempo que fuere necesario para estas actuaciones, por haberlo asi solicitado expresamente la parte interesada, quien juró - la urgencia del caso, se acuerda el traslado y contitución del Tribunal, en el sitio que indique el escrito por locual se procede, a los fines de llevar a cabo la práctica de la INSPECCION JUDICIAL solicitada, para lo cual se fija la (1:00 p.m.), del día de hoy veinte de los corrientes.-

La Juez Provisorio,

Abg. YAMILA J. LOPEZ MARIN

La Secretaria.-

Abg. JOANNY CARRENO.

En el día de hoy, Martes veinte (20) de Febrero de Dos Mil - Uno, siendo la Una de la tarde (1:00 p.m), conforme a lo acordado por auto dictado en esta misma fecha, se trasladó y constituyó este Tribunal, por indicación de la parte solicitante - ciudadana PATRICIA COROMOTO CARVAJAL viuda DE CARVALLO, debidamente acompañada de su abogado asistente, el profesional — del derecho, ELEAZAR GUEVARA SIFONTES, inscrito en el inpreabogado bajo el Nro. 8.562, en la siguiente dirección: Estacionamiento La Gran Parada, El Rodeo, sector el rodeo, carretera Nacional Guatire - Araira, en jurisdicción del Municipio Zamora del Estado Miranda, donde funciona el estacionamiento motivo de la presente Inspección. Una vez constituido el Tribunal en el sitio antes mencionado, presente el ciudadano MANUEL - RAEL AGUIAR, quien se identificó con la cédula de identidad - Nro.12.298.179, a quien el Tribunal le notificó de su misión - y procedió a permitir la entrada al estacionamiento en cuestión Seguidamente el Tribunal a los fines de dar cumplimiento a lo solicitado, pasa a dejar constancia de los siguientes particulares: PRIMERO: Se deja constancia de la presencia en el estacionamiento La Gran Parada, que se encuentra estacionado un vehículo con las siguientes carácteristicas: marcas: Ford; modelo: Explorer Sport Wagon, color: Verde; año: 97, clase: camioneta, placas: JAG72G, serial carroceria:AJU2UP15306, serial — motor: V6 - CIL. SEGUNDO: Se deja constancia de que el vehículo en cuestión posee los dos cauchos traseros instalados; el izquierdo delantero se encuentra totalmente destrozado y el derecho delantero no se encontraba instalado. TERCERO: Se deja - constancia de que los dos cauchos traseros son marca Good-year LT 235/75 r15, el derecho delantero de igual marca y el izquierdo delantero solo se pudo ver la marca (Good-Year), los demás - datos no se distinguen. CUARTO: Se deja constancia de que la - banda de rodamiento se encuentra con la maya de acero desprendida. En este estado el Tribunal a los fines de dar cumplimiento en el particular QUINTO de la presente Inspención, designa al ciudadano ALBERTO ALFONSO CARVAJAL UZCATEGUI, titular de la

Caso 5.

cédula de identidad Nro. V-4.766.030, como fotografo en la presente inspección, con el objeto de tomar las fotografias de cada uno de los cauchos y los rines del vehículo objeto de esta inspección, y quien expone: acepto el cargo para el cual fui designado y juro cumplirlo bien y fielmente con todos los deberes inherentes al mismo. Asimismo el fotografo designado procedió a tomar las fotografias de los cauchos, rines, carrocerias y en total del vehículo en cuestión. En este estado el Tribunal le concede al ciudadano ALBERTO ALFONSO CARVAJAL, fotografo, para que el plazo dentro de las cuarenta y ocho (48) horas siguientes a este acto para que las consigne en el Tribunal, junto con sus respectivos negativos. Igualmente se deja constancia que el particular SEXTO, fue cumplido por el fotografo. En este estado el Tribunal con el fin de dar cumplimiento a lo solicitado en el particular SEPTIMO, procede a designar al ciudadano JOSE FRANCISCO RIVERO ISTURIZ, quien se identifica con la cédula de identidad Nro. 1.998.780, como experto en mecanica, para asesorar al Tribunal en las condiciones en que se encuentra el vehículo, las extensiones o barras de acople que se adhieren a las mesetas de delanteras, tanto la ubicada en el lado derecho como al lado izquierdo del vehículo, y expuso: que acepto el cargo para el cual he sido designado y juro cumplirlo bien y fielmente con todos los deberes inherentes al mismo. Seguidamente el Tribunal deja constancia de lo siguiente: le faltan las mordazas de frenos, discos de freno;(punta de eje, barra de suspención, gemelos de estabilizador, barra estabilizadora, mezetas, arañas, barra de torción o suspensión), estas se encuentran totalmente dañadas). Asimismo se deja constancia de que la parte lateral, la parte lateral derecha e izquierada, parte del techo, parte frontal, parte trasera se encuentran completamente dañada (inservible). Es todo. En este estado y cumplida como ha sido la misión del Tribunal, se ordena el regreso a su sede. Termino, se leyó y conformes firman.

LA JUEZ PROVISORIO.

LA SOLICITANTE Y SU ABOGADO ASISTENTE.

EL NOTIFICADO.

EL FOTOGRAFO.

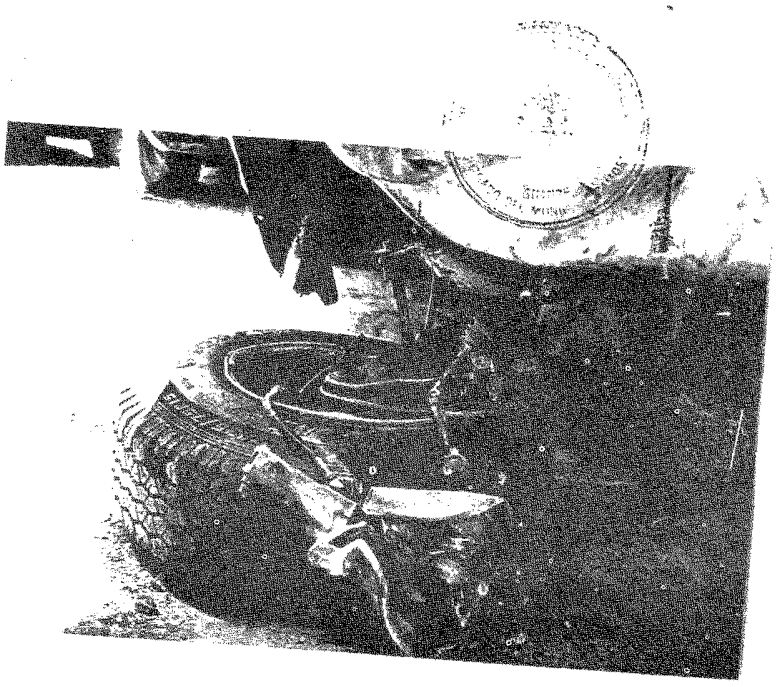
EL EXPERTO MECANICO.

LA SECRETARIA.

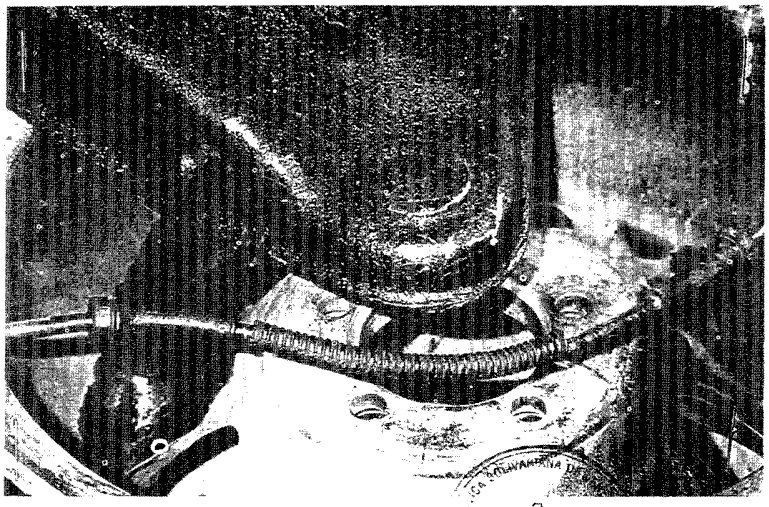

JUZGADO DEL

Pltf 3









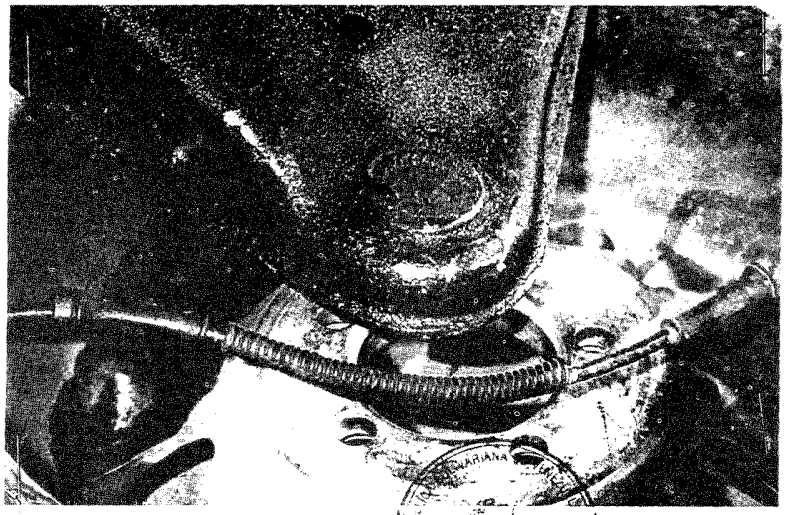
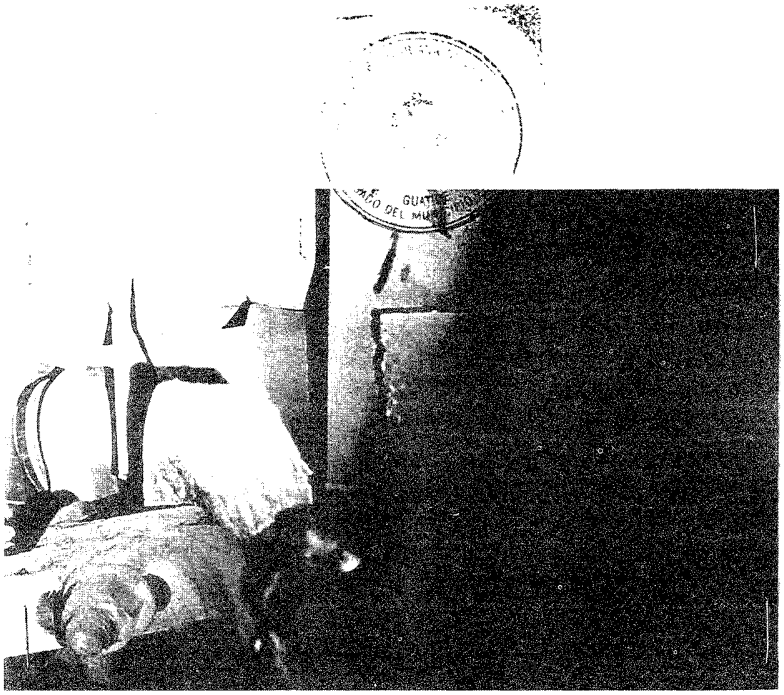


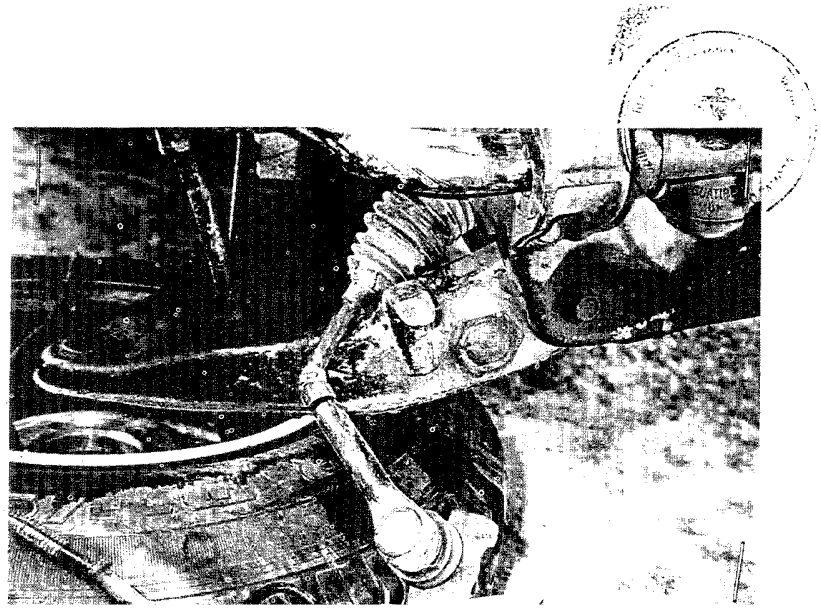
Foto -13-



Cadaver -14-



Anna -15-

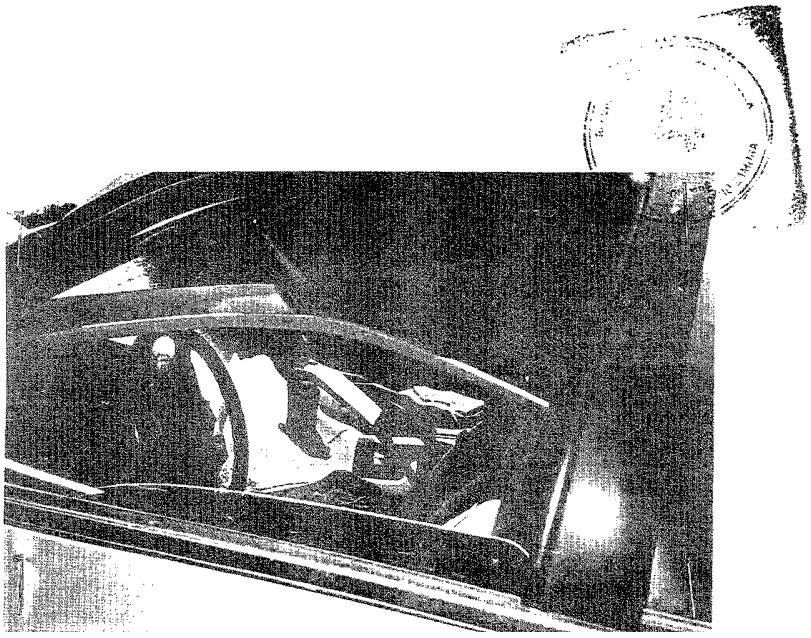


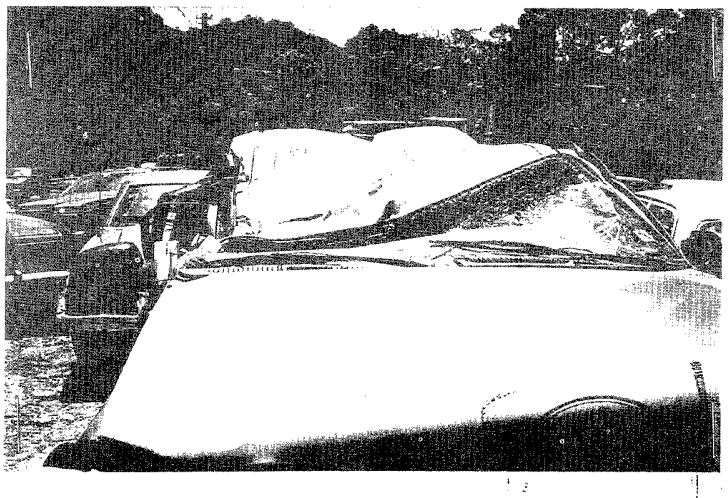
Anexo 16

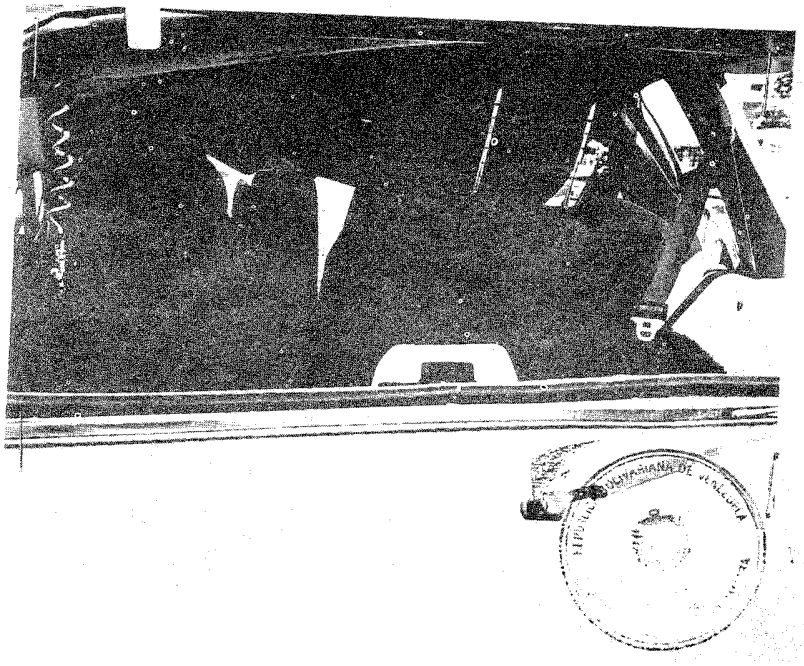


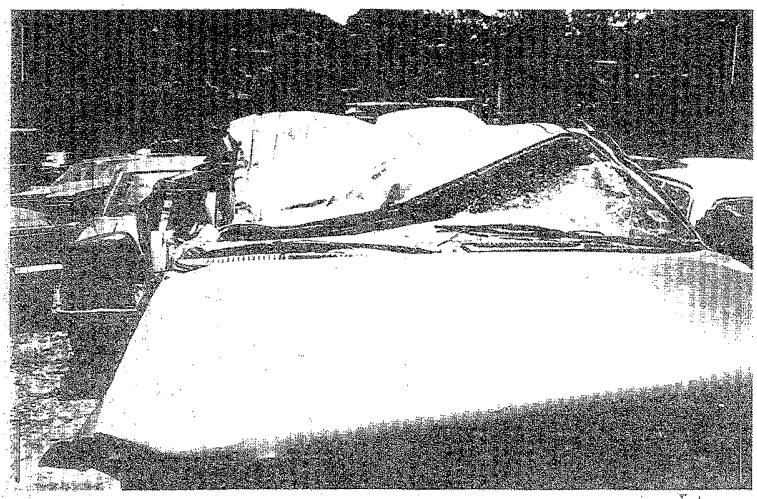
Grand X-17

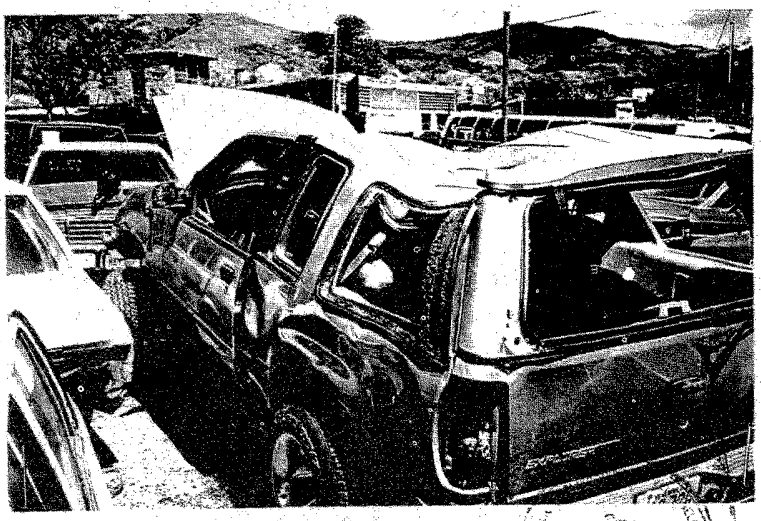




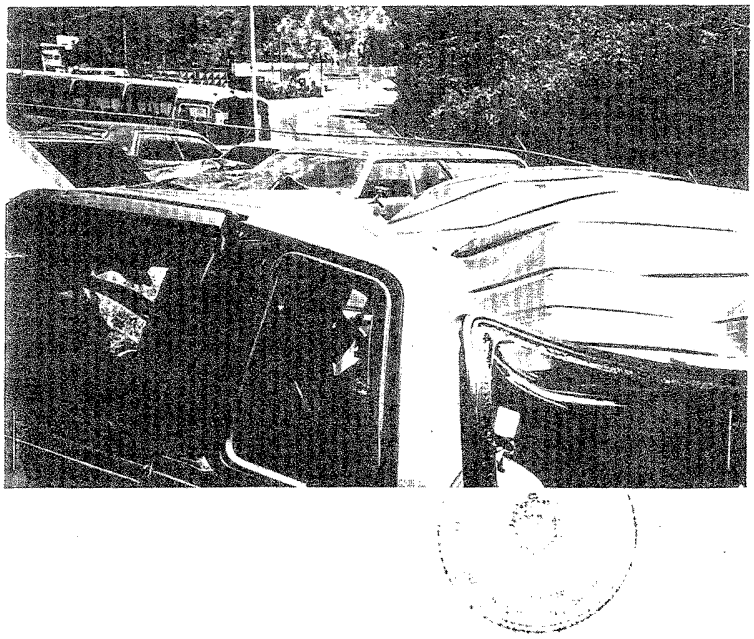


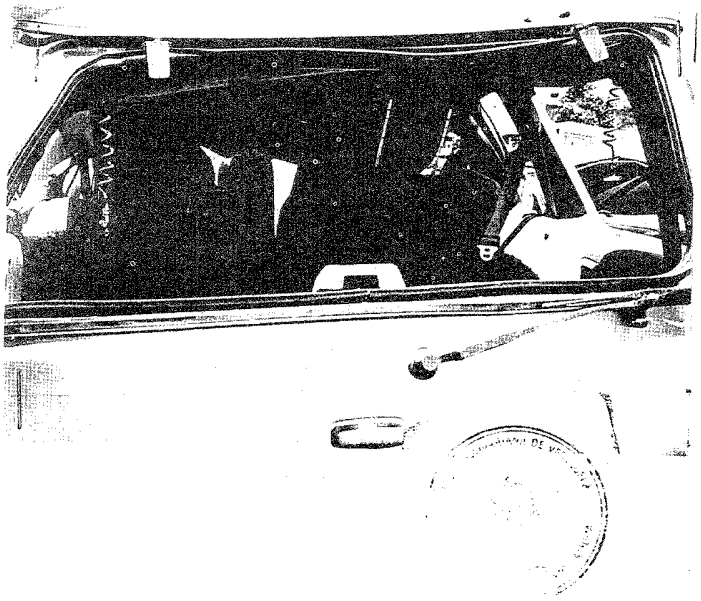






Gov't Exh. 25





Plaintiff's Exhibit 35



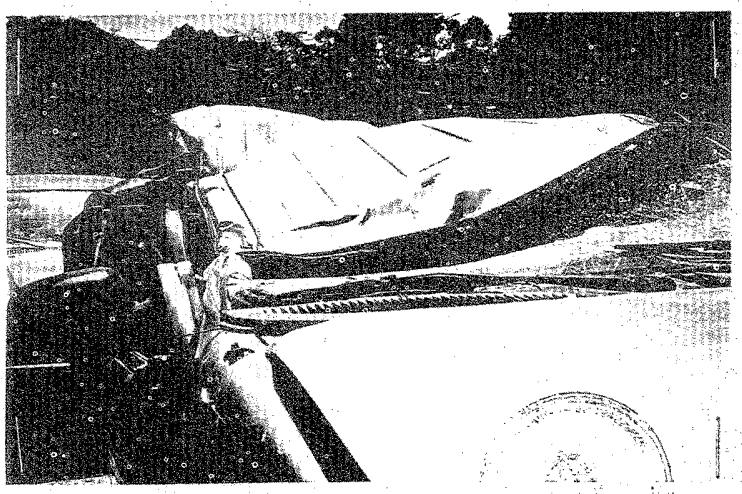
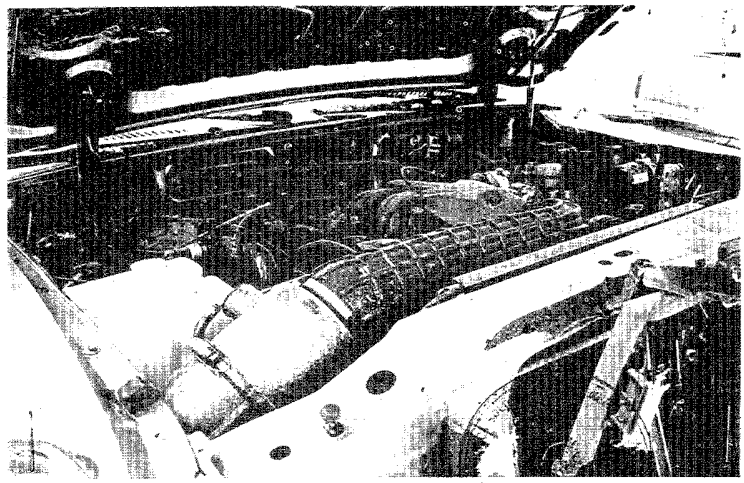
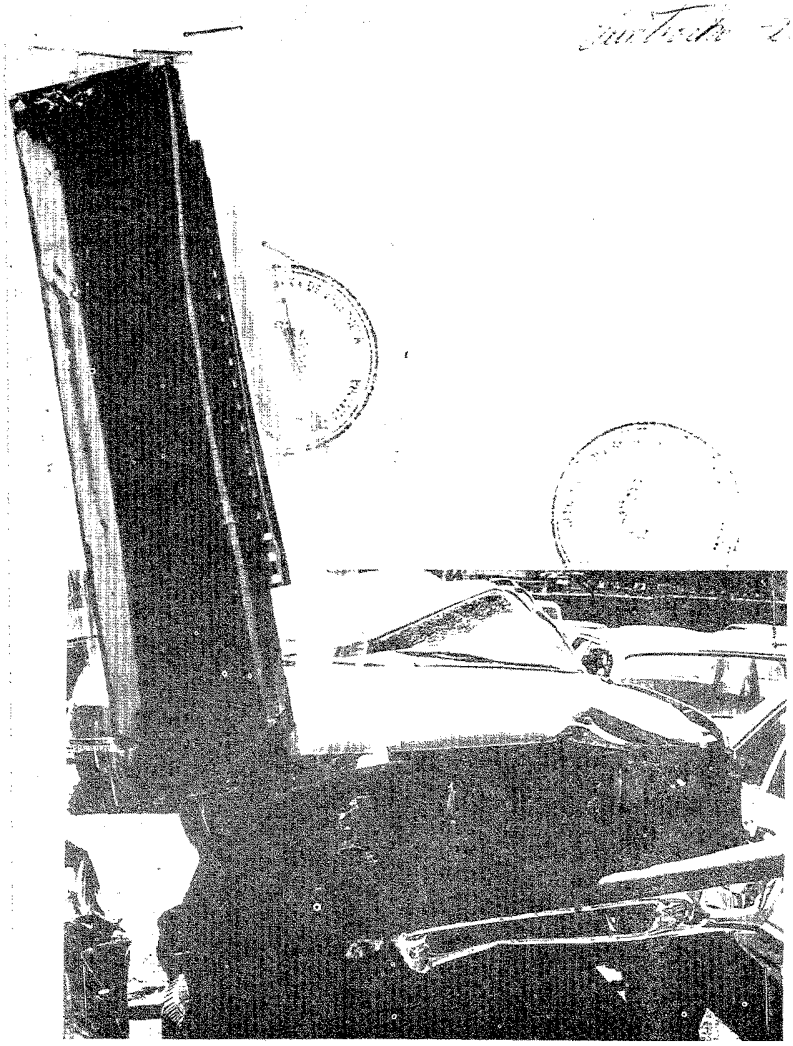


Exhibit 29





Juicio Firmado 29.

En horas de Despacho del día de hoy, miercoles veintiuno de febrero de dos mil uno, comparece por ante este Tribunal el ciudadano ALBERTO ALFONSO CARVAJAL UZCATEGUI e identificado con el número de su cédula de identidad NOV-4.766,030, en su caracter de Fotógrafo designado en la Inspección Judicial realizada en fecha (20-02-2001), el cual procede a consignar fotografias constante de veintidos (22) folios útiles con su respectivos negativos. Todo.- Terminó, se leyó y conformes firman.-

La Juez Provisorio,

Abg. YAMULA J. LOPEZ MARIN

El Compareciente:

La Secretaria

Abg. JOANNY CARRENO.

S.NO 18-2001.-

chal.-

Treinta -30-

JUZGADO DEL MUNICIPIO ZAMORA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO MIRANDA.- GUATIRE; VEINTIUNO DE FEBRERO DE DOS MIL UNO.-

190º y 141º

Cumplida como ha sido la Inspección Judicial so solicitada, se acuerda,-En consecuencia, devolver original con sus resultas a la parte interesada, constante de treinta (30), folios útiles.-

La Juez Provisorio,

Abg. YAMILA [illegible] PEZ MARIN

La Secretaria
Abg. JOANNY CARREÑO

Seguidamente se dió cumplimiento a lo acordado a su auto anterior.-

La Secretaria
Abg. JOANNY CARREÑO

CONSEJO DE LA JUDICATURA

OFICINA DE LOS ARCHIVOS JUDICIALES

NOTA:

Esta contratapa debe ser utilizada para cubrir los últimos folios que conforman un expediente.

Su finalidad es proteger los Documentos, evitando el deterioro.

Modelo C-30

REPUBLICA DE VENEZUELA

PODER JUDICIAL

No. 34

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) MARIELITA IDROGO OVIEDO

MOTIVO: INSPECCION JUDICIAL

JUZGADO: MUNICIPIO TORRES

FECHA ENTRADA: Día 09 Mes Marzo Año 2.001

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

No. 34

C-22

Ciudadano
Juez del Municipio Torres de la Circunscripción Judicial del Estado Lara.
Su despacho.-

Yo, **MARIELITA IDROGO OVIEDO**, venezolana, mayor de edad, Abogado en ejercicio, titular de la cédula de identidad N° **9.608.220,** inscrita en el Instituto de previsión Social del Abogado bajo el N° **45.435,** y de este domicilio, ante usted respetuosamente ocurro para exponer y solicitar cuanto sigue:

Para fines legales que me interesan, solicito respetuosamente que traslade y constituya el Tribunal a su digno cargo, en la siguiente dirección Carretera Lara-Zulia, Salida de Carora Estacionamiento Sánchez, C.A.; de conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, asimismo juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal; a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca **FORD**, Modelo: **EXPLORER**, placas **ABD-81C** y el tipo, año, color que presenta el vehículo inspeccionado.

SEGUNDO: Si el vehículo antes identificado, tiene cuatro (04) cauchos instalados en cada uno de sus rines.

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de rines del vehículo inspeccionado.

QUINTO: Se tomen fotografías en general del vehículo inspeccionado, y asimismo se deje constancia de las condiciones en que se encuentra el mismo.

SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado.

SEPTIMO: De cualquier otro hecho o circunstancia me reservo el derecho de señalar en su debida oportunidad.

Solicito de conformidad con los artículos 472 y 475 del Código de

Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que a tal efecto, se designe un práctico fotógrafo y un práctico mecánico.

Así mismo, solicito al tribunal que las referidas fotografías que fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, sean agregadas a esta inspección judicial.

Pido por último, que una vez evacuada la presente solicitud, me sea devuelta original con sus resultas.

Es justicia, que solicito en la fecha de su presentación.

I.P.S.A Nº 45435

REPUBLICA BOLIVARIANA DE VENEZUELA
DIRECCION DE INSPECCION JUDICIAL
CARORA
ESTADO LARA
JUZGADO DEL MUNICIPIO TOMES

Presentado personalmente por su firmante
Hoy 18 03 de: 2001
Constante de 02 Folio(s) útil(es)
y sus anexos en ..... Folio s) útil(es)
..... Hora: 16 [illegible]

La Secretaria

fte C3

Juzgado del Municipio Torres de la Circunscripción Judicial
del Estado Lara
Carora, 08 de Marzo de 2001
Años: 190º y 141º

Por recibida dásele entrada y hágase como se pide. En consecuencia, se fija el Segundo día de despacho siguiente, a la presente fecha, a las diez de la mañana, para llevar a efecto la inspección solicitada y una vez efectuada devuélvase originales con sus resultas.-

El Juez Provisorio

Abog. Francisco Román Zambrano Gómez

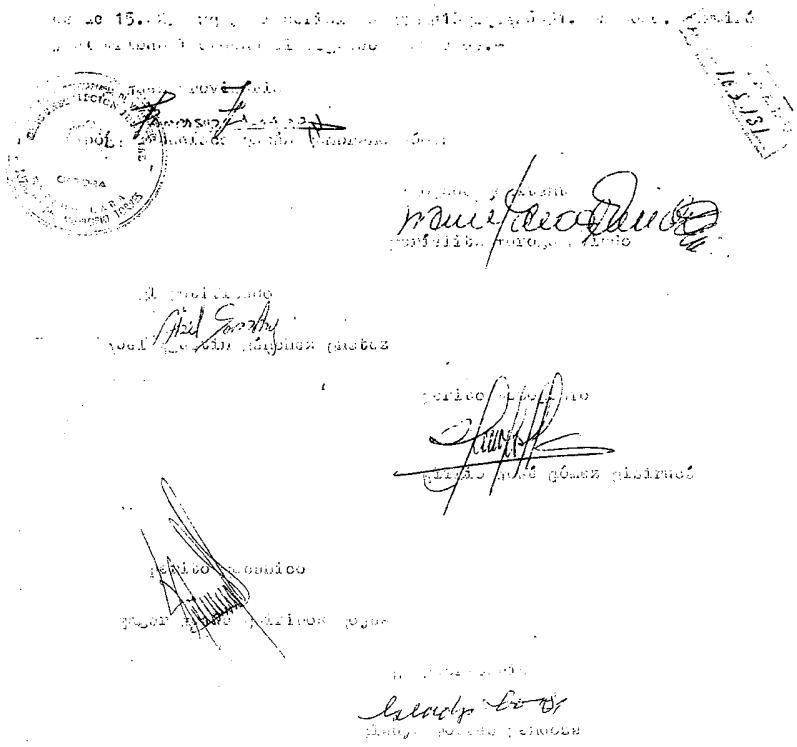
La Secretaria

Gladys Torres M.-

ofic 123

cuarto (4)

En el día de Despacho de hoy, Doce de Marzo del año Dos Mil Uno, siendo las Diez de la mañana, día y hora fijado para llevar a efecto la Inspección Judicial acordada, se trasladó el Tribunal en compañía de la Abogado Marielita Idrogo Oviedo, constituyéndose en la carretera - Lara-Zulia Estacionamiento Sánchez C.A. presente un ciudadano quien se identificó como ABEL AGUSTIN SANCHEZ OLATEZ, titular de la Cédula de Identidad No: 12.690.783, a quien el Tribunal le impone de la misión. el mismo manifestó ser el encargado del Estacionamiento. Seguidamente se procede a nombrar a los ciudadanos Alirio José Gómez Bisiruca y Edgar Jesús Chirinos Rojas, venezolanos, mayores de edad, portadores de las Cédulas de Identidad Nros: 10.763.656 y 9.656.539, como Fotografo y Mecánico respectivamente, quienes estando presente juran cumplir - fiel y cabalmente con los cargos inherentes al mismo. Seguidamente el Tribunal pasa a dejar constancia de lo siguiente; al particular primero: El Tribunal pasa a dejar constancia de que efectivamente en ~~el~~ lugar donde se encuentra constituido se encuentra un vehículo MARCA - FORD, Modelo EXPLORER, Placas ABD-81C, Tipo Sedan 4 puertas Elite, Color Rojo con franjas Gris. AL PARTICULAR SEGUNDO: Se deja constancia- que el vehículo antes identificado tiene 4 Cauchos instalados con sus respectivos Rines, es de hacer notar que uno de sus cauchos esta estallado y los otros 3 en muy buenas condiciones de vida útil. AL PARTICULAR TERCERO: El Tribunal pasa a dejar constancia a traves del perito Mecanico designadi de que la marca, tipo y serial de cada uno de - los cauchos en los rines instalados es la siguiente: Marca Good-year, Tipo Wrangler RT/S, Serial DOT MKCU-NGHR, 2900 Radial y tiene una capa de rodamiento buena. AL PARTICULAR CUARTO Y QUINTO. El Tribunal pasa a dejar constancia de que el Fotografo procedió a tomar las respectivas fotografías de cada uno de los cauchos instalado en el vehículo - inspeccionado y en las cuales se evidencia las condiciones en que se encuentra el mismo, con una camara Marca PENTAX Modelo Asahi, Serial- 3512412 SP500, las cuales serán agregadas a la Inspección Judicial en 24 Horas. AL PARTICULAR SEXTO: El Tribunal deja constancia de que las condiciones Generales en que se encuentra el vehículo inspeccionado - es de: La carroceria se encuentra hundida en su parte frontal y puerta trasera, asi como tambien la puerta delantera derecha del conductor - y guardafango trasero izquierdo. El parabrisas delantero y el vidrio- posterior del lado izquierdo del conductor se encuentra quebrado. Al PARTICULAR SEPTIMO: La Abogado Solicitante pide al Tribunal que deje constancia que a través del perito Mecanico la posible causa del siniestro ocurrido a la camioneta Inspeccionada. En este estado el perito Mecánico, expone: El siniestro es producto de un Giro y volcamiento además que presenta un impacto frontal en la parte izquierda. Seguidamente la Solitante pide al Tribunal que deje constancia a traves del- perito Mecánico del Kilometraje recorrido por la camioneta y del serial de la carroceria. El perito mecánico expone: El Kilometraje recorrido



cinco (5)

En el día de Despacho de hoy, Trece de Marzo del año Dos Mil Uno comparece por ante éste Despacho el ciudadano: ALIRIO JOSE GOMEZ-SISIRUCA y expone: "Consigno en este acto en Seis (6) folios útiles, Doce (12) Fotografías que le fueron tomadas a la Camioneta - Explorer Placas A80 81C, en el Estacionamiento Sánchez. Es todo.- Terminó, se leyó y conformes firman.-

El Exponente

La Secretaria

JUZGADO DEL MUNICIPIO TORRES DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO LARA

Carora: 13 de Marzo de 2.001

Años: 190º y 142º

Vista la consignación efectuada, se ordena agregar a los autos.-

El Juez Provisorio

Abog: Francisco Román Zambrano Gómez

La Secretaria

Gladys Torres Mendoza

En esta misma fecha se cumple lo ordenado.-

La Secretaria

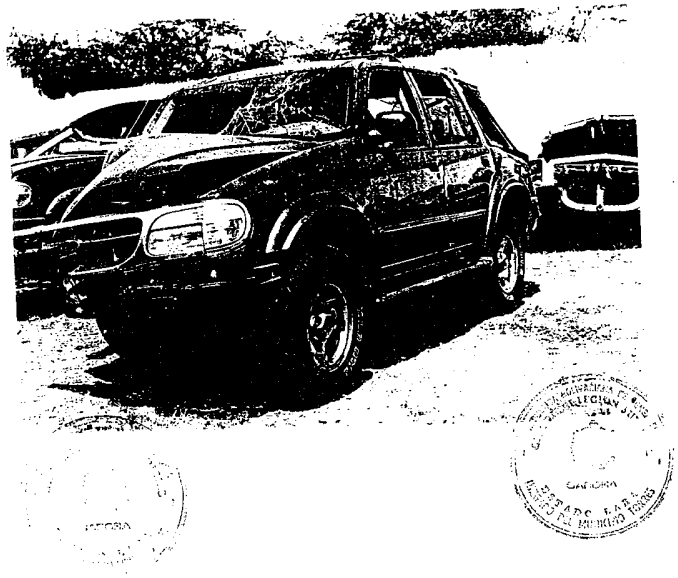
Gladys Torres Mendoza

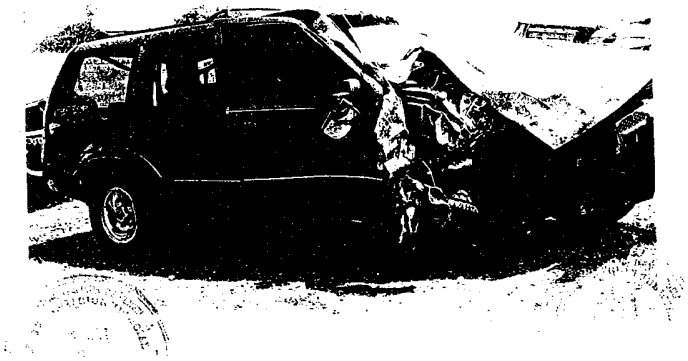
Sois (6)





Sitio (7)



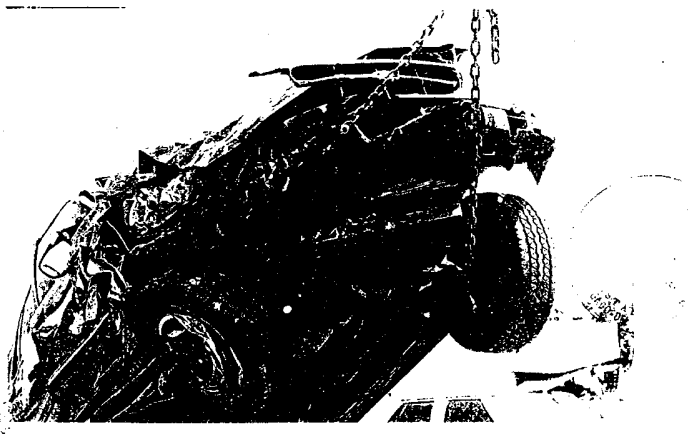


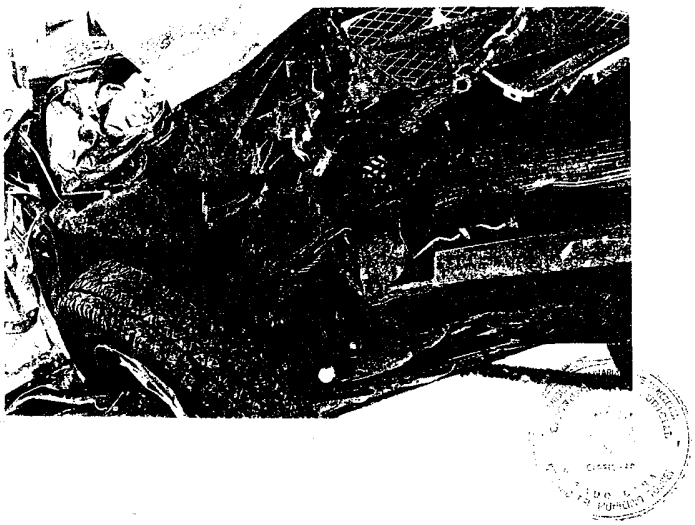
Ocho (8)





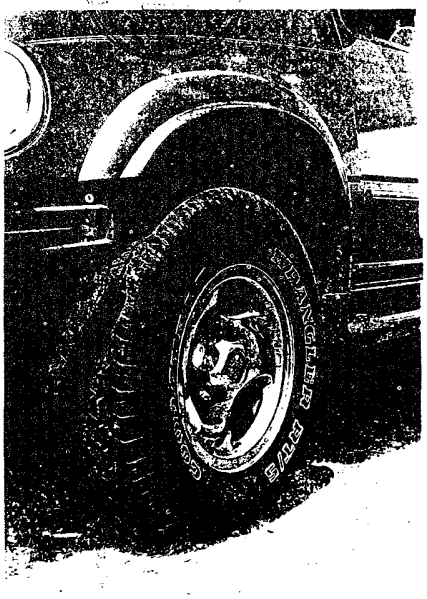
Prueba (9)



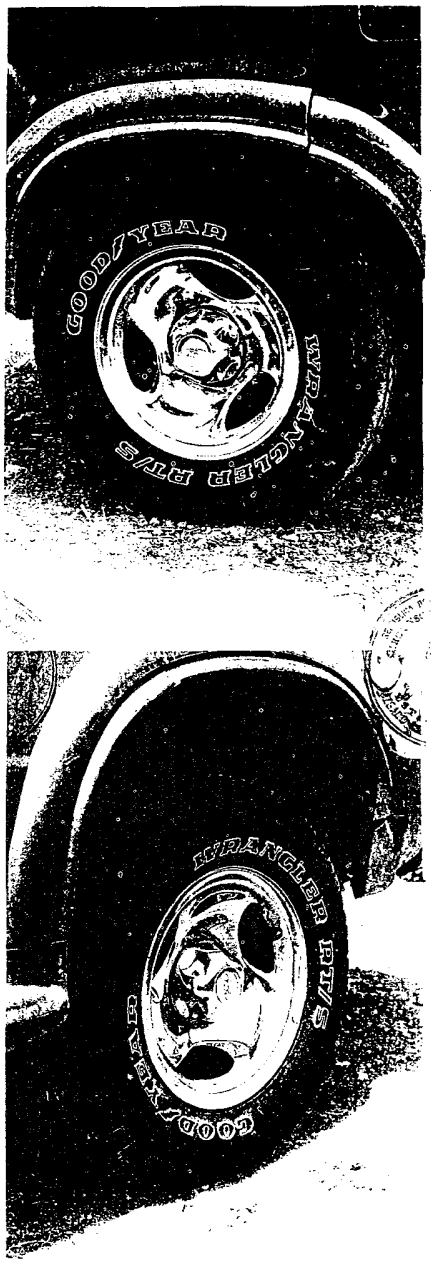


Diez (10)





REPÚBLICA BOLIVARIANA DE VENEZUELA
CIRCUNSCRIPCIÓN JUDICIAL
CARORA
ESTADO LARA
JUZGADO DEL MUNICIPIO TORRES


GOODYEAR
WRANGLER RTS
WRANGLER RTS
GOODYEAR

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

No. 35

ARCHIVO

SOLICITANTE (S) MARIELITA JOROSO OVIEDO

MOTIVO: INSPECCIÓN JUDICIAL

JUZGADO: MUNICIPIO TORRES

FECHA ENTRADA: Día 06 Mes Marzo Año 2.001

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

No. 35

C-22

Uno (1)

Ciudadano
Juez del Municipio Torres de la Circunscripción Judicial del Estado Lara.
Su despacho.-

Yo, **MARIELITA IDROGO OVIEDO**, venezolana, mayor de edad, Abogado en ejercicio, titular de la cédula de identidad N° **9.608.220,** inscrita en el Instituto de previsión Social del Abogado bajo el N° **45.435,** y de este domicilio, ante usted respetuosamente ocurro para exponer y solicitar cuanto sigue:

Para fines legales que me interesan, solicito respetuosamente que traslade y constituya el Tribunal a su digno cargo, en la siguiente dirección Carretera Lara-Zulia, Salida de Carora Estacionamiento Sánchez, C.A.; de conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, asimismo juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal; a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca **FORD**. Modelo: **EXPLORER**, placas **BAC-08T** y el tipo, año, color que presenta el vehículo inspeccionado.

SEGUNDO: Si el vehículo antes identificado, tiene cuatro (04) cauchos instalados en cada uno de sus rines.

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de rines del vehículo inspeccionado.

QUINTO: Se tomen fotografías en general del vehículo inspeccionado, y asimismo se deje constancia de las condiciones en que se encuentra el mismo.

SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado.

SEPTIMO: De cualquier otro hecho o circunstancia me reservo el derecho de señalar en su debida oportunidad.

Solicito de conformidad con los artículos 472 y 475 del Código de

Dos (2)

Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que a tal efecto, se designe un práctico fotógrafo y un práctico mecánico.

Así mismo, solicito al tribunal que las referidas fotografías que fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, sean agregadas a esta inspección judicial.

Pido por último, que una vez evacuada la presente solicitud, me sea devuelta original con sus resultas.

Es justicia, que solicito en la fecha de su presentación.

I.A.S.A. Nº 45.435

Presentado personalmente por su firmante
Hoy 05-03 de: 2001
Constante de 02 Folio(s) útil(es)
y sus anexos en * Folio s) útil(es)
Hora: 10 am

La Secretaria

Tes (3)

Juzgado del Municipio Torres de la Circunscripción Judicial
del Estado Lara
Carora, 08 de Marzo de 2001
Años: 190º y 141º

Por recibida désele entrada y hágase como se pide. En consecuencia, se fija el Segundo día de despacho siguiente, a las diez y treinta minutos de la mañana, para llevar a efecto la inspección judicial solicitada y una vez efectuada devuélvase originales con sus resultas.-

C4 folios 125

El Juez Provisorio

Abog. Francisco Román Zambrano Gómez

La Secretaria

Gladys Torres M.-

cuatro (4)

En el día de Despacho de hoy, Doce de Marzo del año Dos Mil Uno, sien Diez y treinta minutos de la mañana, día y hora fijado para llevar a efecto la Inspección Judicial acordada, se trasladó el Tribunal en compañía de la Abogado Marielita Toro Oviedo, titular de la cédula de identidad No: 5.608.220, I.P.S.A. No: 45.435, constituyéndose en el Estacionamiento Sánchez. C.A. ubicado en la Carretera Para Mulia de esta ciudad de Carora. Presente un ciudadano que identificado dijo llamarse ABEL AGUSTIN SANCHEZ OÑATEZ, titular de la cédula de identidad No: 12.690.783 y a quien el Tribunal le notifica de su misión, el notificado manifiesta ser el encargado del Estacionamiento Sánchez C. A. Seguidamente se procede a nombrar a los ciudadanos ALIRIO JOSE GOMEZ SISIRUCA Y EDGAR JESUS CHIRINOS ROJAS, venezolanos, mayores de edad, portadores de las cédulas de identidad Nos: 10.763.656 y 9.636.339, como Fotografo y Mecánico respectivamente, quienes estando presente juran cumplir fiel y cabalmente con los cargos inherentes al mismo Seguidamente el Tribunal pasa a dejar constancia de: Al PARTICULAR PRIMERO, el Tribunal pasa a dejar constancia de que efectivamente en el lugar donde se encuentra constituido se encuentra un vehículo MARCA FORD, Modelo EXPLORER, Placas BAC-08T, Modelo Elite, Tipo Sedán de 4 puertas, Año: 1998, Color Vino-Tinto, con franjas Gris. AL PARTICULAR SEGUNDO, Se deja constancia que el vehículo antes identificado tiene 3 Cauchos instalados en sus respectivos rines. AL PARTICULAR TERCERO: El Tribunal pasa a dejar constancia a través del Perito Mecánico designado de que la marca, tipo y serial de cada uno de los cauchos instalados en los rines del vehículo inspeccionado es Tipo GRANTREK Radial Modelo Dunlop, Serial DOT DBY7GAG0049. Es de hacer notar que los cauchos presentan las mismas características y tiene una capa de rodamiento buena. Al PARTICULAR CUARTO Y QUINTO, el Tribunal pasa a dejar constancia de que El Fotgráfo procedió a tomar fotografías de cada uno de los cauchos instalados en el vehículo inspeccionado y en las cuales se evidencia las condiciones en que se encuentran el mismo, con una camara fotografica marca PENTAX Modelo Asahí, Serial 3312412 SP500, las cuales serán agregadas a la Inspección Judicial en 24 horas. AL PARTICULAR SEXTO: El Tribunal deja constancia de que las condiciones Generales en que se encuentra la carrocería del vehículo inspeccionado es de Deterioro por todos sus lados, el techo hundido, todos los vidrios quebrados a exepción del delantero y medio izquierdo del lado del conductor y parte trasera hundida. AL PARTICULAR SEPTIMO: La Abogado solicitante pide al Tribunal que deje constancia que a través del Perito Mecánico la posible causa del siniestro ocurrido en la camioneta inspeccionada. En este estado el perito Mecanico, expone: El siniestro es producto de un volcamiento y un posible giro de la camioneta y deslizamiento. Igualmente la solicitante solicita al Tribunal se deje constancia del Kilometraje recorrido por la camioneta y el serial de carroce-

ria; el perito mecánico expone se deja expresa constancia que el kilometraje recorrido es de 27717 kms, y el serial de carrocería es AJU5VP10[illegible]. Es todo, el [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].-

El Juez provisorio

Abog. Francisco Juan Umbrano Gómez

El solicitante

Marcelino Furoso Oviedo

El notificado

Abel Sanchez

Abel Agustín Sánchez Cuitea

Perito-Autógrafo

Alicia [illegible] Gómez Quiroga

Perito mecánico

Edgar Justo Quiroga Rojas

[illegible] Secretaria

[illegible]

[illegible] Mendoza

Anexo (5)

En el día de Despacho de hoy, Trece de Marzo del año Dos Mil Uno comparece por ante éste Despacho el ciudadano Alirio José Gomez-Sisirucá y expone: "Consigno en este acto en Seis (6) folios útiles Doce (12) Fotografias efectuadas a la Camioneta Explorer Placas BAC-00T, para que sean agregadas a los autos. Es todo. Terminó, se leyó y conformes firman.-

El Exponente

La Secretaria

JUZGADO DEL MUNICIPIO TORRES DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO LARA

Carora: 13 de Marzo de 2.001

Años: 190° y 142°

Vista la consignación efectuada, se ordena agregar a los autos

El Juez Provisorio

Abog: Francisco Roman Zambrano Gómez

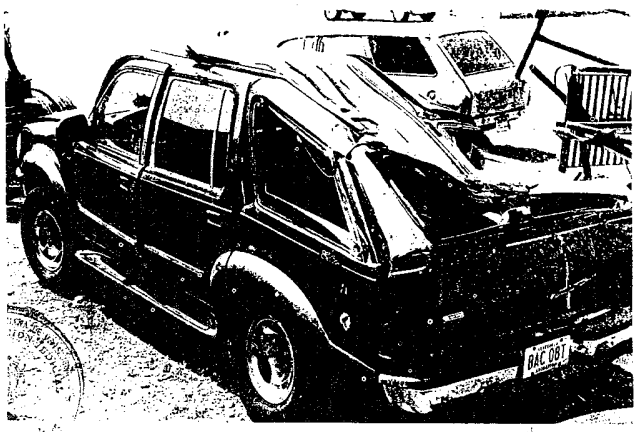
La Secretaria

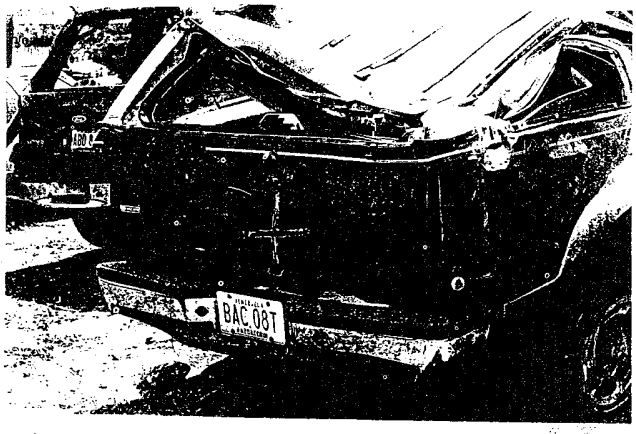
Gladys Torres Mendoza

En la misma fecha se cumple lo ordenado.-

La Secretaria

Sacc. (6)





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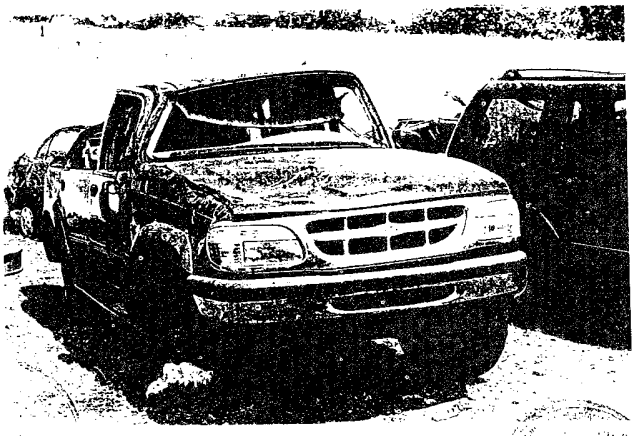

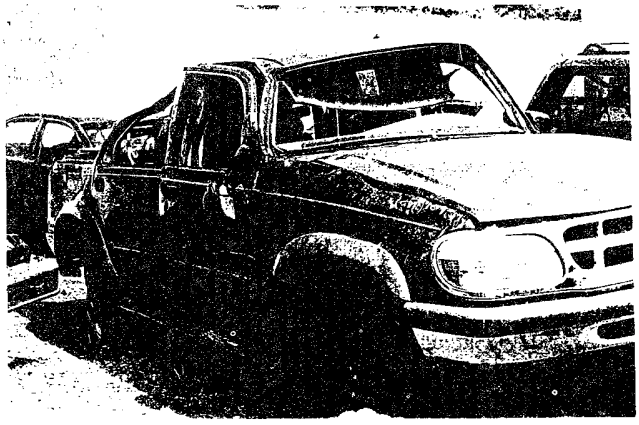

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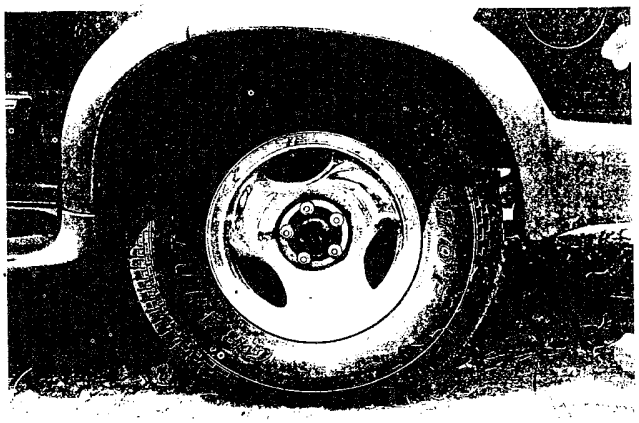

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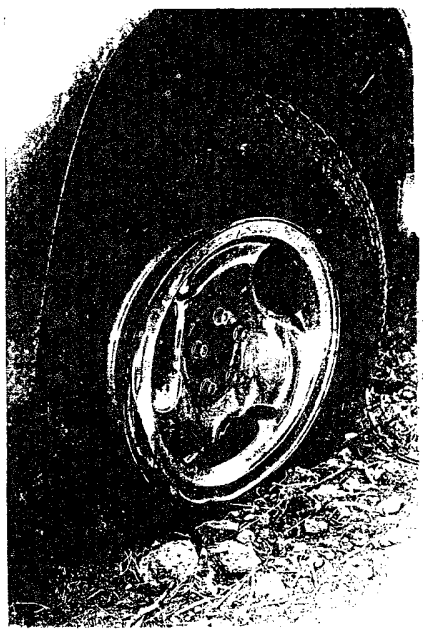

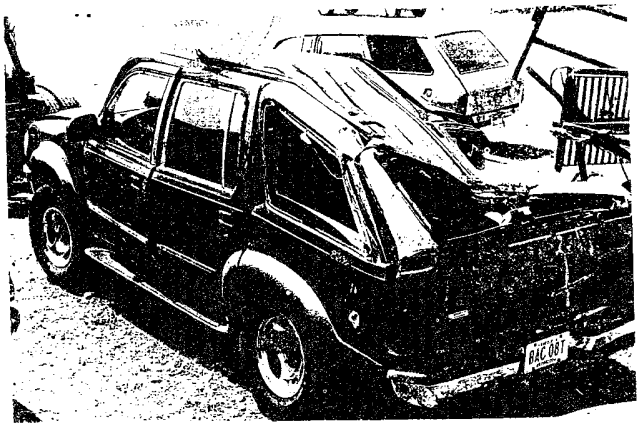

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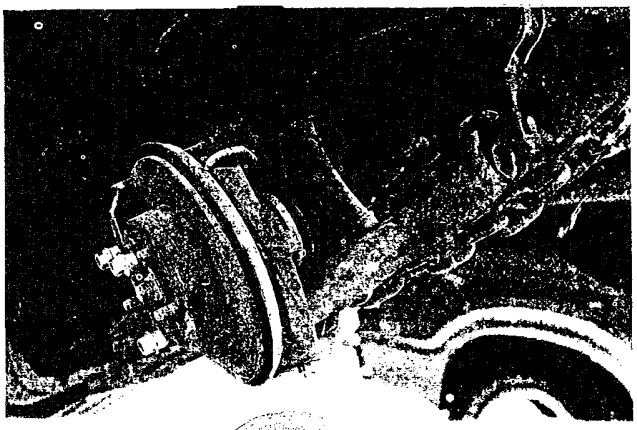

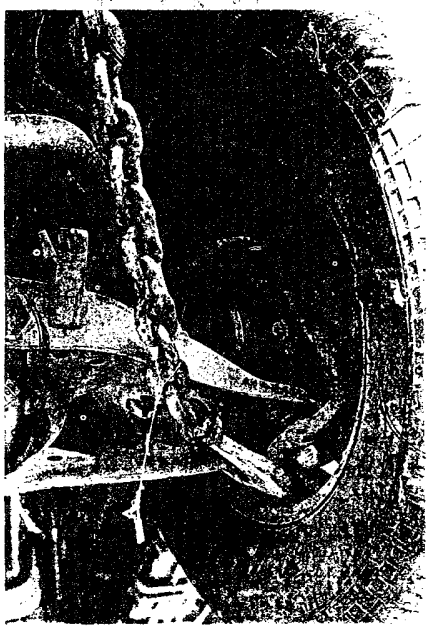

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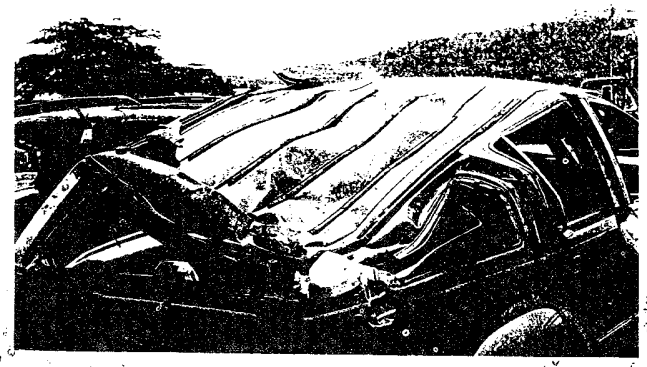
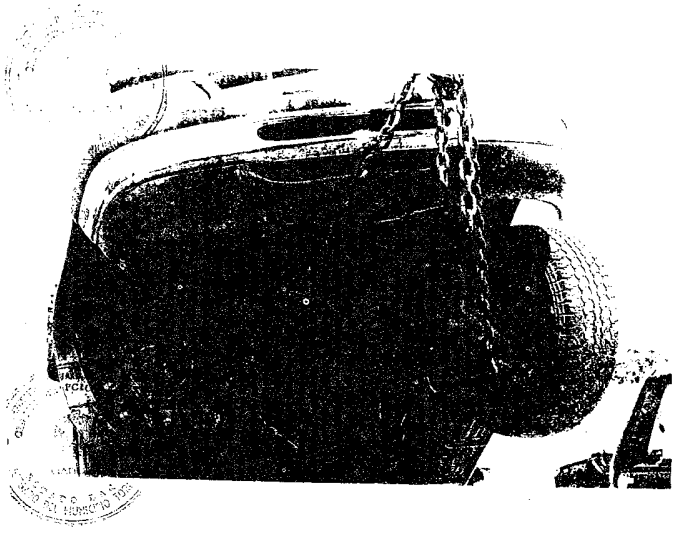




CONSEJO DE LA JUDICATURA

OFICINA DE LOS ARCHIVOS JUDICIALES

NOTA:

Esta contratapa debe ser utilizada para cubrir los últimos folios que conforman un expediente.

Su finalidad es proteger los Documentos, evitando el deterioro.

Modelo C-30

REPUBLICA BOLIVARIANA
DE VENEZUELA

PODER JUDICIAL
JURISDICCION CIVIL

No. 20 /2001

SOLICITUDES

ARCHIVO

SOLICITANTE (S): MARIELITA IDROGO OVIEDO

MOTIVO: INSPECCION JUDICIAL

JUZGADO: DEL MUNICIPIO BRUZUAL DE LA CIRCUNSCRIPCION JUDICIAL DEL EI

FECHA DE ENTRADA: Día 09 Mes MARZO Año 2.001

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

No. _____

c.22

Folio Uno (1)

Ciudadano
Juez del Municipio Bruzual de la Circunscripción Judicial del Estado Yaracuy.
Su despacho.-

Yo, **MARIELITA IDROGO OVIEDO**, venezolana, mayor de edad, Abogado en ejercicio, titular de la cédula de identidad N° **9.608.220,** inscrita en el Instituto de previsión Social del Abogado bajo el N° **45.435,** y de este domicilio, ante usted respetuosamente ocurro para exponer y solicitar cuanto sigue:

Para fines legales que me interesan, solicito respetuosamente que traslade y constituya el Tribunal a su digno cargo, en la dirección que oportunamente señalare, de conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, asimismo juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie, el requisito de la distribución; a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca **FORD**, Modelo: **EXPLORER**, año **2000**, placas **KAP-72F** y el color y tipo que presenta el vehículo inspeccionado.

SEGUNDO: Si el vehículo antes identificado, tiene cuatro (04) cauchos instalados en cada uno de sus rines.

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de rines del vehículo inspeccionado.

QUINTO: Se tomen fotografías de la carrocería, y asimismo se deje constancia de las condiciones en que se encuentra el vehículo inspeccionado.

SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado.

SEPTIMO: De cualquier otro hecho o circunstancia me reservo el derecho de señalar en su debida oportunidad.

Solicito de conformidad con los artículos 472 y 475 del Código de Procedi-

Folios Nos (2)

miento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que a tal efecto, se designe un práctico fotógrafo y un práctico mecánico.

Así mismo, solicito al tribunal que las referidas fotografías que fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, sean agregadas a esta inspección judicial.

Pido por último, que una vez evacuada la presente solicitud, me sea devuelta original con sus resultas.

Es justicia, que solicito en la fecha de su presentación.

I.P.S.A 4/5/485

Folio Tres (3)

JUZGADO DEL MUNICIPIO BRUZUAL DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO YARACUY.

Chivacoa: 09 de Marzo del 2.001
Años: 190º y 142º

Vista la Solicitud presentada por la ciudadana MARIELITA IDROGO OVIEDO, abogada en ejercicio, inscrita en el IPSA bajo el Nº 45.435, se acuerda de conformidad. En consecuencia se fijan las diez de la mañana del día de hoy para trasladarse y constituirse el Tribunal en el sitio indicado en dicha Solicitud y llevar a la práctica la Inspección Judicial solicitada.

El Juez Acc.

Abg. Efraín Ballester Acosta.

La Secretaria,

YSAURA GIMENEZ

Folio Cuatro (4)

la fecha de hoy, nueve de Marzo del año 2001 como estaba acordado, se trasladó y constituyó el Tribunal al Estacionamiento Bruzual, ubicado en la Autopista Centro-Occidental en sentido Chivacoa San Felipe, en compañía de la Solicitante Abogada Marielete Iñigo, a fin de llevar a la práctica la Inspección Judicial solicitada. A tal efecto se nombra Perito Mecánico al ciudadano: Giovanny Marchiori Medina y como Perito Fotógrafo el ciudadano: Guillermo Jesús Rodríguez, venezolanos, mayores de edad, titulares de las Cédulas de Identidad Nos. 5.251.231 y 4.730.194, respectivamente, quienes estando presentes aceptaron el cargo y prestaron juramento de ley. El Tribunal pasa a dejar constancia de los particulares solicitados. Al particular Primero, el Tribunal deja constancia que efectivamente en el sitio donde se practica la Inspección, se encuentra un vehículo Marca Ford, Modelo: Explorer, Año 2.000, Placas: KAP-72S Color: Gris metalizado, Tipo: dos (2) puertas. Al particular Segundo, el Tribunal deja constancia que el vehículo inspeccionado presenta sus cuatro (4)

Folio Cinco (5)

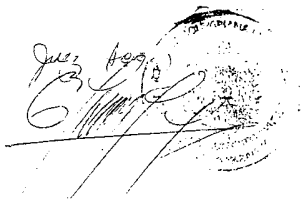
Cauchos instalados en sus rines los cuales los dos delanteros se encuentran en buen estado y con aire y los dos Traseros se encuentran sin aire, el ring presenta abolladuras. Al particular Tercero el Tribunal deja constancia, previa información del Perito Mecánico, que los cauchos delanteros son de Marca Good Year Wrangler/S RT/S y su DOT es DOT PBHL2AB4519, los traseros también son Good Year Wrangler RT/S y su DOT es DOT-PBHL2AB4529. Al particular Cuarto, el Tribunal deja Constancia que en su presencia el Perito fotógrafo hace las tomas al vehículo Inspeccionado con una Cámara Fotográfica de las siguientes características: Marca Olimpus, Modelo: Oscura Zoom XB700, específicamente en cada uno de los cauchos y rines del vehículo Inspeccionado. Al particular Quinto el Tribunal deja constancia que en su presencia el Perito fotógrafo hace tomas fotográficas de la Carrocería del vehículo Inspeccionado y así mismo deja constancia previo informe del Perito Mecánico, que el vehículo presenta daños de Pérdida total, se observa la destrucción total del parabrisas y todos los vidrios que contiene la

Folio Seis (6)

Camioneta, así mismo presenta hundimiento en toda su estructura, especialmente en la parte trasera del vehículo, así mismo que por las características de los daños, se presume que fue por un volcamiento cuyas causas se desconocen y el Kilometraje de la Camioneta Marca 014419 de Kilómetros recorridos. Al Particular Sexto, el Tribunal deja Constancia, previa información del Perito Mecánico que la Carrocería del vehículo sufrió los siguientes daños: En la trasmisión trasera presenta desplazamiento de su sitio ordinario, la barra estabilizadora trasera se encuentra doblada y presuntamente el Chasis se encuentra doblada. Al particular Séptimo, la solicitante pide al Tribunal que le dé un lapso para presentar las tomas fotográficas que fueron tomadas en su presencia al vehículo inspeccionado. El Tribunal visto lo solicitado, lo acuerda de conformidad, y fija un lapso de Setenta y dos (72) horas para que consigne las fotografías tomadas al vehículo Inspeccionado para que formen parte de la presente Inspección. Se hace la salvedad que fue notificado de la presente Inspección el ciudadano José Argenis Alvarado, venezolano, mayor de edad, titular de la Cédula de Identidad N° 10.366.651 en su carácter de vigilante de dicho estacionamiento. El Tribunal, cumplida como ha sido su misión ordena su regreso o su sede natural.

El

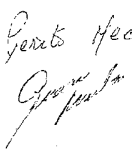
Folio Siete (7)



La Solicitante



Perito Mecánico



Perito Fotógrafo.



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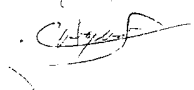
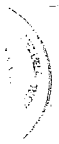
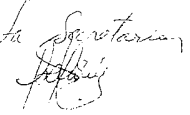




La Secretaria,



Folio Uno (1)

En horas de despacho del día de hoy 13-03-01 de Marzo del 2001, comparece por ante este Tribunal el ciudadano: Guillermo Rodríguez C.I: 4.730.194, Votoranjo en la presente inspección y quien expone: consigno en este acto (11) folios útiles contentivos de (21) fotocopias todas pertenecientes a la presente inspección. Es todo, Ciudadano, se leyó y conformes, firman.

El Ciudadano

La Secretaria

Folio Dec (10)



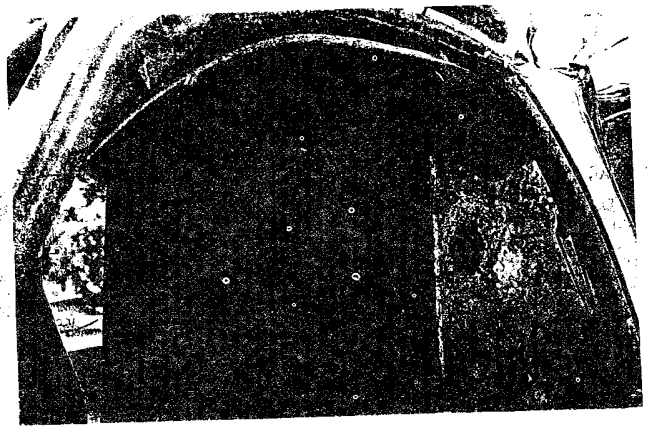
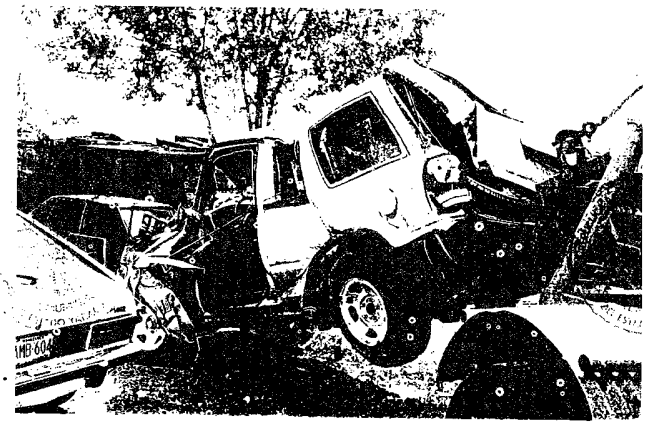


Foto Sisa 19





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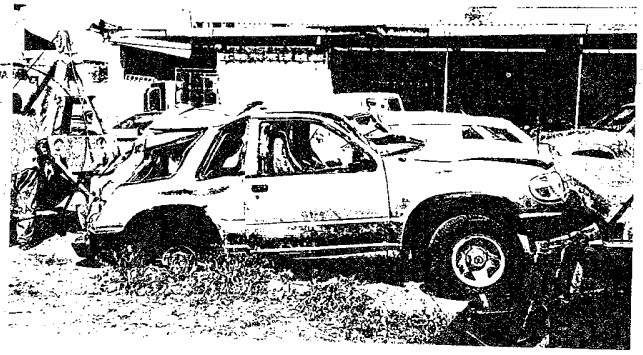

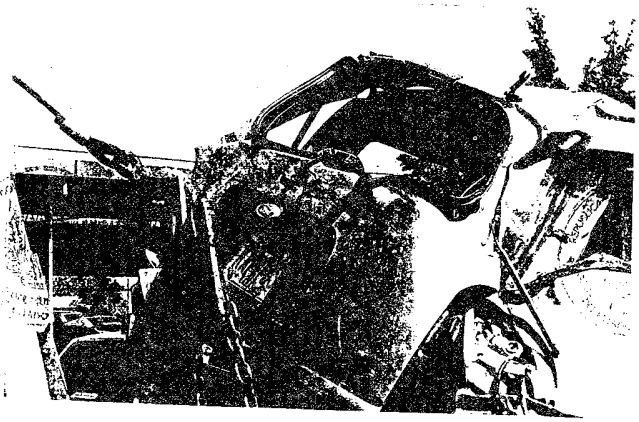

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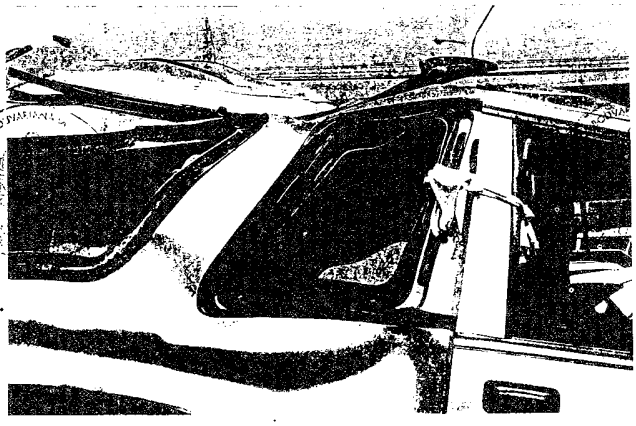

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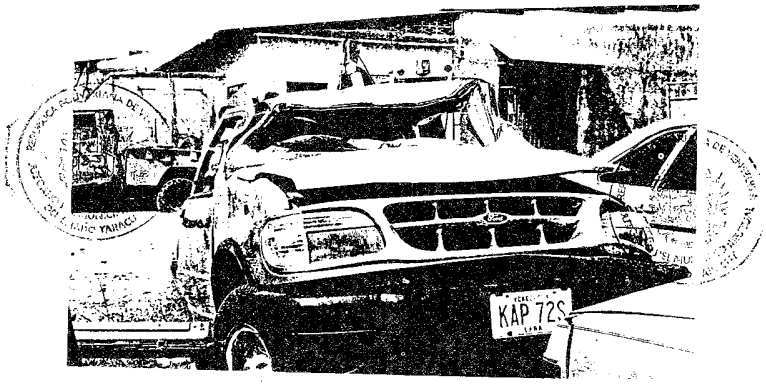
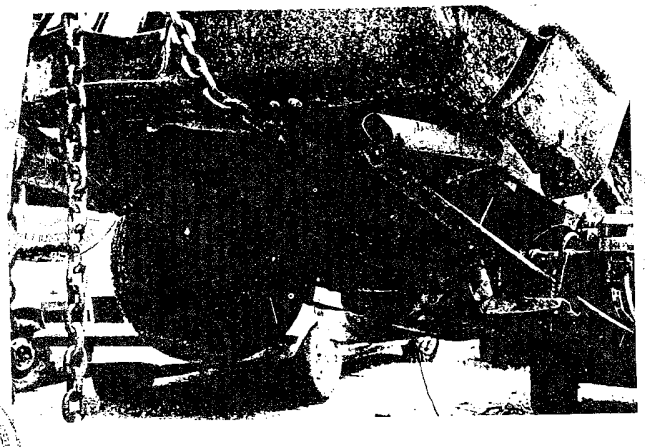


Police Cruiser (194)





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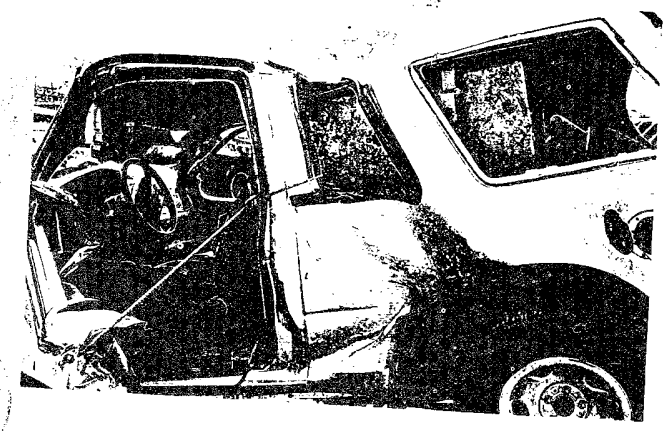

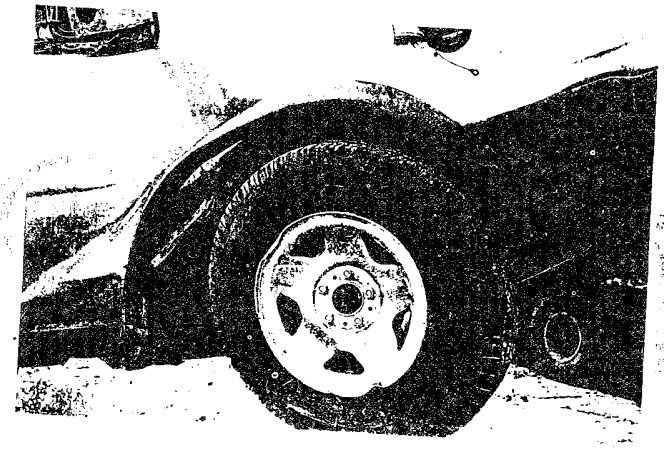

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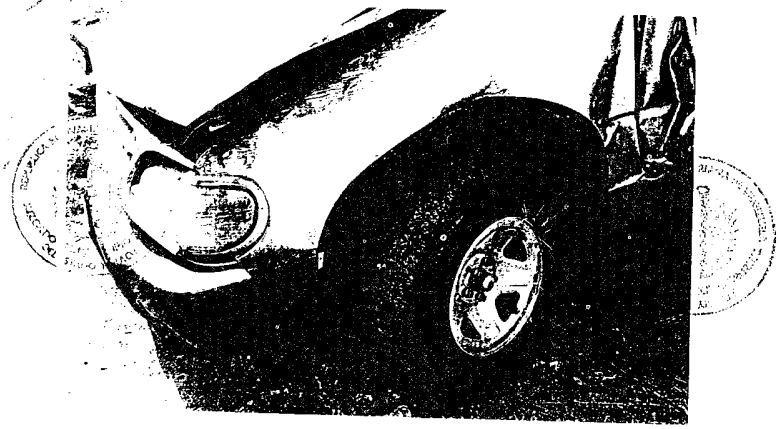

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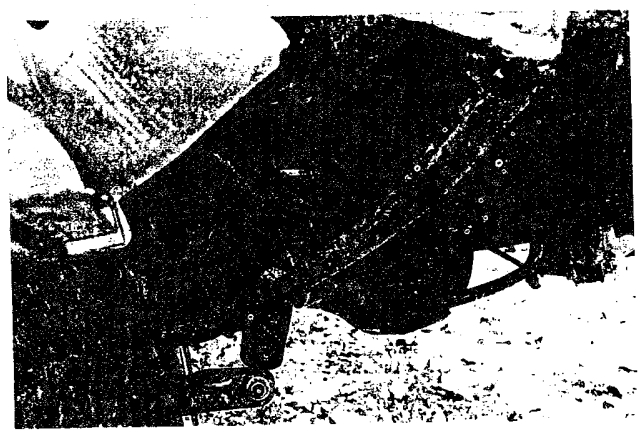
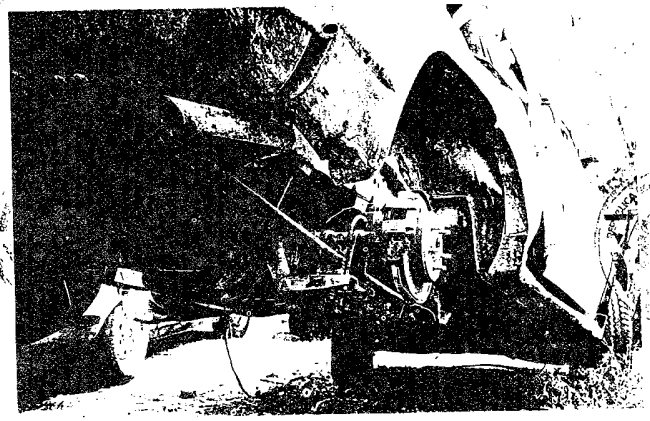


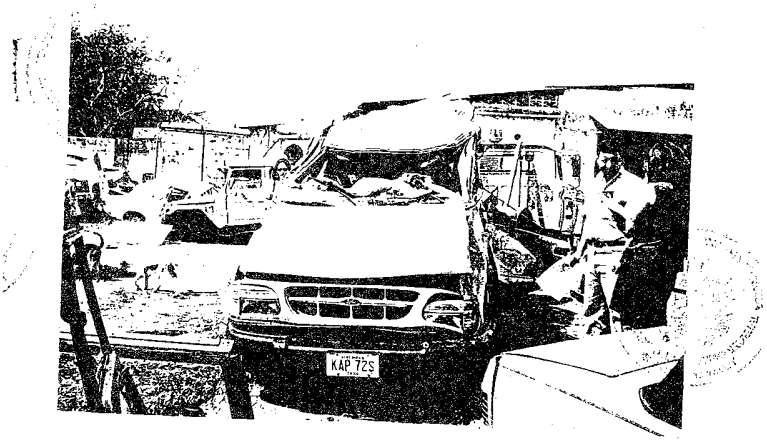


Folio Dieciocho 1/3





Folio Diecinueve (1



REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 1560

SOLICITUDES

ARCHIVO

SOLICITANTE (S): Bridgestone Firestone Venezolana C.A.

MOTIVO: Inspección Judicial

JUZGADO: Municipio José Félix Ribas y José Rafael Revenga

FECHA DE ENTRADA: Día 22 Mes Marzo Año 2001

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

No. 1560

C-22

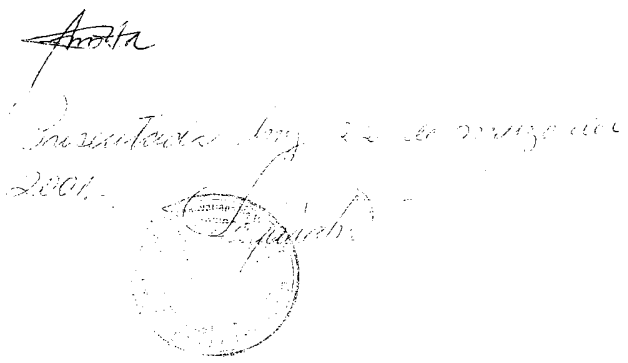
Ciudadano
JUEZ DE LOS MUNICIPIOS JOSE FELIX RIBAS Y JOSE RAFAEL REVENGA
DE LA CIRCUSNCRIPCION JUDICIAL DEL ESTADO ARAGUA
SU DESPACHO.-

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de

los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en la fecha de su presentación.



Francis Ghiart de Olivastri
Abogado
I.P.S.A. 67.252

DE VALENCIA
PLANILLA N°
DERECHOS
COTRGAMIENTO

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren, ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

Dr. Rodríguez Marval
NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA. NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Cuatrocientos (25) de Octubre del Dos Mil. 190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79. de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM.

LA NOTARIO SEXTO. EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

JUZGADO DE LOS MUNICIPIOS JOSE FELIX RIBAS Y JOSE RAFAEL REVENGA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO ARAGUA. LA VICTORIA,22 DE MARZO DEL DOS MIL UNO: AÑOS: 190º y 141º.-

Vista la solicitud presentada por la ciudadana Aracelis del Valle Urdaneta N, venezolana, mayor de edad,titular de la cedula de identidad Nº V- 7.082.174,abogada en ejercicio, inscrita en el Inpreabogado Bajo el Nº 30.706, procediendo en este acto en su carácter de apoderada de BRIDGESTONE FIRESTONE VENEZOLANA C.A se admite cuanto ha lugar en derecho previa la habilitación del tiempo necesario, jurada como ha sido la urgencia del caso. En consecuencia trasladese y constituyase el Tribunal donde indique el solicitante y practiquese la INSPECCION JUDICIAL requerida.

El Juez

Dr Clemente Martinez E.-

La Secretaria Acc.

Haydee Martinez.

S: 1560.-

CME/HM/ms.-

Seguidamente en esta misma fecha , veintidos (22) de marzo del año dos mil uno, siendo las diez horas y treinta minutos de la mañana, se trasladó y constituyó este Tribunal en el Estacionamiento San Sebastian, ubicado en la carretara La Victoria-Zuata de esta Jurisdicción , sitio señalado por la abogado Aracelis del Valle Urdaneta, inpreabogado Nº 30.706, en su carácter de apoderada de la empresa BRIDGESTONE FIRESTONE VENEZOLANA C.A., según se evidencia del poder acompañado a la presente solicitud; a los fines de practicar la Inspección Judicial requerida. A los fines de tener el Tribunal mejor acesoramientos e ilustramiento en la práctica de esta Inpsección judicial, nombra perito y practico fotografo a los ciudadanos: DAVID GO[illegible] [illegible], venezolanos, mayores de esda, titulares de las cédulas de identidad Nºs. 11.039.574 y 386.596, respectivamente, quienes estando presentes aceptaron el cargo y prestaron el juramento de Ley , jurando cumplir bien y fielmente con su obligación. De seguidas el práctico fotodráfo procede a la toma de lfotografias con una camara que presenta al Tribunal para su vista, marca: Polaroid, C36, clase: Close Up, fotografias éstas que seran agregadas a la presente inspección previa su certificación y formaran parte de la misma. El Tribunal pasa a realizar la Inspección Judicial solicitada previa asesoramientos del práctico de la manera siguiente: AL PRIMER PARTICULAR: El Tribunal deja constancia que observa un vehículo marca ; Ford, modelo Explorer, Tipo: XLT 4X2 , color: Dorado; año: 1998; placas: GAT-76H; AL SEGUNDO PARTICULAR: El Tribunal deja constancia que el vehículo antes identificado, posee cuatro (4) caucho instalados en cada uno de sus rines. AL TERCER PARTICULAR: El Tribunal asesorado por el práctico designado deja constancia, que el cauicho delantero derecho es de marca GOOD YEAR, Tipo: WRANGLER RT/S, medida LT235/75R15, serial DOTPBHL 2AG4 3100,

caucho delantero izquierdo: marca GOOD YEAR, tipo: WRANLER, RT/S, medidas LT235/75 R15, serial DOT PBHL 2AC4 3100; caucho trasero derecho: marca: GOOD YEAR, tipo: WRANGLER RT/S, medida : LT235/75R15 serial DOT PBHL 2AC4 3100, caucho trasero izquierdo: marca: GOOD YEAR, Tipo: WRANGLER, RT/S, medidas: LT235/75 R15, serial: DOT PBHL 2AC4 3100, AL CUARTO PARTICULAR: El tribunal previo asesoramiento del práctico deja constancia que cada uno de los caucho instalados en los rines del vehículo, así como su banda de rodamiento se encuentran en perfecto estado. AL QUINTO PARTICULAR: El Tribunal ordena la toma de fotografías a cada uno de los cauchos instalados en cada uno de los rines del vehículo ibnspeccionado , con la camara anteiormente identificada, las cuales se ordena agregar a la presente inspección para que formen parte de la misma; AL SEXTO PARTICULAR: El Tribunal ordena la toma de fotografías de la carroceria y condiciones en que se encuentra el vehículo inspecciónd, con la camara previamente identificada , cuyas reproducciones fotograficas se agregan a la presente inspección . AL SEPTIMO: El Tribunal asesorado por el paráctico deja constancia que la carroceri del vehículo presenta [illegible] hundimiento pronunciado de capot y techo, vidrios destrozados; puertas y parales inservibles, explosión del air back. En este estado interviene la solicitante antes identificada y expone: Solicito del Tribunal deje constancia del kilometraje que presenta el vehículo; igualmente solicito deje constancia de la marca , tipo , medida, serial y estado que presenta en caucho de repuesto; igualmente el estado de su banda de rodamiento y por último solicito al Tribunal se le tome fotografia a ese caucho. En este Estado el Tribunal acuerda de conformida con lo solicitado y deja constancia que el kilometraje del vehículo inspeccionado es de 30.199 Km.

Igualmente deja constancia que el caucho de repuesto es marca: GOOD YEAR, tipo Wrangler RT/S, medida: LT235/75R15, serial DOT PDHL ZAC4 3100, el cual se encuentra en perfecto estado (nuevo) y el Tribunal en este acto ordena que se le tome las fotografias, El Tribunal deja constancia que a los efectos de practicar la presente Inspección se habilitó todo el tiempo necesario, jurada como ha sido la urgencia del caso. Concluido este acto el Tribunal ordena retornar a su sede ordinaria y devolver original con sus resultas a la solicitante. Es todo, terminó , se leyó y conformes firman.

El Juez,

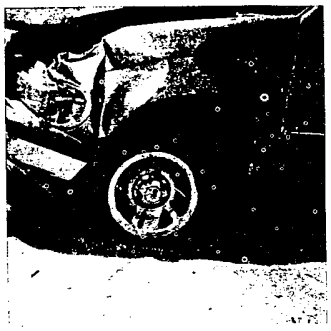
Dr. Clemente [illegible] Espinoza

La solicitante,

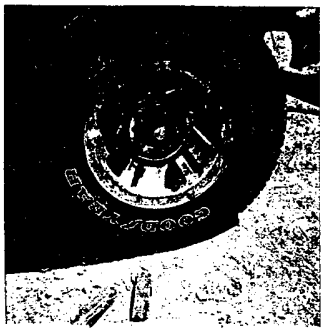
El Perito,

El fotografo,

La Secretaria Acc.




WRANGLER















La suscrita secretaria accidental del Juzgado delos Municipios José Felix Ribas y José Rafael Revenga de la Circunscripción Judicial del Estado Aragua CERTIFICA: que las fotografías que se anexan a la presente inspección fueron tomadas al momento de practicarse dicha inspección y junto con ella forman parte de la misma. La Victoria, 22 de marzo del año dos mil uno.

La Secretaria Acc/.

Ydee Martínez Stein

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

ARCHIVO

No. [illegible]

Pieza No. _____

DEMANDANTE (S) [illegible]

DEMANDADO (S) _____

MOTIVO [illegible]

TRIBUNAL [illegible]

Fecha de entrada: Día [illegible] Mes [illegible] Año [illegible]

REMITIDO _____

Día _____ Mes _____ Año _____

REMITIDO _____

Día _____ Mes _____ Año _____

TERMINADO EN FECHA _____

No. [illegible]

Pieza No. _____

C-10

Ciudadano

Abogada Gladys Guadalupe Girón
JUEZ DEL MUNTCIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082 174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de

los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

NOTARIA PUBLICA SEXTA DE VALENCIA
PLANILLA N° 3783
DERECHOS
OOTRGAMIENTO

Francis Ghiart de Olivarius
Abogado
I.P.S.A. 67.252

CA-98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuviere ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo mas no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

Dr. Rodríguez de Marval
NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA. NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Veintiocho (28) de Octubre del Dos Mil 100º y 143º. El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla Nº 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado — .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el Nº 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 25-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

LA NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

...GADO DEL TRIBUNAL SUPERIOR [illegible] ...

...TIERRAS, Valle Jueves 08 de marzo de [illegible] ...

AÑOS [illegible] ...

...Los suscritos, [illegible] ...

...la Ciudadana ANGELITA DEL VALLE [illegible] ...

...mayor de edad, titular [illegible] ...

7.082.314, [illegible] ...

1030.704, [illegible] ...

"Ordenanzas Financieras Municipales Vigentes" [illegible] ...

...anotese en el libro correspondiente. En consecuencia, se acuerda realizar el traslado y constitución del Tribunal al sitio indicado la parte actora en el escrito de solicitud, a los fines de practicar [illegible] ...

...del día del [illegible] ...

...

...

En el dia de hoy veintisiete (27) de Marzo del Año Dos Mil Uno, - siendo las 8:15 horas de la mañana, previa habilitación del tiempo necesario, se trasladó y constituyó el tribunal en compañía de la - abogado Aracelis del Valle Urdaneta, inscrita en el inpreabogado - Nro. 30.706, en su carácter de Apoderada Judicial de Bridgestone Firestone Venezolana C.A., a la siguiente dirección Avenida Los Aviadores Palo Negro donde funciona EL TALLER MARIMAR C.A., a los fines de practicar Inspección Judicial a que se contrae la presente solicitud.- El tribunal deja constancia que el encargado del Taller donde estabamos constátuido se nego a identificar, pero permito el -- acceso al sitio de Inspección.- En este estado el Tribunal designa como experto fotografo al ciudadano JORGE ANTONIO COLMENARES, titular de la cédula de identidad Nro. 386.596 y como perito mecanico al ciudadano DAVID GONCALVES, titular de la cédula de identidad -- Nro. 11.089.574, quienes estando presentes aceptaron el cargo y juraron cumplir bien y fielmente. En este estado el Tribunal pasa a - dejar constancia sobre los particulares contenidos en la presente - solicitud de la siguiente manera: AL PRIMERO: El tribunal deja constancia que realmente donde esta constituido se encuentra un vehiculo Marca FORD, Modelo Explorer, Tipo XLT 4x4, color vino tinto, Placa DAH-43U.- AL SEGUNDO: El tribunal deja constancia que el vehiculo antes identificado tiene colocado cuatro cauchos en sus respectivos rines.- AL TERCERO: El tribunal deja constancia que el caucho delantero derecho es de Marca Good-Year, tipo Wrangler Rt/S, medida P255/70 R16, serial DOTPBJR 2JJ4 1100, caucho delantero izquierdo - marca good-year, tipo wrangler RT/S medida P255/70 R16, serial DOT PBJR 2JJ4 1100, caucho trasero derecho marca good-year, tipo wrangler RT/S medida P255/70 R16, serial DOT PBJR 2JJ4 1100, caucho trasero izquierdo marca good-year, tipo wrangler, RT/s medida P255/70-R16, serial DOT PBJR 2JJ4 1100.- AL CUARTO: El tribunal deja constancia que los cauchos instalados en cada uno de sus rines se encuentran en perfecto estado.- AL QUINTO: El tribunal acuerda que se tome fotografia de cada uno de los cauchos instalados en cada uno -

de los rines del vehiculo inspeccionado, las cuales se agregan a la presente inspección.- AL SEXTO: El tribunal acuerda se tomen fotografia de la carroceria y la condición que presenta el vehiculo inspeccionado, las cuales se agregaran a la presente inspección.- AL SEPTIMO: El tribunal deja constancia con la ayuda del experto que el vehiculo inspeccionado presente descuadre generalizado, hundimiendo de techo y capo, parabrisa reventado, vidrio trasero izquierdo reventado, puertas y parales inservibles.- En este estado el solicitante solicita al tribunal que se deje constancia del Kilometraje que presenta el vehiculo, del año y si presenta caucho de repuesto asimismo pido se deje constancia de la marca, tipo, serialm medida y estado en que se encuentra el caucho de repuesto inspeccionado, igualmente pido que el tribunal deje constancia del tipo de suspensión que presenta el vehiculo inspeccionado.- En este estado el tribunal acuerda lo solicitado por la parte solicitante y deja constancia que el kilometraje que se evidencia al momento de la inspección es 49.101, el año del vehiculo inspeccionado 1.998, el vehiculo inspeccionado presenta caucho de repuesto marca good-year, tipo wrangler. RT/S medidas-p255/70 R16, serial DOT PBJR 2JJ4 1100, el caucho de repuesto se encuentran en perfecto estado (nuevo). El tribunal deja constancia que la suspensión que presenta el vehiculo es tipo Australiana.- El tribunal deja constancia que la marca de la cámara utilizada es Polaroid Instantanea close-UP 636.- El tribunal deja constancia que las fotografias fueron tomadas en su presencia y que son reproducciones son fieles y exactas de los hechos evidenciados en la presente Inspección y ordena agregarla al expediente.- por cuanto no existe otra diligencia que practicar el tribunal acuerda regresar a su sede ordinaria siendo las 9:00 horas de lam mañana.- Es todo termino, se leyo y conformes - firman.-

LA JUEZ PROVISORIO

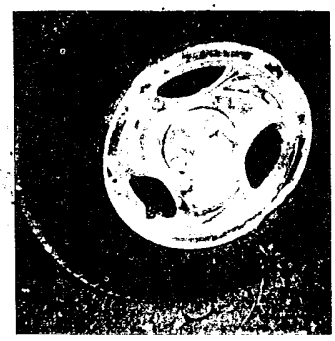
EL NOTIFICADO

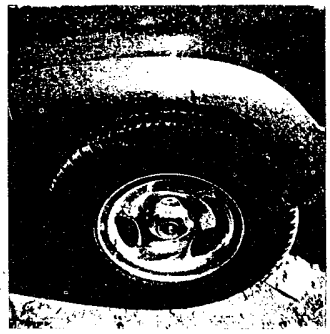
EL EXPERTO FOTOGRAFO

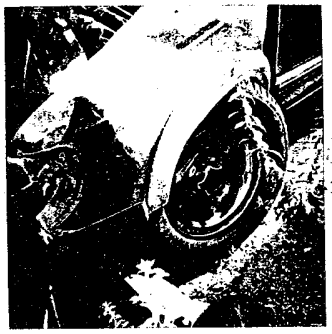
EL EXPERTO MECANICO

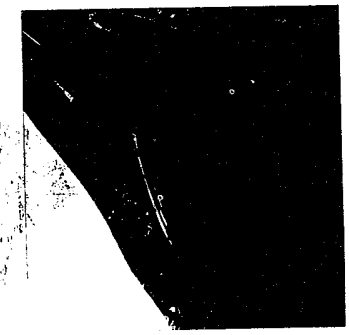
EL APODERADO JUDICIAL

EL SECRETARIO

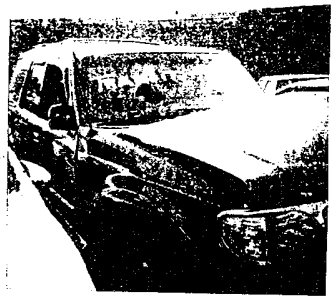


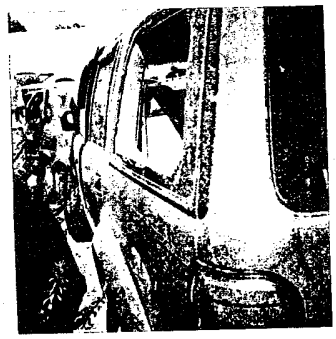
















[illegible] DEL MUNICIPIO DE [illegible] DEL ESTADO [illegible]
TURNERO, [illegible] de [illegible]

[illegible] como se pide [illegible] por este Tribunal, se acuerda su consecuencia [illegible] original con sus resultas a la parte solicitante.

LA JUEZ PROVISORIA,

ABG. [illegible] GIRON VIAZ

LA SECRETARIA ABG.,

[illegible]

En esta misma fecha se [illegible] ordenado en el auto anterior.

La [illegible]

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

ARCHIVO

No. [illegible]

Pieza No. _____

DEMANDANTE (S) [illegible]

DEMANDADO (S) _____

MOTIVO [illegible]

TRIBUNAL [illegible]

Fecha de entrada: Día 20 Mes 01 Año 2001

REMITIDO _____

Día _____ Mes _____ Año _____

REMITIDO _____

Día _____ Mes _____ Año _____

TERMINADO EN FECHA _____

No. [illegible]

Pieza No. _____

C-10

Ciudadano

JUEZ DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehiculo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de

los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

Francis Ghart de Oliveira
Abogado
I.P.S.A. 67.252

NOTARIA PUBLICA SEXTA
DE VALENCIA
PLANILLA N° 3778
DERECHOS
OOTRGAMIENTO

CA 98 TRASLADO 27277

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

Dra. Rodríguez de Marval
NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA.
NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Veinticinco (25) de Octubre del Dos Mil. 190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE CAVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.")

Mayor (es) de edad, domiciliado (s) en: VALENCIA

De Nacionalidad (es): ESTADOUNIDENSE

De estado civil: Casado

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA V DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A.,INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA. A LAS 2.00 PM..

LA NOTARIA SEXTA

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

Z...DO DEL [illegible]

TUMBERO, Veintisiete de [illegible]

A[illegible]

Por recibida la presente solicitud de [illegible] por la Ciudadana ARACELIS DEL VALLE [illegible], quien es venezolana, mayor de edad, titular de la cédula de identidad Nro. V- 7.082.17[illegible], [illegible] en el IPSA bajo el N[illegible]30.70[illegible], en su carácter de [illegible] Judicial de la Empresa "Industrias Firestone Venezolana [illegible]" [illegible] entrada y anotese en el libro correspondiente, en consecuencia, se acuerda realizar el traslado y constitución del Tribunal al sitio indicado la parte actora en el escrito de solicitud, a los fines de practicar Inspección Judicial, a que se contrae la presente solicitud, para lo cual se fija las_____ horas de la_____ del dia del diado hoy habilitándose el tiempo necesario para ello.-

La Juez Provisoria

La Secretaria Acc.

En esta misma fecha se hizo como fue ordenado en el auto anterior.-

La Secretaria

En el dia de hoy veintisiete (27) de Marzo del Año Dos Mil Uno, siendo las 9:15 horas de la mañana, previa habilitación del tiempo necesario; se trasladó y constituyo el tribunal en compañía de la Abogado ARACELIS DEL VALLE URDANETA, inscrita en el inpreabogado Nro. 30.706, en su carácter de Apoderada judicial de Bridgestone Firestone Venezolana C.A. a la siguiente dirección Avenida Los Aviadores Palo Negro donde funciona EL TALLER MARIMAR C.A., a los fines de practicar de Inspeccion Judicial a que se contrae la presente solicitud.- El tribunal deja constancia que el encargado del Taller donde estabamos constituido se nego a identificarse, pero permitió el acceso al sitio de inspección.- En este estado el tribunal designa como experto fotografo al ciudadano Jorge Antonio Colmenares, titular de la cédula de identidad Nro. 386.596 y como perito mecanico al ciudadano Goncalves David, titular de la cédula de identidad Nro. 11.089.574, quienes estando presentes aceptaron el cargo y juraron cumplir bien y fielmente, en este estado el tribunal pasa a dejar constancia sobre los particulares contenidos en la presente solicitud de la siguiente manera: AL PRIMERO: El tribunal deja constancia que realmente donde esta constituido se encuentra un vehiculo marca Ford, modelo Explorer, XLT 1998, tipo 4x4, color Blanco, placa DAK-83O, AL SEGUNDO: El tribunal deja constancia que el vehiculo antes identificado tiene colocado cuatro cauchos en sus respectivos rines.- AL TERCERO: El tribunal deja constancia que el caucho delantero derecho es de marca good-year, tipo wrangler, RT/S medida P255/70 R16 serial DOT PBJR 2JJ4 3500, caucho delantero izquierdo marca good-year, tipo wrangler, RT/S medida P255/70 R16 serial DOT PBJR 2JJ4 3500, caucho trasero derecho marca good-year, tipo wrangler RT/S medida P255/70 R16 serial DOT PBJR 2JJ4 3500, caucho trasero izquierdo marca good-year, tipo wrangler RT/S medida P255/70 R16 serial DOT PBJR 2JJ4 3500.- AL CUARTO: El tribunal deja constancia que el caucho delantero derecho se encuentra en buen estado, caucho delantero izquierdo se encuentra en buen estado, caucho trasero derecho se encuentra en buen estado aunque desinflado, caucho trasero izquierdo se encuentra totalmente destrozado y su banda de rodamiento despegada y maltratada, asi como sus laterales.- AL QUIN

TO: El tribunal deja constancia que se le tomo fotografia a cada uno de los cauchos instalados en cada uno de los rines del vehiculo inspeccionado,.- AL SEXTO: El tribunal deja constancia que se le tomo fotografia a la carroceria y la condición que presenta el vehiculo inspeccionado.- AL SEPTIMO: El tribunal deja constancia con la ayuda del experto que el vehiculo inspeccionado presenta descuadre generalizado explosión de todos sus vidrios, hundimiento de toda la parte superior descuadre de puertas y parales, compacto inservible.- En este estado el solicitante solicita al tribunal que se deja constancia del Kilometraje que presenta el vehiculo.- En este estado el tribunal acuerda lo soliqitado por la parte solicitante y deja constancia que el Kilometraje que se evidencia al momento de la inspección es 52.837. El tribunal deja constancia que la marca de la cámara utilizada es polaroid instantanea, close-up 636.- El tribunal deja constancia que las fotografias fueron tomadas en su presencia y sus reproducciones son fieles y exactas de los hechos evidenciados en la presente inspección y ordena agregarlas al expediente.- por cuanto no existe otra diligencia - que practicar el tribunal acuerda regresar a su sede ordinaria, siendo las 10:00 horas de la mañana.- Es todo, término, se leyo y conformes firman.-

LA JUEZ PROVISORIO

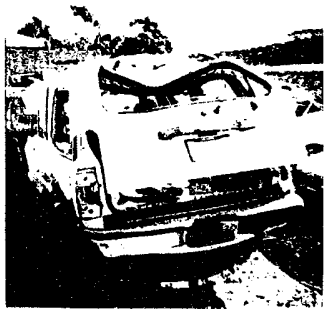
EL NOTIFICADO
QUE SE NEGO A FIRMAR

EL EXPERTO FOTOGRAFO

EL EXPERTO MECANICO

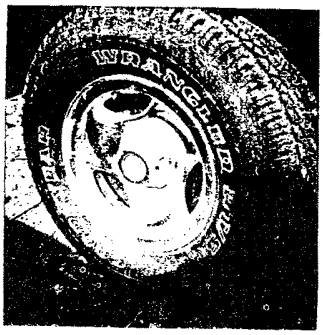
EL APODERADO JUDICIAL

LA SECRETARIA ACC.,



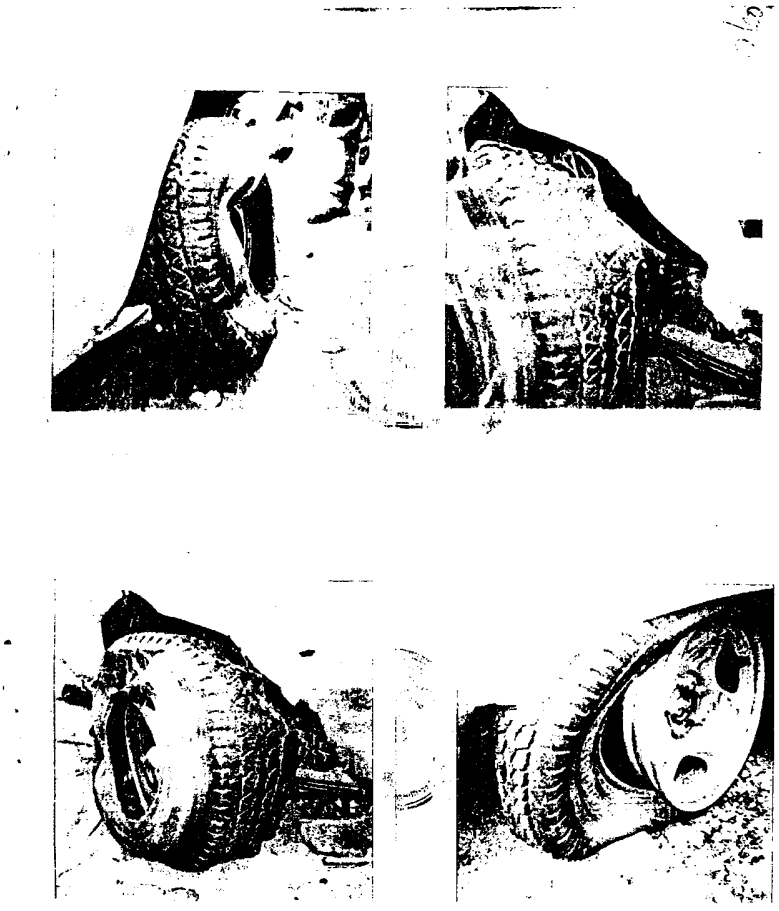



WRANGLER


WRANGLER







[illegible]

[illegible]GADO DEL MUNICIPIO [illegible] DEL ESTADO [illegible]

TURNERO. Veintisiete de [illegible]

Evacuada como ha sido la solicitud por este Tribunal, se acuerda en consecuencia devolver original con sus resultas a la parte solicitante. ...

LA JUEZ PROVISORIO,

ABG. GUADALUPE [illegible]

LA SECRETARIA ACC.

[illegible]

En esta misma fecha se hizo como fué ordenado en el auto anterior.-

La Secr. acc.,

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

ARCHIVO

No. 2466-01

Pieza No. _____

DEMANDANTE (S) [illegible]

DEMANDADO (S) _____

MOTIVO [illegible]

TRIBUNAL _____

Fecha de entrada: Día [illegible] Mes [illegible] Año [illegible]

REMITIDO _____

Día _____ Mes _____ Año _____

REMITIDO _____

Día _____ Mes _____ Año _____

TERMINADO EN FECHA _____

No. 2466-01

Pieza No. _____

460(1)

Ciudadano

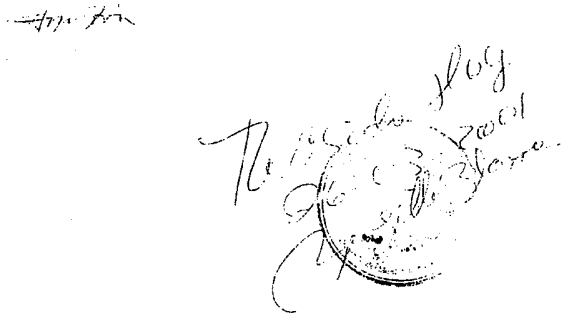
Abogada Gladys Guadalupe Girón

JUEZ DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de

los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.



Jos (2)

/...GADO DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO MARINA.

TURMERO. Veintiseis de marzo del año [illegible].-

AÑOS [illegible]

Por recibida la presente solicitud presentada por la Ciudadana ARACELIS DEL VALLE ORDAÑETO M., quien es venezolana, mayor de edad, titular, de la Cedula de Identidad Nro. V-7.082.174, abogado en ejercicio, inscrito en el IPSA bajo el N030.704, en su caracter de Apoderado Judicial de la Empresa "Bridgestone Firestone Venezoalna, C.A.".- Desele entrada y anotese en el libro correspondiente, en consecuencia, se acuerda realizar el traslado y constitución del Tribunal al sitio indicado la parte actora en el escrito de solicitud, a los fines de practicar Inspección Judicial, a que se contrae la presente solicitud, para lo cual se fijan las _____ horas de la _____ del dia del diez de hoy, habilitándose el tiempo necesario para ello.-

La Juez Provisorio,

La Secretaria Acc.,

En esta misma fecha se hizo como fue ordenado en el auto anterior.-

La Srta.,

Francis Ghiori de Oliveira
Abogado
I.P.S.A. 67.252

NOTARIA PUBLICA SEXTA
DE VALENCIA
PLANILLA N°
DERECHOS
OTORGAMIENTO

TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de este domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados, Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo mas no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

Dr. Rodríguez de Marval

NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA. NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Autorizo (25) de Octubre del Dos Mil. 190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado — .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

EL NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

0166 /

En el dia de hoy Tres (3) de Abril del Año Dos Mil Uno, siendo las 8:20 horas de la mañana, previa habilitación del tiempo necesario - se traslado y constituyó el tribunal en compañia de la Abogado Aracelis del valle Urdaneta, inscrita en el impreabogado Nro. 30.706 - en su carácter de apoderada judicial de Bridgestone Firestone Venezolana C.A.,, a la siguiente dirección Via La Encrucijada, Estacionamiento 2000, Jurisdicción del Municipio Santiago Mariño del Estado Aragua, a los fines de practicar Inspección Judicial a que se -- contrae la presente solicitud, presente el ciudadano JULIO FLORES - BRUA, titular de la cédula de identidad Nro. 344.915, quien el tribunal le impuso de su misión y permitio el acceso al Taller Estacionamiento 2000. En este estado el Tribunal designa como Experto fotografo al ciudadano JORGE ANTONIO COLMENARES, titular de la cédula de identidad Nro. 386.596, y como perito mecanico al ciudadano DAVID GONCALVES, titular de la cédula de identidad Nro. 11.089.574, - quienes estando presentes aceptaron el cargo y juraron cumplir bien y fielmente. En este estado el Tribunal pasa a dejar constancia sobre los particulares contenidos en la presente solicitud de la si-- guiente manera: AL PRIMERO: El tribunal deja constancia que donde - se encuentra constituido hay un vehiculo marca ford, modelo Explo-- rer, XLT 4x4 Año 1.998, color azul, Placa DAF21N.- AL SEGUNDO: El - tribunal deja constancia con la ayuda del experto que el vehiculo - inspeccionado posee 4 cauchos instalados en cada uno de sus respectivos rines.- AL TERCERO: El tribunal deja constancia con la ayuda- del experto que el caucho delantero derecho es de marca good-year,- tipo wrangler Rt/s medida p255/70 R16, serial DOT MKCU NCHR 2900, - caucho delantero izquierdo marca good-year, tipo wrangler, RT/S medida p255/70 R16, serial DOT MKCU NCHR 2900, caucho trasero derecho marca good-year, tipo wrangler, RT/s medida p255/70 R16 serial DOT- MKCU NCHR 2900, caucho trasero izquierdo de marca good-year, tipo - wrangler Rt/s medida p255/70 R16, serial DOT MKCU NCHR 2900.- AL --

CUARTO: El tribunal deja constancia con la ayuda del experto que los cuatros cauchos instalados en el vehiculo inspeccionado se encuentran en perfectos estado (nuevos).- AL QUINTO: El tribunal deja constancia que se le tomo fotografia a cada uno de los cauchos instalados en cada unos de los rines del vehiculo inspeccionado.- AL SEXTO: El tribunal deja constancia que se le tomo fotografia a la carroceria y la condición que presenta el vehiculo inspeccionado.- AL SEPTIMO: El tribunal deja constancia con la ayuda del experto que el vehiculo inspeccionado presenta descuadre severo generalizado, hundimiento severo del techo, descuadre de todas sus puertas y parales, explosión de todos los vidrios, descuadre total de su parte frontal y su parte trasera.-- En este estado la solicitante solicita al tribunal se deja constancia del kilometraje que se evidancia en el momento de la inspección, igualmente si posee caucho de repuesto, que señale la marca, tipo, medida y serial y el estado del mismo y que se agreguen las fotografias,- En este estado el tribunal pasa a dejar constancia de los hechos pedidos por la solicitante: El tribunal deja constancia con la ayuda del experto que el kilometraje es de 48.945, el vehiculo inspeccionado posee caucho de repuesto marca good-year, tipo wrangler, Rt/s medida p255/70 R16 serial DOT MKCU NCHR 2900, y se encuentra en perfecto estado (sin uso).- En este estado el tribunal acuerda agregar las fotos tomadas por el experto en el vehiculo inspeccionado a la presente inspección.- El tribunal deja constancia que la marca de la camara utilizada para tomar las fotografias es una polaroid instantanea, close-up 636.- por cuanto no existe otra diligencia que practicar el tribunal acuerda regresar a su sedeo ordinaria siendo las 9:00 horas de la mañana.- No to do termino, se leyo y conformes firman.-

LA JUEZ PROVISORIO

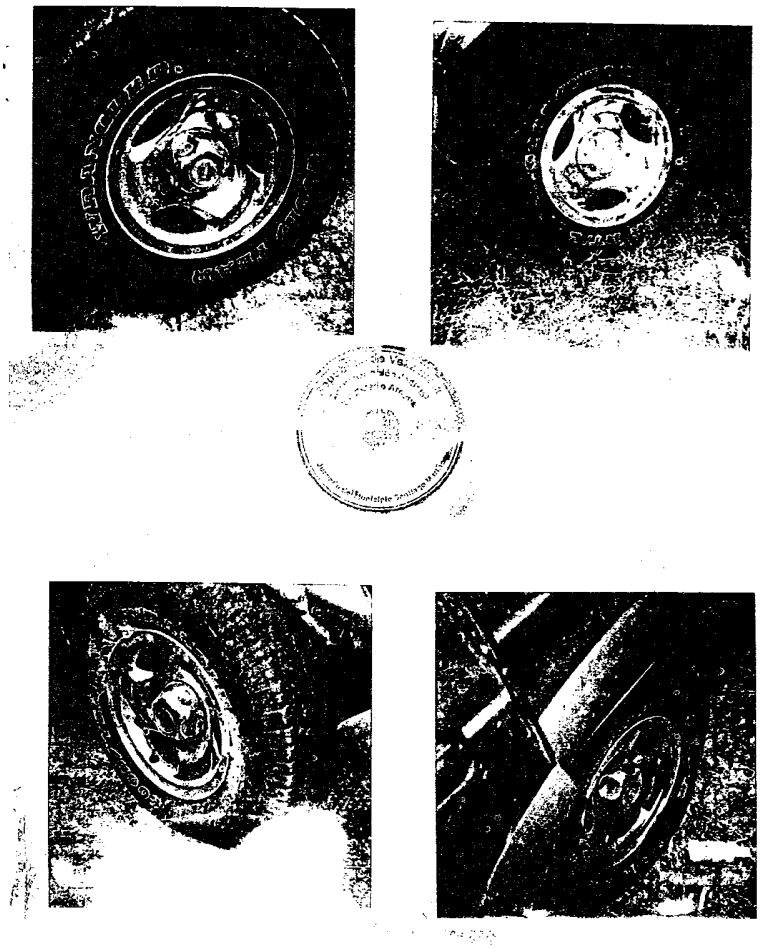
EL NOTIFICADO NO FIRMO POR CAMBIO DE GUARDIA. FIRMA EL PROPIETARIO DEL ESTACIONAMIEN

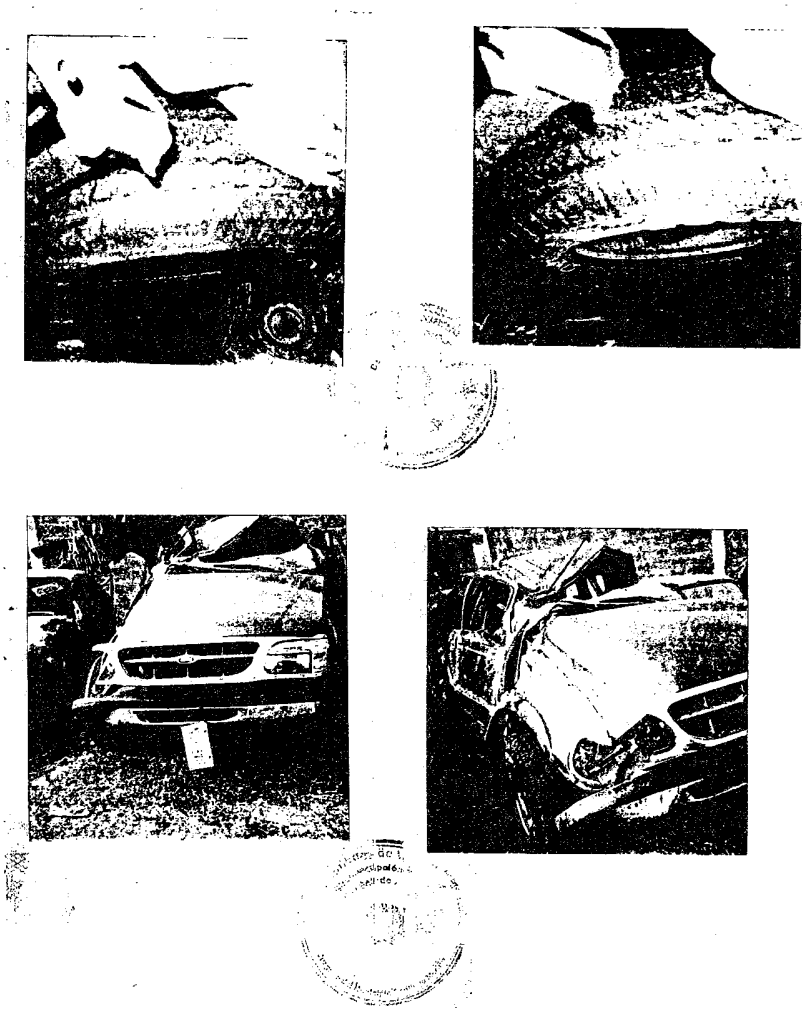
LA ABOGADO SLOCITANTE

EL EXPERTO MECANICO

EL EXPERTO FOTOGRAFO

LA SECRETARIA ACCIDENTAL.





OCHO / 81







NUEVO/91

/...GADO DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA.-
Turmero, Tres (03) de Abril de 2001

Años 189º y 140º

Evacuada como ha sido la presente solicitud este Tribunal acuerda devolver original con sus resultas.

La Juez Provisorio,

La Secretaria Acc.

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

ARCHIVO

No. 2447-2001

Pieza No. _____

DEMANDANTE (S) Araceles Del Valle Medeneta Jr.
(Bridgestone Firestone Venezolana C.A.)

DEMANDADO (S) _____

MOTIVO Inspección Judicial

TRIBUNAL del Cefamiento San Tiago Cefariño Edo. Aragua

Fecha de entrada: Día 05 Mes Enero Año 2001

REMITIDO _____

Día _____ Mes _____ Año _____

REMITIDO _____

Día _____ Mes _____ Año _____

TERMINADO EN FECHA _____

No. _____

Pieza No. _____

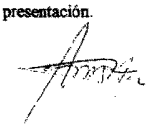
Ciudadana

JUZGADO DEL MUNICIPIO SANTIAGO MARIÑO DE LA CIRCUNSCRIPCIÓN JUDICIAL DEL ESTADO ARAGUA

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N.. venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, y el tipo, color y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento. QUINTO: Se tomen fotografías de cada uno de

los cauchos instalados en cada uno de los rines del vehículo inspeccionado. SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SÉPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.



NOTARIA PUBLICA SEXTA DE VALENCIA
PLANILLA N° 30715
DERECHOS
OOTRGAMIENTO

Francis Ginart de Olivastri
Abogado
I.P.S.A. 67.252

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo segun consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho; promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

REPUBLICA BOLIVARIANA DE VENEZUELA.
NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA.
190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE CASTRO. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es). ESTADOUNIDENSE.....

De estado civil: Casado — .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

Dr. Rodríguez de Marval
NOTARIO PUBLICO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA. NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Veintiuno (25) de Octubre del Dos Mil. 190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.")

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De estado civil: Casado

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VISTA, Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 03-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

EL NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.



//...GADO DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA.- TURMERO. Cinco de marzo del año 2.001.

AÑOS 189º Y 142º

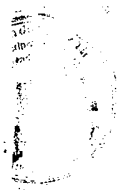
Por recibida la presente solicitud presentada por el (la) Ciudadano (a): ARACELIS DL VALLE URDANETA N., quien es venezolana, mayor de edad, titular de la Cédula de Identidad NºV-7.082.174, Abogado, inscrita en el IPSA bajo los Nº 30.706, actuando en su caracter de la Empresa "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.".- Desele entrada y anotese en el libro correspondiente, en consecuencia, se acuerda realizar el traslado y constitución del Tribunal al sitio indicado la parte actora en el escrito de solicitud, a los fines de practicar Inspeccion Judicial, a que se contrae la presente solicitud, para lo cual se fijan la: 01:30 horas de la tarde del dia del día: De hoy, habilitandose el tiempo necesario para ello.-

La Juez Provisorio,

La Secretaria Acc.

En esta misma fecha se hizo como fue ordenado en el auto anterior.-

La Stria.,



En el dia de hoy, Cinco (5) de Marzo del Año Dos Mil Uno, siendo las 2:00 horas de la tarde, previa habilitación del tiempo necesario, se traslado y constituyo el tribunal en compañia de la Abogado Aracelis Urdaneta, inpreabogado Nro. 30.706, a la siguiente dirección Carretera NacionalVia La Encrucijada, Estacionamiento 2000, Municipio Santiago Mariño del Estado Aragua, a los fines de practicar Inspección Judicial a que se contrae la presente solicitud. Presente el ciudadano Elias Alberto Miño Coll, titular de la cédula de identidad Nro. V0645737, en su carácter de propietario del Estacionamiento2000 nos permitio el acceso al sitio a Inspeccionar.- En este estado el Tribunal designa como Experto fotografo al ciudadano Jorge Antonio Colmenares, titular de la cédula de identidad Nro. 386.596 y como peritomecanico al ciudadano David Goncalves, titular de la cédula de identidad Nro. 11.089.574, quienes estando presentes aceptaron el cargo y juraron cumplir bien y fiemente. En este estado el Tribunal pasa a dejar constancia sobre los particulares contenidos en la presente solicitud de la siguiente manera: AL PRIMERO:El tribunal deja constancia que realmente donde esta constituido se encuentra un vehiculo -- Marca Ford, Modelo Explored Color Azul, Placa KAK94-L.- AL SEGUNDO:- El tribunal deja constancia que el vehiculo ante identificado tiene colocado tres cauchos y uno se encuentra en la parte trasera del carro.- AL TERCERO: El tribunal deja constancia que la marca del cauCho es good-year, tipo Wrangler. Rt/s, medida LT235/75R.15, Serial - DOT PBHL 2A84 3200, y el mismo se encuentra colocado en la parte delantera derecha, caucho delantero izquierdo que esta dentro de la camioneta el mismo es marca good-yemr, tipo Wrangler Rt/s, medida LT - 235/75 R15, Serial DOT PBHL 2A84 3200, caucho trasero derecho marca good-year, tipo wrangler Rt/s, medida LT 235/75 R15, serial DOT PBHL 2A84 3200, el caucho trasero izquierdo marca good-year, tipo wrangler RT/s, medida LT 235/75 R15, serial DOT PBHL 2A84 3200 y todos poseen sus rines. AL CUARTO: El tribunal deja constancia que las condiciones generales de los cauchos instalados y con cada uno de sus rines, los cauchos se encuentran en buen estado, y solo el caucho delantero izquierdo se encuentra con una perforación en unos de sus lados, cuanto

a los rines los que estan colocados al lado derecho tanto delantero como trasero presentan daños por impactos y los rines izquierdos -- tanto el delantero como el trasero se encuentran en buen estado, -- igualmente el tribunal deja constancia que la banda de rodamiento - de los cauchos identificados se encuentran en perfecto estado. AL - QUINTO: El tribunal deja constancia que se le tomo fotografia a cada uno de los cauchos instalados con sus rines al vehiculo inspeccionado.- AL SEXTO: El tribunal deja constancia que se tomaron fotografia a la carroceria del carro en las condiciones que sen encuentra el vehiculo.- AL SEPTIMO: El tribunal deja constancia con la -- ayuda del experto que el vehiculo inspeccionado presenta descuadre- generalizado, descuadre de compacto, trompa descuadrada, la exposión de casi todos sus vidrios, hundimiento de la parte izquierda de la - carroceria, techo totalmente inservible, puertas y marcos descuadrados, abolladuras y raspones multiples.- AL OCTAVO: En este estado la solicitante solicita al tribunal que se deje constancia del Kilometraje, del año y si presenta caucho de respauto el auto inspeccionado y del estado que presenta el caucho de respuasto.- En este estado el tribunal acuerda lo solicitado por la parte solicitante y deja -- constancia que el kilometraje que se evidencia al momento de la inspección es 67.178, el año del vehiculo inspeccionado 1.998, el caucho de respuasto que se encuentra en el vehiculo inspeccionado es de marca good-year tipo wrangler Rt/sm medida LT 235/75 R15, serial DOT PBHL - 2A84 3200 y el mismo se encuentra en perfecto estado de conservación- (nuevo).- El tribunal deja constancia que la marca de la camara utilizada es polaroid Instantanea Close-up 636.- El tribunal deja constancia que las fotografias fueron tomadas en su presencia y que son reproducciones son fieles y exactas de los hechos evidenciados en la presente Inspección y ordena agregarla al expediente.- por cuanto no existe otra diligencia que practicar el tribunal acuerda regresar a su sede - ordinaria, siendo las 2:35 horas de la tarde.- Es todo termino, se leyo y conformes firman.-

LA JUEZ PROVISORIO

EL NOTIFICADO

C.I/57.3-

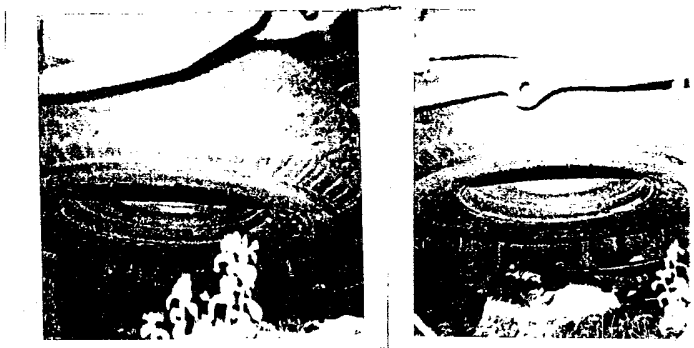
1...

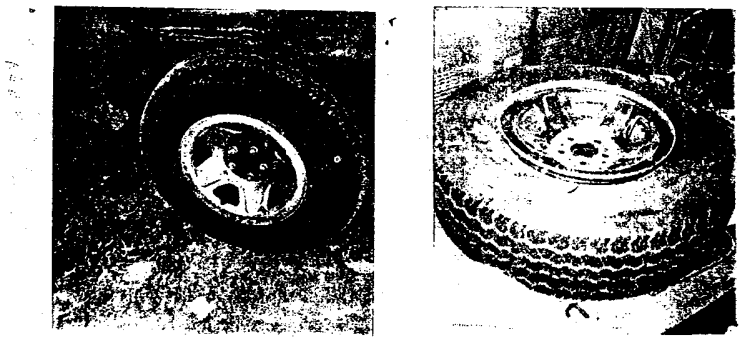
EL APODERADO JUDICIAL

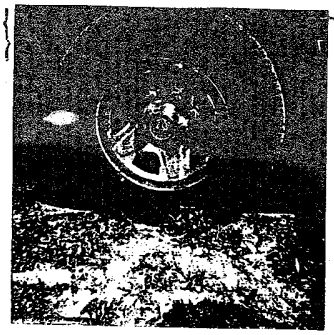
EL EXPERTO FOTOGRAFO

EL EXPERTO MECANICO

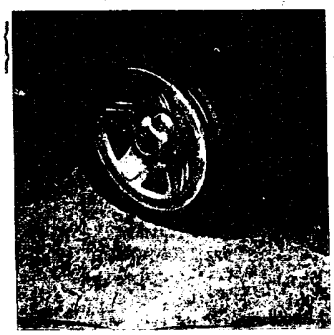
LA SECRETARIA ACC..

















/...GADO DEL MUNICIPIO SANTIAGO MARIÑO DEL ESTADO ARAGUA.-

TURMERO, Cinco de Marzo del año Dos Mil Uno.-

Evacuada como ha sido la solicitud por este Tribunal, se acuerda en consecuencia devolver original con sus resultas a la parte solicitante.

LA JUEZ PROVISORIO,

ABG. GUADALUPE GIRON DIAZ

LA SECRETARIA ACC.,

YIRGETTE M. IBARRA U.

En esta misma fecha se hizo como fué ordenado en el auto anterior.-

La Stria. acc.,

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 568-01

SOLICITUDES

ARCHIVO

SOLICITANTE (S): ANGELES DEL [illegible]

MOTIVO: INSPECCION JUDICIAL

JUZGADO: DEL MUNICIPIO ROMULO GALLEGOS

FECHA DE ENTRADA: Día 23 Mes [illegible] Año 2001

FECHA DEVOLUCION: Día ____ Mes ____ Año ____

No.

Ciudadana

JUEZA DEL MUNICIPIO RÓMULO GALLEGOS DE LA CIRCUNSCRIPCIÓN JUDICIAL DEL ESTADO APURE

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7 082 174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30 706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, tipo, color, año y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. QUINTO: Se tomen fotografías de la carrocería y las

condiciones en que se encuentra el vehículo inspeccionado. SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.



Francis Ghnart de Olivastri
Abogado
I.P.S.A. 67.252

DE VALENCIA
PLANILLA N°
DERECHOS
OOTRGAMIENTO

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de este domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

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Por BFVZ

JORGE A. GONZÁLEZ A.

REPUBLICA BOLIVARIANA DE VENEZUELA.
NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. (25) de Octubre del Dos Mil.
190° y 141° El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el Nº 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....
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.....
.....
Mayor (es) de edad, domiciliado (s) en: VALENCIA.....
.....
De Nacionalidad (es): ESTADOUNIDENSE.....
.....
De estado civil: Casado .....
.....
Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....
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REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
DIRECCION GENERAL SECTORIAL DEL SERVICIO AUTÓNOMO
DE TRANSPORTE Y TRANSITO TERRESTRE
DIRECCION DE VIGILANCIA
UNIDAD ESTATAL DE VIGILANCIA DE TRÁNSITO TERRESTRE N° 44 APURE
OFICINA PROCESADORA DE ACCIDENTES

VIGILANCIA
TRANSITO
HONOR Y LEY

REPUBLICA DE VENEZUELA
Ministerio de Transporte y Comunicaciones
INSTITUTO NACIONAL DE TRANSITO TERRESTRE
DIRECCION DE VIGILANCIA
Dirección General de Transporte y Tránsito Terrestre

N° DE EXPEDIENTE * 004-2001 *

LEY DE TRÁNSITO TERRESTRE ARTÍCULO N° 76 PARAGRAFO SEGUNDO:

" EN CASO DE ACCIDENTES DE TRÁNSITO DONDE RESULTEN PERSONAS LESIONADAS O FALLECIDAS, LA AUTORIDAD ADMINISTRATIVA QUE CONOZCA DEL CASO, EXPEDIRA COPIA CERTIFICADA DE LAS ACTUACIONES QUE HAYA PROCESADO AUN EN EL SUMARIO A REQUERIMIENTO DEL JUEZ QUE CONOZCA DE LA CAUSA CIVIL O DE PARTE INTERESADA "

EL TRÁNSITO ES UN PROBLEMA DE TODOS

JEFE DE LA SALA: S/MAYOR(TT) VALERIANO DELGADO

REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
SERVICIO AUTONOMO DE TRANSPORTE Y TRANSITO TERRESTRE
DIRECCION DE VIGILANCIA
UNIDAD ESTATAL DE VIGILANCIA DE TRANSITO TERRESTRE N°44 APURE
PUESTO DE VIGILANCIA Y AUXILIO VIAL MANTECAL
C O M A N D O:

Por cuanto de la solicitud interpuesta por el Ciudadano: DAVID GONCALVES MALPICA _____, titular de la Cédula de Identidad N° 11.089.574 _____relacionada con las actuaciones por Accidente de Tránsito de Expediente signado con el N° " 004-2001 " _____encontrandose las mismas en este despacho en proceso de instrucción, se acuerda expedir las Copias requeridas de conformidad con lo establecido en el Artículo 76 paragrafo Segundo de la Ley de Tránsito Terrestre, y se comisiona al C/2DO(TT)3557 JOSE ERNESTO PARRA. _____, para fotocopiar los folios contenidos en dicho Expediente y certifique los mismos.

Provean lo conducente

S/MAYOR(TT)0704 VALERIANO DELGADO
JEFE DEL DEPTO. DE INVEST. DE ACCIDENTES

EL SECRETARIO

C/2DO(TT)3557 JOSE E. PARRA

Seguidamente se dio cumplimiento al auto que antecede.

EL SECRETARIO

C/2DO(TT)3557 JOSE E. PARRA.

MINISTERIO DE INFRAESTRUCTURA
DIRECCIÓN GENERAL SECTORIAL DEL SERVICIO AUTÓNOMO
DE TRANSPORTE Y TRÁNSITO TERRESTRE
DIRECCIÓN DE VIGILANCIA
UNIDAD ESTATAL DE VIGILANCIA DE TRÁNSITO TERRESTRE Nº 44 APURE
OFICINA PROCESADORA DE ACCIDENTES

ACTA POLICIAL

Mantecal, 02 de ABRIL de 2001 en esta misma fecha siendo las 12:10Pm compareció ante este Despacho el funcionario C/2DO(TT) JOSE ERNESTO PARRA número de placa 3557 adscrito a la Dirección de Vigilancia, estando debidamente juramentado y de conformidad con el Art. 89 de la Ley de Tránsito Terrestre en concordancia con el Artículo 108 de Código Orgánico Procesal Penal deja constancia de la siguiente diligencia Policial efectuada en la presente averiguacion:

Siendo las 12:10Pm, del día de hoy, 01-03-2001, encontrandome de servicio en el Puesto de Vigilancia de Tránsito Terrestre de Mantecal, me fué informado sobre un accidente ocurrido en el sitio denominado Carretera Nacional Mantecal-Brugual Sector Caicara, desde donde habían trasladado unas personas lesionadas al Hospital Martín Lucena de esta localidad, de inmediato me trasladé a dicho Centro Asistencial, donde pude observar que habían ingresados tres personas lesionadas a consecuencia del accidente, luego me entrevisto con la Dra: CARMEN RIVERO médico de guardia de dicho Centro quien me suministró datos y diagnóstico de las personas lesionadas, luego me traslado al sitio del accidente y al llegar al mismo pude observar la veracidad de los hechos que se trataba de un Choque con Objeto Fijo (Arbol) y Volcamiento fuera de la vía con lesionados, luego tomé las medidas de seguridad y en el mismo se encontraba una comisión de la Guardia Nacional de Mantecal: Funcionario Guardia Nacional PEDRO CABALLERO y Guardia Nacional EDWAR ESCALONA BARRIOS, los mismos custodiaban al vehículo Camioneta Explorer, color dorado, placas GAE-92Z, la cual era conducida por el Teniente Coronel del Ejército JORGE TORRES CAMACHO, quien había sido trasladado hasta el Hospital Martín Lucena de Mantecal ya que había resultado lesionado, luego realisé una inspección ocular al lugar del accidente y luego elaboré el Croquis del accidente, especificando al vehículo en su posición final como fué encontrado en dicho lugar con todas sus respectivas medidas exactas; en el lugar pude observar que el vehículo dejó marcado 23,00 métros de huellas en la zona verde al salirse de la vía, 14 métros lado

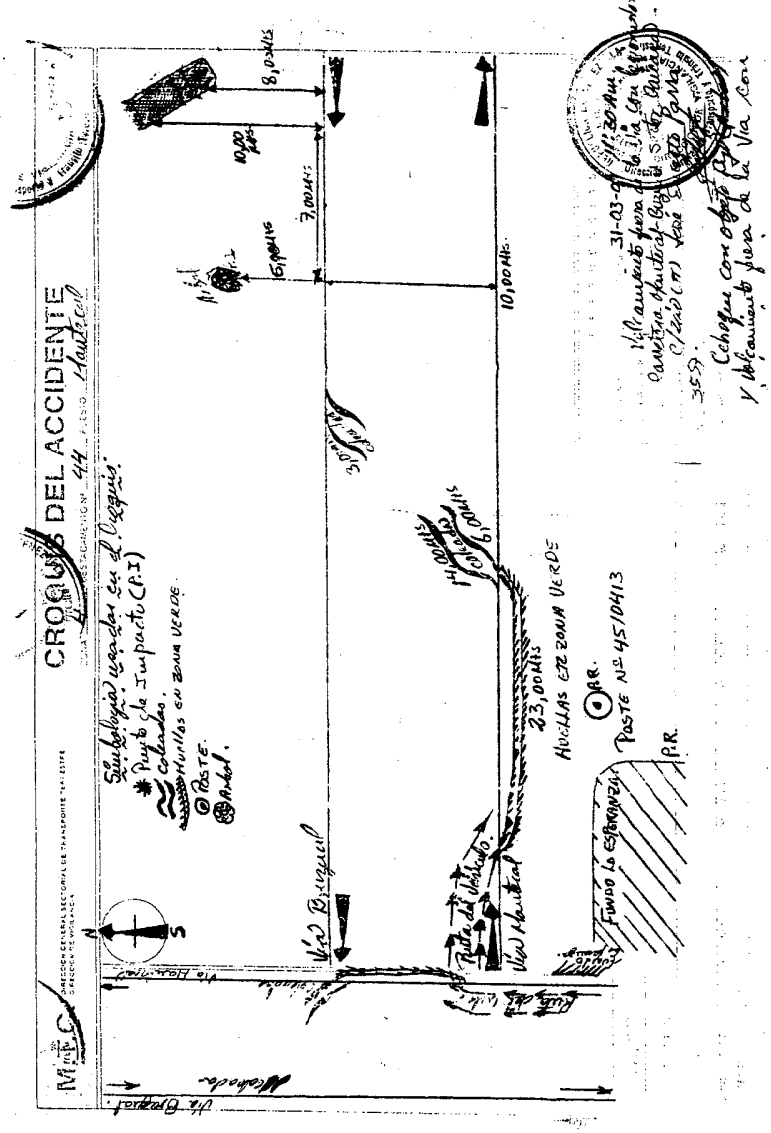
.....S i g u e.....

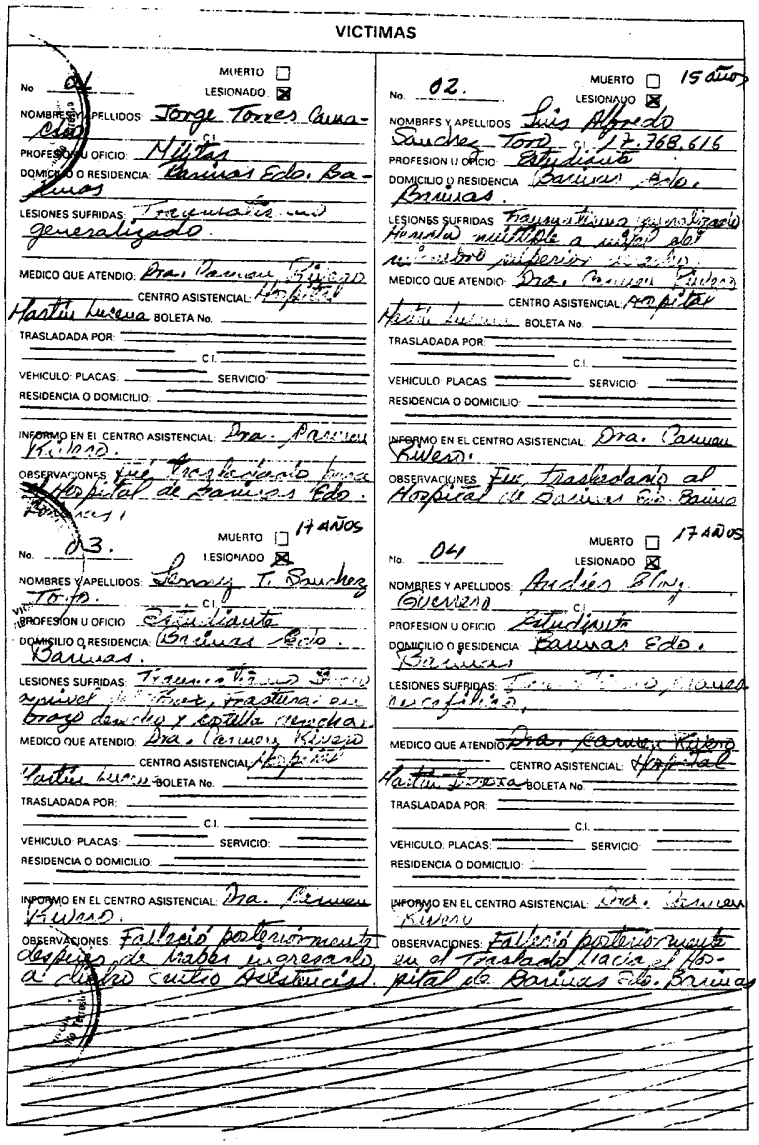
derecho y 6,00 métros lado izquierdo de marcas de coleadas y más adelante 3,00 métros lado derecho y 2,00 métros lado izquierdo tambien de marcas de coleadas dejadas marcadas en el pavimento por dicho vehículo, el Punto de Impacto quedó sobre el Arbol a una distancia del borde de la vía de 6,90 métros, del borde de la vía con relación al Punto de Impacto al Eje Trasero del vehículo quedó a una distancia de 7,00 métros, del Eje Trasero al Borde de la vía quedó a una distancia de 10,00 métros, del Eje delantero del vehículo al borde de la vía quedó a una distancia de 8,00 métros, el ancho de la vía mide 10,00 métros, luego sacamos el vehículo hacia la vía y lo remolcamos hasta el Estacionamiento "Villafañe" de Mantecal. Seguidamente me traslado de nuevo al Hospital Martín Lucena, donde me informa la Dra. CARMEN RIVERO, que la ciudadana LENNY SANCHEZ, quien se encontraba lesionada había fallecido posteriormente en el Hospital y el ciudadano ANDRES ELOY GUERRERO, quien tambien se encontraba lesionado había fallecido cuando lo iban a trasladar en un Elicóptero hacia la Ciudad de Barinas, conjuntamente con los otros lesionados de nombre JORGE TORRES CAMACHO(Conductor del vehículo) y LUIS ALFREDO SANCHEZ. Luego me dirijo a la Fiscalía Quinta del Ministerio Público y le notifico al Dr. GERMAN RIVERO(Fiscal Auxiliar)de esta localidad quien se encontraba de guardia en dicha Fiscalía, informándole de todo lo acontecido sobre el accidente, luego me traslado a mi Comando.

Seguidamente procedí a la elaboración del presente informe Policial de todas mis actuaciones.

EL ACTUANTE:

C/2DO [illegible] JOSE ERNESTO PARRA.


CROQUIS DEL ACCIDENTE
Simbología usada en el Croquis:
Punto de Impacto (P.I)
Coleadas.
Huellas en zona verde.
Poste.
Arbol.
Vía Bragual
Vía Hualtal
Vía Bragual
Vía Hualtal
Ruta del Vehículo.
Huellas en zona verde
Poste Nº 45/0413
Fundo La Esperanza
P.R.
23,00 Mts
14,00 Mts
6,00 Mts
10,00 Mts
7,00 Mts
6,00 Mts
8,00 Mts
10,00 Mts
Cehoque con objeto Ajeno
y Volcamiento fuera de la Vía con



VICTIMAS

No. 01 — MUERTO ☐ LESIONADO ☒

NOMBRES Y APELLIDOS: Jorge Torres Camacho — C.I.

PROFESION U OFICIO: Militar

DOMICILIO O RESIDENCIA: Barinas Edo. Barinas

LESIONES SUFRIDAS: Traumatismo generalizado.

MEDICO QUE ATENDIO: Dra. Carmen Rivero — CENTRO ASISTENCIAL: Hospital Martín Lucena — BOLETA No.

TRASLADADA POR: — C.I.

VEHICULO: PLACAS: — SERVICIO:

RESIDENCIA O DOMICILIO:

INFORMO EN EL CENTRO ASISTENCIAL: Dra. Carmen Rivero.

OBSERVACIONES: Fue trasladado para el Hospital de Barinas Edo. Barinas.

No. 02. — MUERTO ☐ LESIONADO ☒ — 15 años

NOMBRES Y APELLIDOS: Luis Alfredo Sanchez Toro — C.I. 17.768.616

PROFESION U OFICIO: Estudiante

DOMICILIO O RESIDENCIA: Barinas Edo. Barinas.

LESIONES SUFRIDAS: Traumatismo generalizado. Herida múltiple a nivel del miembro superior derecho.

MEDICO QUE ATENDIO: Dra. Carmen Rivero — CENTRO ASISTENCIAL: Hospital Martín Lucena — BOLETA No.

TRASLADADA POR: — C.I.

VEHICULO: PLACAS: — SERVICIO:

RESIDENCIA O DOMICILIO:

INFORMO EN EL CENTRO ASISTENCIAL: Dra. Carmen Rivero.

OBSERVACIONES: Fue trasladado al Hospital de Barinas Edo. Barinas

No. 03. — MUERTO ☐ LESIONADO ☒ — 17 AÑOS

NOMBRES Y APELLIDOS: Lenny T. Sanchez Toro. — C.I.

PROFESION U OFICIO: Estudiante

DOMICILIO O RESIDENCIA: Barinas Edo. Barinas.

LESIONES SUFRIDAS: Traumatismo [illegible] a nivel del tórax, fractura en brazo derecho y costilla derecha.

MEDICO QUE ATENDIO: Dra. Carmen Rivero — CENTRO ASISTENCIAL: Hospital Martín Lucena — BOLETA No.

TRASLADADA POR: — C.I.

VEHICULO: PLACAS: — SERVICIO:

RESIDENCIA O DOMICILIO:

INFORMO EN EL CENTRO ASISTENCIAL: Dra. Carmen Rivero.

OBSERVACIONES: Falleció posteriormente después de haber ingresado a dicho centro Asistencial.

No. 04 — MUERTO ☐ LESIONADO ☒ — 17 AÑOS

NOMBRES Y APELLIDOS: Andrés Eloy Guerrero — C.I.

PROFESION U OFICIO: Estudiante

DOMICILIO O RESIDENCIA: Barinas Edo. Barinas

LESIONES SUFRIDAS: Traumatismo, planea cucefálico.

MEDICO QUE ATENDIO: Dra. Carmen Rivero — CENTRO ASISTENCIAL: Hospital Martín Lucena — BOLETA No.

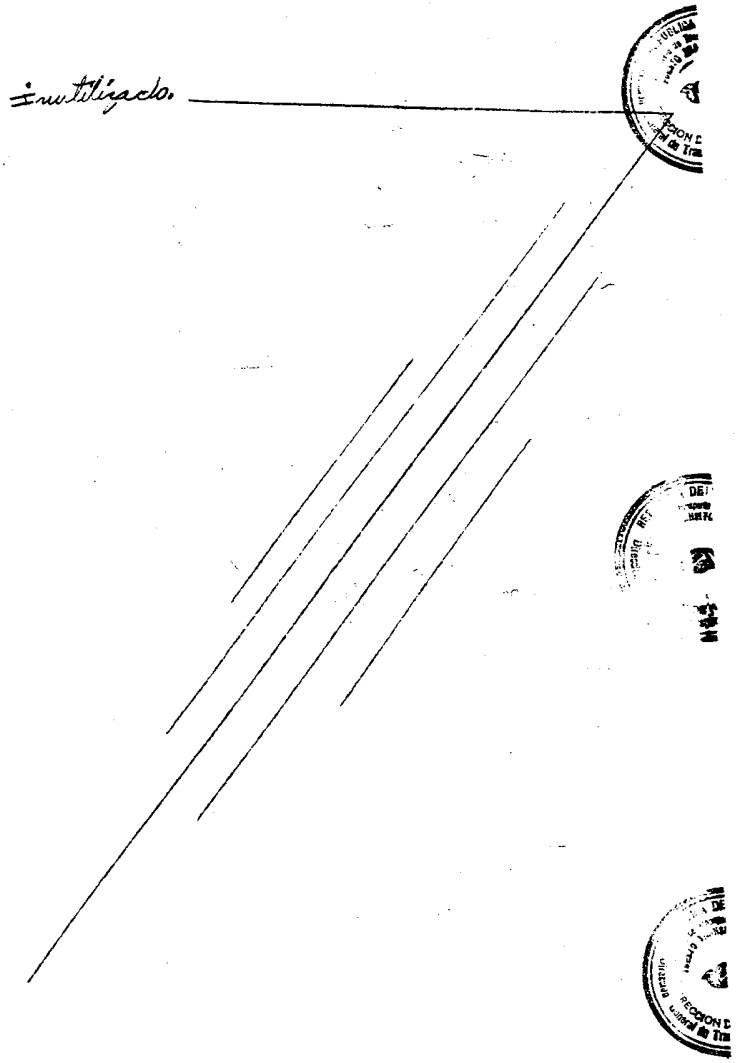
TRASLADADA POR: — C.I.

VEHICULO: PLACAS: — SERVICIO:

RESIDENCIA O DOMICILIO:

INFORMO EN EL CENTRO ASISTENCIAL: Dra. Carmen Rivero

OBSERVACIONES: Falleció posteriormente en el Traslado hacia el Hospital de Barinas Edo. Barinas


inutilizado.

REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
DIRECCIÓN GENERAL SECTORIAL DEL SERVICIO AUTÓNOMO
DE TRANSPORTE Y TRANSITO TERRESTRE
DIRECCIÓN DE VIGILANCIA
UNIDAD ESTATAL DE VIGILANCIA DE TRÁNSITO TERRESTRE Nº 44 APURE
C O M A N D O

BOLETA DE CITACIÓN

MOTIVO:

[X] ACCIDENTE DE TRÁNSITO — FECHA 31 03 01 — HORA 11:30 — [X] AM
[ ] INFRACCIÓN — [ ] PM

LUGAR: Carretera Nacional Montecal-Bruzual Sector Caicara

AL CIUDADANO: Jorge Torres Camacho C.I. _____

CONDUCTOR [X] AGRAVIADO [ ] TESTIGO [ ]

PLACAS: GAN-92Z MARCA: Ford COLOR: Dorado

AÑO: _____ REMOLQUE: Si ESTACIONAMIENTO: [illegible]

COMPARECER: Puesto Tránsito Montecal FECHA: 03-04-01 HORA: 11:00 Am.

OBSERVACIONES c/2do(M) 3557 José Parra [illegible]

REPUBLICA DE VENEZUELA
MINISTERIO DE TRANSPORTE Y COMUNICACIONES
DIRECCION GENERAL DE TRANSPORTE Y TRANSITO TERRESTRE

FORMA : CM

ZONA 41 DESTACAMENTO 441
PUESTO Mantecal

No- A

SOLICITUD DE CERTIFICACION MEDICA PREVIA

Ciudadano Médico Forense. (cargo del médico) Medicatura Forense. (Hospital, Clínica, Puesto Asistencial etc.)

Estimasele hacer un reconocimiento médico al ciudadano (a) Jorge Torres Camacho, portador de la C. I. No. _____, quien sufriera lesiones personales en un Accidente de Tráusito, ocurrido el día 31 de Marzo. de 2001 Las resultas de dicho examen enviarlas a Puesto Tráusito Mantecal

El paciente ingresó a las _____ horas 31 de Marzo de 2001
del día _____

Firma. El Médico

Firma: El Funcionario de Vigilancia de Tto.
Placa No. _____

REPUBLICA DE VENEZUELA
MINISTERIO DE TRANSPORTE Y COMUNICACIONES
DIRECCION GENERAL DE TRANSPORTE Y TRANSITO TERRESTRE

FORMA : CM

ZONA 41 DESTACAMENTO 44
PUESTO Mantecal

No- A

SOLICITUD DE CERTIFICACION MEDICA PREVIA

Ciudadano Médico Forense (cargo del médico) Medicatura Forense. (Hospital, Clínica, Puesto Asistencial etc.)

Estimasele hacer un reconocimiento médico al ciudadano (a) Jenny T. Sanchez T., portador de la C. I. No. _____, quien sufriera lesiones personales en un Accidente de Tráusito, ocurrido el día 31 de Marzo. de 2001 Las resultas de dicho examen enviarlas a Puesto Tráusito Mantecal

El paciente ingresó a las _____ horas 31 de _____ de 2001
del día _____

Firma. El Médico

Firma: El Funcionario de Vigilancia de Tto.
Placa No. _____

REPUBLICA DE VENEZUELA
MINISTERIO DE TRANSPORTE Y COMUNICACIONES
DIRECCION GENERAL DE TRANSPORTE Y TRANSITO TERRESTRE

FORMA : CM

ZONA 4 DESTACAMENTO 44
PUESTO Mantecal

SOLICITUD DE CERTIFICACION MEDICA PREVIA

Ciudadano Médico Forense (cargo del médico) Medicatura Forense (Hospital, Clinica, Puesto Asistencial etc.)

Estimasele hacer un reconocimiento médico al ciudadano (a) Andres Eloy Guevara, portador de la C. I. No. _____, quien sufriera lesiones personales en un Accidente de Tránsito, ocurrido el día 31 de Marzo de 2001. Los resultas de dicho examen enviarlas a Puesto Fronterizo Mantecal

El paciente ingresó a las _____ horas 31 de Marzo de 2001.
del día _____

Firma. El Médico

Firma: El Inspector de Vigilancia de Tto.
Placa No. 57

REPUBLICA DE VENEZUELA
MINISTERIO DE TRANSPORTE Y COMUNICACIONES
DIRECCION GENERAL DE TRANSPORTE Y TRANSITO TERRESTRE

FORMA : CM

ZONA 4 DESTACAMENTO 44
PUESTO Mantecal

SOLICITUD DE CERTIFICACION MEDICA PREVIA

Ciudadano Médico Forense (cargo del médico) Medicatura Forense (Hospital, Clinica, Puesto Asistencial etc.)

Estimasele hacer un reconocimiento médico al ciudadano (a) Luis A. Sanchez, portador de la C. I. No. _____, quien sufriera lesiones personales en un Accidente de Tránsito, ocurrido el día 31 de Marzo de 2001. Los resultas de dicho examen enviarlas a Puesto Fronterizo Mantecal

El paciente ingresó a las _____ horas 31 de Marzo de 2001
del día _____

Firma. El Médico

Firma: El Inspector de Vigilancia de Tto.
Placa No. 57

REPUBLICA DE VENEZUELA
MINISTERIO DE TRANSPORTE Y COMUNICACIONES
DIRECCION GENERAL SECTORIAL DE TRANSPORTE TERRESTRE

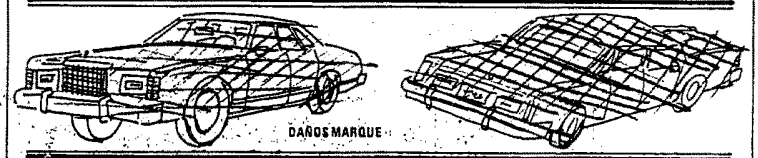
VIGILANCIA TRANSITO TERRESTRE

ORDEN DE DEPOSITO DE VEHICULO

Fecha: 31/03/02

ESTACIONAMIENTO: Villa Jaú
GRUA: 087-XDB DESTACAMENTO: 44 PUESTO: Puerto Ordaz
CHOFER: Pedro Jiménez Lara BOLETA DE CITACION No. _____ VEHICULO No. 11050
SITIO: Vía Principal CIUDADANO: Pedro Alberto Villarreal (Jefe del Estacionamiento)
MOTIVO: [illegible] (Policía y Vehículo) [illegible] la Vía [illegible]
SIRVASE REVISAR EL VEHICULO PLACA: GAN-127 MARCA: Ford MODELO: _____
COLOR: [illegible] TIPO: Camioneta SERIAL DE LA CARROCERIA: _____
_____ PROPIEDAD DEL CIUDADANO (a): Jorge Torres Camacho
_____ PARA EL MOMENTO DEL PROCEDIMIENTO EL VEHICULO ERA
CONDUCIDO POR EL CIUDADANO (a) Jorge Torres Camacho
EL CITADO VEHICULO QUEDA A LA ORDEN DE: Punto Fijo Estatal (Tránsito [illegible] Puerto Ordaz).

	SI	NO		SI	NO
ARRANQUE	X		LLAVE	01	
AUXILIARES		X	ALICATES		X
CORNETA ELECTRICA		X	ANTENAS	Faltan	
CAUCHO REPUESTO	01		AIRE ACONDICIONADO	Dañado	
ENECENDEDOR		X	ALFOMBRAS		X
ESTERILLA		X	AVISO LIBRE		X
ESPEJOS LATERALES	Dañados		BOMBA AIRE		X
FAROS NEBLINA		X	BATERIA	01	
GATOS		X	CORNETA AIRE		X
REPRODUCTOR DE CINTAS	Faltan		OTRAS HERRAMIENTAS		X
TAZA		X	LIMPIA PARABRISAS	Dañados	
CINTAS		X	PARRILLA	Dañada	
TAPA RADIADOR		X	RADIO	Dañado	
CONSOLA		X	CAUCHOS	04	
TRASMISORES		X	PISOS	Rotos	
TRIPOIDES		X	RETROVISOR	Faltan	
TAPA GASOLINA		X	ESTINTOR		X



DAÑOS MARQUE

OTRO: El vehículo fue [illegible] Fiscal [illegible] Tránsito [illegible] Estatal [illegible] Puerto Ordaz [illegible] Estado Bolívar [illegible] las [illegible]

Recibido a la _____ horas del día: _____

Chofer: Pedro Jiménez

Firma. Empleado del Estacionamiento

Placa No. _____

Firma. El Funcionario de la Policía de Tránsito

CERTIFICACIÓN:

Quien suscribe, mediante la presente hace constar que certifica la exactitud de las copias fotostaticas que anteceden, las cuales son traslado fiel y exacto de su original. Accidente de Tránsito de tipo: CHOQUE CON OBJETO FIJO(ARBOL) CON LESIONADOS Y MUERTOS.

Ocurrido en el sitio denominado: CARRETERA NACIONAL MANTECAL-BRUZUAL SECTOR CAICARA.

Expediente signado con el N° " 004-2001 " manteniendose el mismo en proceso de instrucción por ante la Oficina Procesadora de Accidente de la Unidad Estatal de Vigilancia de Tránsito Terrestre San Fernando de apure.

CONFORME,

REPUBLICA DE VENEZUELA

MAYOR(TTSOT) 04 VALERIANO DELGADO.
JEFE DEPARTAMENTO TECNICO DE INVESTIGACIONES DE ACCIDENTES TERRESTRES.

VISTA, Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

LA NOTARIA SEATD.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

RECIBIDO HOY 23-04-20[illegible] [illegible] DE TRES ([illegible]) [illegible]OLIOS UTILES Y PUESTO A LA ORDEN DE [illegible] [illegible]NA JUEZ.
La Secretaria

Luz Marina Silva.

JUZGADO DEL MUNICIPIO RO[illegible] [illegible] [illegible] [illegible] DEL ESTADO APURE Y [illegible] [illegible] DEL ESTADO - BARINAS ELORZA VEINTITRES DE ABRIL DEL [illegible].

[illegible]

Por recibida la [illegible] por la Abogado ARACELIS DEL VAL[illegible] [illegible] misma no es- contraria a [illegible] [illegible] [illegible] de -- [illegible] y [illegible] [illegible]. En consecuen[illegible] [illegible] el tras- lado y constitución de[illegible] [illegible] [illegible] la- solicitante habilit[illegible] [illegible] [illegible]ario. Cúm- plase.
La Juez Prov.

Abog. Yrina [illegible] de [illegible]

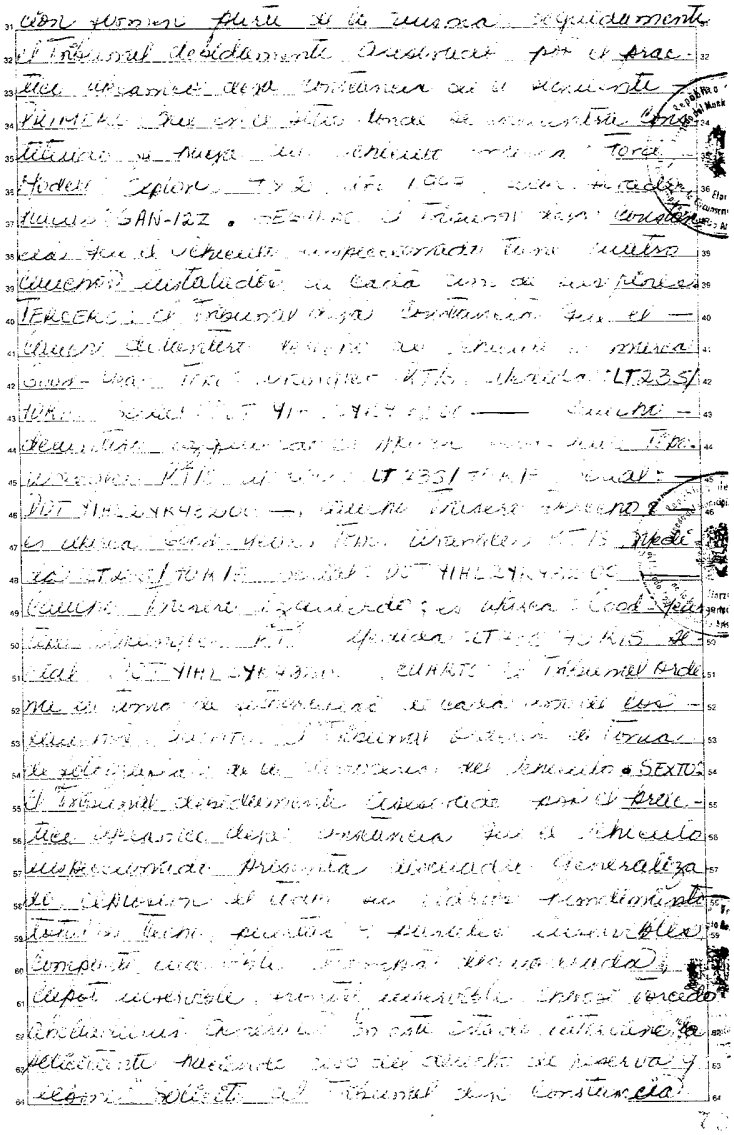
[illegible]ria

[illegible] Silva.

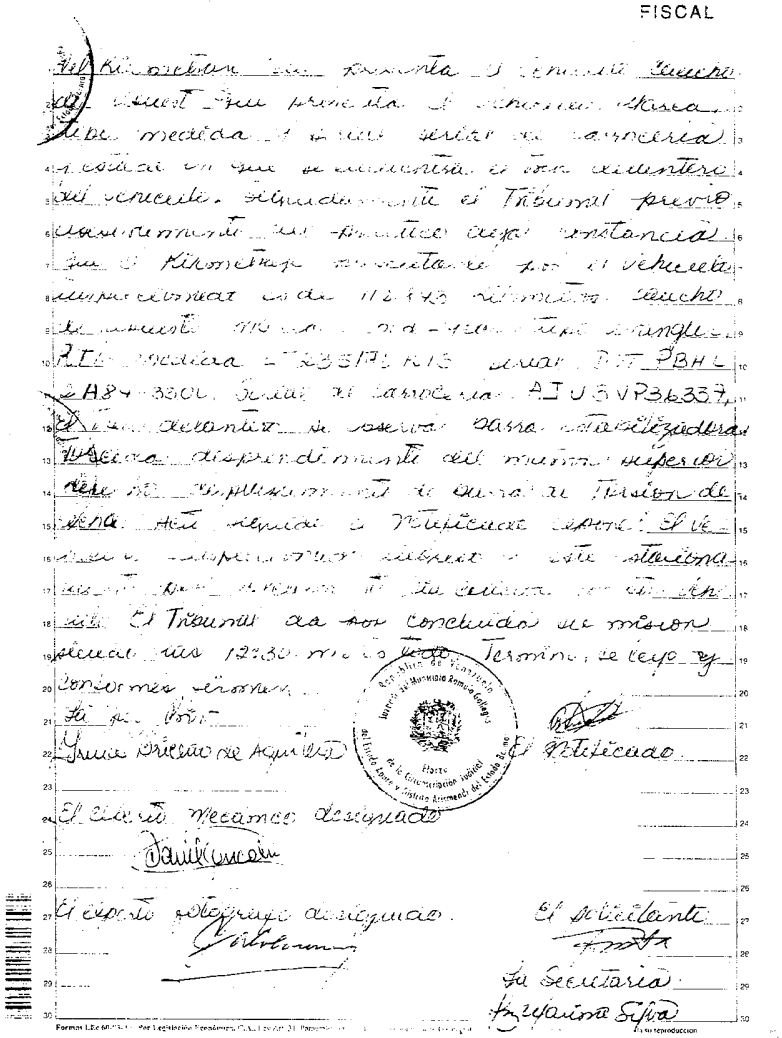
TIMBRE
FISCAL

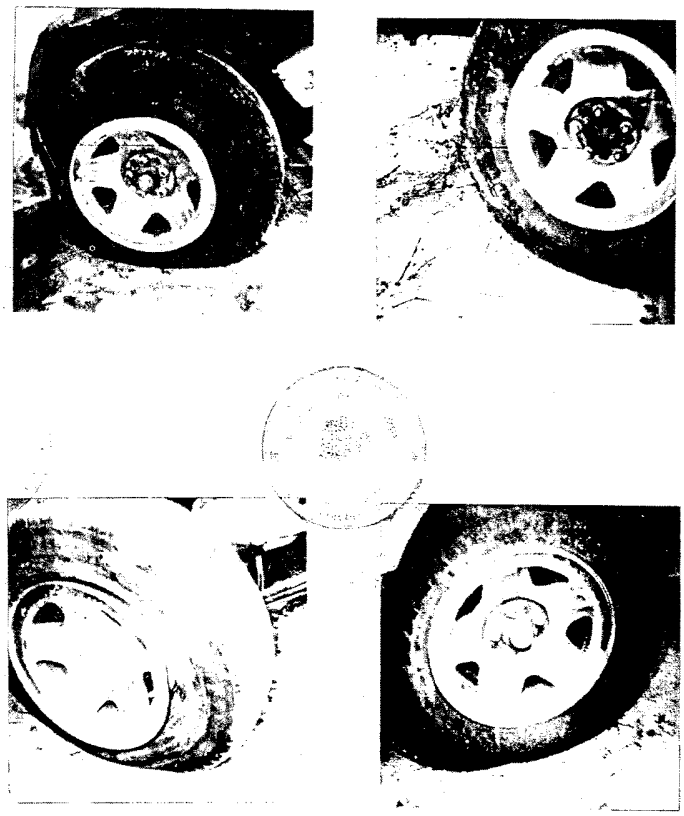
En [illegible] del día de [illegible] Veintitrés (23) de Abril del dos mil uno [illegible] 12.00 m. se trasladó y constituyó el Tribunal en el sitio denominado Estacionamiento Villafañe, ubicado en la margen derecha de la Carretera Nacional que conduce vía Mantecal. Y [illegible] del Estado Apure a los fines de practicar la inspección judicial solicitada por el abogado [illegible] Ordaneta [illegible] [illegible] con el carácter de Apoderado Judicial de Bridgestone Firestone Venezolana C.A. según copia del poder que corre inserto a la presente inspección. El Tribunal para la práctica de la presente inspección acuerda asesorarse por un práctico mecánico y práctico fotógrafo y designa para tal fin a los ciudadanos [illegible] [illegible] mayor de edad titular de la cédula de identidad Nº 11.089.574 y [illegible] Antonio [illegible] Venezolano mayor de edad titular de la cédula de identidad Nº [illegible] quienes estando presentes aceptaron el cargo y prestaron el juramento de Ley. Se notifica de la misión del Tribunal al ciudadano Roberto Villafañe Aguilar Venezolano, mayor de edad titular de la C.I. Nº 10.622.371. El Tribunal procede a dejar constancia de los particulares solicitados y ordena la toma de las fotografías en este acto el práctico fotógrafo presenta para la vista del Tribunal una Cámara Polaroid 636 Close-up; y dichas fotografías serán agregadas a la presente inspección para que previa certifica-

Formas LEC [illegible] Zur Legislation Kenntnisse, C.A. [illegible] Prohibida su reproducción



TIMBRE
FISCAL

















TIMBRE
FISCAL

Juzgado del Municipio Romulo Gallegos de la Circunscripcion Judicial del Estado Apure y Municipio Arismendi del Estado Barinas 189 y 141º Cloza, Veintitres de Abril del dosmil uno.

Evacuada como ha sido la presente solicitud el Tribunal ordena se entregue al solicitante en original.

Fa. [illegible]

[illegible]

La Secretaria

[illegible] Silva

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 569-01

SOLICITUDES

ARCHIVO

SOLICITANTE (S): ARACELIS DEL VALLE URDANETA N.

MOTIVO: INSPECCION JUDICIAL

JUZGADO: DEL MUNICIPIO ROMULO GALLEGOS

FECHA DE ENTRADA: Día 23 Mes ABRIL Año 2001

FECHA DEVOLUCION: Día ____ Mes ____ Año ____

No. ____

C-22

REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
DIRECCION GENERAL SECTORIAL DEL SERVICIO AUTÓNOMO
DE TRANSPORTE Y TRANSITO TERRESTRE
DIRECCION DE VIGILANCIA
UNIDAD ESTATAL DE VIGILANCIA DE TRÁNSITO TERRESTRE N° 44 APURE
OFICINA PROCESADORA DE ACCIDENTES





N° DE EXPEDIENTE " 006-2001 "

LEY DE TRÁNSITO TERRESTRE ARTICULO N° 76 PARAGRAFO SEGUNDO:

" EN CASO DE ACCIDENTES DE TRÁNSITO DONDE RESULTEN PERSONAS LESIONADAS O FALLECIDAS, LA AUTORIDAD ADMINISTRATIVA QUE CONOZCA DEL CASO, EXPEDIRA COPIA CERTIFICADA DE LAS ACTUACIONES QUE HAYA PROCESADO AUN EN EL SUMARIO A REQUERIMIENTO DEL JUEZ QUE CONOZCA DE LA CAUSA CIVIL O DE PARTE INTERESADA "

EL TRÁNSITO ES UN PROBLEMA DE TODOS

JEFE DE LA SALA: S/MAYOR(TT) VALENTIANO DELGADO.

REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
SERVICIO AUTONOMO DE TRANSPORTE Y TRANSITO TERRESTRE
DIRECCION DE VIGILANCIA
UNIDAD ESTATAL DE VIGILANCIA DE TRANSITO TERRESTRE N° 44 APURE
PUESTO DE VIGILANCIA Y AUXILIO VIAL MANTECAL
C O M A N D O:

Por cuanto de la solicitud interpuesta por el Ciudadano: DAVID GONCALVES MALPICA _____, titular de la Cédula de Identidad N° 11.089.574 _____ relacionada con las actuaciones por Accidente de Tránsito de Expediente signado con el N° " 006-2001 " _____ encontrandose las mismas en este despacho en proceso de instrucción, se acuerda expedir las Copias requeridas de conformidad con lo establecido en el Artículo 76 paragrafo Segundo de la Ley de Tránsito Terrestre, y se comisiona al C/2DO(TT)3557 JOSE ERNESTO PARRA. _____, para fotocopiar los folios contenidos en dicho Expediente y certifique los mismos.

Provean lo conducente.

JEFE DEL DPTO. TEC. DE INVEST. DE ACCIDENTES TERRESTRES

S/MAYOR (TT) 0701 VALERIANO DELGADO

EL SECRETARIO

C/2DO(TT)3557 JOSE E. PARRA

Seguidamente se dio cumplimiento al auto que antecede.

EL SECRETARIO

C/2DO(TT)3557 JOSE E. PARRA

REPÚBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
DIRECCIÓN GENERAL SECTORIAL DEL SERVICIO AUTÓNOMO
DE TRANSPORTE Y TRÁNSITO TERRESTRE
DIRECCIÓN DE VIGILANCIA
UNIDAD ESTATAL DE VIGILANCIA DE TRÁNSITO TERRESTRE Nº 44 APURE
OFICINA PROCESADORA DE ACCIDENTES

ACTA POLICIAL

San Fernando de Apure, 06 de Abril de 2001 en esta misma fecha siendo las 7:25 P.M. compareció ante este Despacho el funcionario Vigilante de Tránsito Douglas Alejo número de placa 5197 adscrito a la Dirección de Vigilancia, estando debidamente juramentado y de conformidad con el Art. 89 de la Ley de Tránsito Terrestre en concordancia con el Artículo 108 de Código Orgánico Procesal Penal deja constancia de la siguiente diligencia Policial efectuada en la presente averiguación:

Encontrandome de servicio en el Puesto de Tránsito Terrestre de Mantecal-Edo-Apure, me fue informado por un usuario de la Vía, que en el sitio denominado como Carretera Nacional Elorza-Guasdualito frente al Fundo Nuevo de la Jurisdicción del Elorza, se Había producido un Volcamiento con muerto y lesionado, de inmediato me Trasladé Hasta el lugar antes mencionado en la Unidad de remolque del estacionamiento Villafañe Placas: 687-XBB, conducida por el ciudadano Pedro Villafañe, al llegar al lugar de los acontecimientos pude observar que nada mas se encontraba el Vehículo: Ford, explorer, Sport Wagón, año: 1999, Blanco, Placas: SAJ-52B, S/C: 8XD ZU17E8X8A18296, propiedad de la Ciudadana: Ana Julia Garcia Rincón C.I 8.031.030, el mismo se encontraba fuera de la Vía con daños en toda su estructura. Obtuve información por una comisión de la Guardia Nacional, donde el efectivo (G.N.) Mora me informo que el cadaver de la ciudadana quien en Vida respondía al nombre de: Maritza Rangel, 23 años, se desconoce número cedula de Identidad, con Residencia: Tariba-Edo-Tachira fue levantado por el ciudadano Jose del Carmen Rivero C.I 5.734.811, quien se desempeña como Director del centro Hospitalario del Elorza donde fue pa-

Continuación

Continuación

sado el occiso, estuvo tambien en el levantamiento de la muerta el ciudadano Ali del Carmen Morillo C.I 4.659.327, sirvieron como testigo presenciales los ciudadanos: José León Hernandez C.I 8.184.844, Aurelio Archila C.I 5.734.612, Santos Ramón Torrealba-Luna C.I 13.255.544, Hermes Borges Herrera C.I 11.761.549, Posteriormente realize el grafico demostrativo del accidente (croquis), despues me dirigi Hasta el Hospital donde me entreviste con el médico de Guardia la cual me informo sobre los lesionados que que son los siguientes:

1.- Maribel Ramona Colmenares C.I 7.742.243. 38 años (V), monja, Reside: Tariba - Edo - Tachira, Diagnostico: Politraumatismo Generalizado. (conductora)

2.- Luz Maria Duque Camargo C.I 17.528.113, (V), estudiante, Soltera, Reside: Tariba - Edo - Tachira, Diagnostico: Politraumatismo Generalizado.

3.- Luisana Mora C.I 15.927.712, 15 años, estudiante, (V), Reside: Tariba - Edo - Tachira, Diagnostico: Politraumatismo Generalizado.

4.- Jenifer Rodriguez C.I 12.547.970, (V), Soltera, 23 años monja, Reside: San Cristobal - Edo - Tachira, Diagnostico: Politraumatismo Generalizado.

5.- Jesus Franco, C.I 2.426.316, 73 años, (V), Soltero, Cura Reside: San Cristobal - Tachira, Diagnostico: Politraumatismo Generalizado, se informa que todos los lesionados fueron pasado en Helicoptero de la (F.A.N) para la ciudad de Guasdualito - Edo - Apure (Hospital) debido al mal estado en que se mantenian.

Luego el Vehiculo involucrado en el accidente fue remolcado Hasta el estacionamiento Villafañe con sede en Mantecal - Edo - Apure, pase el parte respectivo al Puesto y al Comando de Unidad.

Continuación

(Continuación)

Conclusión:

Este accidente de tránsito se produce al explotar un caucho delantero, la vía en mal estado y el exceso de velocidad, tal y como se puede observar en el Grafico demostrativo del accidente desarrollado 21 metros metros de rastro de freno para luego dejar nuevamente 9 (nueve) metros de rastro de freno y finalizar con 15 (Quince) metros de marca de arrastre.



REPUBLICA DE VENEZUELA
Dirección General de Transporte y Tránsito Terrestre
Dirección de Vigilancia y Tránsito Terrestre

Ov. (F. 4) 97
Dr. [illegible] Lejo

REPUBLICA DE VENEZUELA - MINISTERIO DE TRANSPORTE Y COMUNICACIONES - SERVICIO AUTONOMO DE TRANSPORTE Y TRANSITO TERRESTRE
CUERPO DE VIGILANCIA DE TRANSITO TERRESTRE

SETRA

TIPO DE ACCIDENTE DE TRANSITO	MODALIDAD	FECHA DEL ACC.	HORA DE OCURRENCIA	NUMERO DEL EXPEDIENTE
CON DAÑOS MATERIALES / CON LESIONADO (S) / CON MUERTO (S) / OTRO	Volcamiento	06-04-2001	1:27 P.M	"006-2001"
	UNIDAD Nº 44	COMANDO DE: Montical		

VIGILANCIA TRANSITO

UBICACION

ENTIDAD FEDERAL: Apure

MUNICIPIO: Ronsulo Gallegos

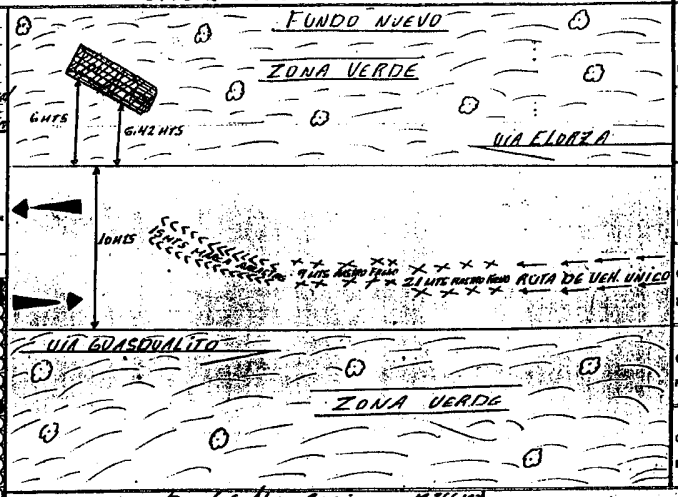
LUGAR: Carretera Nacional Clarco - Guasdualito Sector Fundo Nuevo

ASFALTO / ENGRANSONADA / TIERRA
SECA / MOJADA / FANGOSA
POLVORENTA / DERRUMBE / BACHES

ESTADO DEL TIEMPO
CLARO / OSCURO / LUZ ARTIFICIAL
NUBLADO / LUZ SOLAR / LLUVIOSO

SIMBOLOGIA MAS USUAL EN EL CROQUIS DEL ACCIDENTE
1 RASTRO DE FRENADA
2 MARCA ARRASTRE
3 MARCA DE COLEADA
4 SEÑAL DE TRANSITO
5 POSTE
6 HIDRANTE
7 CONSTRUCCION-INMU
8 FRACMENTOS EN LA VIA
9 LIQUIDO DERRAM. VIA
10 ARBOL
12 ANIMAL
13 P.I. PUNTO DE IMPACTO
14 P.R. PUNTO DE REFERENCIA
15 SEMAFORO
16 VEHICULO ESTACIONA
17
18
19
20
21

CROQUIS DEL ACCIDENTE



FUNCIONARIO ACTUANTE: Douglas Alejo Carpio C.I.Nº 12.266.153
PLACA: 5197 JERARQUIA: (G.T.) HORA INICIO ACTUACION: 3:45 P.M
HORA FINALIZADA ACTUACION: 8:00 P.M FIRMA:
ESCALA UTILIZADA:

OBSERVACIONES:

FIRMA Y CEDULA IDENTIDAD DE LOS CONDUCTORES

CONDUCTOR Nº 1
C.I Nº:
FIRMA

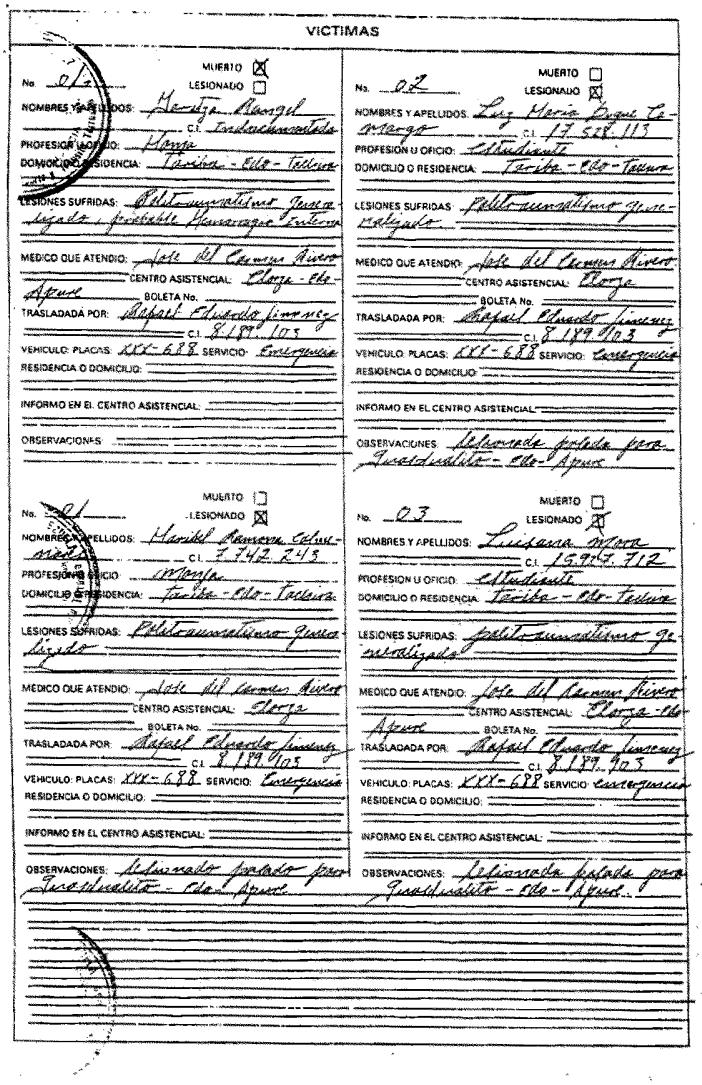
CONDUCTOR Nº 2
C.I.Nº
FIRMA:

CONDUCTOR Nº 3
C.I.Nº:
FIRMA:

CONDUCTOR Nº 4
C.I.Nº:
FIRMA:

CONDUCTOR Nº 5
C.I.Nº:
FIRMA:

CONDUCTOR Nº 6
C.I.Nº:
FIRMA:



VICTIMAS

No. 01 — MUERTO ☒ LESIONADO ☐

NOMBRES Y APELLIDOS: Maritza Rangel
C.I. Indocumentada
PROFESION U OFICIO: Monja
DOMICILIO O RESIDENCIA: Tariba - Edo - Tachira
LESIONES SUFRIDAS: Politraumatismo generalizado, probable Hemorragia Interna
MEDICO QUE ATENDIO: Jose del Carmen Rivero
CENTRO ASISTENCIAL: Elorza - Edo - Apure
BOLETA No.
TRASLADADA POR: Rafael Eduardo Jimenez
C.I. 8.189.103
VEHICULO: PLACAS: XXX-688 SERVICIO: Emergencia
RESIDENCIA O DOMICILIO:
INFORMO EN EL CENTRO ASISTENCIAL:
OBSERVACIONES:

No. 02 — MUERTO ☐ LESIONADO ☒

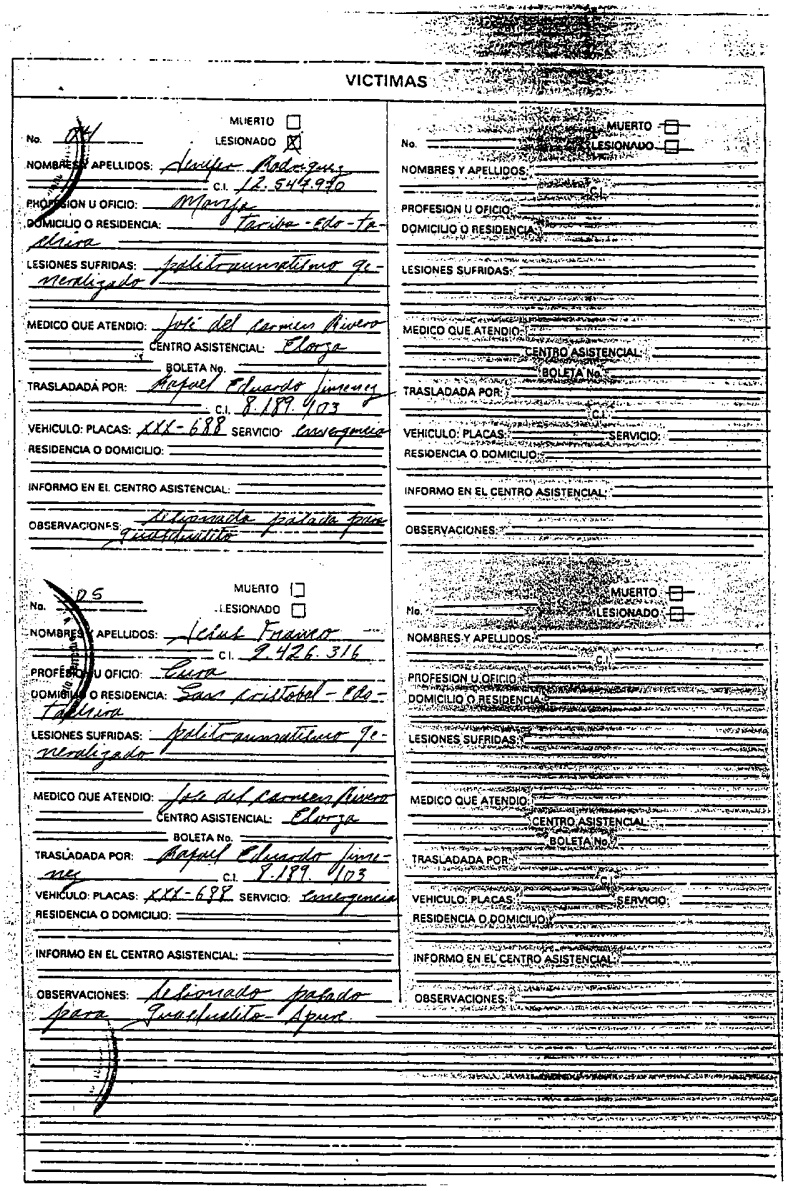
NOMBRES Y APELLIDOS: Luz Maria Duque Camargo
C.I. 17.528.113
PROFESION U OFICIO: Estudiante
DOMICILIO O RESIDENCIA: Tariba - Edo - Tachira
LESIONES SUFRIDAS: Politraumatismo generalizado
MEDICO QUE ATENDIO: Jose del Carmen Rivero
CENTRO ASISTENCIAL: Elorza
BOLETA No.
TRASLADADA POR: Rafael Eduardo Jimenez
C.I. 8.189.103
VEHICULO: PLACAS: XXX-688 SERVICIO: Emergencia
RESIDENCIA O DOMICILIO:
INFORMO EN EL CENTRO ASISTENCIAL:
OBSERVACIONES: lesionada pasada para Guasdualito - Edo - Apure

No. 01 — MUERTO ☐ LESIONADO ☒

NOMBRES Y APELLIDOS: Maribel Ramona Colmenares
C.I. 7.742.243
PROFESION U OFICIO: Monja
DOMICILIO O RESIDENCIA: Tariba - Edo - Tachira
LESIONES SUFRIDAS: Politraumatismo generalizado
MEDICO QUE ATENDIO: Jose del Carmen Rivero
CENTRO ASISTENCIAL: Elorza
BOLETA No.
TRASLADADA POR: Rafael Eduardo Jimenez
C.I. 8.189.103
VEHICULO: PLACAS: XXX-688 SERVICIO: Emergencia
RESIDENCIA O DOMICILIO:
INFORMO EN EL CENTRO ASISTENCIAL:
OBSERVACIONES: lesionada pasada para Guasdualito - Edo - Apure

No. 03 — MUERTO ☐ LESIONADO ☒

NOMBRES Y APELLIDOS: Luisana Mora
C.I. 15.927.712
PROFESION U OFICIO: Estudiante
DOMICILIO O RESIDENCIA: Tariba - Edo - Tachira
LESIONES SUFRIDAS: politraumatismo generalizado
MEDICO QUE ATENDIO: Jose del Carmen Rivero
CENTRO ASISTENCIAL: Elorza - Edo - Apure
BOLETA No.
TRASLADADA POR: Rafael Eduardo Jimenez
C.I. 8.189.103
VEHICULO: PLACAS: XXX-688 SERVICIO: Emergencia
RESIDENCIA O DOMICILIO:
INFORMO EN EL CENTRO ASISTENCIAL:
OBSERVACIONES: lesionada pasada para Guasdualito - Edo - Apure



VICTIMAS

No. 04 MUERTO ☐ LESIONADO ☒

NOMBRES Y APELLIDOS: Jenifer Rodriguez C.I. 12.544.990

PROFESION U OFICIO: Monja

DOMICILIO O RESIDENCIA: Tariba - Edo - Tachira

LESIONES SUFRIDAS: Politraumatismo generalizado

MEDICO QUE ATENDIO: José del Carmen Rivero

CENTRO ASISTENCIAL: Eloria

BOLETA No.

TRASLADADA POR: Rafael Eduardo Jimenez C.I. 8.189.403

VEHICULO: PLACAS: XXX-688 SERVICIO: Emergencia

RESIDENCIA O DOMICILIO:

INFORMO EN EL CENTRO ASISTENCIAL:

OBSERVACIONES: Lesionado pasado para Guasdualito

No. MUERTO ☐ LESIONADO ☐

NOMBRES Y APELLIDOS: C.I.

PROFESION U OFICIO:

DOMICILIO O RESIDENCIA:

LESIONES SUFRIDAS:

MEDICO QUE ATENDIO:

CENTRO ASISTENCIAL:

BOLETA No.

TRASLADADA POR: C.I.

VEHICULO: PLACAS: SERVICIO:

RESIDENCIA O DOMICILIO:

INFORMO EN EL CENTRO ASISTENCIAL:

OBSERVACIONES:

No. 05 MUERTO ☐ LESIONADO ☐

NOMBRES Y APELLIDOS: Jesus Franco C.I. 9.426.316

PROFESION U OFICIO: Cura

DOMICILIO O RESIDENCIA: San Cristobal - Edo - Tachira

LESIONES SUFRIDAS: Politraumatismo generalizado

MEDICO QUE ATENDIO: José del Carmen Rivero

CENTRO ASISTENCIAL: Eloria

BOLETA No.

TRASLADADA POR: Rafael Eduardo Jimenez C.I. 8.189.403

VEHICULO: PLACAS: XXX-688 SERVICIO: Emergencia

RESIDENCIA O DOMICILIO:

INFORMO EN EL CENTRO ASISTENCIAL:

OBSERVACIONES: Lesionado pasado para Guasdualito Apure

No. MUERTO ☐ LESIONADO ☐

NOMBRES Y APELLIDOS: C.I.

PROFESION U OFICIO:

DOMICILIO O RESIDENCIA:

LESIONES SUFRIDAS:

MEDICO QUE ATENDIO:

CENTRO ASISTENCIAL:

BOLETA No.

TRASLADADA POR: C.I.

VEHICULO: PLACAS: SERVICIO:

RESIDENCIA O DOMICILIO:

INFORMO EN EL CENTRO ASISTENCIAL:

OBSERVACIONES:

REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
DIRECCIÓN GENERAL SECTORIAL DEL SERVICIO AUTONOMO
DE TRANSPORTE Y TRANSITO TERRESTRE

FORMA: CM

U. E. V. T. T. Nº 44 APURE

PUESTO Maniteal

SOLICITUD DE CERTIFICACIÓN MEDICA PREVIA

Nº 1

CIUDADANO: Farmacia Medicatura Forense

CARGO DEL MEDICO (HOSPITAL,CLINICA, PUESTO ASISTENCIAL,ECT.)

ESTIMASELE HACER UN RECONOCIMIENTO MÉDICO AL CIUDADANO:

(A) Rojas Abril Yamilka Estefania

DE LA C.I. No V- 17.742.113 QUIEN SUFRIO LESIONES PERSONALES EN UN ACCIDENTE DE TRÁNSITO,

OCURRIDO EL DIA 06 DE 04 DE 2001 LOS RESULTADOS DE DICHOS EXAMENES

ENVIARLOS A: Puesto F.T. Maniteal

EL PACIENTE INGRESO A LAS _____ HORAS Maniteal DE _____ DE 2001

DEL ____ DE _____ DE 1.99 ___

FIRMA DEL MEDICO

FIRMA DEL VIGILANTE DE TRANSITO

No DE C.I.C.A. 5197

REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
DIRECCIÓN GENERAL SECTORIAL DEL SERVICIO AUTONOMO
DE TRANSPORTE Y TRANSITO TERRESTRE

FORMA: CM

U. E. V. T. T. Nº 44 APURE

PUESTO Maniteal

SOLICITUD DE CERTIFICACIÓN MEDICA PREVIA

Nº 1

CIUDADANO: Farmacia Medicatura Forense

CARGO DEL MEDICO (HOSPITAL,CLINICA, PUESTO ASISTENCIAL,ECT.)

ESTIMASELE HACER UN RECONOCIMIENTO MÉDICO AL CIUDADANO:

(A) Rojas Abril Yamilka Estefania

DE LA C.I. No V-17.528.117 QUIEN SUFRIO LESIONES PERSONALES EN UN ACCIDENTE DE TRÁNSITO,

OCURRIDO EL DIA 06 DE 04 DE 2001 LOS RESULTADOS DE DICHOS EXAMENES

ENVIARLOS A: Puesto (F.T.) Maniteal

EL PACIENTE INGRESO A LAS _____ HORAS Maniteal DE _____ DE 2001

DEL ____ DE _____ DE 1.99 ___

FIRMA DEL MEDICO

FIRMA DEL VIGILANTE DE TRANSITO

No DE C.I.C.A. 5197

REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
DIRECCIÓN GENERAL SECTORIAL DEL SERVICIO AUTONOMO
DE TRANSPORTE Y TRANSITO TERRESTRE

FORMA: CM

V.T.T. Nº 44 APURE

PUESTO Municipal

SOLICITUD DE CERTIFICACIÓN MEDICA PREVIA

Nº

CIUDADANO: F... J... Medicatura F...

CARGO DEL MEDICO (HOSPITAL,CLINICA, PUESTO ASISTENCIAL,ÉCT.)

ESTÍMASELE HACER UN RECONOCIMIENTO MÉDICO AL CIUDADANO:

(A) Jesus Francisco

DE LA C.I. No 2 246 315 QUIEN SUFRIO LESIONES PERSONALES EN UN ACCIDENTE DE TRÁNSITO,

OCURRIDO EL DÍA 06 DE 04 DE 1[illegible] 2001 LOS RESULTADOS DE DICHOS EXAMENES

ENVIARLOS A: Puesto C.T. 10 Municipal

EL PACIENTE INGRESO A LAS _____ HORAS

DEL ____ DE _____ DE 1[illegible] 2001

FIRMA DEL MEDICO

FIRMA DEL VIGILANTE DE TRANSITO

No DE

REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
DIRECCIÓN GENERAL SECTORIAL DEL SERVICIO AUTONOMO
DE TRANSPORTE Y TRANSITO TERRESTRE

FORMA: CM

U. E. V. T. T. Nº 44 APURE

PUESTO Mantical

SOLICITUD DE CERTIFICACIÓN MEDICA PREVIA

Nº

CIUDADANO: Fernando Medicatura Fernando

CARGO DEL MEDICO (HOSPITAL, CLINICA, PUESTO ASISTENCIAL, ÉCT.)

ESTÍMASELE HACER UN RECONOCIMIENTO MÉDICO AL CIUDADANO:

(A) Luciana Mora

DE LA C.I. No 17.528.113 QUIEN SUFRIO LESIONES PERSONALES EN UN ACCIDENTE DE TRÁNSITO, OCURRIDO EL DÍA 06 DE 04 DE 2001 LOS RESULTADOS DE DICHOS EXAMENES ENVIARLOS A: Puesto (T.T.) Mantical

EL PACIENTE INGRESO A LAS ____ HORAS Mantical DE 2001

DEL ____ DE ____ DE 2001

FIRMA DEL MEDICO

FIRMA DEL VIGILANTE DE TRÁNSITO
No DE PLACA

REPUBLICA BOLIVARIANA DE VENEZUELA
MINISTERIO DE INFRAESTRUCTURA
DIRECCIÓN GENERAL SECTORIAL DEL SERVICIO AUTONOMO
DE TRANSPORTE Y TRANSITO TERRESTRE

FORMA: CM

U. E. V. T. T. Nº 44 APURE

PUESTO Mantical

SOLICITUD DE CERTIFICACIÓN MEDICA PREVIA

Nº

CIUDADANO: Fernando Medicatura Fernando

CARGO DEL MEDICO (HOSPITAL, CLINICA, PUESTO ASISTENCIAL, ÉCT.)

ESTÍMASELE HACER UN RECONOCIMIENTO MÉDICO AL CIUDADANO:

(A) Jesús Rodríguez

DE LA C.I. No 17.942.970 QUIEN SUFRIO LESIONES PERSONALES EN UN ACCIDENTE DE TRÁNSITO, OCURRIDO EL DÍA 06 DE 04 DE 2001 LOS RESULTADOS DE DICHOS EXAMENES ENVIARLOS A: Puesto (T.T.) Mantical

EL PACIENTE INGRESO A LAS ____ HORAS Mantical DE 2001

DEL ____ DE ____ DE 2001

FIRMA DEL MEDICO

FIRMA DEL VIGILANTE DE TRÁNSITO
No DE PLACA 9197

REPUBLICA DE VENEZUELA
MINISTERIO DE TRANSPORTE Y COMUNICACIONES
DIRECCION GENERAL SECTORIAL DE TRANSPORTE TERRESTRE

VIGILANCIA TRANSITO

ORDEN DE DEPOSITO DE VEHICULO

Fecha: 07/04/2001

ESTACIONAMIENTO: Villafañe

Placa: 687-XBB DESTACAMENTO: 44 PUESTO: Montecal

CHOFER: Pedro Villafañe BOLETA DE CITACION No. VEHICULO No. Unico

SITIO: Carretera Nac. Clorga - Guasdualito CIUDADANO: Pedro Villafañe (Jefe del Estacionamiento)

MOTIVO: Volcamiento fuera de Vía con muerto y lesionado

SIRVASE REVISAR EL VEHICULO PLACA: SAI 52B MARCA: Ford MODELO: Explorer

COLOR: Blanco TIPO: Sport Wagon SERIAL DE LA CARROCERIA: 8XDZU17 58X8A18296

PROPIEDAD DEL CIUDADANO (a): Garcia Rincón Ana Luisa

PARA EL MOMENTO DEL PROCEDIMIENTO EL VEHICULO ERA CONDUCIDO POR EL CIUDADANO (a): Maribel Colmenares

EL CITADO VEHICULO QUEDA A LA ORDEN DE: Oficina Técnica de investigaciones de accidentes Penales (Montecal - Edo - Apure)

	SI	NO		SI	NO
ARRANQUE	X		LLAVE		X
AUXILIARES		X	ALICATES		X
CORNETA ELECTRICA	X		ANTENAS		X
CAUCHO REPUESTO		X	AIRE ACONDICIONADO	X	
ENCENDEDOR	X		ALFOMBRAS 04	X	
ESTERILLA		X	AVISO LIBRE		X
ESPEJOS LATERALES		X	BOMBA AIRE		X
FAROS NEBLINA		X	BATERIA	X	
GATOS		X	CORNETA AIRE		X
REPRODUCTOR DE CINTAS		X	OTRAS HERRAMIENTAS		X
TAZA 02	X		LIMPIA PARABRISAS Dañados	X	
CINTAS		X	PARRILLA Dañada	X	
TAPA RADIADOR	X		RADIO		X
CONSOLA		X	CAUCHOS 04	X	
TRASMISORES		X	PISOS 02	X	
TRIPOIDES		X	RETROVISOR		X
TAPA GASOLINA	X		ESTINTOR		X



DAÑOS MARQUE

OTRO: daños en toda su estructura

Recibido el 07-04-2001 4:00 horas P.M. del día: Sabado

Chofer

Firma: El Funcionario de Vigilancia de Tránsito

Placa No. 5177

Firma Empleado del Estacionamiento

SUICHE SI ☐ NO ☒ PRENDE SI ☐ NO ☒

Impreso "Avacucho" — Telf. 23348 — San Fdo.

CERTIFICACIÓN:

Quien suscribe, mediante la presente hace constar que certifica la exactitud de las copias fotostaticas que anteceden, las cuales son traslado fiel y exacto de su original. Accidente de Tránsito de tipo: VOLCAMIENTO FUERA DE LA VIA CON MUERTO Y LESIONADOS.

Ocurrido en el sitio denominado: CARRETERA NACIONAL ELORZA-GUASDUALITO SECTOR FUNDO NUEVO.

Expediente signado con el N° " 006-2001 " **manteniendose el mismo en proceso de instrucción por ante la Oficina Procesadora de Accidente de la Unidad Estatal de Vigilancia de Tránsito Terrestre San Fernando de apure.**

CONFORME,

MAYOR [illegible]0704 RAMIRUANO DELGADO.
JEFE [illegible] DEPARTAMENTO TECNICO DE INVESTIGACIONES DE ACCIDENTES PENALES.

Fiscal Sto de Apure
Sr Forero. Telf. 047 940232

Comun - Jorge Forero.
Telf. 016.622.1577.

REPUBLICA BOLIVARIANA DE VENEZUELA
Ministerio de Ciencia y Tecnología
PUESTO TERRESTRE
DIRECCION DE VIGILANCIA
Dirección General de Transporte y Tránsito Terrestre



Ciudadana

JUEZA DEL MUNICIPIO RÓMULO GALLEGOS DE LA CIRCUNSCRIPCIÓN JUDICIAL DEL ESTADO APURE

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, tipo, color, año y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. QUINTO: Se tomen fotografías de la carrocería y las

condiciones en que se encuentra el vehículo inspeccionado. SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

Francis Ghiart de Olivazzi
Abogado
I.P.S.A. 67.252

DE VALENCIA
PLANILLA N°
DERECHOS
OOTRGAMIENTO

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de este domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren, ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

REPUBLICA BOLIVARIANA DE VENEZUELA.
NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. (25) de Octubre del Dos Mil.
1900. 141. El anterior documento, redactado por el Abogado: FRANCIS GINART DE OJEDA, inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36796. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA, Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

EL NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

RECIBIDO HOY 23-04-2001 CONSTANTE DE TRES FOLIOS UTILES Y - PUESTO A LA ORDEN DE LA CIUDADANA JUEZ.
La Secretaria

Luz Marina Silva.

JUZGADO DEL MUNICIPIO ROMULO GALLEGOS DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO APURE Y MUNICIPIO ARISMENDI DEL ESTADO-BARINAS ELORZA VEINTITRES DE ABRIL DEL DOSMIL UNO.
189º y 141º

Por recibida la anterior solicitud incoada por la Abogado ARACELIS DEL VALLE URDANETA, por cuanto la misma no es - contraria a derecho ni a las buenas costumbres se le dá entrada y curso de Ley. En consecuencia se acuerda el traslado y constitución del Tribunal al sitio que indique la solicitante habilitándose el tiempo que sea necesario. Cúmplase.
La Juez Prov.

Abog. Ynina Briceño de Aguilera

La Secretaria

Luz Marina Silva.

TIMBRE
FISCAL

En horas del día de hoy, Veintitres (23) de abril, del dosmil uno, siendo las 12:30 m., se trasladó y constituyó el Tribunal en el sitio denominado estacionamiento Villafañe, ubicado en la margen derecha de la Carretera Nacional que conduce vía Aponical - El Samán del Estado Apure. a los fines de practicar la inspección judicial solicitada por la Abogado Graciela Urdaneta, inpreabogado n: 30.706, procediendo con el Carácter de apoderada judicial de Bridgestone Firestone Venezolana C.A. según copia del poder que corre inserto a la presente inspección. El Tribunal para la practica de la presente inspección acuerda asesorarse por un practico mecánico y practico fotógrafo y designa para tal fué a los ciudadanos David Gonçalves, Venezolano, mayor de edad titular de la cédula de identidad n: 11.089.574 y Jorge Antonio Colmenarez, Venezolano, mayor de edad, titular de la cedula de identidad N: 386.596, quienes estando presentes aceptaron el Cargo y prestaron el Juramento de Ley. Se Notificó de la misión del Tribunal al ciudadano: Roberto Villafañe, Venezolano mayor de edad, titular de la C.I. N: 10.622.371. ——— . El Tribunal procede a dejar Constancia de los particulares solicitados y ordena la toma de las fotografías. En este estado el practico fotógrafo presenta para la vista del Tribunal una Camara Polaroid 636, Clase-up y diez (10) fotografías pegadas y agregadas a la presente inspección para que

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previa certificación formen parte de la misma; seguidamente el Tribunal debidamente asesorado por el práctico mecánico deja constancia de lo siguiente: PRIMERO: Que en el sitio donde se encuentra constituido se haya un Vehículo marca: Ford, Modelo: Explorer 4x2, Año. 1999, Color: Blanco, Placas: SAJ-52B. SEGUNDO: El Tribunal deja constancia que el Vehículo inspeccionado tiene cuatro cauchos instalados en cada uno de sus rines. TERCERO: El Tribunal deja constancia que el caucho delantero derecho del Vehículo es marca: Good-year, Tipo: Wrangler RT/S. Medida: LT 235/70R15, Serial: DOT Y1HL 2YK43300 ——, Caucho delantero izquierdo es marca: Good-year, Tipo: Wrangler RT/S, Medida: LT 235/70R15, Serial: DOT Y1HL2YK43200 ——, Caucho Trasero derecho: es marca: Good-year, Tipo: Wrangler RT/S, Medida: LT235/70R15, Serial: DOT Y1HL 2YK43300 ——, Caucho Trasero izquierdo; es marca: Good-year tipo: Wrangler RT/S, Medida: LT235/70R15, serial: DOT Y1HL 2YK43300 ——, CUARTO: El Tribunal Ordena la toma de fotografías de cada uno de los Cauchos. QUINTO: El Tribunal Ordena la toma de fotografías de la Carrocería del Vehículo. SEXTO: El Tribunal debidamente asesorado por el práctico mecánico deja constancia que el Vehículo inspeccionado presenta descuadre generalizado, hundimiento pronunciado de techo, capot, puertas y parales, explosión de parabrisa y vidrios laterales, trompa descuadrada y bolsas de aire [illegible] las. En este estado interviene la solicitante [illegible] uso de las reserva solicita al Tribunal [illegible] constancia del Kilometraje que presenta [illegible] lo. Segui-

TIMBRE
FISCAL

damente el Tribunal previo el Asesoramiento del experto deja Constancia que el Kilometraje es de 50.198. Kilómetros. Acto seguido el notificado expone: "Que el Vehículo inspeccionado ingresó por Volcamiento". El Tribunal da por Concluida su misión y se retira del lugar siendo la 1:00 p.m. Es todo. Terminó, se leyó y Conformes firman.

La Juez Provisorio
Irma Cuenca de Aguilera

El Notificado

El experto Mecánico designado

David Soncelo

El experto fotógrafo designado.

La solicitante

La Secretaria.
Luz Marina Silva

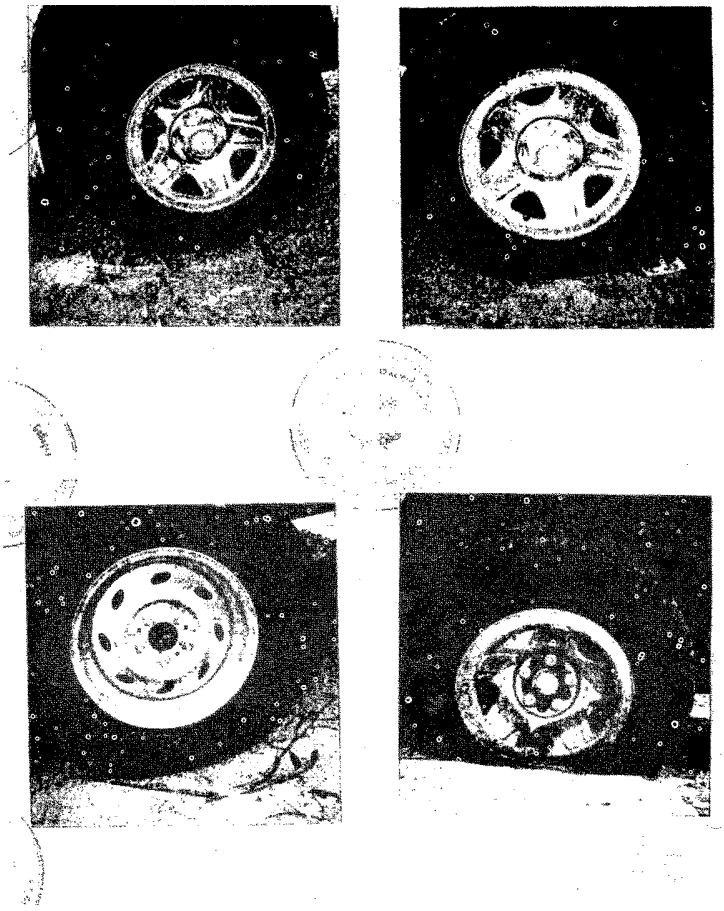
Formas LEx 60-83-8 © Por Legislación Económica, C.A., Ley Art. 31, Parágrafo Tercero, Ley de Timbre Fiscal. Gaceta Oficial ... 05/94 Prohibida su reproducción.











TIMBRE
FISCAL

Juzgado del Municipio Rómulo Gallegos de la Circunscripción Judicial del Estado Apure y Municipio Arismendi del Estado Barinas. Elorza, 23 de Abril del dosmil uno.

189º y 141º

Evacuada como ha sido la solicitud que antecede el Tribunal Ordena se entregue al solicitante en original.

La Juez Prov.

Gruia Briceño de Aguilera

La Secretaria

Mariana Silva

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REPUBLICA DE VENEZUELA

No. 3762

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) Arcelis Del Valle Vedaneto N.

MOTIVO Inspeccion Judicial

JUZGADO Cuarto de Municipio

FECHA DE ENTRADA: Día 24 Mes 04 Año 2001

PECHA DEVOLUCION: Día ..... Mes ..... Año .....

2962

C - 22

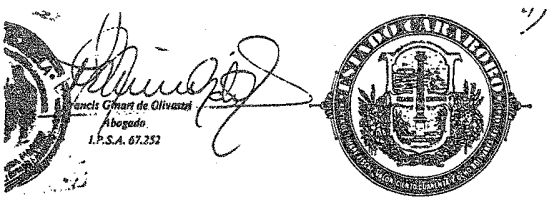
Ciudadano
JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, tipo, color, año y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los

rines del vehículo inspeccionado. QUINTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

POR Presentada por 24/04/2005
CONSTANTE DE Un(1) folio Un(1) Anexo
ENMENDADURAS EN N° 8
HORA 12 pm ... DE DESPACHO. SE DIO
CUENTA INMEDIATA AL JUEZ



Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de éste domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren, ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

REPUBLICA BOLIVARIANA DE VENEZUELA

NOTARIA PUBLICA SEXTA DE VALENCIA DEL MUNICIPIO VALENCIA. Veintiseis (25) de Octubre del Dos Mil

190° y 141° El anterior documento, redactado por el Abogado: FRANCIS GINART DE DIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

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Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

.....

De Nacionalidad (es): ESTADOUNIDENSE.....

.....

De estado civil: Casado .....

.....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA, Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

LA NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

Cuarto (4)

JUZGADO CUARTO DE [illegible] VALENCIA, DIFERIDO [illegible] GUAYOS NAGUANAGUA Y SAN DIEGO DE [illegible] CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.

Valencia, **24 de Abril 2001.**
190a. y 141a

Por presentada la presente solicitud.Désele curso en este expediente, en consecuencia trasladese y constituyase el Tribunal en el sitio indicado en la presente solicitud. a los fines de practicar la inspección judicial solicitada.-

EL JUEZ PROVISORIO,

DR. [illegible] E. CASTILLO M.

EL SECRETARIO,

ABG. JOSE LUIS SANZ

En la misma fecha se cumplió lo ordenado, se le dió entrada bajo el No. **3762.**-

EL SECRETARIO

Unico

En horas del día de hoy, Veinticuatro de Abril del año dos mil uno, siendo las cinco de la tarde (5:00 pm) previa habilitación de todo el tiempo necesario, se trasladó y constituyó el Tribunal en el Taller Dolphin Servicio Automotriz, ubicado en la Calle Navas Spinola Nueva con Carrera de esta ciudad de Valencia Estado Carabobo, a los fines de practicar la Inspección Judicial solicitada por la abogado Araelis del Valle Urdaneta, Inpreabogado Nº 30706, apoderada judicial según instrumento poder que co inserto a la presente solicitud de Bridgestone Firestone Venezolana, C.A., antes denominada C.A. Firestone Venezolana. Una vez en el sitio se procedió a notificar de la misión del Tribunal al ciudadano José Elias González Camacaro, venezolano, mayor de edad, titular de la cédula de identidad Nº 7.138654, quien manifestó ser Gerente del taller Dolphin Servicio Automotriz. El Tribunal acuerda de conformidad para el mejor asesoramiento de la presente inspección designar un práctico fotógrafo y un práctico mecánico y nombra para tal fin a los ciudadanos Jorge Antonio Colmenarez, venezolano, mayor de edad, titular de la cédula de identidad Nº 386.596 y David Goncalvez Halpica, venezolano, mayor de edad, titular de la cédula de identidad Nº V-11.089.574, quienes estando presentes aceptan el cargo y juran cumplir bien y fielmente con -

los deberes inherentes a los mismos, quien en este acto procede a la toma de las fotografías con una cámara que presenta para su vista marca Polaroid, 636 close up, dichas fotos serán agregadas a la presente inspección previa certificación, para que formen parte de la misma. Seguidamente el Tribunal debidamente asesorado por el practico perito designado procede a realizar la inspección y deja constancia de lo siguiente: Primero: Se deja constancia que nos encontramos constituidos en el taller Dolphin Servicio Automotriz anteriormente identificado en el cual se encuentra un vehículo ford, modelo Explorer, tipo 4x2, color Rojo, placas DBA 58Z, 2 puertas. Segundo: El Tribunal deja constancia que el vehículo posee cuatro (4) cauchos instalados en cada uno de sus ejes. Tercero: El Tribunal deja constancia igualmente que el caucho delantero derecho es marca Good-Year, tipo Wrangler RT/S, medidas LT235/75R15, serial DOT PBHL 2A84409; El caucho delantero izquierdo marca Good-Year, tipo Wrangler RT/S, medidas LT 235/75R15, serial DOT PBHL 2A84409; el caucho trasero derecho es marca Good-Year, tipo Wrangler RT/S, medidas LT 235/75R15, serial DOT PBHL 2A84409 y el caucho trasero izquierdo es marca Good-Year, tipo Wrangler RT/S, medidas LT235/75R15, serial DOT PBHL 2A84409. - Cuarto: El Tribunal ordena la toma de fotografías a cada uno de los cauchos instalados en cada uno de los ejes del vehículo inspeccionado, con la cinta identificada

Sii

anteriormente, las cuales se ordenan agregar a la presente inspección para que formen parte de la misma. Quinto: El Tribunal ordena la toma de fotografías de la carrocería y condiciones en que se encuentra el vehículo inspeccionado con la cámara previamente descrita y cuyas fotografías se agregan a la presente inspección.- Sexto: El Tribunal deja constancia que la carrocería del vehículo inspeccionado presenta desmarche generalizado, abolladura en techo, capot, parales de los vidrios, puertas del vehículo, parabrisas reventado y vidrio trasero derecho reventado. En este estado interviene la solicitante y haciendo uso del particular de reserva solicita se deje constancia del kilometraje que presenta el vehículo, si posee caucho de repuesto y en tal caso se deje constancia de la marca, tipo, medidas y serial del mismo. El Tribunal acuerda de conformidad lo solicitado y deja constancia debidamente asesorado por el perito designado que el vehículo inspeccionado presenta un kilometraje de 28.967 Km. Asimismo el Tribunal deja constancia debidamente asesorado por el practico que el vehículo inspeccionado posee caucho de repuesto marca Good-Year, tipo Wrangler RT/S, medidas LT 235/75R15 y serial DOT P3HL 2AB4409. Es todo, el Tribunal da por concluida la inspección, siendo las cinco y treinta (5:30) de la tarde y decide regresar a su sede, terminó, se leyó y conforman

Firman. - Menos el Notificado por ausentarse. -
Provisorio.

D. E. Castillo H.

El Notificado
Se ausentó

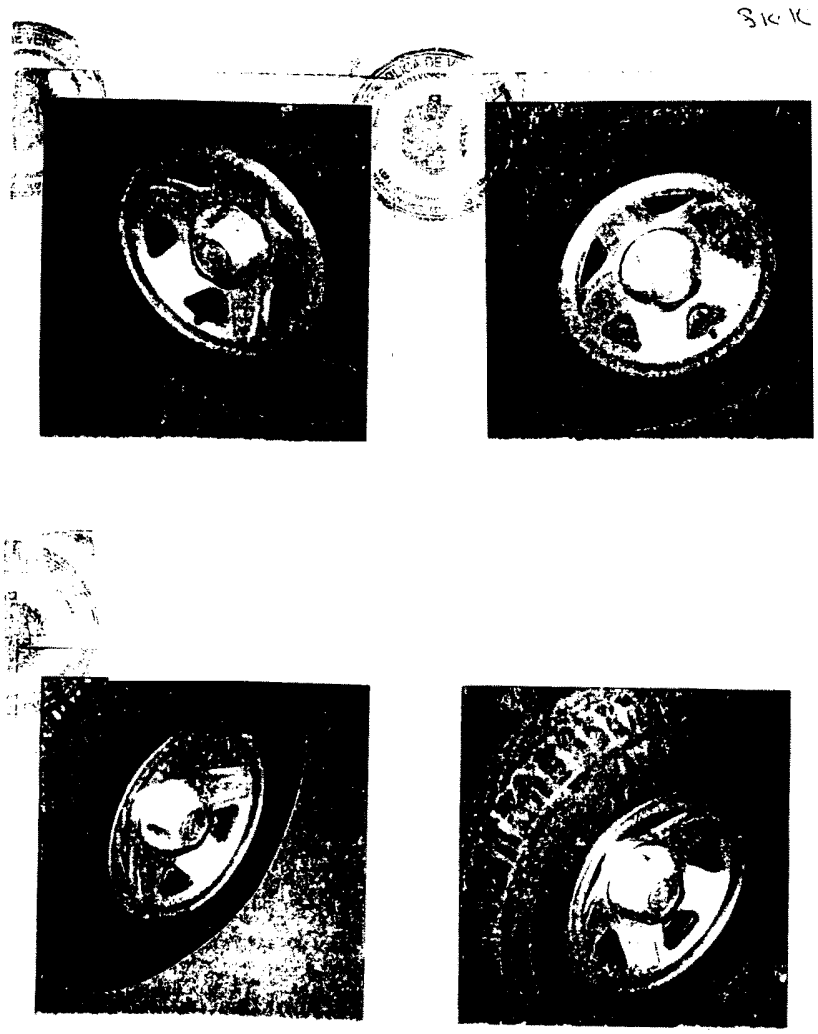
El Practico Fotografo,

El Practico Perito,

La Solicitante,

La Secretaria Acc;

Diligenciado



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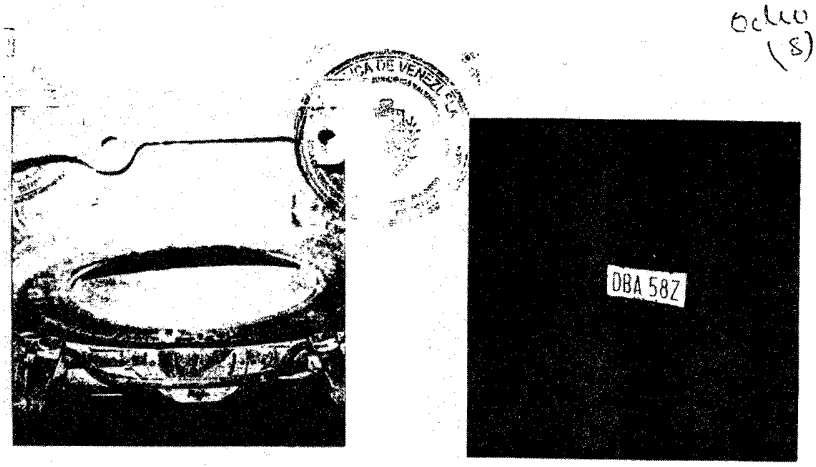
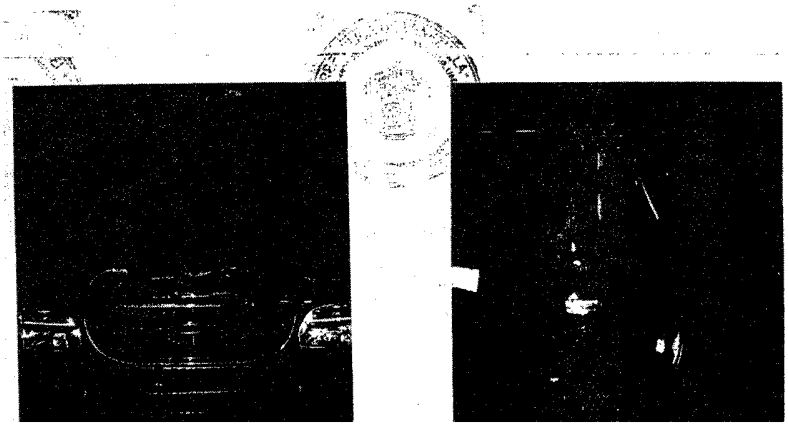
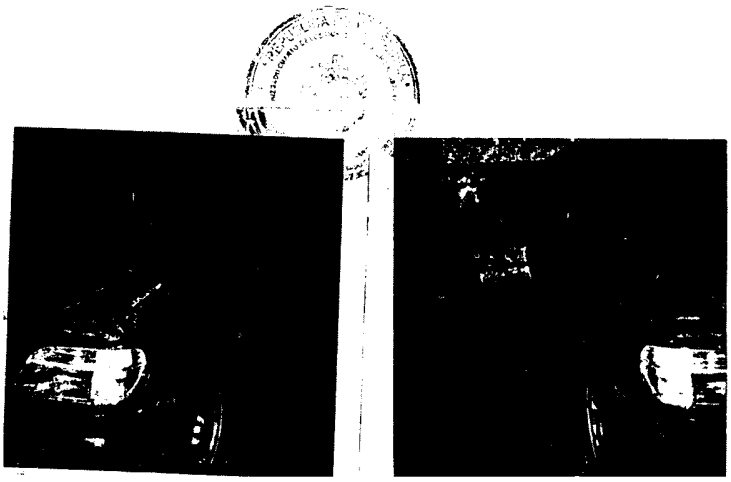






REPUBLICA DE VENEZUELA

No. 3765

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) Arcelis Del Valle Vizcaneta N.

MOTIVO Inspeccion Judicial

JUZGADO Cuarto de Municipio

FECHA DE ENTRADA: Día 25 07 Mes 04 Año 2001

FECHA DEVOLUCION: Día 07 Mes 06 Año 2001

3765

C - 22

Ciudadano

JUEZ CUARTO LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho -

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi caracter de apoderada, segun se evidencia de instrumento poder otorgado por ante la Notaria Publica Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaria Publica, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañia antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevo el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, segun consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los articulos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Codigo Civil, juro la urgencia del caso, solicito la habilitacion del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribucion, con el fin de que el tribunal se traslade y constituya en la direccion que oportunamente le señalaré, a fin de dejar constancia por via de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehiculo Marca: Ford, Modelo: Explorer, tipo, color, año y placas, que presenta el vehiculo inspeccionado. SEGUNDO: Si el vehiculo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehiculo inspeccionado. CUARTO: Se tomen fotografias de cada uno de los cauchos instalados en cada uno de los

rines del vehículo inspeccionado. QUINTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

POR Presentado HOY 24/04/01
CONSTANTE DE Un(1) folio Un(1) anexo
[illegible] N°
[illegible] 12 pm [illegible] DESPACHO [illegible]
CU[illegible]

PLANILLA N°
DERECHOS
OOTRGAMIENTO

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de este domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, queden facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

uvieren ante los Tribunales, funcionarios y Organismos competentes de la República, os Estados y Municipios, y demás personas naturales o jurídicas de carácter público o rivado. Es entendido que las facultades aquí enunciadas son a título meramente nunciativo mas no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

REPUBLICA BOLIVARIANA DE VENEZUELA.

NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Valencia (25) de Octubre del Dos Mil. 190° y 141° El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A."

Mayor (es) de edad, domiciliado (s) en: VALENCIA.

De Nacionalidad (es): ESTADOUNIDENSE.

De estado civil: Casado

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes; MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el No 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A.; INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

LA NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZANTE.

Cuatro (4)

JUZGADO CUARTO DE LOS MUNICIPIOS [illegible] DE LOS MAGUANACOS Y SAN [illegible] DE [illegible] JUDICIAL DEL ESTADO CARABOBO.-

[illegible] 25 de [illegible] de 2001.-

[illegible] presentada la presente solicitud [illegible] en este expediente se conserven [illegible] el Tribunal en el [illegible] solicitud [illegible] de practicar la [illegible] solicitada.

REPÚBLICA

[illegible]

[illegible]

ABG. [illegible] SANZ

En la misma fecha se cumplió lo ordenado, [illegible] entrada [illegible]

[illegible]

Cinco
(5)

En el día de hoy siete (7) de Junio del Dosmil Uno. (2001), siendo las Cuatro (4) de la Tarde y previa habilitación del tiempo necesario; se Trasladó y Constituyó el Tribunal en la Zona Industrial y Municipal Norte, Avenida Este-Oeste, Nº 6; Sociedad de Comercio Servicio Integral 13, C.A. en la Ciudad de Valencia, Estado Carabobo; a los fines de practicar la Inspección Judicial. Solicitada por la Abogado en Ejercicio Aracelis Urdaneta, Inpreabogado Nº 30706, Apoderada Judicial de Bridgestone Firestone Venezolana, C.A, Según Consta de Instrumento Poder Cursante en la presente Solicitud. Constituido como se dijo en el Sitio descrito se procedió a Notificar de la Misión del Tribunal al Ciudadano Felix Camaran Venezolano, Mayor de Edad y Titular de la Cédula de identidad Nº 3286420, quien manifestó ser el Propietario del Establecimiento Comercial. El Tribunal para la mejor realización de la Inspección y previa solicitud al Efecto, Nombra Perito Fotógrafo y Práctico Mecánico a los Ciudadanos Jorge Colmenares y David Goncalves Malpica, cuyas Cédulas de Identidad son 386596 y 11089574 respectivamente; quienes estando presentes acep

mente las obligaciones inherentes a los mismos. El Primero de los Nombrados (Fotografo) procedio inmediatamente a la toma de las fotografias para que una vez consignadas en este juicio hagan parte de la presente inspeccion; las referidas fotografias fueron tomadas con una camara fotografica Instantanea 6.36, CLOSE UP. Acto Seguido y bajo el Asesoramiento, Tecnico del Perito Mecanico designado, procedio a practicar la Inspeccion solicitada y deja constancia de los siguientes particulares: Primero: El Tribunal deja constancia que en el Sitio donde se encuentra constituido, existe un Vehiculo Marca Ford. Tipo 4 x 2. Modelo Explorer. Placas GB-C 29 Y. Año 2000. Color Verde. Segundo: El Tribunal deja constancia que el Vehiculo Inspeccionado Tiene Cuatro (4) Cauchos instalados en cada uno de sus respectivos Rines. Tercero: El Tribunal previo Asesoramiento del Practico Mecanico deja constancia que El Caucho delantero derecho es Marca Good Year Tipo Wrangler RT/S, Medidas LT 235/75 R/15. Serial DOT PBHL, 2AC4 2500. El Caucho Delantero Izquierdo es Marca Good Year Tipo Wrangler RT/S medidas LT 235/75 R/15, Serial DOT PBH/L, 2AC4 2500. El Caucho

Sets
(6)

Traseto derecho es Marca Good Year, Tipo Wtaugler RT/S, medidas LT 235/75 R 15, Serial DOT PBHL, 2AC4. 2500; El Caucho Traseto Izquierdo es marca Wood Year Tipo. Wtaugler RT/S, medidas LT 235/75 R 15, Serial DOT PBHL, 2AC4 2500. Cuarto: El Tribunal Ordena se tomen fotografías de cada uno de los Cauchos Instalados en cada uno de los Rines del Vehículo Inspeccionado. Quinto: El Tribunal Ordena se tomen fotografías de la Carrocería del Vehículo y las Condiciones en que se encuentra el Vehículo Inspeccionado. Sextos: El Tribunal deja Constancia que las Condiciones Generales de la Carrocería del Vehículo Inspeccionado Presenta un desgaste Generalizado, con Hundimiento. Pronunciado en la parte delantera en su lado Izquierdo con Explosión y Rotura Total del Parabrisas, con las Puertas y Portales Descuadrados. Finalmente, la Abogado Atacelis Ordaneta haciendo Uso del Particulas Reservado en la Solicitud, pide que el Tribunal deje Constancia del Kilometraje del Vehículo para el momento de la Inspección, de se existe o no un Caucho de Repuesto en el Interior del Vehículo y de existir Señale Cual es la Marca, Tipo, Serial y Medida del mismo. En este Estado el Tribunal deja Constancia que el Vehículo Inspeccionado

Un Kilometraje de 57.272. Kilómetros. Hasta el momento el Tribunal deja Constancia que el Vehículo Inspeccionado Tiene un Caucho de Repuesto marca Good Year Tipo Wrangler RT/S, medida LT 235/75 R 15, Señales DOT PB-HL, 2 A 04, 2500. Es Todo, el Tribunal dá por Concluida la presente Inspección siendo las Cinco y Treinta de la Tarde y Regresa a su Sede. Termino. Firman.

El Juez Provisorio.
Dr: Rafael El Cattivo H.

El Notificado.
Se Negó a firmar.

El Práctico Fotógrafo.

El Práctico Perito M.

El Solicitante.

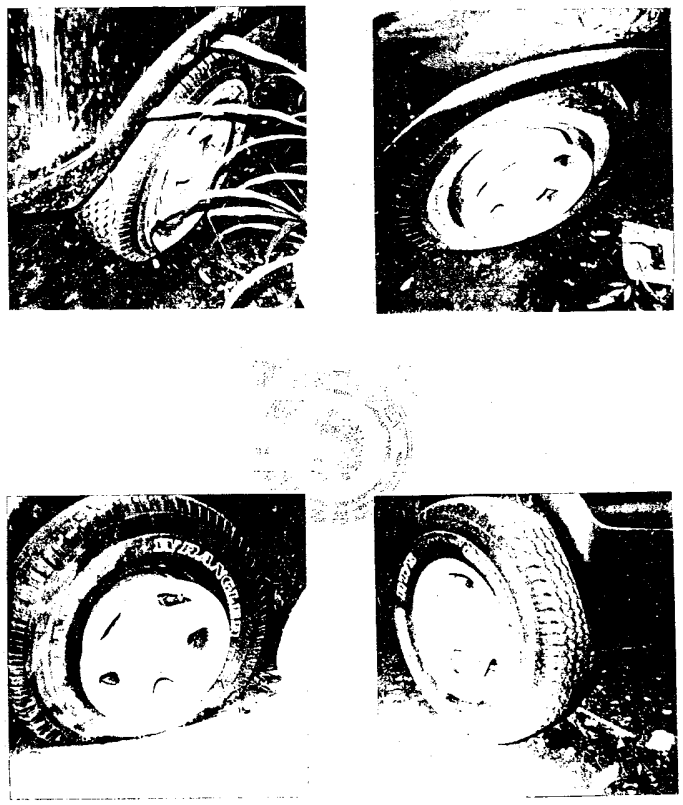
El Secretario T.
Abgdo: Jose Luis Sanz P.
70 759











Nueve
(9)

CUMPLIDA COMO HA SIDO LA PRESENTE SOLICITUD, SE DEVUELVE CONSTANTE DE nueve FOLIOS UTILES, HOY 06 DE Junio DEL DOS MIL UNO.-

ABG. JOSE LUIS SANZ S.

REPUBLICA DE VENEZUELA

No. [redacted]. 2421

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) Abg. ARACELIS DEL VALLE URDANETA N.

MOTIVO INSPECCION JUDICIAL.-

JUZGADO PRIMERO DE LOS MUNICIPIOS GUACARA Y SAN JOAQUIN DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

FECHA DE ENTRADA: Día 27 Mes Abril Año 2.001.-

FECHA DEVOLUCION: Día 21 Mes Mayo Año 2001.-

No. [redacted]. 2421

Uno (1)

Ciudadano
JUEZ PRIMERO DE LOS MUNICIPIOS GUACARA Y SAN JOAQUIN DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-
Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaria Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, tipo, color, año y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los

rines del vehículo inspeccionado. QUINTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

Presentado personalmente con su firmante, un (1) folio útil y anexo a que se refiere. Hoy 27 de Abril del 2001, en copia simple el cual fue confrontado con su original y devuelto al mismo, en horas de Despacho

El Secretario.

La Solicitante.

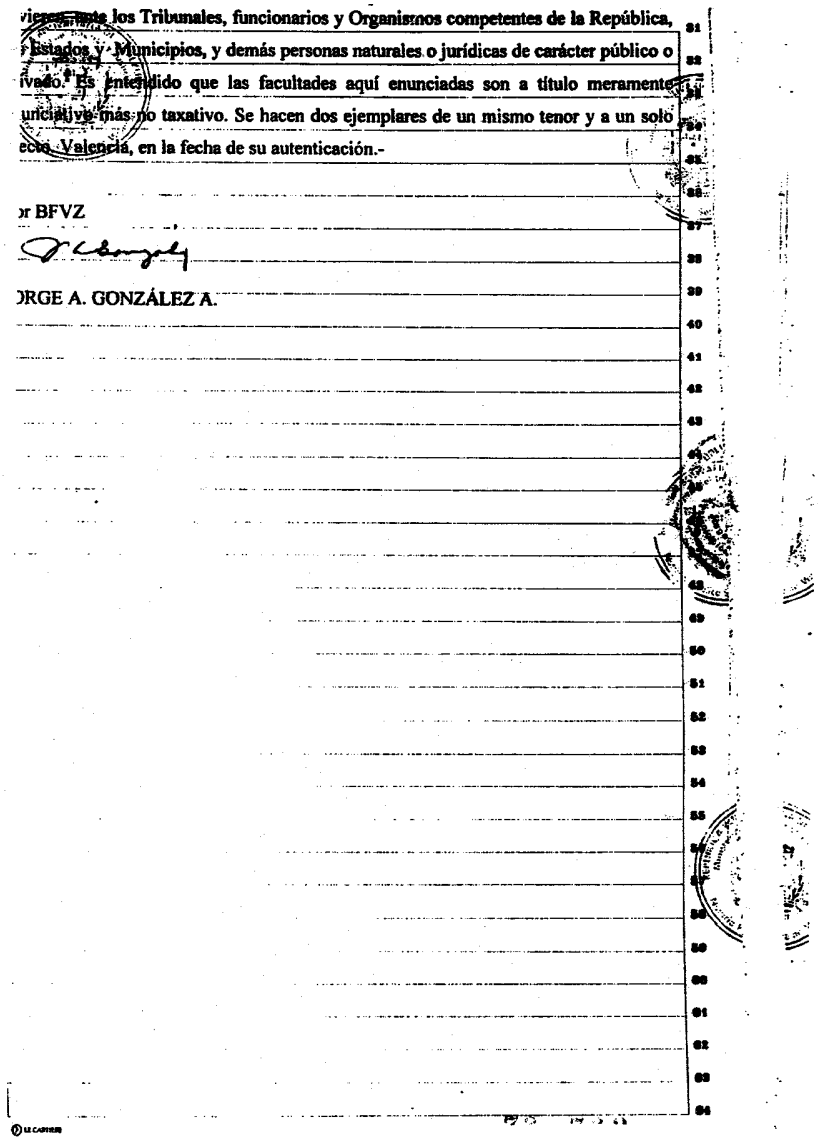
Francis Ginart de Olivastri
Abogado
I.P.S.A. 67.252

PLANILLA N° 30110
DERECHOS
OOTORGAMIENTO

CA 98 TRASLADO 8272717

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ,** estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS,** venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de este domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

73 739



vicios ante los Tribunales, funcionarios y Organismos competentes de la República, Estados y Municipios, y demás personas naturales o jurídicas de carácter público o ivado. Es entendido que las facultades aquí enunciadas son a título meramente unciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo ecto. Valencia, en la fecha de su autenticación.-

r BFVZ

ORGE A. GONZÁLEZ A.

REPUBLICA BOLIVARIANA DE VENEZUELA.

NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Veinticinco (25) de Octubre del Dos Mil. 190° y 141° El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor(es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA, Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

LA NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

JUZGADO PRIMERO DE LOS MUNICIPIOS GUACARA Y SAN JOAQUIN DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.- Guacara, 27 de Abril de 2.001.-

1919 y 1429

Vista la anterior solicitud, Désele entrada y hágase como se pide. Trasládese el Tribunal al sitio que indique la parte actora previa habilitación del tiempo necesario por haber sido jurada la urgencia del caso y allí constituido, practíquese la Inspección Judicial a que se refiere. En cuanto a la designación del Práctico Fotógrafo se hará en el acto a levantarse al efecto, previos los requisitos de Ley. Devuélvase lo actuado.-

EL JUEZ PROVISORIO,

EL SECRETARIO.-

Seguidamente se le da entrada bajo el Nº 2421.-

Secio.-

el día de hoy, Veintiuno de Mayo del dos mil uno, siendo las Once de la mañana se trasladó el Tribunal a solicitud de la Abogado Aracelis del Valle Urdaneta N., previa habilitación del tiempo necesario, solicitado y acordado, al Estacionamiento Guacara, C.A, ubicado en la calle Las Delicias, Sector los Naranjitos en Guacara, Estado Carabobo, con el fin de practicar la Inspección Judicial solicitada y acordada. Se designa práctico Fotógrafo y practico Mecánico, a los ciudadanos JORGE ANTONIO COLMENARES TELLECHEA y DAVID GONCALVES MALPICA, presentes allí, ambos venezolanos, mayores de edad, titulares de las Cédulas de Identidad Nº: V.- 386596 y V.-11089574, respectivamente, quienes impuestos de tales designaciones, manifestaron su Aceptación y prestan Juramento.- Constituido el Tribunal en el referido sitio NOTIFICA de su misión al ciudadano MIGUEL FREITES RAMOS, presente allí, mayor de edad, titular de la Cédula de Identidad Nº3222838, quien manifestó ser Propietario del Estacionamiento donde se encuentra constituido el Tribunal. Seguidamente y con Asesoramiento del Práctico Mecánico antes designado y Juramentado, procede a practicar La Inspección Judicial dicha y su particular PRIMERO, se deja constancia que en el sitio donde se encuentra constituido el Tribunal está un (1) vehículo Marca: Ford; Modelo: Explorer; Tipo: XLT; Color: Azul; Año: 1998 y placas: DAO-61H; en cuanto al particular SEGUNDO, el Tribunal deja constancia que el Vehículo antes identificado, tiene cuatro (4) cauchos instalados, en cada uno de sus rines; en cuanto al particular TERCERO, el Tribunal deja constancia de: 1) Caucho delantero derecho: Marca: GOOD- YEAR; Tipo: WRANGLER RT/S, medidas: P255/70R16; Serial: DOT-MKCU-NCHR-2900, 2) caucho delantero izquierdo: Marca: GOOD- YEAR; Tipo: WRANGLER RT/S; Medidas: P255/70R16, Serial DOT-MKCU-NCHR-2900; 3) Caucho trasero derecho: Marca: GOOD- YAER; Tipo: WRANGLER RT/S; Medidas: P255/70r16; Serial: DOT-MKCU-NCHR-2900; 4) Caucho trasero izquierdo: Marca: GOOD- YEAR; Tipo: WRANGLER RT/S; Medidas: P255/70r16; Serial: DOT-MKCU-NCHR-2900; en cuanto al particular CUARTO y QUINTO, el Tribunal ordena al FOTOGRAFO, tome fotografías, de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado, al igual, de la carrocería y las condiciones en que se encuentra el mismo; en cuanto al particular SEXTO, se deja constancia que las condiciones generales en que se encuentra la carrocería del Vehículo

inspeccionado son: descuadre generalizado explosión de sus vidrios y parabrizas, chasis torcido, techo y trompa abollados, laterales rayados, puertas y parales descuadrados. El Tribunal deja constancia que la solicitante hace uso del derecho de reserva y expone: " Solicito al Tribunal deje constancia del Kilometraje que presenta el vehículo objeto de la presente inspección; se deje constancia del estado en que se encuentra el tren delantero y se hagan reproducciones fotográficas del tren delantero en cuestión. " El Tribunal, visto el pedimento anterior acuerda en conformidad lo solicitado y previo asesoramiento del práctico mécanico, deja constancia de que el Kilometraje que presenta el vehículo inspeccionado es de sesenta y nueve mil setecientos diecinueve Kilómetros (69.719 Km); asimismo, previa solicitud y suministro del servicio de grúa por parte del estacionamiento en el que se encuentra el vehículo inspeccionado, se deja constancia de que una pieza del tren delantero (Rótula) se ve fuera del sitio que le corresponde. Igualmente el Tribunal ordena agregar las fotos tomadas del vehículo inspeccionado. Por otra parte, se deja constancia que la cámara fotográfica utilizada es marca Poloroid Instantánea 636 Close-up. En este estado, el notificado, Miguel Freites Ramos, antes identificado, manifiesta que el vehículo objeto de esta inspección judicial, ingresó al estacionamiento del cual él es propietario, por volcamiento con lesionados, según la boleta de depósito de vehículos de dicho estacionamiento. Es todo. Se leyó y conformes firman. Regresando el Tribunal a su asiento principal.

EL JUEZ PROVISORIO,

EL NOTIFICADO,

EL PRACTICO MECANICO,

EL PRACTICO FOTÓGRAFO,

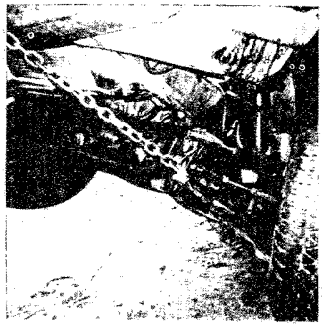
EL SOLICITANTE,

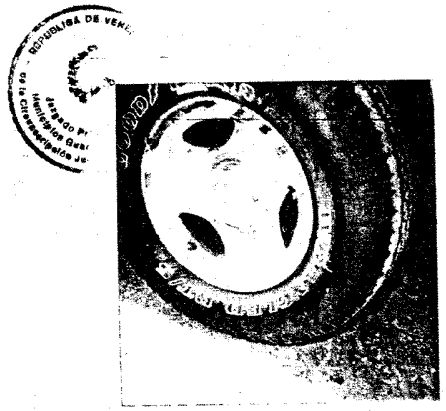
EL SECRETARIO,

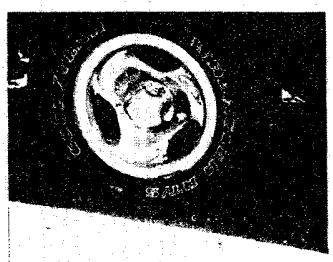
Sol.2421.-

Seis (6)









Folio (6)





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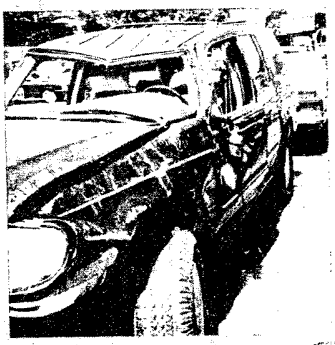



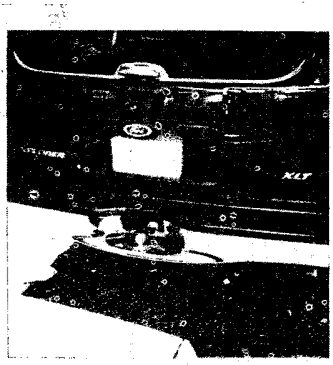

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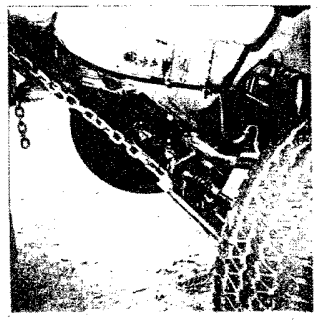
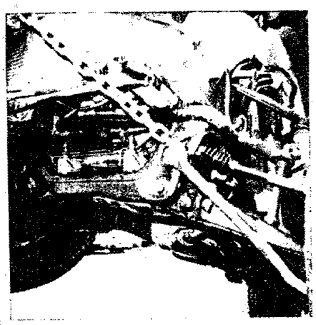


Tarea (13)





La Toma (4)



Quince (15)

fecha 21 de Mayo del 2001, se le da salida y se devuelve, habilitado el tiempo como fue, constante de Quince (15) folios útiles.-

EL SECRETARIO.-

Sol.2421.-

REPUBLICA DE VENEZUELA

I. J.

PODER JUDICIAL
JURISDICCION CIVIL
COMISION
ARCHIVO

No. 010108

Pieza No. _____

DEMANDANTE (S) MARY JEAN PAREDES MARSHALL

[redacted]

MOTIVO: INSPECCION JUDICIAL

COMITENTE: JDO 1Dº DE MUNICIPIO

FECHA DE ENTRADA: Día 28 Mes MAYO Año 2001

COMISIONADO: _____

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

No. 010108

Pieza No. _____

C-11

Ciudadano
Juez Décimo de Municipio de la Circunscripción Judicial del Area Metropolitana de Caracas.
SU DESPACHO.-

Yo, **MARY JEAN PAREDES MARSHALL**, venezolana, mayor de edad, abogada en ejercicio, de este domicilio, titular de la cédula de identidad No. 11.306.847, e inscrita en el Inpreabogado bajo el No. 69.206, ante usted respetuosamente ocurro para exponer:

Para fines legales que me interesan, solicito del Tribunal a su cargo, sirva trasladarse al modulo de Tránsito Terrestre, ubicado en la Urbanización La Trinidad, Municipio Baruta del Estado Miranda, con el objeto de practicar una inspección judicial conforme a las formalidades previstas en los artículos 472 al 476 del Código de Procedimiento Civil, a fin de dejar constancia de los siguientes particulares:

PRIMERO: Si se encuentra en dicho modulo, producto de un volcamiento ocurrido la noche del día Sábado 26 de mayo de 2001, una camioneta Marca: Ford; Modelo: Explorer; Color verde.

SEGUNDO: Del estado en que se encuentra el vehículo arriba descrito.

TERCERO: De la marca y modelo de los cauchos con que se encuentra equipada la camioneta en cuestión.

CUARTO: Del estado en que se encuentran los cauchos arriba descrito.

uno (1)

QUINTO: De cualquier otro particular de mi interés que surja en el momento de la practica de la inspección judicial aquí solicitada.

Por último, pido al ciudadano Juez deje expresa constancia en el acta respectiva de todos los particulares antes mencionados, y se haga acompañar de un practico fotográfico a fin de tomar fotografías de los particulares anteriormente descritos.

Es Justicia,

Caracas, a la fecha de su presentación.

RECIBIDO HOY 28 DE Mayo
DE 2001 CONSTANTE DE (2) dos
FOLIOS UTILES

EL SECRETARIO,

JUZGADO DECIMO DE MUNICIPIO DE LA CIRCUNSCRIPCION JUDICIAL DEL AREA METROPOLITANA DE CARACAS. Caracas, veintiocho (28) de Mayo de dos mil uno (2001)

191° y 141°

Por recibida y vista la anterior solicitud y jurada como ha sido la urgencia del caso por la parte interesada practíquese en la oportunidad que a bien tenga el Tribunal, habilitándose el tiempo necesario a los fines de proveer sobre la misma. En consecuencia, désele entrada anótese en el libro respectivo y fórmese expediente. A tales fines se fijan las 11:15 am del día 28/05/01 para el traslado y constitución del Tribunal en el lugar indicado en la solicitud.
EL JUEZ,

Dr. ADOLFO OLIVO ROJAS

LA SECRETARIA ACCIDENTAL,

AOR/VR/al.
EXP. N°

1/4

DIARIZADO | Nº 54

En horas del día de hoy Veintiuno (21) de Mayo de dos mil uno, siendo las 11:15 a.m, previa habilitación del tiempo necesario, sin cancelación de arancel, se trasladó y constituyó el Tribunal en la siguiente dirección: Módulo de Tránsito Terrestre, ubicado en la Urbanización La Trinidad, Municipio Baruta del Estado Miranda) a los fines de practicar la inspección Judicial solicitada por la Dra. MARY JEAN PAREDES MARSHALL inscrita en el IPSA bajo el nº 69.206. Una vez constituido el Tribunal en el lugar antes señalado cumplido de su misión el Sub Oficial FRANCISCO AURELIO ESCOBAR RODRIGUEZ (Sargento de Tránsito Terrestre) cedulado con el nº V-9.265.556 quien manifestó que el Vehículo objeto de la Inspección habría sido trasladado las horas de la mañana al Estacionamiento "Fresco Valle C.A." Ubicado en el lugar denominado Filas de Mariche motivo por el Penal a solicitud de la Dra MARY JEAN PAREDES el Tribunal ordenó el traslado del mismo al estacionamiento antes mencionado a los fines de practicar la Inspección Judicial solicitada. Una vez cons-

(1) cuatro

2/4

Cinco (5)

Actuando el Tribunal en el Estacionamiento FRESCO VALLE C.A. afiliado al M.T.C. impuso de su misión al ciudadano JUAN ALEJANDRO QUINTANA ESCALANTE cedulado con el nº V-12.811.319 nacido el 20/01/75 quien manifestó ser el encargado del referido estacionamiento, en este estado el Tribunal designó como práctico Fotógrafo al ciudadano JHONATHAN LIENDO ABAD cedulado con el nº 6.271806 quien aceptó el cargo y juró cumplirlo fielmente ordenándole tomar las gráficas necesarias para que formen parte integrante de la Inspección Judicial precedente, pasando de inmediato a evacuar los particulares contenidos en la misma: PRIMERO: El Tribunal deja constancia que en el lugar donde se encuentra constituido pudo observar que se encontraba una camioneta ubicada Ford modelo explorer, placas ABI 28V color verde que según información suministrada por el notificado llegó allí por un remolcado. SEGUNDO: El Tribunal deja constancia que a simple vista pudo observar a través de la vidriera del Organo jurisdiccional los siguientes daños:

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Parabrisas quebrados; capo golpeado (hundido), guardafango delantero derecho golpeado; parrilla rota; faro delantero derecho roto; parachoque chocado del lado derecho; Techo lado derecho golpeado; puerta derecha delantera golpeado; caucho delantero izquierdo espichado. Guardafango trasero izquierdo golpeado; puertas izquierda trasera y delantera golpeada. Vidrio trasero lateral izquierdo roto, Techo del lado derecho (del copiloto) golpeado con hundimiento pronunciado; el estribo del lado izquierdo golpeado con desprendimiento, retrovisores de ambos lados rotos. Además de presentar múltiples rayones; TERCERO: El Tribunal deja constancia que pudo observar que la camioneta al momento de la Inspección estaba equipada por cauchos modelo WRANGLER RT/S marca Good Year. Asimismo, deja constancia que los dos cauchos del lado izquierdo explotaron; CUARTO: El Tribunal deja constancia que el presente particular fue desarrollado en el punto TERCERO; QUINTO: El Tribunal deja constancia que se hizo uso del presente particular al ordenar el traslado a solicitud de la Dra Mary Jean Paredes MARSHALL del Modulo de Tránsito Terrestre de la Trinidad al estacionamiento Fresco Valle C.A. donde se encuentra constituido. En este

Sec. 5 (5)

4/4

estado el Tribunal ordena el traslado a su sede previa la 1:15 pm., es todo, terminó se leyó y conforme firman.—

El Juez

Dr. Adolfo Olivo Rojas

El notificado se abstuvo de firmar

La Solicitante,

El Práctico fotógrafo

La Secretaria,

En horas de despacho del día de hoy treinta (30) de agosto de dos mil uno, comparece Jhonathan Jesús en su carácter de fotógrafo y consigna en diez (10) folios útiles fotografías alusivas a la inspección judicial signada con el Nº 01-0108.—

La Secretaria

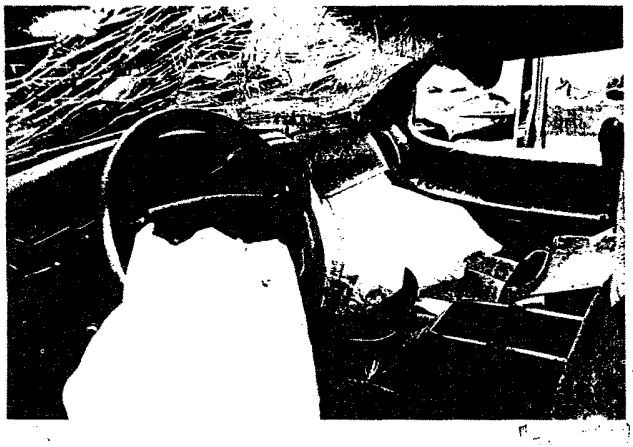
El Práctico Fotógrafo

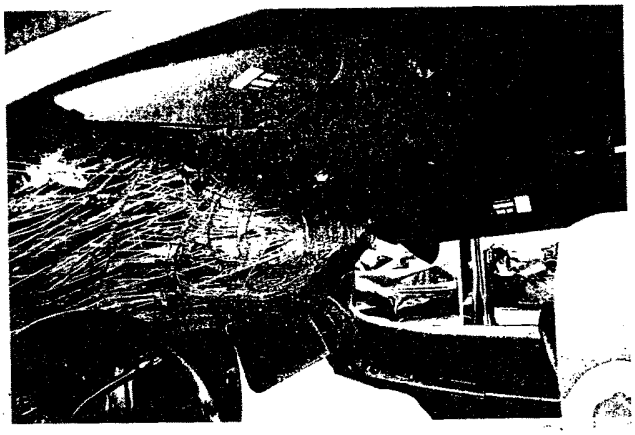
Jul-nl=

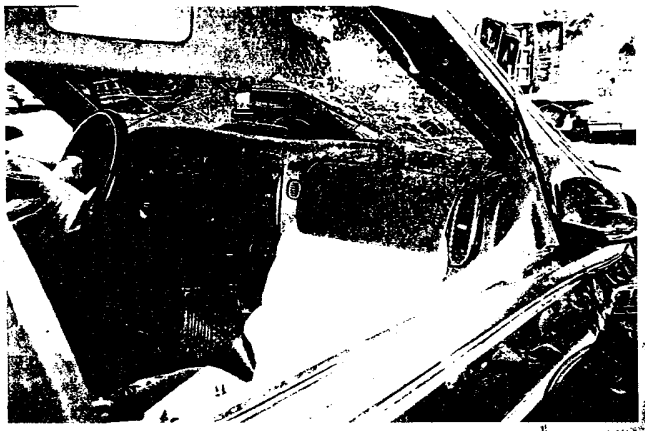
DIARIZADO Nº 2

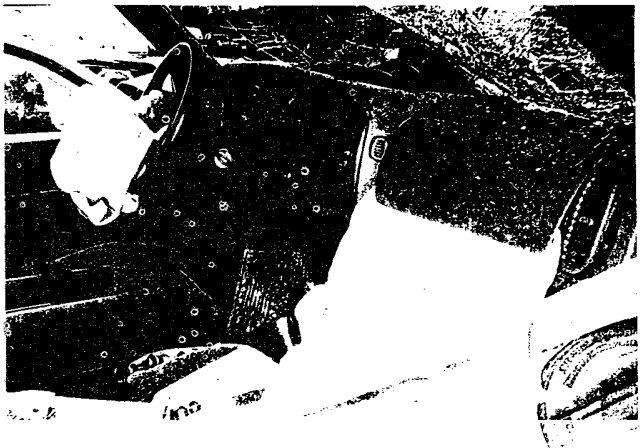






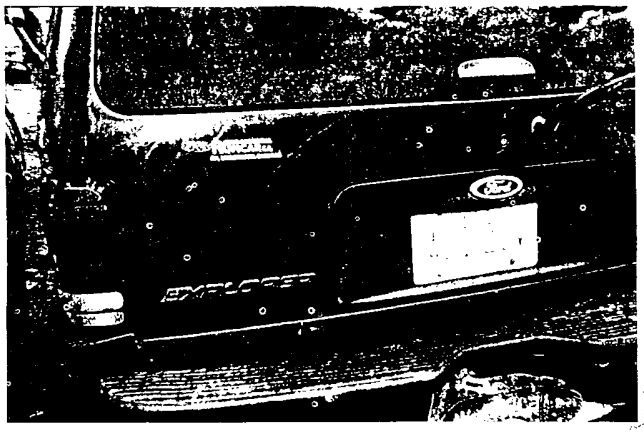











EXPLORER

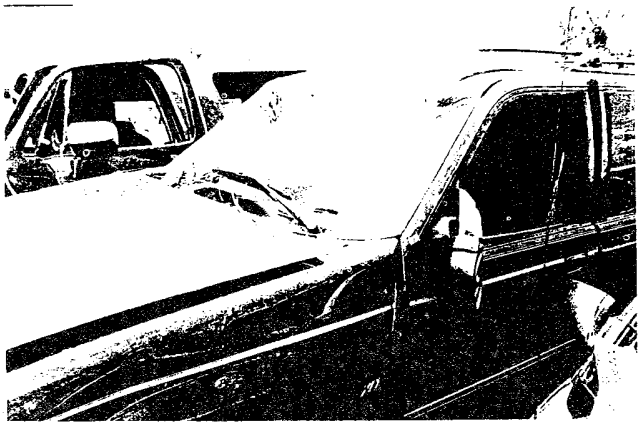

XLT

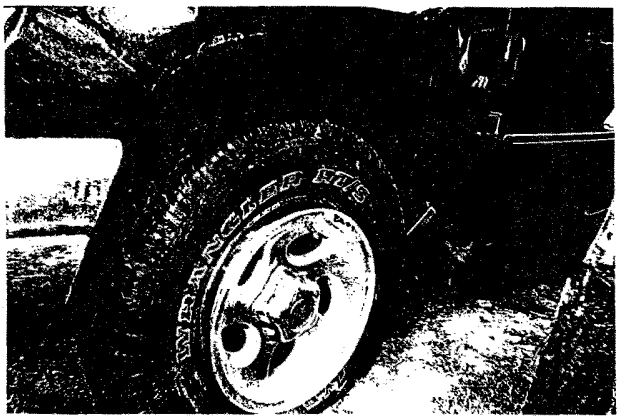


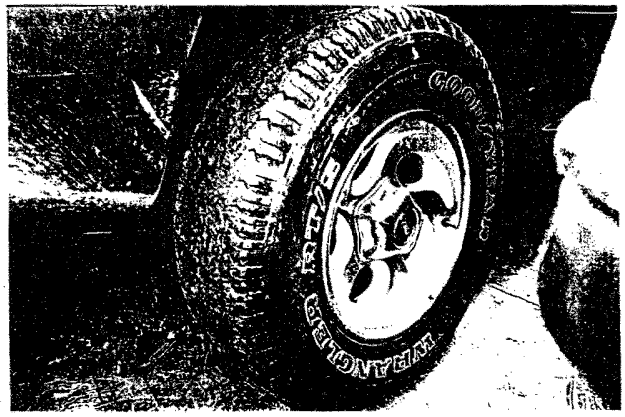




Pennie (15)




WRANGLER MTS


WRANGLER





discinct (17)





República Bolivariana
de Venezuela

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

No. 219

ARCHIVO

SOLICITANTE(S): NELSON ROJAS VILLEGAS

MOTIVO: INSPECCION JUDICIAL

JUZGADO: PRIMERO DE LOS MUNICIPIOS VALERA, MOTATAN, SAN RAFAEL DE CARVAJAL Y ESCUQUE DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO TRUJILLO.-

Fecha de Entrada: Día CUATRO **Mes** JUNIO **Año** DOS MIL UNO

Fecha Devolución: Día _____ **Mes** _____ **Año** _____

No. 219

C-22

219

DR. NELSON ROJAS VILLEGAS
ABOGADO
I.P.S.A N° 31.431.

CIUDADANO

JUEZ PRIMERO DE LOS MUNICIPIOS VALERA, MOTATAN Y SAN RAFAEL DE CARVAJAL DE LA CIRCUNSCRIPCIÓN JUDICIAL DEL ESTADO TRUJILLO.

SU DESPACHO.

Yo, **NELSON ROJAS VILLEGAS**, venezolano, mayor de edad, Abogado en Ejercicio, titular de la Cédula de Identidad No. **9.170.881**, inscrito en **INPREABOGADO** bajo el No. **31.431**, domiciliado en la Ciudad de Maracay, Estado Aragua, y aquí de tránsito por esta ciudad de Valera, Estado Trujillo, actuando en este acto en mi propio nombre y representación y en mi carácter de propietario del vehículo Ford, Explorer, placas **TAA-840**, ante usted con el debido respeto ocurro a fin de exponer y como mejor proceda en derecho, digo:

Solicito muy respetuosamente a este digno Tribunal, que de conformidad con lo previsto en los artículos **192**, **936** y **938** del Código de Procedimiento Civil y **1429** del Código Civil, se traslade y constituya en la dirección que en su debida oportunidad le señalaré, a fin de dejar constancia por la vía de **INSPECCION JUDICIAL**, de los particulares siguientes:

PRIMERO:

De la presencia, en el lugar donde se encuentra constituido el Tribunal, de un Vehículo Marca **FORD**, Modelo **EXPLORER**, Tipo **SPORT WAGON** , Color **ROJO VINO**, Año **1998**, Placas Nos. **TAA-840**, que presenta el vehículo inspeccionado.

SEGUNDO:

Dejar constancia si el vehículo antes identificado, tiene cuatro (04) cauchos instalados en cada uno de los rines del vehículo inspeccionado.

TERCERO:

Dejar constancia de la Marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los Rines del vehículo inspeccionado.

CUARTO:

Se tomen fotografías de cada uno de los cauchos instalados, en cada uno de los rines del vehículo inspeccionado.

QUINTO:

Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.

SEXTO:

Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado.

SÉPTIMO:

Me reservo el derecho de señalar cualquier otro hecho o circunstancia que surgiere al momento de la práctica de la presente inspección.

Solicito de conformidad con lo previsto en los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográficas de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de la Inspección Judicial y que a tal efecto se designe un práctico fotógrafo y un practico mecánico.

Igualmente solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta **INSPECCION JUDICIAL.**

Por último pido ciudadano Juez, que una vez evacuada la presente solicitud me sea devuelta el original con sus resultas.

Es gracia que impetro en Valera a la fecha de su presentación.

EL SOLICTANTE

REPUBLICA DE VENEZUELA
SEGUNDO JUEZ DE LOS MUNICIPIOS
SAN RAFAEL DE CARVAJAL Y FRANCISCO
VALERA EDO TRUJILLO

GADO PRIMERO DE LOS MUNICIPIOS VALERA, MOTATAN, SAN RAFAEL DE CARVAJAL Y ESCUQUE DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO TRUJILLO.- VALERA, CUATRO DE JUNIO DEL DOS MIL UNO.-

191º y 142º.

Por recibida la solicitud que antecede, Désele entrada y cúmplase. En consecuencia, trasládese y constitúyase el Tribunal en el sitio señalado y efectúe la Inspeccion Judicial solicitada.

El Juez Provisorio,

Abog. Tulio Villegas Barrios.

El Secretario,

Douglas Carrillo H.

En la misma fecha se le dio entrada bajo el Nº 219, en el libro de entrada respectivo.

El Secretario,

TVB/DCH/Evelin.-

horas de despacho del día de hoy, Cuatro de Junio del Dos Mil Uno. siendo las cinco de la tarde, se trasladó y constituyó el Juzgado Primero de los Municipios Valera, Motatán, San Rafael de Carvajal y Escuque de la Circunscripción Judicial del Estado Trujillo, en el Taller Ideal, ubicado en la Calle Principal del Sector denominado Cubita, Cubita, Municipio San Rafael de Carvajal, Estado Trujillo; con el fin de efectuar la Inspección Judicial a que se refiere la solicitud que antecede.- Se notificó de la misión al ciudadano: WUILIAM BASTIDAS, titular de la Cédula de Identidad Nº V-4.322.620, quien dijo ser el Propietario del Taller.--- Esta presente en el acto el Abogado, ciudadano: NELSON ROJAS VILLEGAS, titular de la Cédula de Identidad Nº 9.170.881, e inscrito en el Inpreabogado bajo el Nº 31.431, quien es el Solicitante y promovente de la Inspección Judicial.------ Seguidamente El Solicitante, solicito al ciudadano Juez procediera a efectuar la Inspección Judicial y el Tribunal, **AL PARTICULAR PRIMERO** deja constancia que en el sitio donde se encuentra constituido se encuentra estacionado un vehículo con las siguientes características: MARCA: FORD; MODELO: EXPLORER; TIPO: SPORT WAGON; COLOR: ROJO VINO; AÑO: 1998; PLACAS: TAA-840; SERIAL DE CARROCERIA: AJU2WP36177; SERIAL DEL MOTOR: 6 CILINDROS.---------- **AL PARTICULAR SEGUNDO**: Acto seguido el Tribunal deja constancia que el vehículo objeto de la presente Inspección Judicial presenta cuatro cauchos instalados en cada una de los rines.--------- **AL PARTICULAR TERCERO**, En este estado El Solicitante solicito el derecho de palabra y concedido como le fue expuso: Solicito al Tribunal proceda a designar un Práctico Mecánico para el desarrollo de los Particular que se amerite el Práctico Mecánico, recayendo dicha designación en la persona del ciudadano: DAVID GONCALVES MALPICA, titular de la Cédula de Identidad Nº V-11.089.574.- En este estado el Tribunal acuerda de conformidad con lo solicitado y designa Práctico Mecánico al ciudadano: DAVID GONCALVES MALPICA, ya identificado, quien estando presente se le tomo el juramento de Ley, y expuso: Juro cumplir con las

obligaciones inherentes al cargo.------ Acto seguido el Tribunal deja constancia que el Practico Mecanico designado procede a informar al Juzgado que la Marca, Tipo y Serial de las cauchos, estan identificados de la siguiente manera: **CAUCHO DELANTERO DERECHO**: Marca: GOOD YEAR; Tipo: WRANGLER RT/S; Medidas: LT 235/75R15; Serial: DOT PBHL 2AC4 2400; **CAUCHO DELANTERO IZQUIERDO**: Marca: GOOD YEAR; Tipo: WRANGLER RT/S; Medidas: LT 235/75R15; Serial: DOT PBHL 2AC4 2400; **CAUCHO TRASERO DERECHO**: Marca: GOOD YEAR; Tipo: WRANGLER RT/S; Medidas: LT 235/75R15; Serial: DOT PBHL 2AC4 2400; **CAUCHO TRASERO IZQUIERDO**: Marca: GOOD YEAR; Tipo: WRANGLER RT/S; Medidas: LT 235/75R15; Serial: DOT PBHL 2AC4 2400.---------- **AL PARTICULAR CUARTO**: En este estado El Solicitante solicito el derecho de palabra y concedido como le fue expuso: Solicito al Tribunal proceda a designar un Práctico Fotógrafo para el desarrollo de los Particulares que se amerite tomar fotografías, pudiendo recaer dicha designación en la persona del ciudadano: JORGE ANTONIO COLMENARES, titular de la Cédula de Identidad Nº V-386.596.- En este estado el Tribunal acuerda de conformidad con lo solicitado y designa Práctico Fotógrafo al ciudadano: JORGE ANTONIO COLMENARES, ya identificado, quien estando presente se le tomo el juramento de Ley, y expuso: Juro cumplir con las obligaciones inherentes al cargo.------ Acto seguido el Práctico Fotógrafo procedió a tomarles fotos instantáneas de los cauchos instalados en cada uno de los rines del vehículo objeto de la presente Inspección Judicial, las cuales fueron tomadas con una Cámara Fotográfica Instantánea Marca: POLAROID; Closeup 636; las cuales fueron agregadas a la presente solicitud.--------- **AL PARTICULAR QUINTO**: el Tribunal deja constancia que el Práctico Fotógrafo procedió a tomarle la fotografías a la Carrocería del vehículo objeto de la presente Inspección Judicial, las cuales fueron agregadas a La Solicitud.---------- **AL PARTICULAR SEXTO**, el Tribuna deja constancia con la ayuda del Práctico Mecánico designado de las condiciones generales en que se encuentra la Carrocería del vehículo objeto de la presente Inspección Judicial, las cuales son las siguientes: 1.- Descuadre generalizado; 2.- Explosión de Parabrisas; 3.- Hundimiento pronunciado de techo y capo; 4.- Descuadre de puertas y parales; 5.- Abolladuras y raspones generales.---------- **AL PARTICULAR SEPTIMO**: En

este estado el Práctico Mecánico designado solicita el derecho de palabra y concedido como le fue Expuso: Solicito que el Tribunal deja constancia del kilometraje que se observa en el vehiculo para el momento de la Inspección Judicial y de la Marca, Tipo, Medida y Serial del caucho de repuesto.---- Acto seguido el Tribunal acuerda de conformidad con lo solicitado, y deja constancia que el Práctico Mecánico informa que el kilometraje que presenta el vehiculo para el momento de la Inspección Judicial es de 78.895 Kilómetros y la Marca, Tipo, Medida y Serial del caucho de repuesto es: Marca: GOOD YEAR; Tipo: WRANGLER RT/S; Medidas: LT 235/75R15; Serial: DOT PBHL 2AC4 2400.------- Seguidamente El Solicitante, solicito el derecho de palabra y concedido como le fue expuso: Solicito al Tribunal se me expida copias fotostáticas debidamente certificadas de la presente solicitud con todas sus actuaciones y anexos.- El Tribunal acuerda de conformidad con lo solicitado y ordena expedir las copias fotostáticas certificadas de toda la Solicitud junto con los recaudos anexos. Para la realización de las copias certificadas se autoriza a la ciudadana LEXNIS EVELIN DEL VILLAR, Funcionaria de este Tribunal.--------- No teniendo otras diligencias que cumplir se ordena el regreso del Tribunal a su sede natural.--------- Es todo.- Termino, se leyó y conforme se firma, siendo las Seis de la Tarde.-

El Juez Provisorio,

Abog. Tulio Ramón Villegas Barrios

El Notificado,

Manifestó no firmar,

El Solicitante,

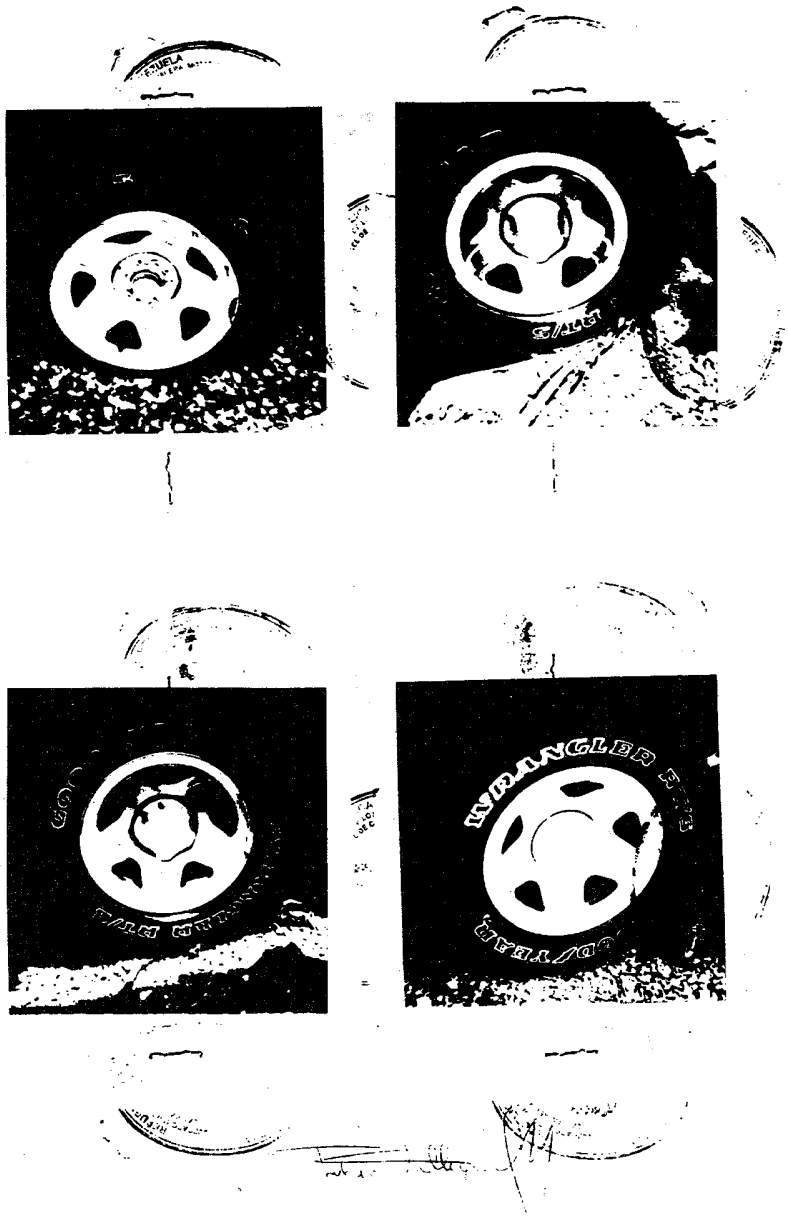
El Practico Mecánico.

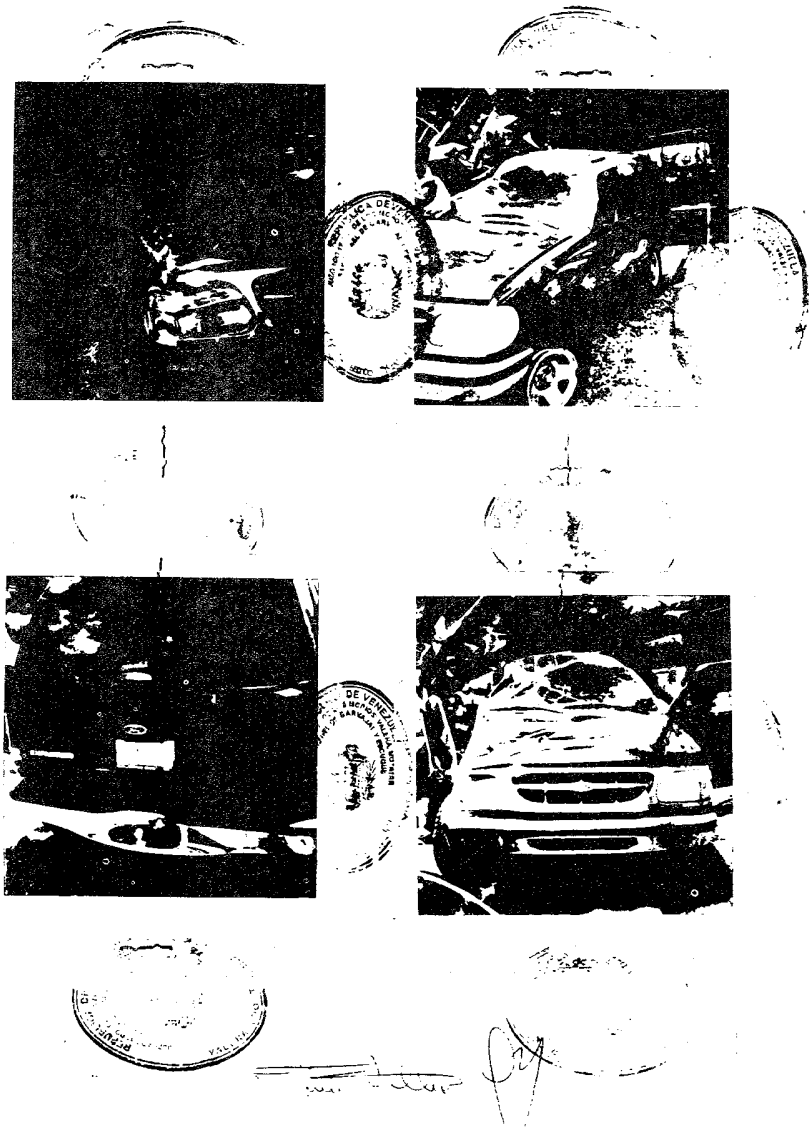
El Practico-Fotografo.

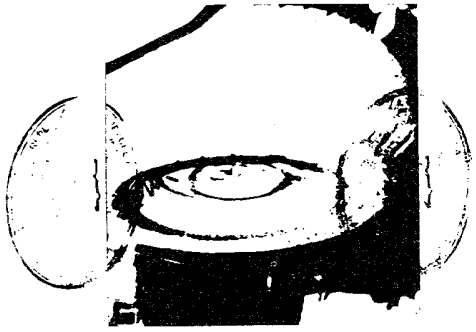
El Secretario,

Douglas Carrillo M.

TRVB/DCH/Evelin.-







REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 2001-5601

SOLICITUDES

ARCHIVO

SOLICITANTE (S): Abg. MARIA OLIVARES.

MOTIVO: Inspección Judicial

ADO:

FECHA DE ENTRADA: Día 30-05-01 Mes MAYO Año 2001.

FECHA DEVOLUCION: Día 30 Mes MAYO Año 2001

No. 2001-5601

C-22

Ciudadana

Juez Primero del Municipio Carirubana de la Circunscripción Judicial

del Estado Falcón

Su Despacho

Yo, **MARÍA JOSEFINA OLIVARES LUGO,** venezolana, mayor de edad, domiciliada en esta ciudad de Punto Fijo, Municipio Autónomo Carirubana del Estado Falcón, Abogada en ejercicio, titular de la Cédula de Identidad N° 9.583.475 e inscrita ante el Instituto de Previsión Social del Abogado bajo el N° 34.778, procediendo en este acto en mi propio nombre; ante usted de conformidad con lo pautado en el Artículo 1.429 del Código Civil, en concordancia con lo establecido en el Libro Segundo, Sección 4°, Capítulo VII, último aparte del Artículo 472 del Código de Procedimiento Civil, con todo respeto ocurro para solicitar el traslado y constitución del Tribunal en el Estacionamiento Santa Ana, ubicado en la Autopista Coro-Punto Fijo del Estado Falcón; para que por vía de Inspección Ocular se sirva dejar constancia de las personas, objetos, cosas, lugares, bienes y documentos a que se refieren los siguientes particulares:

PRIMERO: Que en el lugar en donde está constituido el Tribunal, se encuentra un vehículo estacionado **Marca:** Ford, **Modelo:** Explorer, **Color:** Verde, **Placas:** LAF 88I. De igual forma dejar expresa constancia del serial del motor, carrocería, y cualesquiera otros datos que permitan una mayor identificación del vehículo objeto de la Inspección.

SEGUNDO: Que el vehículo antes identificado tiene instalados los cauchos en cada uno de sus rines.

TERCERO: De las condiciones generales de los cauchos colocados en cada uno de los rines del vehículo inspeccionado y de su banda de rodamiento.

CUARTO: Igualmente, me reservo el derecho de dejar expresa constancia de cualquier otro hecho o circunstancia que, como solicitante, considere conveniente o necesario al momento de la práctica de esta solicitud.

Asimismo, de conformidad con los Artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el Artículo 502 *ejusdem*, se ordene la reproducción fotográfica del vehículo, cauchos, rines, bandas de rodamiento y demás objetos y cosas que expresamente me reservo señalar, al momento mismo de la práctica de esta Inspección Ocular. Para los fines anteriormente indicados, pido al Tribunal se sirva designar un práctico

fotógrafo y un práctico mecánico para que le asistan al momento de la evacuación de la presente Inspección.

Solicito respetuosamente a este Tribunal se sirva dejar expresa constancia de que las fotografías tomadas al momento de la práctica de la Inspección fueron realizadas en su presencia, y que por lo tanto, sean consideradas como reproducciones fieles y exactas de los hechos presenciados, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Ocular con la finalidad de que formen parte integrante e inseparable de la misma.

Finalmente, a los fines de la evacuación de la Inspección Ocular aquí solicitada, juro la urgencia del caso, y a tal efecto pido al Tribunal se sirva habilitar todo el tiempo que fuera necesario para la admisión y evacuación de la solicitud contenida en este documento. De igual forma, solicito de la ciudadana Juez se sirva devolverme en original la presente Inspección con sus resultas, una vez que haya sido evacuada. Es justicia. En Punto Fijo, a la fecha de su presentación.

C.I. 9588925

Recibido para su Distribución en fecha 30-05-01, hora: 10:10 am. Solicitud de Inspección Judicial.

La secretaria

REPUBLICA DE VENEZUELA Juzgado Primero del Municipio Carirubana de la Circunscripción Judicial del Edo. Falcón

Fecha RECIBO 30-05-01

En: Despacho Hora: 9:00

Doy cuenta al Ciudadano Juez

El Secretario

REPUBLICA DE VENEZUELA Juzgado Primero del Municipio Carirubana Circunscripción Judicial del Edo. Falcón

PARIZ

#25

1.27.

REPUBLICA BOLIVARIANA DE VENEZUELA

JUZGADO PRIMERO DEL MUNICIPIO CARIRUBANO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO FALCON.-

PUNTO FIJO: TREINTA DE MAYO DEL DOS MIL UNO.-

AÑOS: 191º y 142º

Recibida por distribución la presente solicitud en la de entrada quedando anotada en el Libro de Solicitudes bajo el No. 2001-5601 y por cuanto lo solicitado no es contrario al derecho, se admite la misma, en consecuencia, practíquese la Inspección solicitada a cuyo efecto se acuerda el traslado y constitución del Tribunal al sitio indicado en la presente solicitud y una vez hecho lo cual devuélvanse originales con sus resultas al solicitante.-

JUEZ PROVISORIO

Abg. USTRIS BENITEZ PETIT

SECRETARIA

ABG. [illegible] VARGAS [illegible]

DIRIZADO

#25.

#27.

(1)

TIMBRE FISCAL

En el día de hoy TREINTA (30) de Mayo del 2.001, siendo las 2:20pm se traslada y constituyó el Juzgado Primero del Municipio Guaraní de la Circunscripción Judicial del Estado Julián, con sede en punto fijo, en compañía de la solicitante Abg. María Josefina Olivares Lugo, IPSA N° 34.778; a los fines de hacer efectiva la práctica de la presente inspección en el Estacionamiento Santa Ana, ubicado en la Autopista Coro - Punto Fijo del Estado Julián. Presente en dicho sitio el ciudadano: Romulo Segundo Acosta, venezolano, mayor de edad, portador de la CI: V-727.967, quien dijo ser Propietario del Estacionamiento Santa Ana, donde se encuentra constituido el Tribunal, se le impone de la misión del Tribunal y se dá por notificado. Seguidamente el Tribunal para una mejor asesoría en la práctica de la presente inspección nombra y designa como Experto en Mecánica al ciudadano: Dand Gonçalves MALPICA, CI:V- 11.089.574 y al ciudadano: Jorge Antonio Colmenares TELLECHEA, CI:V- 386.596, como práctico fotógrafo, quienes estando presentes aceptan el cargo para lo cual fueron designados y el Tribunal pasa a tomarles el juramento de ley.- El Tribunal acto seguido pasa a dejar expresa constancia de cada uno de los particulares insertos en la presente solicitud con la asesoría del experto en mecánica.- Al Primero: El Tribunal deja expresa constancia que en el lugar donde se encuentra

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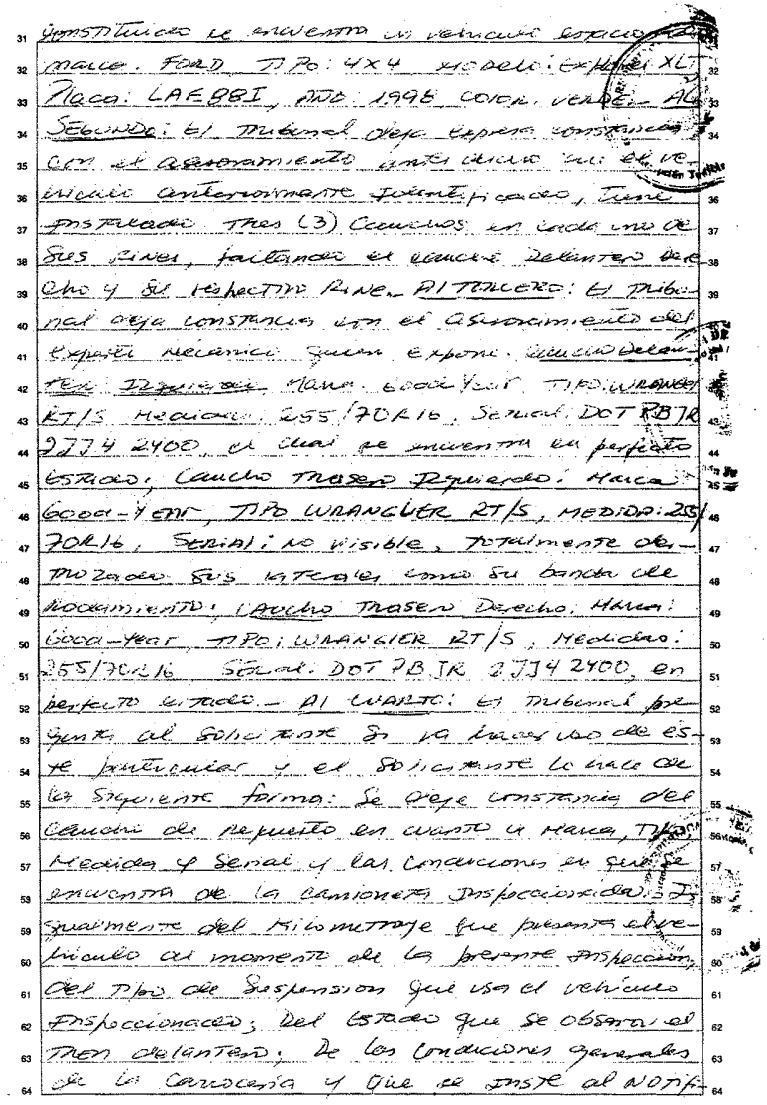
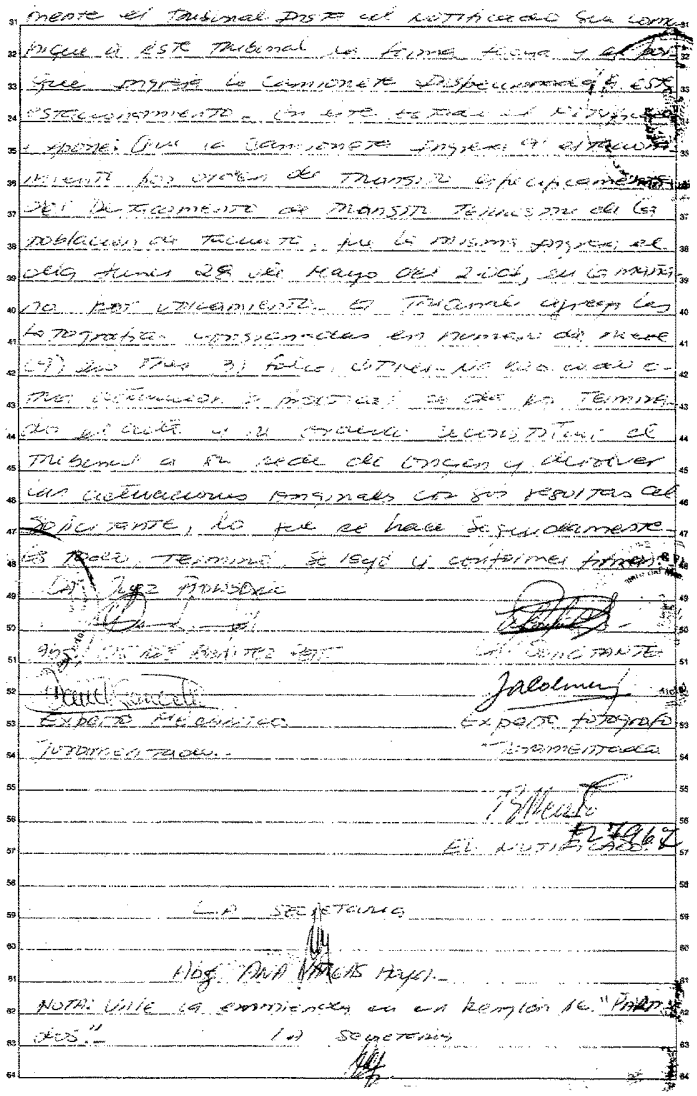


constituido se encuentra un vehículo estacionado marca: FORD TIPO: 4X4 MODELO: Explorer XLT Placa: LAE88I, AÑO: 1998 COLOR: VERDE. AL SEGUNDO: El Tribunal deja expresa constancia con el asesoramiento antes dicho que el vehículo anteriormente identificado, tiene instalado tres (3) cauchos en cada uno de sus rines, faltando el caucho delantero derecho y su respectivo rine. AL TERCERO: El Tribunal deja constancia con el asesoramiento del experto mecánico quien expone: Caucho Delantero Izquierdo, Marca: Good Year, TIPO: WRANGLER RT/S Medidas: 255/70R16, Serial: DOT PBJR 2JJ4 2400, el cual se encuentra en perfecto estado; Caucho Trasero Izquierdo: Marca: Good-Year, TIPO WRANGLER RT/S, MEDIDA: 255/70R16, SERIAL: no visible, totalmente destrozado sus laterales como su banda de rodamiento; Caucho Trasero Derecho: Marca: Good-Year, TIPO: WRANGLER RT/S, Medidas: 255/70R16 Serial: DOT PBJR 2JJ4 2400, en perfecto estado. AL CUARTO: El Tribunal pregunta al solicitante si va hacer uso de este particular y el solicitante lo hace de la siguiente forma: Se deje constancia del caucho de repuesto en cuanto a marca, tipo, medida y serial y las condiciones en que se encuentra de la camioneta inspeccionada. Igualmente del kilometraje que presenta el vehículo al momento de la presente inspección, del tipo de suspensión que usa el vehículo inspeccionado; del estado que se observa el tren delantero; de las condiciones generales de la carrocería y que se inste al notifi-

TIMBRE FISCAL

dado a comunicarle a este Tribunal de la forma en que ingresa la camioneta a este estacionamiento el Dorgel a la fecha. El Tribunal visto lo solicitado acuerda de conformidad y deja expresa constancia de lo siguiente: Que el cauce del impuesto se observan las siguientes características: Marca: Good Year, Tipo: [illegible] Medidas: [illegible] Serial: [illegible] el cual se encuentra en perfecto estado; igualmente se observa que el Nº de la camioneta es 103.648; el Tipo de Dispersión que usa el vehículo inspeccionado según el experto Mecánico designado y juramentado es Tipo Australiano, que el estado del Tren Delantero es el siguiente: Montones [illegible] Dañados, rótula reventada o partida, [illegible] que la falta [illegible] Derecho, Disco Delantero Derecho; Así mismo se observa que el vehículo inspeccionado presenta los siguientes daños en su carrocería [illegible] generalizado explosión de todos sus vidrios, abolladuras generales, hundimiento pronunciado de techo y capó, [illegible] de Puertas y Paralelas. En este estado el experto o Práctico designado y juramentado expone: Consigno en este acto nueve (9) fotografías tomadas con una Cámara Instantánea Polaroid 779 Plus, tamaño de fotografías 8,8 x 10,7cm. a la camioneta inspeccionada por este Tribunal para que las mismas formen parte de la presente inspección. Seguida

Formas LEE 60-03-8 © Por Legislación Económica, C.A. Ley Art. 31, Parágrafo Tercero, Ley de Timbre Fiscal. Gaceta Oficial Nº 4.727 (Extraordinario) 27-05-94. Prohibida su reproducción





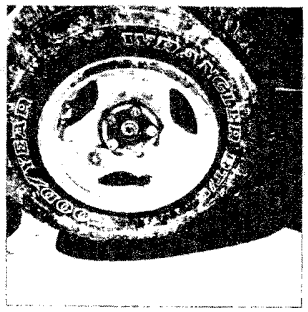




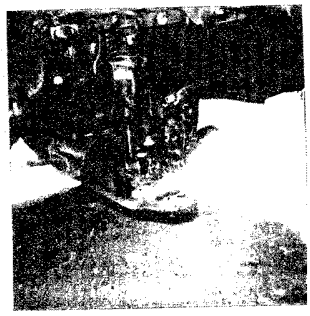






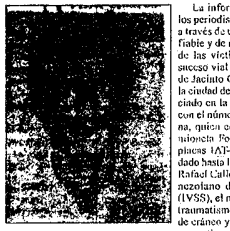






Muere ingeniero y su acompañante en vuelco de camioneta en Caseto

Las víctimas de este lamentable suceso vial fueron identificadas como Jacinto González (58) y José Angel Arias Primera (34), quienes perecieron en forma instantánea, en hecho que registró aproximadamente a la una de la medianoche de ayer lunes.



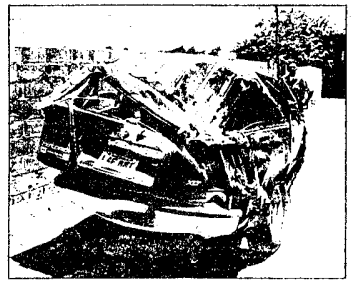
José Angel Arias Primera (34), acompañante de la unidad automotora que volcó a la altura de Caseto. (Digifoto: Luis G. Villalobos).

Luis G. Villalobos
C.N.P.: 2857.

Un ingeniero jubilado de PDVSA y su acompañante murieron en forma instantánea, al volcar la camioneta en la carretera Coro-Punto Fijo, a la altura del sector Caseto, en hecho registrado en horas de la madrugada de ayer lunes en esta región.

La información fue obtenida por los periodistas del Diario MEDANO, a través de una fuente altamente confiable y de manera extraoficial, donde las víctimas de este lamentable suceso vial respondían a los nombre de Jacinto González (58), natural de la ciudad de Coro, ingeniero, residenciado en la calle # 13, casa marcada con el número 201 del sector Judibana, quien era el conductor de la camioneta Ford Explorer color verde, placas IAT-881, quien al ser trasladado hasta la morgue del Hospital Dr. Rafael Calles Sierra del Instituto Venezolano de los Seguros Sociales (IVSS), el médico patólogo certificó traumatismo generalizado, fractura de cráneo y escoriaciones múltiples, respectivamente.

La otra víctima de este lamentable suceso respondía al nombre de José Angel Arias Primera (34), natural y residenciado en el sector "El Cerro", casa número 49 del municipio Santa Cruz de Los Taques, quien trabaja para una empresa de Transporte en Puerto La Cruz, quien venía como acompañante en la unidad automotora, a quien diagnosticaron traumatismo generalizado, traumatismo torácico cerrado, hemomediastino, hemoneumotorax bilateral y ruptura de aorta torácica, respectivamente.



La camioneta Ford Explorer, que volcó donde perecieron dos personas. (Digifoto: Luis G. Villalobos).

LOS HECHOS

Según manifestaron algunos familiares de las víctimas, quienes se encontraban en las inmediaciones de la morgue del Hospital Rafael Calles Sierra del Instituto Venezolano de los Seguros Sociales (IVSS), el Ing. Jacinto González y su acompañante habían salido desde Barcelona, estado Anzoátegui, rumbo al estado Falcón, antes de llegar a la Península de Paraguaná, se desviaron hasta Uria en la Sierra Falconiana donde el primero de los nombrados tenía una hacienda, allí hizo unos arreglos y decidieron trasladarse hasta esta zona, pero lamentablemente en la carretera Coro-Punto Fijo, a la altura de Caseto, aparatosamente volcó la unidad automotora, saliendo expelido, tanto el conductor, como su acompañante habiendo caído aproximadamente a unos 50 metros, donde quedó la camioneta, es decir en la carretera Coro-Punto Fijo, a la altura del sector Caseto.

Se pudo conocer que el Ing. Jacinto González, hace aproximadamente unos ocho meses había sido jubilado de PDVSA, donde ocupó el cargo de Subgerente de la planta Flexibaquer. En cuanto a su acompañante, José Angel Arias Primera, trabaja en Puerto La Cruz en una empresa de transporte, al parecer propiedad del primero de los nombrados, donde había decidido venir hasta la Península de Paraguaná, a visitar a sus familiares, este deja huérfanos a cuatro hijos. Mientras que el Ing. Jacinto González, tenía seis hijos. Los cadáveres de los dos hombres fueron rescatados por una comisión de Defensa Civil, Comisiones de las Fuerzas Policiales del Estado Falcón, y la Inspectoría Nacional de Tránsito, conocieron del caso.

Arrollado un ciudadano

Luis G. Villalobos

Un hombre resultó con lesione de consideración, al ser arrollado por un vehículo, en hecho registrado en horas de la noche del pasado domingo en la Av. Principal de la Parroquia Punta Cardón de esta zona.

Así lo pudieron conocer los periodistas del Diario MEDANO, a través de una fuente altamente confiable y de manera extraoficial, quien identificó al lesionado como César D'Lima (40), natural de Maracaibo, estado dando bajo observación de los facultativos en el mencionado centro dispensador de salud.

Se pudo conocer de manera extraoficial, que el vehículo causante de este arrollamiento, al parecer es un Chevrolet Malibú, color vino tinto, desconociéndose mayores detalles, como la del conductor por haberse ausentado del lugar los hecho.

MEDANO
DIARIO INDEPENDIENTE DE INTERESES GENERALES

REPUBLICA BOLIVARIANA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

Nº 1003

ARCHIVO

SOLICITANTE(S) APACELLA URDANETA

MOTIVO: INSPECCION JUDICIAL

JUZGADO: DECIMO OCTAVO DE MCPO

FECHA DE ENTRADA Día 11 Mes 06 Año 2.001

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

C - 22

Ciudadano
Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, tipo, color, año y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los

Francis Ghnan de Olivastri
Abogado
I.P.S.A. 67.252

PLANILLA N°
DERECHOS
OOTRGAMIENTO

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ,** estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS,** venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de este domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

REPUBLICA BOLIVARIANA DE VENEZUELA.

NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Valencia (25) de Octubre del Dos Mil. 190° y 141° El anterior documento, redactado por el Abogado: FRANCIS GINART DE OLIVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

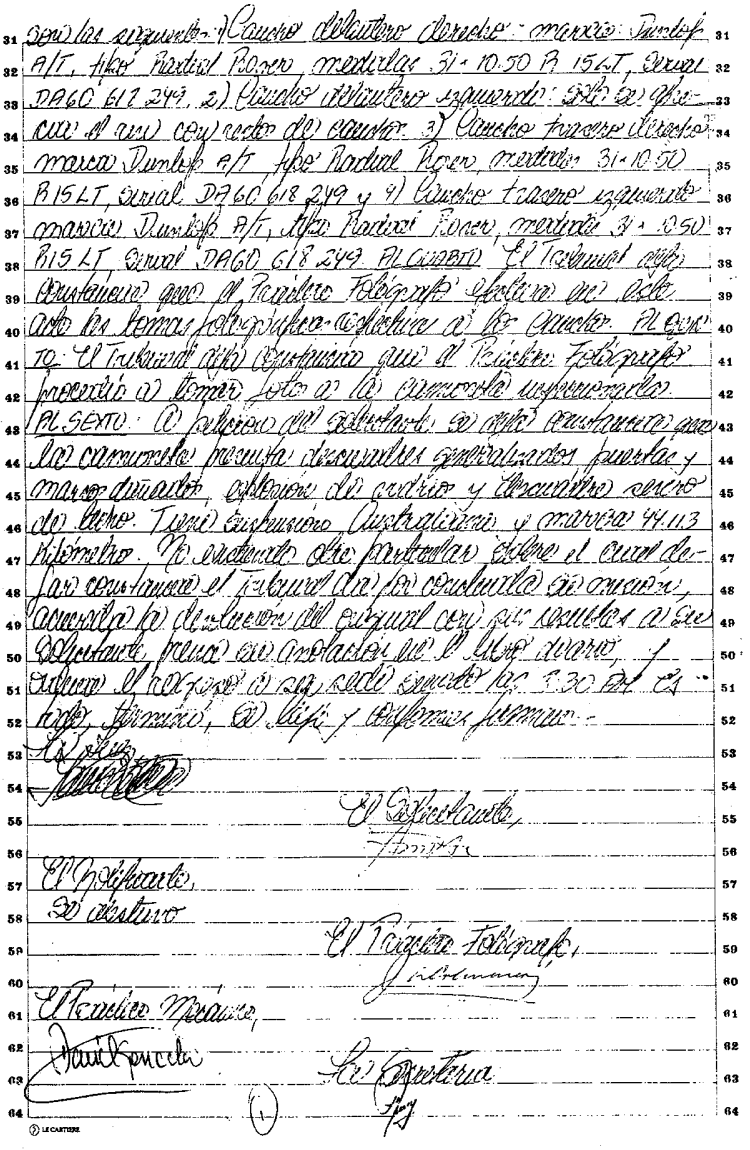
De estado civil: Casado .....

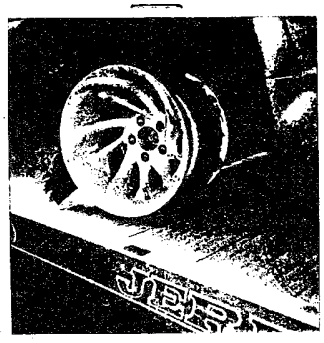
Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

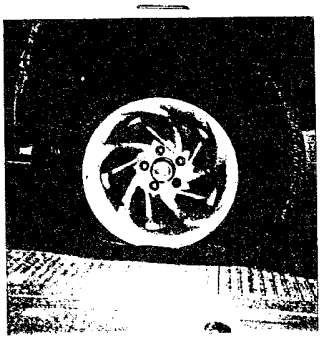
Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaría. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

H-96 № 02321966

En el día de hoy, once (a) de junio de 2001, previa habilitación del tiempo necesario, siendo las 8:00 AM, se trasladó y constituyó este Juzgado Democrático de Municipio en compañía del solicitante en la siguiente dirección: Km 4 Carretera El Junquillo Taller mecánico Las Vegas, Departamento Libertador, a fin de practicar la Inspección Judicial solicitada. Se designa Práctico Fotógrafo al ciudadano Jorge Almenares, titular de la cédula de identidad nº 326.596, quien estando presente aceptó el cargo y prestó el juramento de Ley, y quien procederá a tomar las fotografías correspondientes con una cámara Polaroid Close up 636 (instantánea) y las consignará en este acto. Igualmente se designa como Práctico Mecánico al ciudadano David Gonzalez, titular de la cédula de identidad Nº 11.089.574, quien estando presente aceptó el cargo y prestó el juramento de Ley. Presente el Tribunal a las puertas del taller fue atendido por una persona quien dijo ser y llamarse Lamberto Nunes, titular de la cédula de identidad Nº 81.203.057, quien fue impuesto de la misión del Tribunal y permitió el ingreso al interior. Seguidamente el Tribunal pasa a dejar constancia por vía de Inspección Judicial de los siguientes particulares: AL PRIMERO El Tribunal observa y deja constancia que en el Taller hay una camioneta marca Ford, Tipo Explorer, modelo Aventura, placas DAZ-93J, año 2001, color gris. AL SEGUNDO: El Tribunal observa y deja constancia que se aprecian en el vehículo los cauchos con sus respectivos rines instalados, y el delantero izquierdo sólo tiene el rin y resto del caucho. AL TERCERO El Tribunal deja constancia que las características de los cauchos





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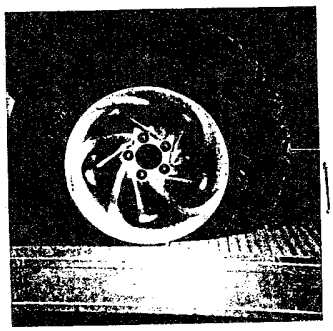
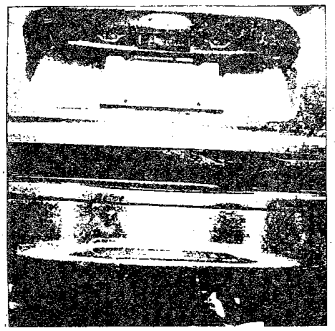










REPUBLICA BOLIVARIANA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

Exp. 1004

N°. _____

ARCHIVO

SOLICITANTE(S) APACELIS URDANETA

MOTIVO: INSPECCION JUDICIAL

JUZGADO: DECIMO OCTAVO DE MCPC

FECHA DE ENTRADA **Día** 11 **Mes** Jo **Año** 2.001.

FECHA DEVOLUCION: **Día** _____ **Mes** _____ **Año** _____ 2002

N.

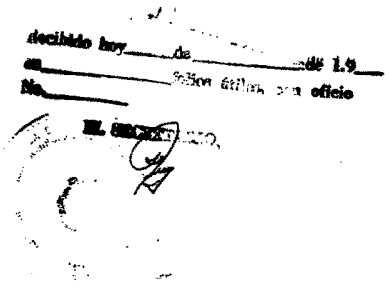
C - 22

Ciudadano

Su Despacho.-

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, tipo, color, año y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los

rines del vehículo inspeccionado. QUINTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado. SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.



Francis Ginart de Olivestri
Abogado
I.P.S.A. 67.252

PLANILLA N°
DERECHOS
OTORGAMIENTO

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ,** estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS,** venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de este domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

REPUBLICA BOLIVARIANA DE VENEZUELA.

NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Valencia (25) de Octubre de del Dos Mil.

190° y 141° El anterior documento, redactado por el Abogado: FRANCIS GINART DE OYARZTI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

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.....

.....

.....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

.....

De Nacionalidad (es): ESTADOUNIDENSE.....

.....

De estado civil: Casado .....

.....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaría. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

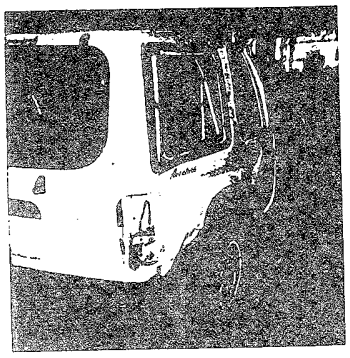
VISTA, Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-7.098.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM..

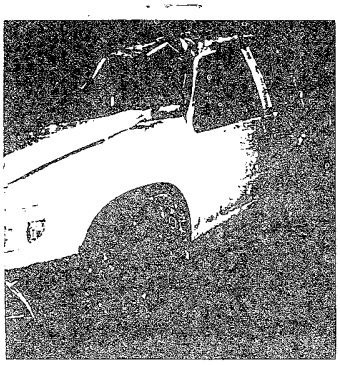
EL NOTARIO SEXTO.

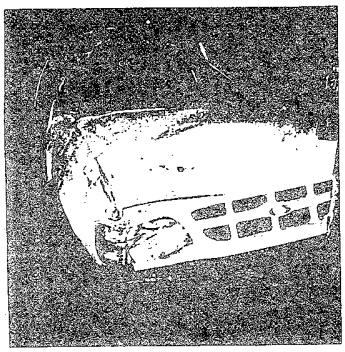
EL PODERDANTE.

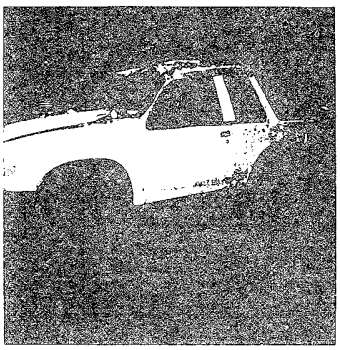
LOS TESTIGOS.

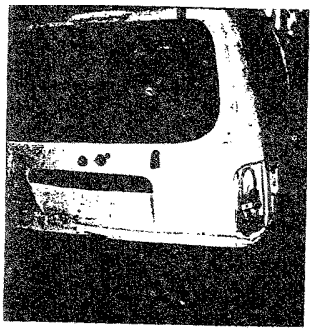
EL FUNCIONARIO AUTORIZADO.



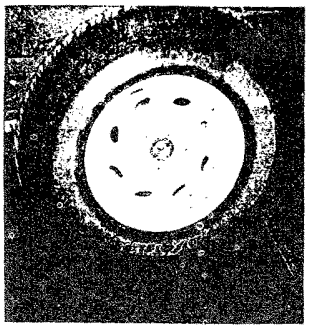


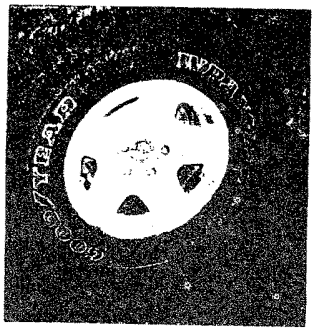














REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL No. 1.927

SOLICITUDES

ARCHIVO

SOLICITANTE (S): ABOG.URDANETA N. ARACELIS DEL VALLE APODERADA JUDICIAL DE: BRIDGESTONE FIRESTONE VENEZOLANA,C.A.)

MOTIVO: INSPECCION JUDICIAL

JUZGADO: SEGUNDO DEL MUNICIPIO CARIRUBANA DEL ESTADO FALCON, CON SEDE EN PUNTO FIJO.

FECHA DE ENTRADA: Día 13 Mes 06 Año 2001

FECHA DEVOLUCION: Día 13 Mes 06 Año 2001

No.

C-22

La Mañana

Santa Ana de Coro, Lunes 11 de Junio del 2001 — *Ciudad Patrimonial*

Año 49 / Nº 15.766 / Depósito legal PP76-0508 / Lunes a Sábado **Bs. 300** - Domingo **Bs. 400**

En Las Panelas

Herido vigilante a pedradas

Pag/22

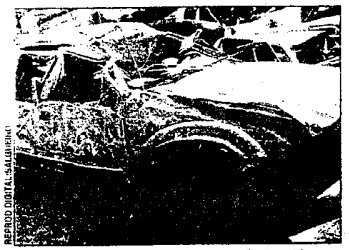
Frente al terminal de pasajeros

Joven es golpeada salvajemente para ser atracada

Pag/23

En la Redoma El Taparo

Mueren dos personas en vuelco de camioneta



El conductor de la camioneta y su acompañante sufrieron fracturas de cráneos.

Un nuevo accidente de tránsito registrado ayer en la madrugada, en la redoma de El Taparo enlutese dos hogares falconianos al volcar una camioneta Blazer, al parecer por fallas mecánicas. La primera víctima fue identificada como José Luis Dos Barros Velasco (32) quien se desempeñaba como gerente de la empresa Detroit Parts y una distribuidora de confitería.

La otra persona fallecida fue Javier Eduardo Sierralta Galicia (27) tenía cuatro meses trabajando asistente de Dos Barros. Los cuerpos sin vida fueron llevados en una grúa a la Morgue del Hospital doctor Rafael Calles Sierra, pasadas unas dos horas, por carecer las autoridades de una furgoneta para este tipo de casos.

PAG/23

TAXI ALTAMIRA



JAVIER SIERRALTA
C.I. V-770.503
Nº Matrícula 15 AFILIADO

Javier Eduardo Sierralta Galicia, una de las víctimas. Rep: Salgueiro

En la Coro-Punto Fijo | **En el municipio Silva** | **En La Vega del Tuy en el municipio Unión**

1639

En la Recoma El Taparo

Muertos un comerciante y su ayudante en vuelco de camioneta



familiares de Dos Barros conmovidos por el suceso. Digifoto: Salgueiro

TONIO SALGUEIRO
P.4265

Dos jóvenes perdieron sus vidas al volcar la camioneta en la cual se desplazaban en la Redoma de El Taparo, lo registrado en horas de la madrugada del domingo.

Una de las víctimas de esta falta accidente fue José Luis Dos Barros Velasco, de 32 años de edad, natural de la ciudad de Valencia, estado Carabobo, y con residencia en un apartamento del edificio San José, calle Comercio de Caja de Agua. Era gerente de la empresa Detroit Paris y una distribuidora de confitería.

La otra persona fallecida fue Javier Eduardo Sierralta Gallein, 27 años de edad, natural de Punto Fijo, y residía en la calle Providencia de Caja de Agua, tenía cuatro meses trabajando como asistente de Dos Barros y antes estuvo laborando como taxista en la Línea Altamira.

Se conoció que ambos laboraron todo el día sábado por las playas de los municipios Falcón y Los Taques y el accidente vial ocurrió luego de salir de Villa Marina rumbo a sus domicilios.

El vehículo, una camioneta Ford Explorer, color verde metalizado, placas LAB-51C Mérida, conducido por Dos Barros, al parecer no dio la debida curva, siguió hacia la redoma para volcar aparatosamente, con el lamentable resultado de la muerte en forma instantánea de las dos personas.



La Explorer quedó destrozada. Digifoto: Salgueiro

Los cuerpos sin vida fueron llevados en una guardia a la Morgue del Hospital doctor Rafael Calles Sierra, pasadas unas dos horas, por carecer las autoridades para estos casos con una furgoneta.

De acuerdo al diagnóstico, el primero de los nombrados presentó fractura en el cráneo, shock hipovolémico, estallido del hígado y fractura de la pierna derecha.

El otro infortunado, fracturas múltiples en el cráneo con pérdida de la masa encefálica y fractura facial.

En La Vega del Tuy en el municipio Unión

Asesinado comerciante de cuatro balazos



comercio, quien dejó [illegible] huérfana.

Es de hacer notar que [illegible] recibió

Sujeto hirió a dos mujeres con el pico de una botella

BELKIS HERNANDEZ
C.N.P. 6.829

Dos mujeres [illegible]

Frente al terminal de pasajeros

Joven es golpeada salvajemente para ser atracada

BELKIS HERNANDEZ
C.N.P. 6.829

Una joven fue atacada por unos sujetos, quienes la golpearon salvajemente para quitarle todas sus pertenencias, hecho ocurrido como a las cuatro de la madrugada de ayer, frente al terminal de pasajeros "Police Salas".

Ciudadano
JUEZ PRIMERO DEL MUNICIPIO CARIRUBANA (DISTRIBUIDOR) DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO FALCON,CON SEDE EN PUNTO FIJO.-

Su Despacho

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaría Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, tipo, color, año y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. QUINTO: Se tomen fotografías de la carrocería y las

condiciones en que se encuentra el vehículo inspeccionado. SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

Recibido para su Distribución en fecha 13/06/01, hora: 10:55 am.- Solicitud de Inspección 1 folio útil un anexo de 2 folios útiles.- La Secretaria

REPUBLICA DE VENEZUELA
Tribunal Primero del Municipio
Inspección Judicial

Folio dos (2)

NOTARIA PUBLICA SEXTA
DE VALENCIA
PLANILLA N°
DERECHOS
OTORGAMIENTO

Francis Ghnart de Oliveira
Abogado
I.P.S.A. 67.252

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone-Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de este domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

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Por BFVZ

JORGE A. GONZÁLEZ A.

Folio Tres (3)

Dr. Rodriguez Manuel
NOTARIO PUBLICO SEXTO DE VALENCIA

REPUBLICA BOLIVARIANA DE VENEZUELA.
NOTARIA PUBLICA SEXTA DE VALENCIA. DEL MUNICIPIO VALENCIA. Veintiseis (26) de Octubre del Dos Mil. 190° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE DAVASTRI. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, segun planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

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LA NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

REPUBLICA BOLIVARIANA DE VENEZUELA.PODER JUDICIAL.JUZGADO SEGUNDO DEL MUNICIPIO CARIRUBANA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO FALCON,CON SEDE EN PUNTO FIJO.----------

PUNTO FIJO, 13 de JUNIO DEL AÑO 2001.
AÑOS: 190ª y 142º.

Vista la anterior solicitud presentada por la Abogado:ARACELIS DEL VALLE URDANETA N., en su carácter de Apoderada Judicial de la Empresa: BRIDGESTONE FIRESTONE VENEZOLANA C.A., y por cuanto la misma no es contraria a derecho ni a ninguna expresa disposición de la Ley y jurada como ha sido la urgencia del caso se habilitó todo el tiempo necesario. En consecuencia éste Tribunal acuerda trasladarse y constituirse en la dirección que la parte solicitante señale en el momento de llevar a la practica la misma yrealizar la INSPECCION OCULAR solicitada para dejar constancia de los particulares a que se contrae la misma. Anótese en el libro Diario de Labores y en el libro de Solicitudes y asignesele número.-Déjese constancia en el libro Diario de Labores que se lleva en este Tribunal.-

EL JUEZ PROVISORIO.,

DRA. [illegible] UZCATEGUI DE ALVAREZ.-

EL SECRETARIO TITULAR.,

ARSENIO ANTONIO [illegible] M.,

Folio uno (5)

En el día de hoy, trece (13) de Junio del año dos mil uno (13-06-2001), siendo las dos de la tarde, se trasladó y constituyó el Juzgado Segundo del Municipio Carirubana de la Circunscripción Judicial del Estado Falcón con sede en Punto Fijo, integrado por la doctora Olga M. Vazcaíguez de Alvarez y su respectivo Secretario ciudadano: Arsenio Ramírez acompañados por la Abogado: Aracelis del Valle Verdaneta; en la Avenida Coro, específicamente donde funciona el Estacionamiento Nazareth diagonal al antiguo Estacionamiento Industria Paraguaná del Sector Las Margaritas, Jurisdicción del Municipio Autónomo Carirubana, Estado Falcón; a los fines de practicar Inspección Judicial solicitada y acordada; una vez en el referido Estacionamiento se dió por notificado de la misión del Tribunal, el ciudadano: Hernán Alvarez, quien se identificó con cédula de identidad número: V-6.983.717, de este domicilio. En este estado el Tribunal, designa Práctico Fotógrafo y Práctico Mecánico a los ciudadanos: Jorge Antonio Colmenares Tellechea y David Gonc[illegible] Malpica, Venezolanos, mayores de edad, [illegible]res de la cédulas de identidad numer[illegible] 26.596 y 1.11.089.574, respectivamente, quienes es impuestos

(6)

de tales designaciones, manifestaron su aceptación y prestan Juramento. Seguidamente con el asesoramiento del Practico-Mecanico, antes designado y Juramentado; el Tribunal procede a practicar la Inspección Judicial; en su particular Primero: Se deja constancia que en el sitio donde se encuentra Constituido el Tribunal, está un Vehiculo Marca FORD, Modelo Explorer Tipo 4X4-XLT, placas LAB-51R, año 1.999, color Verde. En cuanto al Particular Segundo: El Tribunal deja constancia; que el Vehiculo antes identificado tiene los cuatro Cauchos instalados en cada uno de sus rines. Al Tercer Particular: El Tribunal observa que el Caucho delantero derecho; instalado en el Vehiculo; presenta las siguientes caracteristicas Marca: DUNLOP RV, Tipo Radiu Rover- Medidas: LT245/75R16, Seriales: DOT: - DALL 636 439, Caucho delantero izquierdo- Marca: DUNLOP RV, Tipo Radiu Rover Medidas LT245/75R16, Seriales. - DOT- DALL 636 - 439; Caucho Trasero Derecho: Marca DUNLOP RV, Tipo Radiu Rover, Medidas LT245/75-R16 Seriales DOT- DALL 636-439., Cau

cho Trasero Izquierdo: Marca: Dunlop R V, Tipo Radim Rover, Medidas L-245/75-R16, Seriales DOT-DNE636-4[illegible]9. Cuarto Particular: En éste estado el Solicitante, pide se le tome fotografía a cada uno de los Cauchos Instalados en cada uno de los Rines del Vehículo Inspeccionado. En este estado el Tribunal, ordena y acuerda, se tome fotografía de todos los Cauchos Instalados en cada uno de los Rines, y se acuerda igualmente queden agregadas a la presente Inspección. Quinto Particular: El Tribunal, acuerda se tomen fotografías de la Carrocería del Vehículo Inspeccionado y sean agregadas a la presente Inspección. Sexto Particular: El Tribunal deja constancia, previo asesoramiento de Práctico Mecánico Juramentado de las condiciones generales de la Carrocería son las siguientes: Descuadre generalizado, descuadre severo de Techo, puertas y Parales

Folio ocho (8)

destrozadas, explosion de todas sus vidrios, cuadro de todo su compacto. En este estado la solicitante expone: Haciendo uso de mi derecho de reserva, pido al Tribunal deje constancia del Kilometraje que presenta el Vehiculo Inspeccionado, asi como deje constancia del estado en que se observa el Tren Delantero de dicho Vehiculo. En este estado el Tribunal deja constancia que el Kilometraje que presenta el Vehiculo Inspeccionado es de: 77.259 Kilometros. En este estado el Tribunal deja a cargo del Práctico-Mecanico Juramentado el Pedimento relacionado con el estado en que se encuentra el TREN delantero de dicho Vehiculo Inspeccionado el cual estando presente expone: En el Tren delantero, el Muñon Superior derecho está roto o quebrado y el Amortiguador derecho delantero, está fuera de su sitio. En este estado el Tribunal deja constancia que efectivamente observo lo expuesto por el Práctico Mecanico. En este estado el Tribunal deja constancia que la Camara fotografica utilizada es Marca Polaroid, Instantania Close up. 636. En este estado el Tribunal dá por terminado su [illegible], siendo las Tres de la tarde y ordena constituirse en su

Sede Natural

Folio nueve (9)

El Juez

Dra. Olga M. Vacatego de Alvarez

El Notificado

El Práctico Fotografo

Hernan Alvarez

Jorge Antonio Colmenares T.

El Practico Mecanico

David Goncalves Malpica.

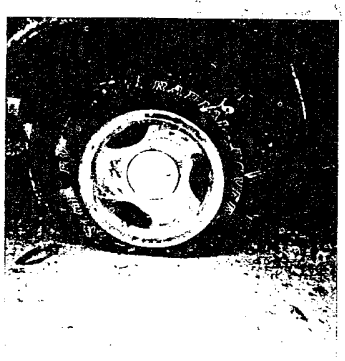
El Solicitante

Dra. Graceli Nordanck Nava

El Secretario

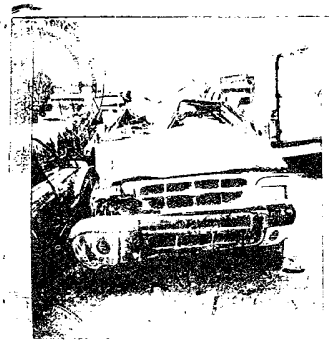
Asenio Paz Moronte.



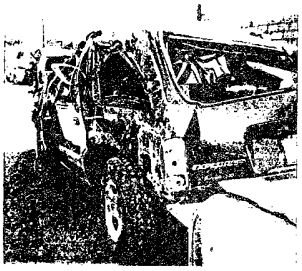
















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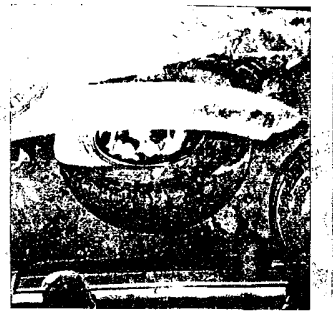




REPUBLICA DE VENEZUELA 1925

PODER JUDICIAL

JURISDICCION CIVIL No. 1.928

SOLICITUDES

ARCHIVO

SOLICITANTE (S): ABOG. URDANETA N. ARACELIS DEL VALLE APODERADA JUDICIAL DE: BRIDGESTONE FIRESTONE VENEZOLANA,C.A.)

MOTIVO: INSPECCION JUDICIAL

JUZGADO: SEGUNDO DEL MUNICIPIO CARIRUBANA DEL ESTADO FALCON, CON SEDE EN PUNTO FIJO.

FECHA DE ENTRADA: Día 13 Mes 06 Año 2001

FECHA DEVOLUCION: Día 13 Mes 06 Año 2001

No. 1.928

C-22

Folio nro (1)

Ciudadano
JUEZ PRIMERO DEL MUNICIPIO CARIRUBANA (DISTRIBUIDOR) DE LA CIRCUNSCRIPCIC
JUDICIAL DEL ESTADO FALCON, CON SEDE EN PUNTO FIJO.-
SU DESPACHO.-

Su Despacho

Yo, ARACELIS DEL VALLE URDANETA N., venezolana, mayor de edad, domiciliada en Valencia, Estado Carabobo, titular de la Cédula de Identidad N° V-7.082.174, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 30.706, procediendo en este acto en mi carácter de apoderada, según se evidencia de instrumento poder otorgado por ante la Notaria Pública Sexta de Valencia, en fecha 25 de octubre del 2000, el cual quedó anotado bajo el N° 41, Tomo 79 de los Libros de Autenticaciones llevados por esa Notaría Pública, que se anexa a esta solicitud de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., compañía antes denominada C.A. FIRESTONE VENEZOLANA, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha 23 de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo, según consta de Acta de Asamblea General Extraordinaria de Accionistas, inscrita por ante el Registro mercantil Primero de la Circunscripción Judicial del Estado Carabobo, en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal y, en consecuencia, se obvie, el requisito de la distribución, con el fin de que el tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes: PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer, tipo, color, año y placas, que presenta el vehículo inspeccionado. SEGUNDO: Si el vehículo antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines. TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. CUARTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado. QUINTO: Se tomen fotografías de la carrocería y las

condiciones en que se encuentra el vehículo inspeccionado. SEXTO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado. De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad. Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos expresamente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha Inspección Judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que las referidas fotografías fueron realizadas en su presencia y que son reproducciones fieles y exactas de los hechos evidenciados en la presente Inspección Judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero, en la fecha de su presentación.

Recibido para su distribución en fecha 13/06/01, hora: 10:55 am. Solicitud de Inspección Judicial 1 folio útil un anexo 2 folios útiles.-

La Secretaria

Folio dos (2)

NOTARIA PUBLICA SEXT DE VALENCIA
PLANILLA N°
DERECHOS
OOTRGAMIENTO

Francis Gómez de Olivestri
Abogado
I.P.S.A. 67.252

CA 98 TRASLADO

Yo, **JORGE ANTONIO GONZALEZ ALVAREZ**, estadounidense, mayor de edad, hábil en derecho, domiciliado en la ciudad de Valencia, Estado Carabobo, y titular de la cédula de identidad N° 81.607.491, actuando en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA C.A., (antes denominada C.A. Firestone Venezolana), sociedad inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el Nro. 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el Nro. 2, Tomo 8-A, autorizado para este acto según se evidencia en la Cláusula Duodécima en su parte "C" del Documento Constitutivo Estatutario, por el presente documento declaro: Que confiero en nombre de mi representada, Poder especial pero amplio y bastante cuanto en derecho se requiere, a los Abogados **MIGUEL ANGEL COLMENARES** y **ARACELIS URDANETA NAVAS**, venezolanos, mayores de edad, solteros, hábiles en derecho, titulares de las cédulas de identidad Nro. 7.067.502 y 7.082.174, respectivamente, inscritos por ante el Instituto de Previsión Social del Abogado bajo los números 30.705 y 30.706 respectivamente, y ambos de este domicilio, para que conjunta o separadamente representen y sostengan los derechos, acciones e intereses, de mi representada BRIDGESTONE FIRESTONE VENEZOLANA, C.A., ya identificada, y en consecuencia, en virtud del presente mandato, quedan facultados los prenombrados Apoderados para intentar, contestar demandas, darse por citados y notificados; oponer y contestar excepciones y reconvenciones, desistir, transigir, convenir, comprometer en árbitros arbitradores o de derecho, promover y evacuar pruebas, pedir y hacer ejecutar medidas preventivas y ejecutivas, ejercer los recursos ordinarios o extraordinarios que concedan las Leyes, inclusive el de Casación, hacer posturas en remate y recibir adjudicaciones. Los apoderados podrán nombrar apoderados especiales para asuntos determinados cuando lo juzguen conveniente o lo requiera la Ley, sustituirlos en todo o en parte, reservándose o no su ejercicio y reasumirlo en cualquier tiempo cuando a bien

tuvieren ante los Tribunales, funcionarios y Organismos competentes de la República, los Estados y Municipios, y demás personas naturales o jurídicas de carácter público o privado. Es entendido que las facultades aquí enunciadas son a título meramente enunciativo más no taxativo. Se hacen dos ejemplares de un mismo tenor y a un solo efecto. Valencia, en la fecha de su autenticación.-

Por BFVZ

JORGE A. GONZÁLEZ A.

folio tras (37)

REPUBLICA BOLIVARIANA DE VENEZUELA.
NOTARIA PUBLICA SEXTA DE VALENCIA DEL MUNICIPIO VALENCIA. (25) de Octubre del Dos Mil. 90° y 141°. El anterior documento, redactado por el Abogado: FRANCIS GINART DE CASTRO. Inscrito en el INPREABOGADO bajo el No 67252. Fue presentado para su AUTENTICACION Y DEVOLUCION, según planilla N° 36798. de fecha: 24 | 10 | 2000. Presente(s) su(s) otorgante(s) dijo(eron) llamarse: JORGE ANTONIO GONZALEZ ALVAREZ (Actuando en su carácter de Presidente de "BRIDGESTONE FIRESTONE VENEZOLANA, C.A.").....

Mayor (es) de edad, domiciliado (s) en: VALENCIA.....

De Nacionalidad (es): ESTADOUNIDENSE.....

De estado civil: Casado .....

Titular (es) de la (s) Cédula (s) de Identidad Numero (s) E-81.607.491.....

Leído y confrontado el original con sus Fotocopias y firmada en estas y en el presente original en presencia de LA NOTARIO, EL (los) OTORGANTE (S) expuso (eron) "SU CONTENIDO ES CIERTO, Y MIA (NUESTRAS) LA (S) FIRMA(S) QUE APARECE (N) AL PIE DEL INSTRUMENTO ". LA NOTARIO en tal virtud, lo declara AUTENTICADO en presencia de los testigos escribientes: MILAGROS RUEDA Y MIGUEL BOADA. Titulares de las Cédulas de Identidad Números V-4.872.554 Y V-4.684.501, dejándolo inserto bajo el N° 41., TOMO 79., de los libros de AUTENTICACIONES llevados por esta Notaria. LA NOTARIO QUE SUSCRIBE HACE CONSTAR QUE TUVO PARA SU

VISTA Y DEVOLUCION REGISTRO DE BRIDGESTONE FIRESTONE VENEZOLANA, C.A., INSCRITA POR ANTE EL REGISTRO MERCANTIL QUE LLEVO EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL Y MERCANTIL DE ESTA CIRCUNSCRIPCION JUDICIAL, EN FECHA 23-10-56, BAJO EL Nº 1, COMPILADAS SUS REFORMAS EN UN SOLO CUERPO SEGUN CONSTA DE ACTA DE ASAMBLEA GENERAL EXTRAORDINARIA DE ACCIONISTAS, INSCRITA EN EL REGSITRO MERCANTIL PRIMERO DE ESTA CIRCUNSCRIPCION JUDICIAL, EN LA FECHA 29-01-97, BAJO EL Nº 2, TOMO 8-A, AUTORIZADO PARA ESTE ACTO SEGUN SE EVIDENCIA EN LA CLAUSULA DUODECIMA EN SU PARTE "C" DEL DOCUMENTO CONSTITUTIVO ESTATUTARIO. E IGUALMENTE DEJA CONSTAR QUE PARA ESTE ACTO AUTORIZO A LA CIUDADANA MARIA VICTORIA RODRIGUEZ CON CEDULA DE IDENTIDAD V-2.298.108, ESCRIBIENTE I DE ESTA NOTARIA PARA PRESENCIAR DICHO OTORGAMIENTO CONFORME EL ARTICULO 29 DEL REGLAMENTO DE NOTARIAS PUBLICAS EN LAS OFICINAS DE FIRESTONE EN CARRETERA VIEJA VIA LOS GUAYOS EN VALENCIA, A LAS 2.00 PM.

LA NOTARIO SEXTO.

EL PODERDANTE.

LOS TESTIGOS.

EL FUNCIONARIO AUTORIZADO.

Solicitud (4)

REPUBLICA BOLIVARIANA DE VENEZUELA. Poder Judicial. JUZGADO SEGUNDO DEL MUNICIPIO CARIRUBANA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO FALCON, CON SEDE EN PUNTO FIJO.----------

PUNTO FIJO, 13 de Junio del Año 2001.-
AÑOS: 190º y 142º

Vista la anterior solicitud presentada por la Abogado:Aracelis del Valle Urdaneta N, en su carácter de Apoderada Judicial de la Empresa: BRIDGESTONE FIRESTONE VENEZOLANA C. A., y por cuanto la misma no es contraria a derecho ni a ninguna expresa disposición de la Ley y jurada como ha sido la urgencia del caso se habilitó todo el tiempo necesario. En consecuencia éste Tribunal acuerda trasladarse y constituirse en la dirección que la parte solicitante señale en el momento de llevar a la practica la misma y realizar la INSPECCION OCULAR solicitada para dejar constancia de los particulares a que se contrae la misma.Anótese en el libro Diario de labores y en el libro de solicitudes y asi nesele número.- Dejese constancia de su actuación en el libro Diari de labores que se lleva en este Despacho.-

EL JUEZZ PROVISORIO.,

DRA: OLGA UZCATEGUI DE ALVAREZ.-

EL SECRETARIO TEMPORAL.,

ARSENIO ANTONIO PAZ M.,

En el día de hoy: Trece (13) de Junio del Año Dos Mil Uno (13-06-2001) siendo las Dos y Treinta minutos de la tarde, se trasladó y constituyó el Juzgado Segundo del Municipio Carirubana de la Circunscripción Judicial del Estado Falcón, con Sede en Punto Fijo, integrado por la Dra: Olga Uzcategui de Alvarez., con su respectivo Secretario Titular Arsenio Antonio paz Moronta., acompañados por la Abogado Aracelis del Valle Urdaneta., en la Avenida Coro., especificamente en donde funciona el Estacionamiento Nazaret, Diagonal al antiguo Estacionamiento Industrial Paraguana del Sector las Margaritas, jusdicción del Municipio Autonomo Carirubana, Estado Falcón, a los fínes de practicar INSPECCION OCULAR., solicitada y acordada; una vez en el referido estacionamiento se dió por Notificado de la misión del Tribunal el Ciudadano: HERNAN ALVAREZ, quién se identificó con cédula deidentidad No. 6.983.717, de este domicilio. En este Estado el Tribunal deja constancia que designa Practicos Fotografos y practicos mécanicos a los Ciudadanos: JORGE ANTONIO COLMENARES TELLECHEA y DAVID GONCALVES MALPICA., Venezzolanos, mayores de edad, Titulares de las cédulas de identidad Nros: V-386.596 y V-11.089.574., respectivamente, quienes impuestos de tales designaciones manifestarón su aceptación y prestarón el juramento de Ley en este acto. Seguidamente con el Asesoramiento del práctico mécanico antes designado y juramentado; el Tribunal procede a práticar la Inspeccción Ocular en su particular Primero: El Tribunal deja constancia expresa que efectivamente en el sitio inspeccionado se encuentra un vehículo de las siguientes caracteristicas: MARCA: FORD, TIPO: Explore, Modelo: 4X4, Placas: Sin Placas, Color: Blanco.-SEGUNDO PARTICULAR: El Tribunal deja constancia expresa que el vehículo antes identificado en el particular anterior tiene los cuatro Cauchos instalado en cada uno de sus rines. AL TERCER PARTICULAR: El Tribunal deja constancia expresa que revisados los siguientes cauchos con ayuda de perito puede observar y describir asi: 1Caucho Delantero Derecho: Marca: GOOD-YEAR, TIPO: WRANGLER RT/S, Medidas: P255/70R16, Serial: DOT MKCU NCHR 2600. 2)Caucho Delantero Izquierdo: Marca: GOOD-YEAR, TIPO: WRANGLER RT/S, Medidas: P255/70R16, Serial: DOT MKCU NCHR 2600. Caucho Trasero Derecho: Marca: GOOD-YEAR, Tipo: WRANGLER RT/S, Medidas: P255/70R16, Seriales: DOT MKCU NCHR 2600. Caucho Trasero Izquierdo: MARCA: GOOD-YEAR, TIPO: WRANGLER RT/S Medidas: P255/70R16, Seriales: DOT MKCU NCHR 2600. PARTICULAR CUARTO: En este estado presente la solicitante solicita al Tribunal que se proceda a tomar fotografias a todos los cauchos del vehículo inspeccionado, en consecuencia el Tribunal obdena al fotografo tomar las fotografias solicitadas y una vez obtenidas las mismas sean agragadas a la inspección para que for-

mer parte de la misma.QUINTO PARTICULAR: El Tribunal deja constancia y ordena al fotografo nombrado tome las fotografias a la carrocería del vehículo inspeccionado y condicciones del mismo atravéz de las fotografias.- El Tribunal deja constancia que fuerón debidamente tomadas las mencionadas fotografias.- SEXTO PARTICULAR:El Tribunal visto el pedimento de la solicitante ordena al perito mécanico exponer sobre las condiciones en que se encuentra la carrocería,del vehículo objeto de la inspección , en consecuencia el mismo expuso: Quiero dejar constancia que el vehículo presenta descuadre generalizado, humdimiento severo de techo, explosión de vidrios, abolladuras y respone en toda su parte superior es todo.En esteEstado la solicitante interviene para exponer:y haciendo uso de su derecho de reserva pide al Tribunal deje constancia del Serial de Carrocería del vehículo inspeccionado asi como del kilometraje y tipo de suspensión que presenta el vehículo Inspeccionado.-En este estado el Tribunal visto el pedimento de la solicitante, ordena al perito m écanico proceder a evacuar al pedimento y en consecuencia el mismo expuso:Serial de Carrocería:8XDZU24X6Y8A88981, y en lo que respecta al kilometraje posee en su lectura atravéz del tablero la cantidad de: 35.404 Kilometros, y en lo referente al tipo de suspensión, la misma es Suspención Australiana.En este Estado el Tribunal deja constancia que las fotografias se efectuarón y fué utilizada una Camara Marca: Polaroid, Instantanea Close Up 636.- Es todo, el Trobunal dá por terminada su misión siendo las TRES de la TREINTA (3:30 p.m.) y ordena constituirse en su Sede habitual.- EL JUEZ PROVISORIO.,

DRA: OLGA UZCATEGUI DE ALVAREZ.-

EL NOTIFICADO.,

HERNAN ALVAREZ.-

EL PRACTICO FOTOGRAFO.,

JORGE ANTONIO COLMENARES

EL PRACTICO MECANICO.,

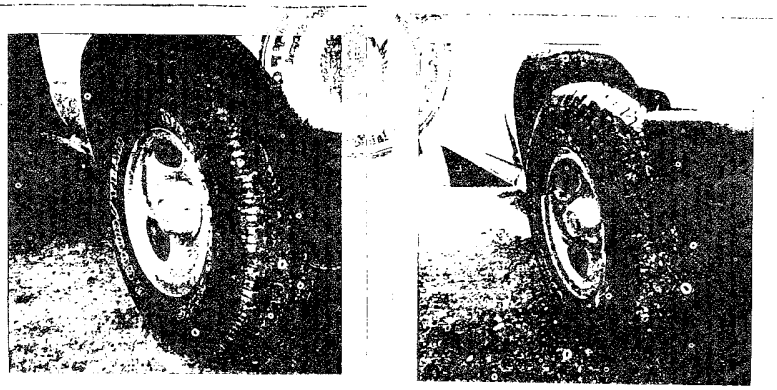
DAVID GONCALVES MALPICA.,

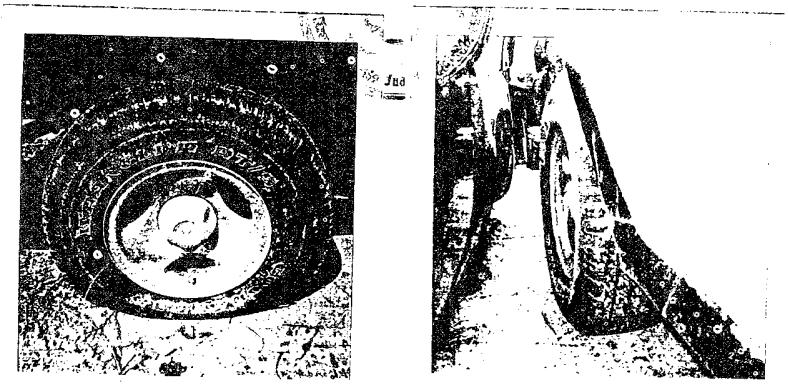
LA SOLICITANTE APODERADA.,

DRA: ARACELIS DEL VALLE URDANETA

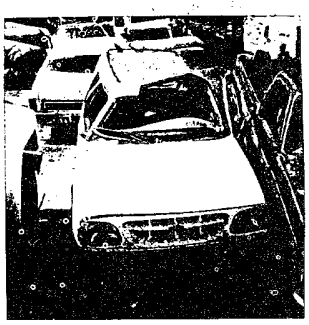
EL SECRETARIO TITULAR.,

ARSENIO ANTONIO PAZ M.,





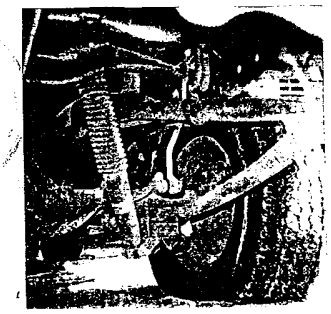






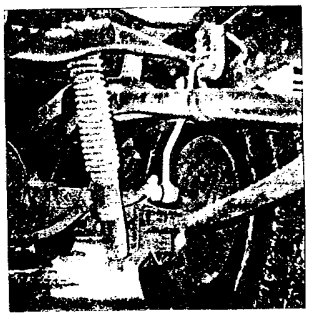


folio nueve (9)









REPUBLICA DE VENEZUELA

No. 3276

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) [illegible]

MOTIVO [illegible]

JUZGADO [illegible]

FECHA DE ENTRADA: Día 17 Mes MAYO Año 2.000.

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

C - 22

CA 98 N° 03065680

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESUS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, procediendo en este acto en mi carácter de apoderado de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con el artículo 192 del Código de Procedimiento Civil, juro la urgencia del caso y de conformidad con lo establecido en el artículo 936 del Código de Procedimiento Civil, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en las instalaciones del Taller: Autoservicios Vicar, C.A., ubicado en la Avenida Boyacá N° 84-72, Santa Rosa, Valencia, Estado Carabobo, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia dentro del taller donde se encuentra constituido el Tribunal, de un vehículo de las siguientes características: Marca: Ford, Modelo: Explorer Tipo 4x2, Color: Negro, Placas: FAJ-12G.----------

SEGUNDO: Si el vehículo antes identificado tiene cuatro (4) cauchos instalados en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.----------

OCTAVO: Se deje constancia del estado en que se encuentran los rines, y especialmente sus bordes, en los cuales están montados los cauchos del vehículo placa N° FAJ-12G.----------

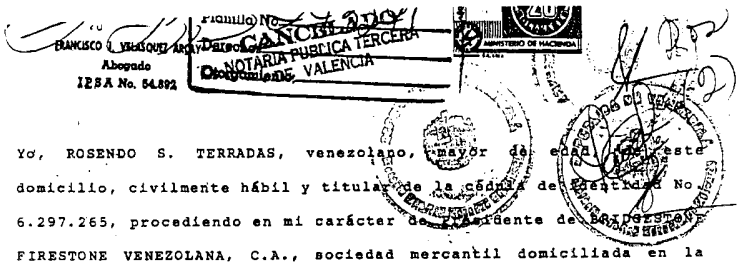
NOVENO: Se deje constancia si los cauchos del vehículo placa FAJ-12G han sido cortados o dañados por los rines del vehículo mencionado.----------

De cualquier otro hecho o circunstancia y que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un experto fotógrafo para la elaboración de las mismas, y, un experto mecánico que deje constancia de los particulares técnicos que oportunamente señalaré al Tribunal. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, a los dieciséis (16) días del mes de mayo de dos mil (2000).----------

239



Yo, ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 13.946, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.892, también respectivamente, domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal y de cualquier competencia, orden o jurisdicción, incluyendo pero

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sin estar limitado a ello, por ante los Tribunales de Primera y/o Segunda Instancia, de Distrito o de Municipio, Corte Suprema de Justicia, Corte Primera en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Tributario, Tribunales en lo Contencioso Administrativo, Tribunales Penales, Tribunales del Trabajo y en fin, por ante todos los organismos, tribunales, despachos, autoridades y/o funcionarios de carácter público o privado. En el ejercicio del presente poder los prenombrados apoderados están facultados para intentar y/o contestar toda clase de demandas, reclamos, procedimientos, incidencias y/o reconvenciones; alegar, oponer y/o contestar defensas y cuestiones previas; hacer citas de saneamiento y/o de garantía; convenir; desistir; transigir; renunciar a acciones o derechos y dejar de ejercerlos si así fuere conveniente; solicitar acumulación de autos o de acciones; diferir actos; suspender, ejercer, reclamar o renunciar lapsos y recursos; recusar; demandar la nulidad y la reposición cuando fuere necesario o conveniente; apelar; ocurrir de hecho; promover cualquier medio de prueba y oponerse a la admisión de los mismos e intervenir en todos los trámites e incidencias de su evacuación; solicitar y tramitar cualquier medida preventiva o ejecutiva cuando así fuere necesario o conveniente u oponerse a las mismas e intervenir en cualquier otra incidencia que pudiera presentarse; incoar tercerías; tachar y/o desconocer toda clase de documentos; tachar testigos; hacer cesión de bienes; pedir rendición de cuentas; proponer acciones petitorias o confesorias de la especie que fueren; darse por citado o notificado; recibir y entregar cantidades de dinero que legítimamente se adeuden, otorgando y exigiendo los correspondientes recibos y finiquitos; disponer de los derechos en litigio; solicitar e intervenir en procedimientos de remate, a tales fines hacer posturas y adquirir en actos de remate; otorgar cualesquiera fianzas y cauciones requeridas por alguna Corte o Tribunal; oponerse a cualquier clase

Sesenta y uno (61)

árbitros de derecho; solicitar la decisión según la equidad; constituir asociados; seguir el o los juicios en todas sus instancias, incidencias y trámites y ejercer todos los recursos a que hubiere lugar, tanto los ordinarios como los extraordinarios de casación o invalidación; iniciar y desistir del juicio de amparo; promover y absolver posiciones juradas; promover quejas y querellas y desistir de ellas; y en general, hacer todo cuanto fuere necesario o conveniente para la mejor defensa de los derechos e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Dejo constancia que las facultades aquí conferidas son meramente enunciativas y no taxativas y que los apoderados aquí instituidos están facultados para sustituir el presente poder en personas o abogados de su confianza, con todas o algunas de las facultades anteriormente señaladas, con reserva o no de su ejercicio. Este poder no revoca ni deja sin efecto ningún otro poder otorgado con anterioridad por BRIDGESTONE FIRESTONE VENEZOLANA, C.A. A fin de dejar constancia de la existencia legal de mi representada, del carácter con que actúo, de mis atribuciones y de los demás particulares relativos a los poderes, y de conformidad con lo previsto en el artículo 155 del Código de Procedimiento Civil, enuncio y exhibo en este acto al Notario ante quien se otorga el presente poder, solicitándole se sirva hacer constar en la nota respectiva, los siguientes documentos: PRIMERO: Copia certificada expedida por el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial en fecha veintitrés (23) de octubre de 1956, del asiento Registro de Comercio No. 1, contentivo del Documento Constitutivo Estatutario original de C.A. FIRESTONE VENEZOLANA (ahora denominada BRIDGESTONE FIRESTONE VENEZOLANA, C.A.) SEGUNDO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado

Carabobo en fecha veinticinco (25) de noviembre de 1992, del asiento Registro de Comercio No. 34, Tomo 16-A, contentivo del Acta de Asamblea Extraordinaria de Accionistas celebrada a los efectos de la Asamblea Ordinaria en fecha diecienueve (19) de noviembre de 1992, en la que se acordó entre otros puntos, el cambio de denominación de la compañía a BRIDGESTONE FIRESTONE VENEZOLANA, C.A. TERCERO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha veintisiete (27) de enero de 1995, del asiento Registro de Comercio No. 46, Tomo 6-A, contentivo del acta de Asamblea General Extraordinaria de Accionistas celebrada en fecha doce (12) de diciembre de 1994, en la que consta mi designación como Presidente de la compañía. Igualmente solicito al Notario Público que para el otorgamiento del presente poder, se traslade y constituya en las oficinas de la compañía. Valencia, en la fecha de su autenticación.

REPUBLICA DE VENEZUELA
Ministerio de Hacienda
H-87 165179
500 QUINIENTOS BOLIVARES

Rosa Rueda de Aguilmar
NOTARIO PUBLICO TERCERO
DE VALENCIA

REPUBLICA DE VENEZUELA
Ministerio de Hacienda
H-91 1310203

Sesenta y dos (62)

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia, treinta (30) de enero de mil novecientos noventa y seis (135º y 136º. El anterior documento redactado por el abogado ENRIQUE SCO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54992, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737. 912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15pm.

LA NOTARIO

Rosa Rueda de Houtman
NOTARIO PUBLICO TERCERO
DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

ROSA RUEDA DE HOUTMANN. NOTARIA PUBLICA TERCERA DE VALENCIA. Que suscribe Certifica: Que ha confrontado la copia fotostática constante de tres(03) folios y que es traslado fiel y exacto del Documento que se encuentra Notariado por ante esta Notaria durante el año 1.996 anotado bajo el No 28 tomo 11..... Que dicha copia fue realizada por el ciudadada Escribiente CAROLINA AGUILAR de PANTOJA...., mayor de edad, titular de la cédula de identidad Nº V- 7.111.085.....persona capaz autorizada por mí para hacerla y quien junto conmigo Suscribe la presente certificación y cada una de las páginas. Que dicha copia se expide a solicitud de parte interesada y Decreto de esta misma fecha los que a continuación se insertan: Notaria Pública Tercera de Valencia. Su Despacho. Yo, FRANCISCO VELASQUEZ ARCAY.... mayor de edad, titular de la cédula de identidad Nº V-7.121.658 solicito copia(s)(05) certificadas fotostáticas del presente documento Nº 28 tomo 11 de los libros de Autenticaciones llevados por esta Notaria, en fecha 30-01-1.996. En Valencia, a los diecinueve (19) del mes Agosto de mil novecientos noventa y seis. El Solicitante(fdo)ilegible. República de Venezuela.- Notaria Pública Tercera de Valencia. Valencia diecinueve de Agosto... y a tal efecto de conformidad. Expídanse la(s)copia(s)fototaaticas certificadas en ella solicitada y a tal efecto de conformidad con lo establecidos en el Articulo 1208 de la Ley de Registro Público. Se designa a la ciudadana - CAROLINA A. de PANTOJA..... mayor de edad, titular de la cédula de identidad Nº V-7.111.085. para que realice la operación de Copia y sucriba cada una de las páginas junto con ésa Notaria(fdo) ROSA RUEDA DE HOUTMANN. Notaria Pública Tercera de Valencia. Valencia, diecinueve (19)..... del mes Agosto..... de mil novecientos noventa y seis. 185 años de la Independencia y 137 años de la Federación.....

Rosa Rueda de Houtmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

ES NOTARIE

LA DESIGNADA

POR Presentado HOY 17-05-2000
CONSTANTE DE 4/22 (1) folio útil
junto con anexo constante de 4 folios útiles
ENMENDADURAS EN
HORA 1:30 pm HORA DE DESPACHO. SE DIO
CUENTA INMEDIATA AL JUEZ.

El Presentante

El Secretario E.

Abg. José Luis Sanz P.

JUZGADO CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.

Valencia, 17 de Mayo del 2.000.

191º y 141º

Por recibida la presente solicitud. Obviada la Distribución por ser jurada la urgencia del caso. Habilitado todo el tiempo necesario. Désele entrada. Trasládese y constituyase el Tribunal, al sitio indicado en la presente solicitud, a fín de practicar la INSPECCION JUDICIAL, solicitada.

EL JUEZ PROVISORIO:

DR. RAFAEL E. CASTILLO H;

EL SECRETARIO TITULAR:

ABG. JOSE LUIS SANZ P.

En la misma fecha se le dió entrada bajo el Nº

EL SECRETARIO TITULAR:

Siete (7)

CA - 98 № 03065885

la fecha de hoy, Diecisiete de Mayo del año 2.000, siendo las tres y cuarenta y cinco (3.45) de la tarde, previa habilitación de todo el tiempo necesario, se trasladó y constituyó el Tribunal en la Avenida Boyacá Nº 84-72, Santa Rosa de esta Ciudad de Valencia, a fin de practicar la Inspección Judicial solicitada por el abogado: Francisco Jesús Velasquez Gracy, Inpreabogado Nº 54892, Apoderado Judicial de Bridgestone Firestone Venezolana C.A., antes denominada C.A. Firestone Venezolana, presente en este acto.- se notificó de la misión del Tribunal al Ciudadano: Pablo Eduardo Sequera González, venezolano, mayor de edad, titular de la Cedula de Identidad Nº V-6.425.932, quien manifestó al Tribunal ser encargado del Taller Autoservicios Vicor C.A, donde se encuentra constituido el Tribunal. Seguidamente el Tribunal para el mejor asesoramiento e ilustramiento en la practica de la presente Inspección Judicial, se acuerda nombrar practico y fotografo a los Ciudadanos: Pablo Eduardo Sequera Gonzalez y Luis Enrique

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Guerra Romero, venezolano, mayor de edad, titulares de las Cedulas de Identidad 7.031.642 y 10.057.576, respectivamente, quienes estando presentes aceptaron el cargo, prestaron el juramento de Ley y quienes quedaron cumplida fielmente con sus Obligaciones.- Una vez revisadas las fotografias tomadas, seran agregadas a la presente solicitud para que formen parte de los mismos.- El Tribunal deja Constancia que las fotografias fueron tomadas con una Camara marca Sony digital.- A continuacion el Juzgado pasa a practicar la Inspeccion Judicial solicitada y deja Constancia de lo siguiente: Primero: El Tribunal deja Constancia que en las instalaciones del taller donde se encuentra constituido aparece un Vehiculo estacionado, marca Ford, modelo Explorer, tipo 4x2, Color negro, placas: FAJ-126, identificacion Complementada con el practico designado".- Segundo: El Tribunal deja constancia que el referido vehiculo tiene sus Cuatro (4) Cauchos instalados en cada uno de sus rines.- Tercero: El Tribunal deja Constancia que los Cuatro (4) Cauchos instalados son marca Firestone, P235/75 R15 Wilderness AT, serial del

Ocho (8)

CA - 98 № 03065887

Caucho delantero izquierdo Nº DOT F2HKWL1228, Caucho delantero derecho serial Nº DOT F2HWL1239, Caucho trasero izquierdo serial Nº C17W21L01, Caucho trasero derecho serial Nº DOTF2HKW-L1228".- - - Cuarto: El Tribunal deja constancia asesorado por el práctico que las condiciones generales de los Cauchos instalados en cada uno de los ejes del vehículo inspeccionado así como su banda de rodamiento están en buen estado".- Quinto El Tribunal ordenó la toma de fotografías de cada uno de los Cauchos instalados en cada uno de los ejes del vehículo inspeccionado.- Sexto: El Tribunal ordenó la toma de fotografías de la carrocería y condiciones en que se encuentra el vehículo inspeccionado." Séptimo: El Tribunal asesorado por el práctico deja Constancia que el techo de la camioneta está levantado, la carrocería presenta abollamiento en casi su totalidad, puertas, guardafango, techo, Capot, faros rotos, parrilla".- Octavo: El Tribunal asesorado por el práctico deja constancia que los

-5-

rines del vehículo inspeccionado - así como los bordes de dichos rines se encuentran en buen estado".- Noveno: El tribunal deja Constancia que los cauchos del vehículo inspeccionado no han sido cortado o dañados por los rines del vehículo".- Decimo: En este estado interviene el solicitante, antes identificado expone "solicito del Tribunal deje Constancia del kilometraje que presenta el vehículo, Asimismo deje Constancia si el perito mecanico tiene conocimiento de la razón por la cual ingresó el vehículo al taller.- El Tribunal deja Constancia que el kilometraje del vehículo es de 39.110 kilometros Seguidamente deja Constancia que el notificado manifestó que la razón por la que ingresó el Vehículo al taller fué por un siniestro o accidente de tránsito, ingresó en grua y bajo las mismas condiciones fué estacionado, no habiendo sido objeto de montaje o desmontaje de sus rines y cauchos.- Es todo, Terminó, se leyó y conforme firman.-

El Juez

Dr. Rafael E. Castillo H.

El



Nueve (9)

CA - 98 № 03065889

solicitante;

x [signature]

El Notificado y practico;

[signature]

El Fotografo;

[signature]

La Secretaria Sec;

[signature]

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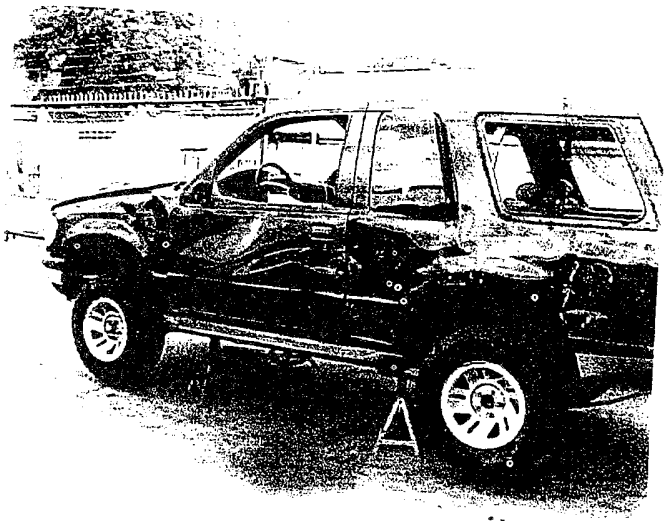
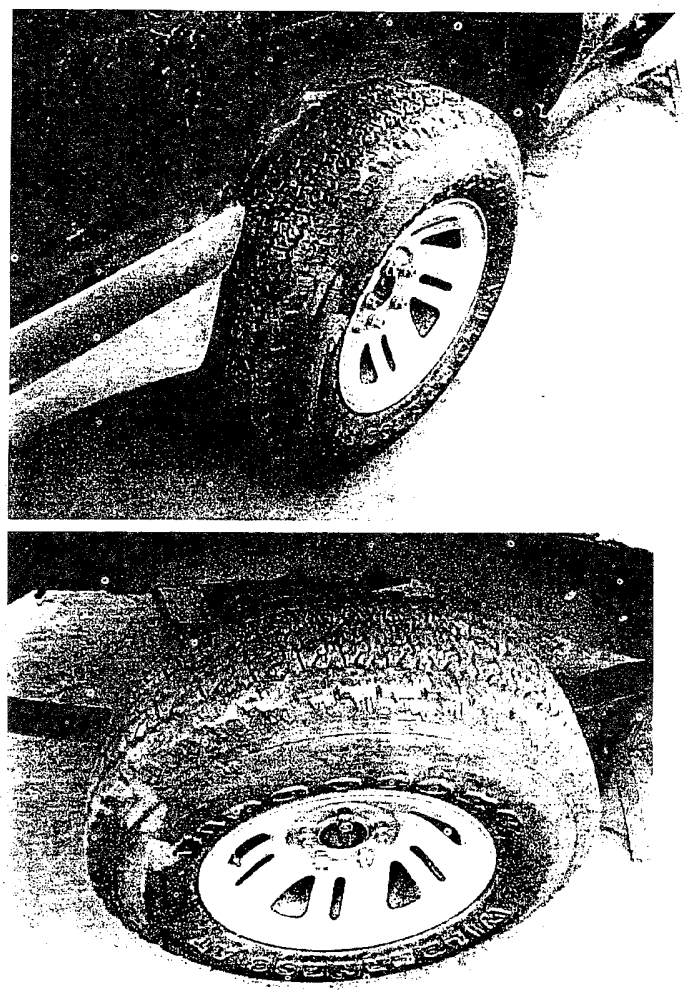
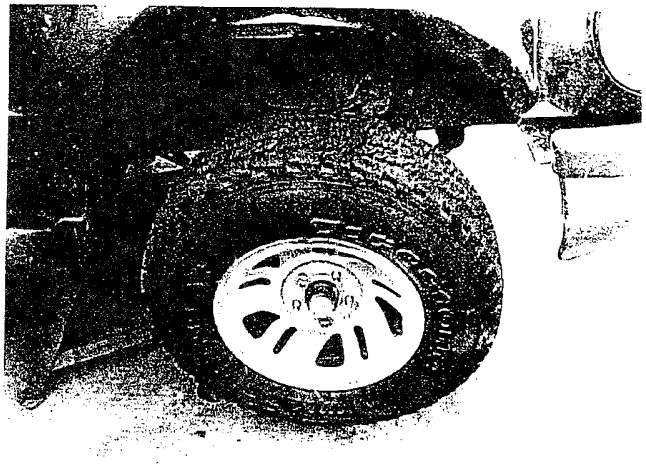
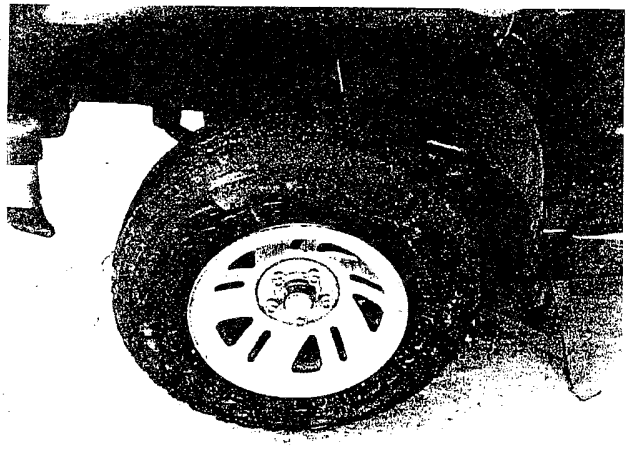
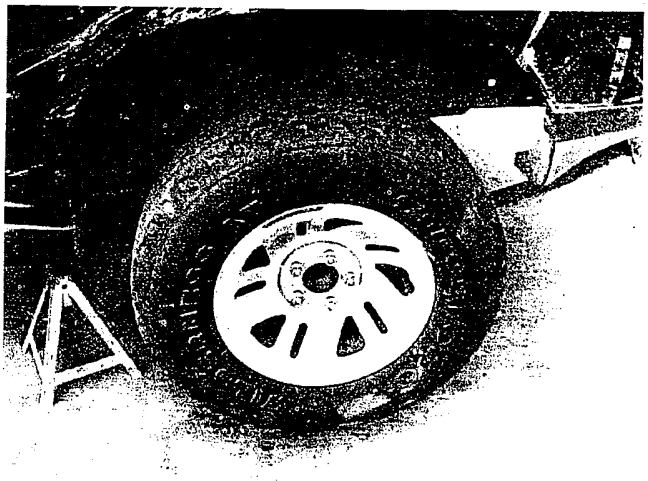


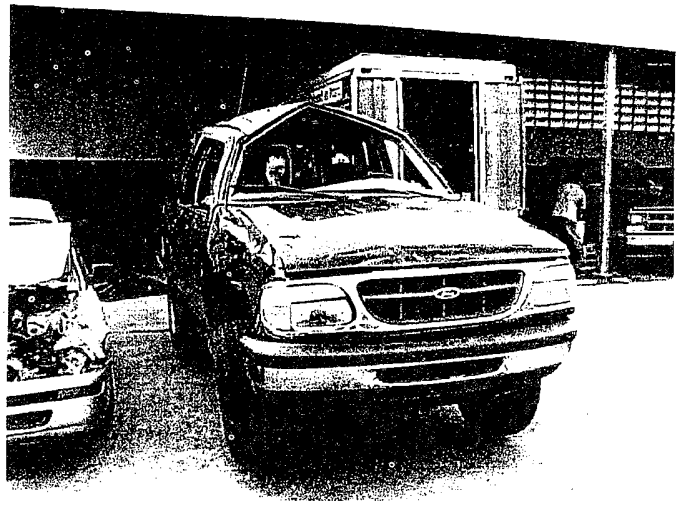


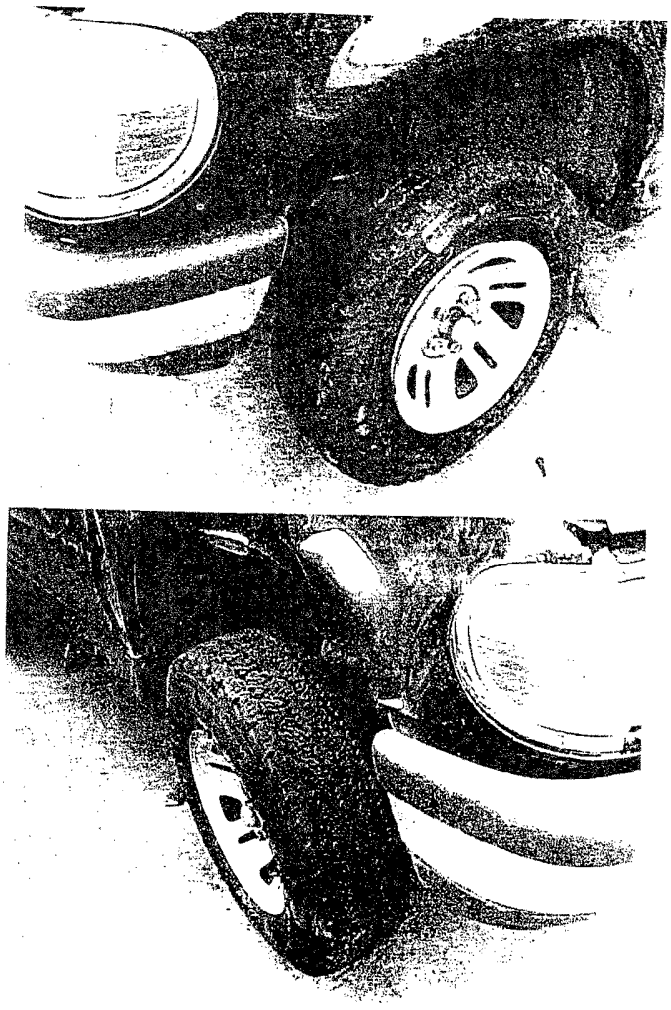


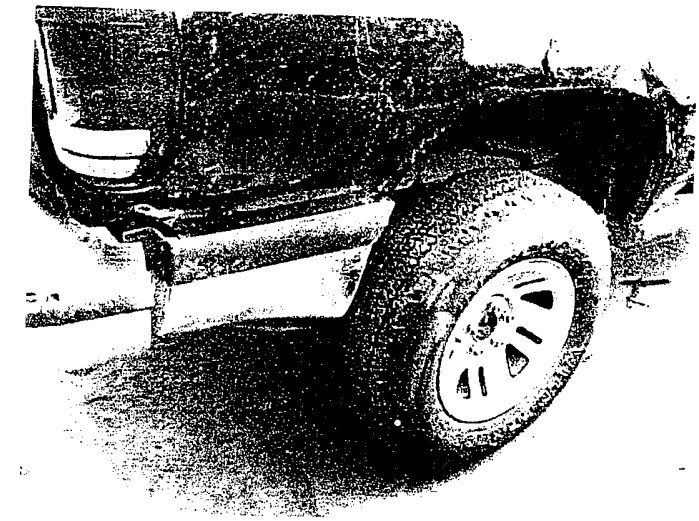


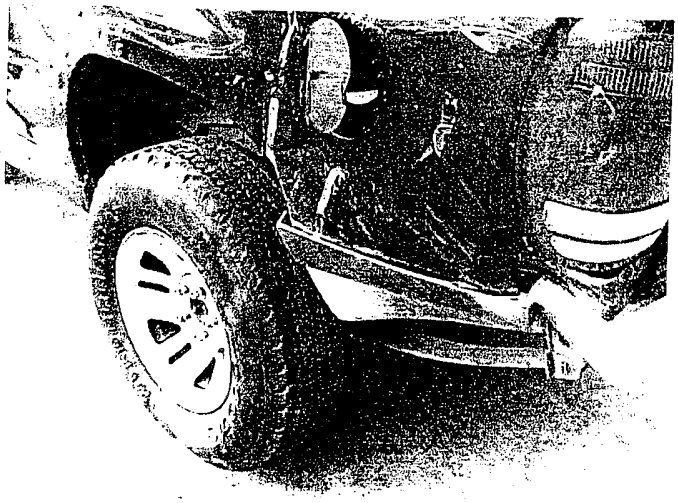




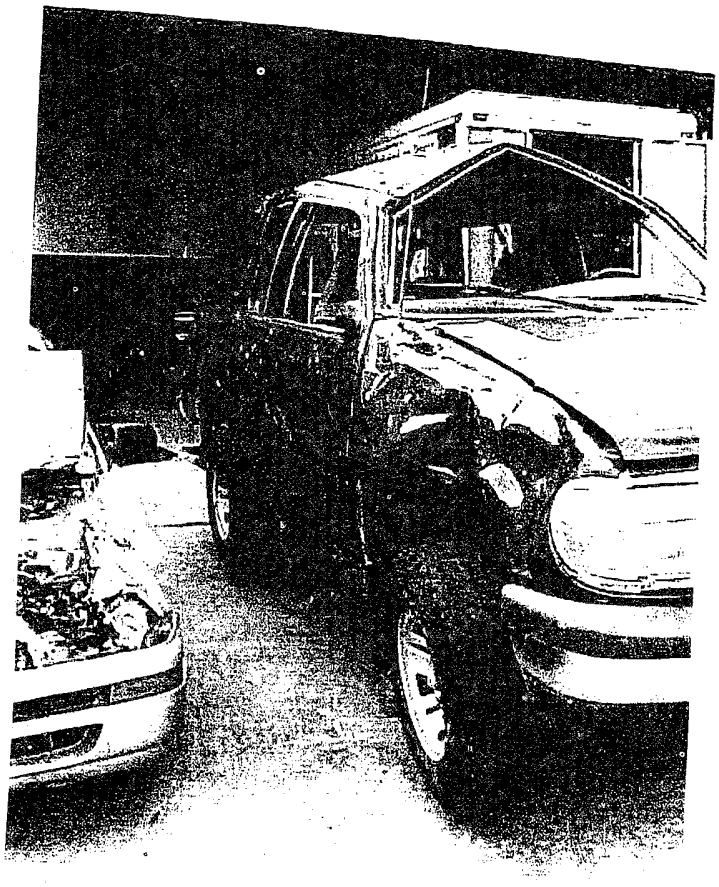








Diaz y Sp



REPUBLICA DE VENEZUELA

No. 3278

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) FRANCISCO JESUS VELASQUEZ ARCAY (BRI GESTLNE FIRE TENE VENEZOLANA C.A.-

MOTIVO INSPECCION JUDICIAL.

JUZGADO CUARTO DE LOS MUNICIPIOS DE VAL CIA.

FECHA DE ENTRADA: Día 17 Mes MAYO Año 2.000

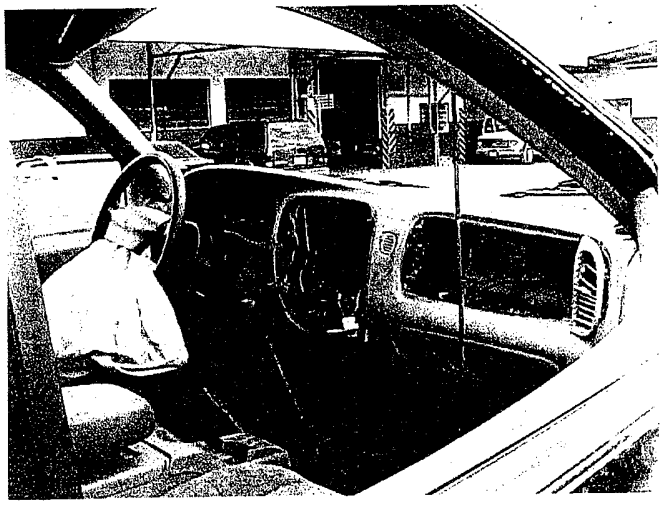
FECHA DEVOLUCION: Día ..... Mes ..... Año .....

No. 3276

C - 22

DIEZ Y SEIS (16)





CA 98 № 03065677

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESUS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con el artículo 192 del Código de Procedimiento Civil, juro la urgencia del caso y de conformidad con lo establecido en el artículo 936 del Código de Procedimiento Civil, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en las instalaciones del Taller Midascars, ubicado en la Avenida Bolívar Norte, al lado de Distribuidora Canarias Norte, C.A., Valencia, Estado Carabobo, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia dentro del taller donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer, y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene cuatro (4) cauchos instalados

en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.----------

De cualquier otro hecho o circunstancia y que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un experto fotógrafo para la elaboración de las mismas, y, un experto mecánico que deje constancia de los particulares técnicos que oportunamente señalaré al Tribunal. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, a los diecinueve (19) días del mes de mayo de dos mil (2000).----------



2 (2)

CA - 98 Nº 03065578

Presentada hoy 19/05/2000

ISTANTE DE Dos (2) folios U. con Un(1) anexo.

MENDADUR No

RA 8 ... HORA DE DESPACHO. SE DIO

ENTA INMEDIATA AL JUEZ-

DE VALENCIA

Notaría

Planilla No.

Fecha de

NOTARIA PUBLICA TERCERA DE VALENCIA

FRANCISCO J. VELASQUEZ ARCAY
Abogado
IPSA No. 54.892

ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.842.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 3.946, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.892, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal y de cualquier competencia, orden o jurisdicción, incluyendo pero

nº 28 T. 11.

sin estar limitados de ellos, por ante los Tribunales de Primera y de Segunda Instancia, de Distrito o de Municipio, Corte Suprema de Justicia, Corte Primera en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Tributario, Tribunales en lo Contencioso Administrativo, Tribunales Penales, Tribunales del Trabajo y en fin, por ante todos los organismos, tribunales, despachos, autoridades y/o funcionarios de carácter público o privado. En el ejercicio del presente poder los prenombrados apoderados están facultados para intentar y/o contestar toda clase de demandas, reclamos, procedimientos, incidencias y/o reconvenciones; alegar, oponer y/o contestar defensas y cuestiones previas; hacer citas de saneamiento y/o de garantía; convenir; desistir; transigir; renunciar a acciones o derechos y dejar de ejercerlos si así fuere conveniente; solicitar acumulación de autos o de acciones; diferir actos; suspender, ejercer, reclamar y renunciar lapsos y recursos; recusar; demandar la nulidad y la reposición cuando fuere necesario o conveniente; apelar; ocurrir de hecho; promover cualquier medio de prueba y oponerse a la admisión de los mismos e intervenir en todos los trámites e incidencias de su evacuación; solicitar y tramitar cualquier medida preventiva o ejecutiva cuando así fuere necesario o conveniente u oponerse a las mismas e intervenir en cualquier otra incidencia que pudiera presentarse; incoar tercerías; tachar y/o desconocer toda clase de documentos; tachar testigos; hacer cesión de bienes; pedir rendición de cuentas; proponer acciones petitorias o confesorias de la especie que fueren; darse por citado o notificado; recibir y entregar cantidades de dinero que legítimamente se adeuden, otorgando y exigiendo los correspondientes recibos y finiquitos; disponer de los derechos en litigio; solicitar e intervenir en procedimientos de remate, a tales fines hacer posturas y adquirir en actos de remate; otorgar cualesquiera fianzas y cauciones requeridas por alguna Corte o Tribunal; oponerse a cualquier clase de fianzas y/o cauciones; comprometer en árbitros arbitradores y/o

árbitros de derecho, solicitar la decisión según la equidad, constituir asociados, seguir en todos los juicios en todas sus instancias, incidencias y trámites y ejercer todos los recursos a que hubiere lugar, tanto los ordinarios como los extraordinarios de casación o invalidación, iniciar y desistir del juicio de amparo, promover y absolver posiciones juradas, promover quejas y querellas y desistir de ellas, y en general, hacer todo cuanto fuere necesario o conveniente para la mejor defensa de los derechos e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Dejo constancia que las facultades aquí conferidas son meramente enunciativas y no taxativas y que los apoderados aquí instituidos están facultados para sustituir el presente poder en personas o abogados de su confianza, con todas o algunas de las facultades anteriormente señaladas, con reserva o no de su ejercicio. Este poder no revoca ni deja sin efecto ningún otro poder otorgado con anterioridad por BRIDGESTONE FIRESTONE VENEZOLANA, C.A. A fin de dejar constancia de la existencia legal de mi representada, del carácter con que actúo, de mis atribuciones y de los demás particulares relativos a los poderes, y de conformidad con lo previsto en el artículo 155 del Código de Procedimiento Civil, enuncio y exhibo en este acto al Notario ante quien se otorga el presente poder, solicitándole se sirva hacer constar en la nota respectiva, los siguientes documentos: PRIMERO: Copia certificada expedida por el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial en fecha veintitrés (23) de octubre de 1956, del asiento Registro de Comercio No. 1, contentivo del Documento Constitutivo Estatutario original de C.A. FIRESTONE VENEZOLANA (ahora denominada BRIDGESTONE FIRESTONE VENEZOLANA, C.A.) SEGUNDO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado

Carabobo en fecha veinticinco (25) de noviembre de 1992, del asiento Registro de Comercio No. 34, Tomo 16-A, contentivo del Acta de Asamblea Extraordinaria de Accionistas celebrada a los efectos de la Asamblea Ordinaria en fecha diecienueve (19) de noviembre de 1992, en la que se acordó entre otros puntos, el cambio de denominación de la compañía a BRIDGESTONE FIRESTONE VENEZOLANA, C.A. TERCERO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha veintisiete (27) de enero de 1995, del asiento Registro de Comercio No. 46, Tomo 6-A, contentivo del acta de Asamblea General Extraordinaria de Accionistas celebrada en fecha doce (12) de diciembre de 1994, en la que consta mi designación como Presidente de la compañía. Igualmente solicito al Notario Público que para el otorgamiento del presente poder, se traslade y constituya en las oficinas de la compañía. Valencia, en la fecha de su autenticación.

REPUBLICA DE VENEZUELA
Ministerio de Hacienda
H-91 1310203

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia treinta (30) de Enero de mil novecientos noventa y seis. 185º y 136º. El anterior documento redactado por el abogado: FRANCISCO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54992, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737. 912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15am.

LA NOTARIO

NOTARIO PUBLICO DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

Vto (62)

La Notaría que suscribe hace constar que el poder que antecede fué sustituido por el ciudadano Ramón J. Alvins Santi reservándose su ejercicio en las personas de los ciudadanos Diego Bustillos Beiner, Henry Torrealba, Mario Calosso, José Enrique D'Apelo y Gabriela Núñez Marquez, por documento firmado ante la Notaría 8ª, ahora 4ta. del Municipio Chacao del Distrito Miranda bajo el nº 45. tomo 96 fecha: 11-12-96.

La Notaria,

Rosa Rueda de Gentmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

REPUBLICA DE VENEZUELA
Ministerio de Hacienda

REPUBLICA DE VENEZUELA. ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFICA:-- Que he confrontado la Copia Fotostática constante de: TRES (03)..... folios útiles, que es traslado fiel y exacto del Documento inserto en esta Notaría, durante el Año: 1.996....., bajo el Nº 28....., Tomo: 11º..., que dicha Copia fué realizada por la Ciudadana: SULEIDA NOGUERA.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....., persona capaz, Autorizada por mí para hacerla y quién junto conmigo suscribe la presente Certificación y cada una de sus páginas. Que dicha Copia se expide a solicitud de parte interesada y Decreto de esta misma fecha, los cuales a continuación se insertan: Ciudadana: Notario Público Tercero de Valencia. Su Despacho.- Yo, ... MARJORIE ROSSELL.-.....mayor de edad, Titular de la Cédula de Identidad Nº 12.606.141.-...Solicito Copia Fotostática Certificada del Documento Nº 28.....,Tomo: 11º.....de los Libros de Autenticaciones llevados por esta Notaría en fecha: 30-01-96.-..... En Valencia, a los: DIECIOCHO (18).... días del mes de: MAYO.-.....del DOS MIL. El Solcitante: (fdo.) Ilegible. República de Venezuela. Notaría Pública Tercera de Valencia. Valencia, 18-05-2.000.....y a tal efecto de conformidad con lo establecido en el Artículo 120º de la Ley de Registro Público. Se designa a la Ciudadana: SULEIDA NOGUERA.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....para que realice la operación de la Copia y suscriba cada una de las páginas junto con la Notaria. (fdo.) ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO. Valencia, a los: DIECIOCHO (18)....días del mes de: MAYO.-.....del DOS MIL.-189º Años de la Independencia y 140º Años de la Federación.-. . . . . .

EL NOTARIO

Rosa Rueda de Houtmann
Notario Público Tercero
de Valencia

LA DESIGNADA.-

GADO CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.

Valencia, 19 de Mayo del 2.000.

191º y 141º

Por recibida la presente solicitud. Obviada la Distribución por ser jurada la urgencia del caso. Habilitado todo el tiempo necesario. Désele entrada. Trasládese y constituyase el Tribunal al sitio indicado en la presente solicitud, a fín de pfacticar la - INSPECCION JUDICIAL, solicitada.

EL JUEZ PROVISORIO

DR. RAFAEL E. CASTILLO H;

EL SECRETARIO TITULAR:

ABG. JOSE LUIS SANZ P.

En la misma fecha se le dió entrada bajo el Nº 3278.

EL SECRETARIO TITULAR:

-/-

Diez (10)

CA - 98 № 03065568

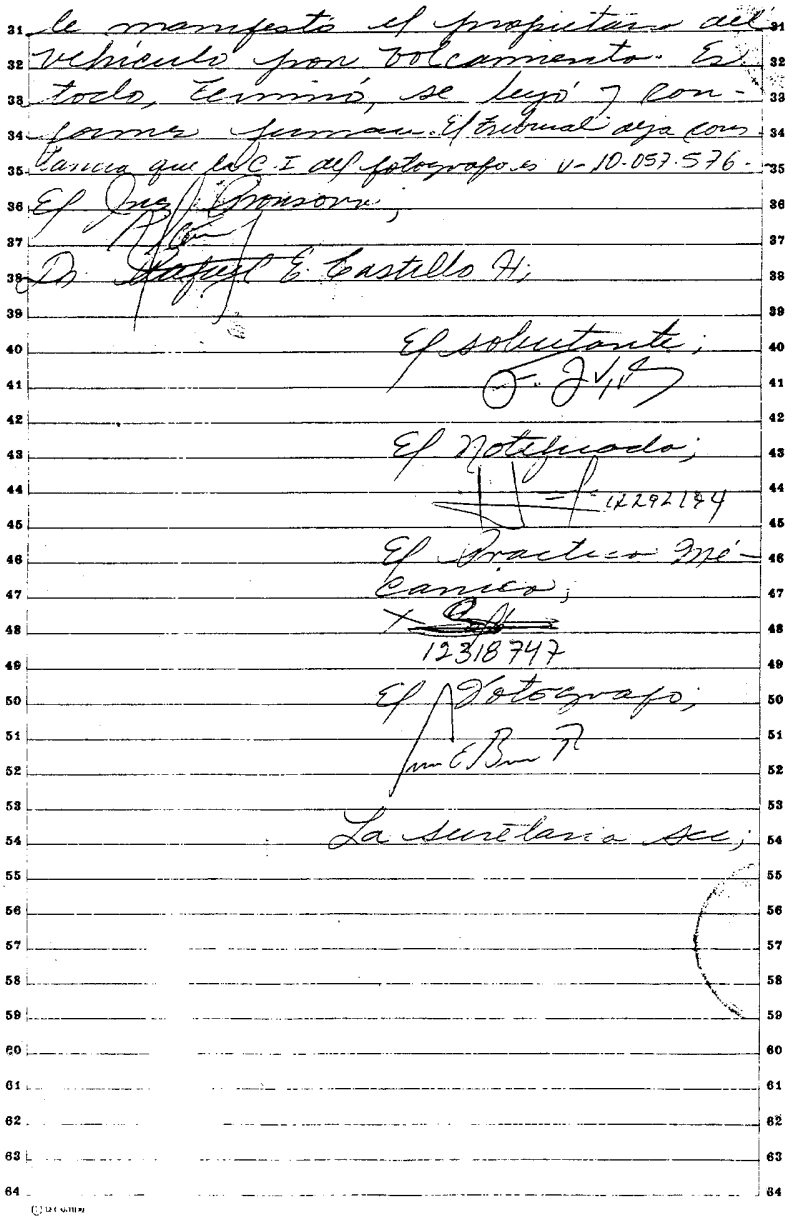
horas de Despacho del día de hoy, Diecinueve de Mayo del año 2.000, siendo las 9.00 de la Mañana, se trasladó y Constituyó el Tribunal en la Avenida Bolívar Norte en el Taller Midas Cars, ubicado al lado de la Distribuidora Canarias Norte C.A. y frente al Polideportivo Misael Delgado, de esta Ciudad de Valencia a fin de practicar la Inspección Judicial solicitada por el abogado: Francisco Jesús Velasquez Arcay, Inpreabogado Nº 54.892, apoderado Judicial de Bridgestone Firestone Venezolana, C.A. antes denominada C.A. Firestone - Venezolana, presente en este acto. - se notificó de la Misión del Tribunal al Ciudadano: Alan Sanchez, titular de la Cédula de Identidad Nº V-12292194, quien manifestó ser - Gerente del Taller donde se encuentra Constituido el Tribunal. - El Tribunal acuerda nombrar practica fotografa al Ciudadano: Luis Enrique Briceño Romero y practica Mecánica al Ciudadano: Sanel - Solá, venezolano, mayor de edad, titular de la Cédula de Identidad Nº V-12.318.747, quienes estando presentes aceptaron el cargo, -

prestaron el juramento de Ley, y juraron cumplir fielmente con sus obligaciones. Una vez revelados las fotografías tomadas serán agregadas a la presente solicitud, para que formen parte de la misma. - El Tribunal pasa a practicar la Inspección Judicial solicitada y deja constancia de lo siguiente Primero: El Tribunal deja constancia que en las instalaciones del taller donde donde se encuentra constituido, existe un vehículo marca Ford, modelo Explorer, placas: GZU-75J, color verde; tipo: 4X4 automática". Segundo: El Tribunal asesorado por el práctico deja constancia que el vehículo, antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus rines". - Tercero: El Tribunal asesorado por el práctico deja constancia, que la camioneta se encuentra equipada con tres (3) cauchos marca Dunlop Grand Trenk, 7 T 1, y el cuarto caucho en su parte delantera izquierda marca Firestone, tipo Wilderness 7 T, serial nº D0TW2CU1PX158, y el caucho trasero izquierda serial nº D0TU2LTU7Y249; el caucho trasero derecho serial nº D0TU2LTU7Y139, el caucho delantero derecho

Once (11)

CA - 98 № 03065944

serial Nº U2L6U7Y249". Cuarto El Tribunal deja constancia asesorado por el practico que los cuatro cauchos, se encuentran en buen estado así como su banda de rodamiento". Quinto El Tribunal ordena tomar las fotos en cada uno de los cauchos instalados en cada uno de los rines". - Sexto: El Tribunal ordena la toma de fotografías de la Carrocería". Séptimo: El Tribunal asesorado por el práctico deja constancia toda la Carrocería descuadramiento total descuadre del eje trasero, y abolladura en casi toda la Carrocería. En este estado interviene el solicitante, antes identificado, expone solicito del Tribunal deje constancia del Kilometraje del Vehículo; asimismo el notificado tiene conocimiento de la razon que ingresó el vehículo Inspeccionado al Taller. - El Tribunal deja constancia que el Kilometraje del vehículo es: 80.511 Kilometros, e igualmente el notificado manifestó que el vehículo ingresó al Taller según



le manifestó el propietario del vehículo por volcamiento. Es todo, terminó, se leyó y conformes firman. El tribunal deja constancia que la C.I. del fotógrafo es V-10.057.576.

El Ing. Ponsorn;

Dr. Rafael E. Castillo H.;

El solicitante;

El Notificado;

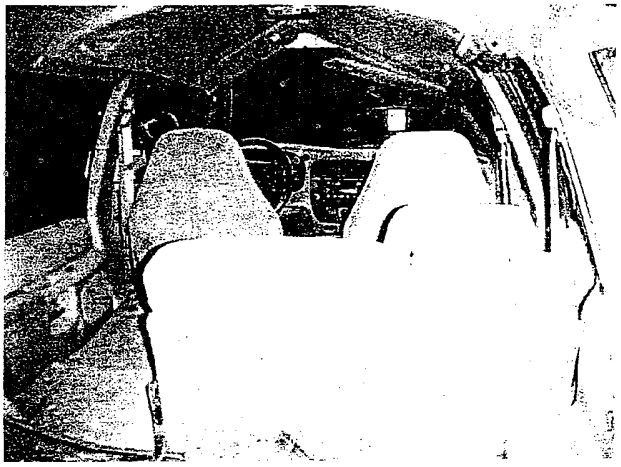
12292194

El Práctico Mecánico;

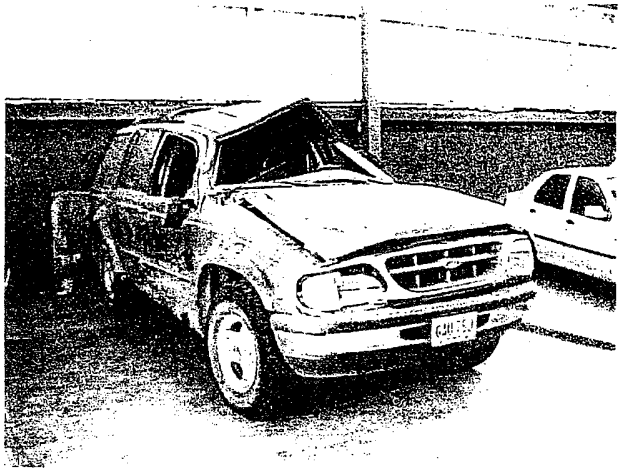
12318747

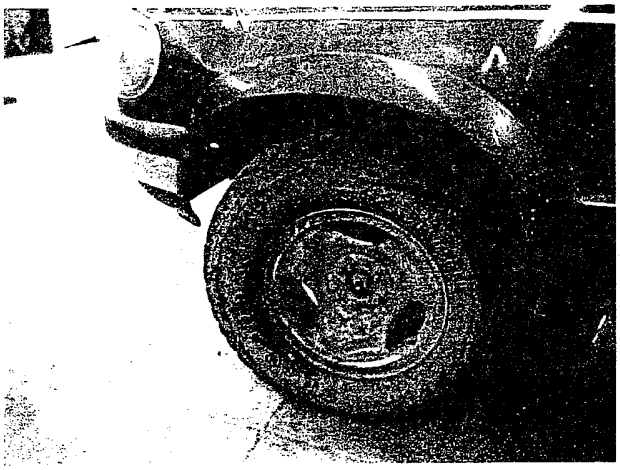
El Fotógrafo;

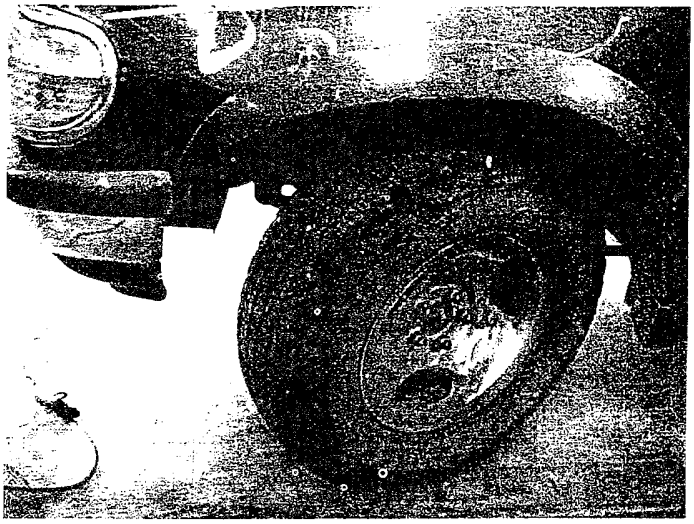
La Secretaria Sec.;









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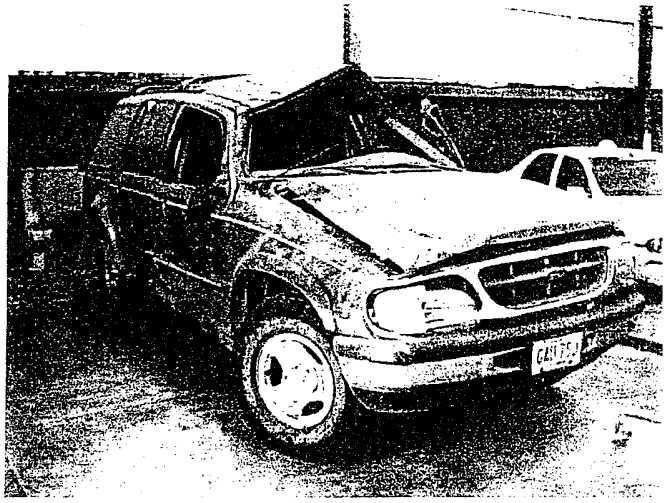

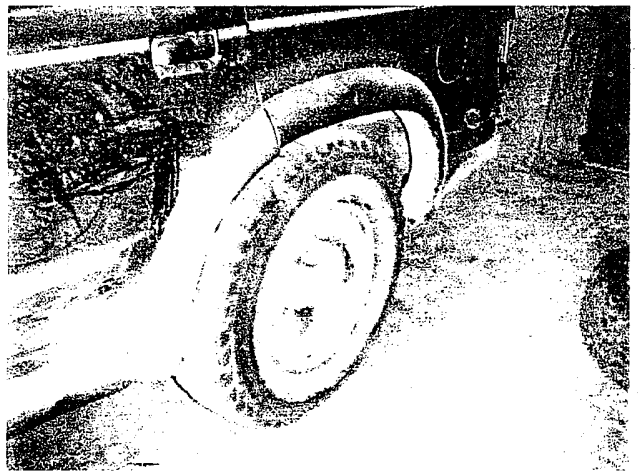

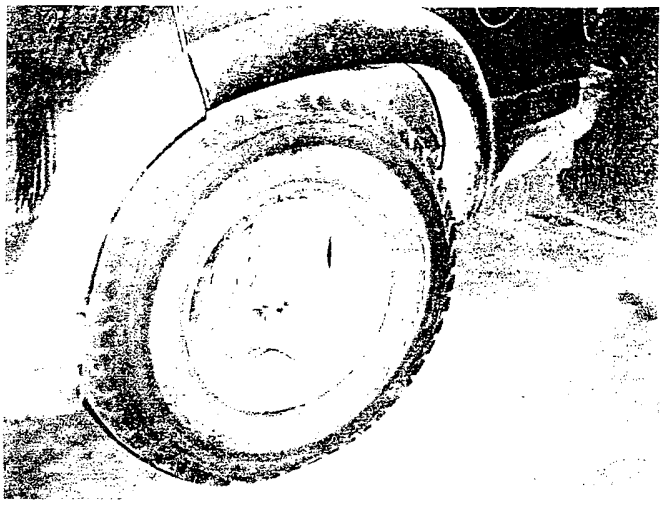

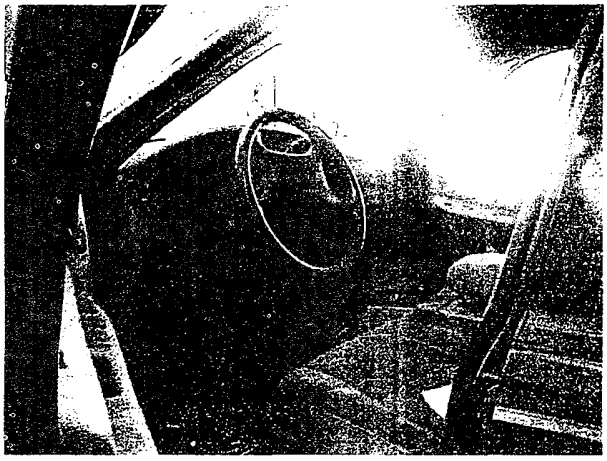

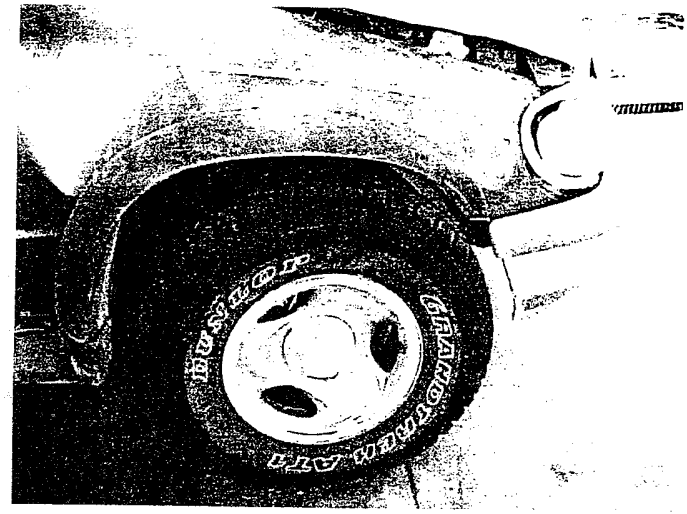
BUSHIDO
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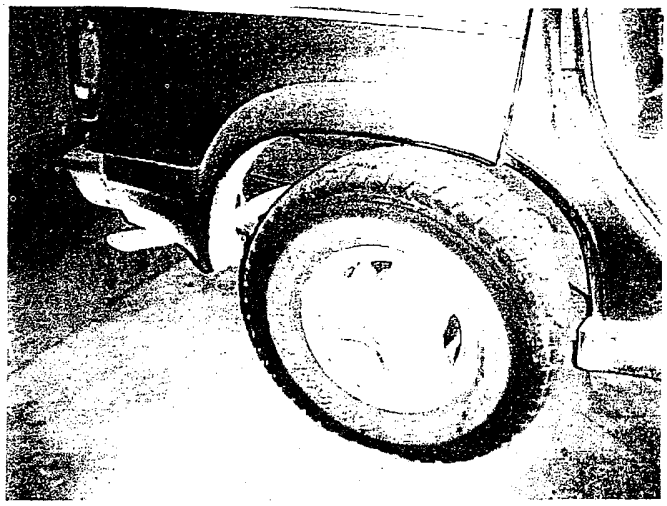
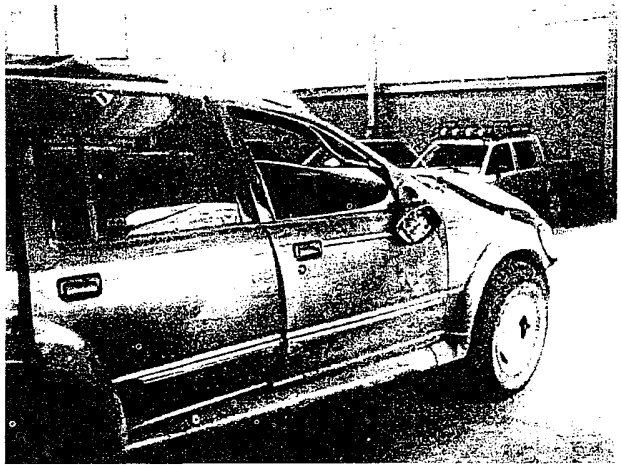




VEINTE (20)

SE DEVUELVE AL SOLICITANTE CONSTANTE DE VEINTE (20) FOLIOS UTILES, CON TE HOY, VENTIDOS DE MAYO DEL AÑO DOS MIL.

EL SECRETARIO TITULAR:

ABG. JOSE LUIS SANZ O.

REPUBLICA DE VENEZUELA

No. 214.

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) FRANCISCO JESUS VEALSQUEZ ARCAY, apoderado de: BRIDGESTONE FIRESTONE VE EZOLANA C.A.

MOTIVO INSPECCION JUDICIAL

JUZGADO SEGUNDO DE LOS MUNICIPIOS VALENCIA LIBERTADOR LOS GUAYOS NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.

FECHA DE ENTRADA: Día 23 Mes mayo Año 2000

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

No. 214

C - 22

CA 98 № 04214802

Ciudadano

JUEZ SEGUNDO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer, y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene cuatro (4) cauchos instalados en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, en la fecha de su presentación.----------



Recibido hoy 23-05-2000



Yo, ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 7.946, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.892, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal de cualquier competencia, orden o jurisdicción, incluyendo pero

N.- 28- T. 11.

sin estar limitados a ellos, por ante los Tribunales de Primera y Segunda Instancia, de Distrito o de Municipio, Corte Suprema de Justicia, Corte Primera en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Administrativo, Tribunales Superiores en lo Contencioso Tributario, Tribunales en lo Contencioso Administrativo, Tribunales Penales, Tribunales del Trabajo y en fin, por ante todos los organismos, tribunales, despachos, autoridades y/o funcionarios de carácter público o privado. En el ejercicio del presente poder los prenombrados apoderados están facultados para intentar y/o contestar toda clase de demandas, reclamos, procedimientos, incidencias y/o reconvenciones; alegar, oponer y/o contestar defensas y cuestiones previas; hacer citas de saneamiento y/o de garantía; convenir; desistir, transigir; renunciar a acciones o derechos y dejar de ejercerlos si así fuere conveniente; solicitar acumulación de autos o de acciones; diferir actos; suspender, ejercer, reclamar y renunciar lapsos y recursos; recusar; demandar la nulidad y la reposición cuando fuere necesario o conveniente; apelar; ocurrir de hecho; promover cualquier medio de prueba y oponerse a la admisión de los mismos e intervenir en todos los trámites e incidencias de su evacuación; solicitar y tramitar cualquier medida preventiva o ejecutiva cuando así fuere necesario o conveniente u oponerse a las mismas e intervenir en cualquier otra incidencia que pudiera presentarse; incoar tercerías; tachar y/o desconocer toda clase de documentos; tachar testigos; hacer cesión de bienes; pedir rendición de cuentas; proponer acciones petitorias o confesorias de la especie que fueren; darse por citado o notificado; recibir y entregar cantidades de dinero que legítimamente se adeuden, otorgando y exigiendo los correspondientes recibos y finiquitos; disponer de los derechos en litigio; solicitar e intervenir en procedimientos de remate, a tales fines hacer posturas y adquirir en actos de remate; otorgar cualesquiera fianzas y cauciones requeridas por alguna Corte o Tribunal; oponerse a cualquier clase de fianzas y/o cauciones; comprometer en árbitros arbitradores y/o

árbitros de derecho, solicitarle la decisión según la equidad, constituir asociados; seguir el o los juicios en todas sus instancias, incidencias y trámites y ejercer todos los recursos a que hubiere lugar, tanto los ordinarios como los extraordinarios de casación o invalidación, iniciar y desistir del juicio de amparo, promover y absolver posiciones juradas, promover quejas y querellas y desistir de ellas, y en general, hacer todo cuanto fuere necesario o conveniente para la mejor defensa de los derechos e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Dejo constancia que las facultades aquí conferidas son meramente enunciativas y no taxativas y que los apoderados aquí instituidos están facultados para sustituir el presente poder en personas o abogados de su confianza, con todas o algunas de las facultades anteriormente señaladas, con reserva o no de su ejercicio. Este poder no revoca ni deja sin efecto ningún otro poder otorgado con anterioridad por BRIDGESTONE FIRESTONE VENEZOLANA, C.A. A fin de dejar constancia de la existencia legal de mi representada, del carácter con que actúo, de mis atribuciones y de los demás particulares relativos a los poderes, y de conformidad con lo previsto en el artículo 155 del Código de Procedimiento Civil, enuncio y exhibo en este acto al Notario ante quien se otorga el presente poder, solicitándole se sirva hacer constar en la nota respectiva, los siguientes documentos: PRIMERO: Copia certificada expedida por el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial en fecha veintitrés (23) de octubre de 1956, del asiento Registro de Comercio No. 1, contentivo del Documento Constitutivo Estatutario original de C.A. FIRESTONE VENEZOLANA (ahora denominada BRIDGESTONE FIRESTONE VENEZOLANA, C.A.) SEGUNDO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado

Carabobo en fecha veinticinco (25) de noviembre de 1992, del asiento Registro de Comercio No. 34, Tomo 16-A, contentivo del Acta de Asamblea Extraordinaria de Accionistas celebrada a los efectos de la Asamblea Ordinaria en fecha diecinueve (19) de noviembre de 1992, en la que se acordó entre otros puntos, el cambio de denominación de la compañía a BRIDGESTONE FIRESTONE VENEZOLANA, C.A. TERCERO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha veintisiete (27) de enero de 1995, del asiento Registro de Comercio No. 46, Tomo 6-A, contentivo del acta de Asamblea General Extraordinaria de Accionistas celebrada en fecha doce (12) de diciembre de 1994, en la que consta mi designación como Presidente de la compañía. Igualmente solicito al Notario Público que para el otorgamiento del presente poder, se traslade y constituya en las oficinas de la compañía. Valencia, en la fecha de su autenticación.

REPUBLICA DE VENEZUELA
Ministerio de Hacienda
H-91
1310203

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia Treinta (30) de Enero mil novecientos noventa y seis. 185º y 136º. El anterior documento redactado por el abogado: FRANCISCO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54992, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolano, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737. 912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15am.

LA NOTARIO

NOTARIO PUBLICO TERCERO
DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

(Ic 62)

La Notaria que suscribe hace constar que el poder que antecede fue sustituido por el ciudadano Ramón J. Alvins Santi reservandose su ejercicio en las personas de los ciudadanos Diego Bustillos Beiner, Henry Torrealba, Mario Calosso, José Enrique D'Apelo y Gabriela Nuñez Marquez, por documento firmado ante la Notaria 8º, ahora 4ta. del Municipio Chacao del Distrito Miranda bajo el nº 45. tomo 96 fecha: 11-12-96

La Notaria,

Rosa Rueda de [illegible]
NOTARIO PUBLICO TERCERO
DE VALENCIA

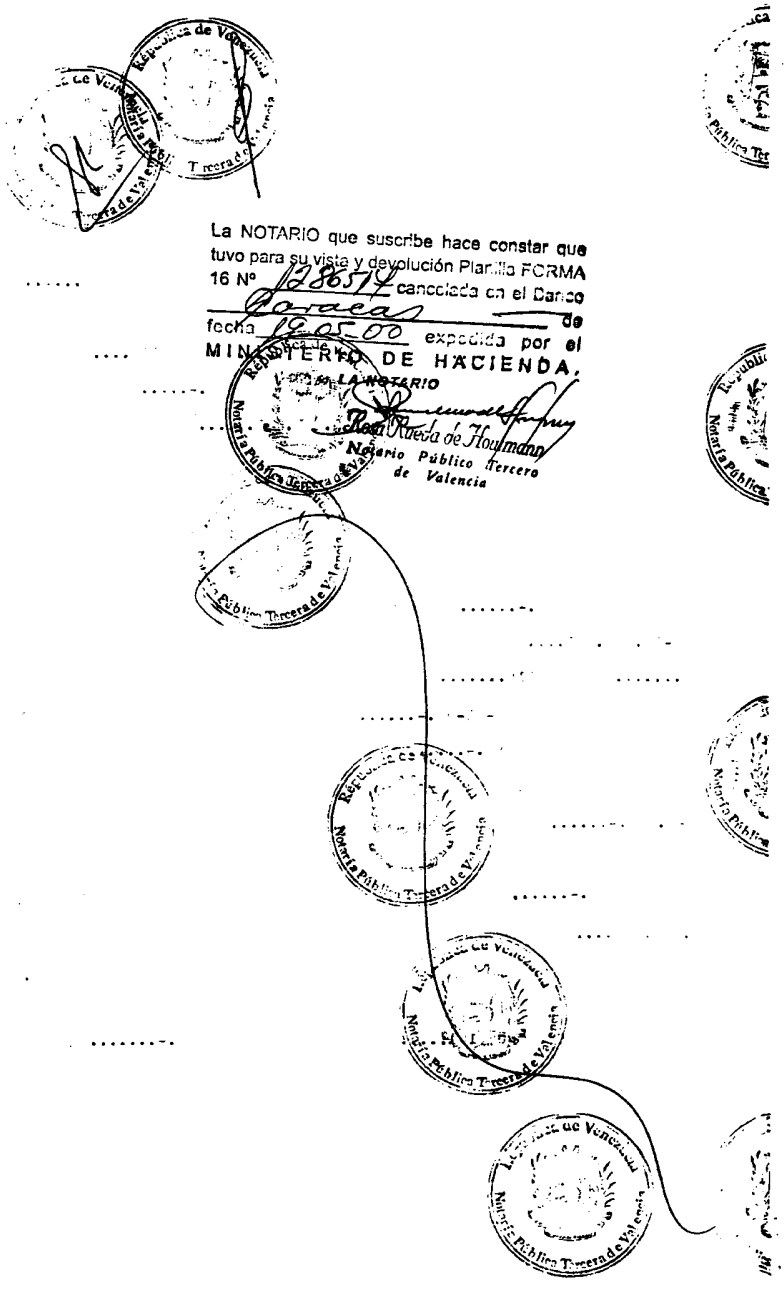
p(6)

REPUBLICA DE VENEZUELA. ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFICA:-- Que ha confrontado la Copia Fotostática constante de: TRES (03).....folios útiles, que es traslado fiel y exacto del Documento inserto en esta Notaría, durante el Año: 1.996....., bajo el Nº 28....., Tomo: 11º..., que dicha Copia fué realizada por la Ciudadana: SULEIDA NOGUERA.-.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....., persona capaz, Autorizada por mí para hacerla y quién junto conmigo suscribe la presente Certificación y cada una de sus páginas. Que dicha Copia se expide a solicitud de parte interesada y Decreto de esta misma fecha, los cuales a continuación se insertan: Ciudadano: Notario Público Tercero de Valencia. Su Despacho.- Yo, .. MARJORIE ROSSELL.-.....mayor de edad, Titular de la Cédula de Identidad - Nº V-12.606.141....Solicito Copia Fotostática Certificada del Documento Nº- 28.....,Tomo: 11º.....de los Libros de Autenticaciones llevados por esta Notaría en fecha:30-01-96.-..... En Valencia, a los: DIECIOCHO (18).... días del mes de: MAYO.-.....del DOS MIL. El Solicitante: (fdo.) Ilegible. República de Venezuela. Notaría Pública Tercera de Valencia. Valencia, 18-05-2.000.-.....y a tal efecto de conformidad con lo establecido en el Artículo 120º de la Ley de Registro Público. Se designa a la Ciudadana: SULEIDA NOGUERA.-..... mayor de edad, Título de la Cédula de Identidad Nº V-5.622.001....para que realice la operación de la Copia y suscriba cada una de las páginas junto con la Notaria. (fdo.) ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO. Valencia, a los: DIECIOCHO (18)....días del mes de: MAYO.-.....del DOS MIL.-189º Años de la Independencia y 140º Años de la Federación.-. . . . . .

LA NOTARIO

Rosa Rueda de Houtmann
Notario Público Tercero
de Valencia

LA DESIGNADA.-



La NOTARIO que suscribe hace constar que tuvo para su vista y devolución Planilla FORMA 16 Nº 128517 cancelada en el Banco Caracas de fecha 12-05-00 expedida por el MINISTERIO DE HACIENDA.

LA NOTARIO

Rosa Rueda de Houlmann

Notario Público Tercero de Valencia

CA - 98 Nº 03065947

GADO SEGUNDO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 23 de Mayo del 2000

190º y 141º

Recibida el anterior escrito, désele entrada y fórmese Expediente. Habilítese el tiempo necesario para la practica de la medida como ha sido solicitada y jurada la urgencia del caso. Trasládese y constitúyase el Tribunal allugar que indique el solicitante, a los fines de practicar la Inspección Judicial requerida.- Devuelvase original con sus resultas una vez sea practicada la Inspección.-

La Juez Provisoria,

La Secretaria,

En la misma feca se le dió entrada bajo el Nº 214 y se formó Expediente.-

La Secretaria,

CA - 98 № 03065834

Fecha de hoy, veintitres de mayo del año dos mil, siendo las 2 y 35 de la tarde, previa habilitación del tiemo necesario, se trasladó y constituyó el Tribunal Segundo de los Municipios Valencia, Libertador, Los Guayos, Naguanagua y San Diego de la Circunscripción Judicial, al lugar indicado por el solicitante, estacionamiento de las Oficinas de Secretaria de Finanzas y Hacienda del Estado Carabobo, ubicado en la Zona Industrial Carabobo, prolongación Avenida Michelena, jurisdicción de la Parroquia Rafael Urdaneta, Municipio Valencia, Estado Carabobo, a los fines de practicar la Inspección Judicial solicitada.- Se designa práctico que asesore al Tribunal sobre los particulares contenidos en el escrito de solicitud y práctico fotógrafo a los ciudadanos DAVID GONCALVES MALPICA y XIOMARA CAROLINA BARRIOS GARCIA, mayor de edad, venezolanos, titulares de las Cédulas de Identidad Nros. 11.089.574 y 13.234.607 y ambos de este domicilio, quienes estando presentes aceptan el cargo y prestan el juramento de Ley. Presente el abogado FRANCISCO JESUS VELASQUEZ ARCAY, identificado en el escrito de solicitud y actuando con el carácter de apoderado de BRIDGESTONE FIRESTONE VENEZOLANA C.A. Seguidamente el Tribunal pasa a practicar la Inspección Judicial y con relación al particular PRIMERO, deja constancia con asesoramiento del práctico que en el sitio donde se encuentra constituido el Tribunal se encuentra una camioneta Marca Ford, Modelo Explorer, Tipo 4X2 sincrónica, color gris palmera, con placas: GAU-94H. Con relación al particular SEGUNDO, deja constancia con asesoramiento del práctico que el vehículo tiene cuatro cauchos instalado en cada uno de sus rines. Con relación al particular TERCERO, deja constancia con asesoramiento del práctico que el vehículo inspeccionado presenta cuatro caucho de las siguientes marcas tipo y serial, el colocado en la parte delantera izquierda, es marca Good Year, tipo P.235/75R 15, WRANGLER AT, serial VE-00776- GRF-23MRP; del de el lado delantero derecho: es marca FIRESTONE, tipo: WILDERNE YER P235/75R15 MS, el serial del caucho no visible; El caucho trasero izquierdo, marca Good Year, tipo P235/75R15/WRANGLER AT, serial VE-00775-GRF- 23 MRP; el trasero derecho, marca Good Year, tipo WRANGLER, AT, serial VE-00648-GRF-23MRP. Con relación al particular CUARTO, de-

ja constancia con asesoramiento del práctico que los cuatro cauchos y su banda de rodamiento se encuentra en buen estado; Con relación a los particulares QUINTO y SEXTO, deja constancia que la práctico fotógrafo hizo las tomas fotograficas en el vehículo objeto de la Inspección Judicial y quien deberá suscribirla asistida de abogado. Con relación al particular SEPTIMO, deja constancia con asesoramiento del práctico que la carrocería se encuentra bastante golpeada con hundimiento en el capôt, en los dos parachoquas delanteros, en la puerta del lado izquierda, y hundimiento en el techo y en la parte trasera. En este estado el solicitante expone: Solicito del Tribunal deje constancia del kilometraje, se deja constancia de lo manifestado por el notificado de la causa por el cual ingresó el vehículo inspeccionado, deja constancia igualmente de lo manifestado por el práctico designado acerca de la sustitución de uno de los cauchos del vehículo inspeccionado. Se deja constancia que el ciudadano FERNANDO HUNG PEREZ, mayor de edad, venezolano, titular de la Cédula de Identidad Nº 10.455.576 y de este domicilio, permitió el acceso al Tribunal al interior del estacionamiento donde se encuentra el vehículo objeto de la Inspección y a quien el Tribunal le impone de su misión en su condición de empleado de la dirección de recursos Humanos del Estado Carabobo. El Tribunal acuerda de conformidad y deja constancia con asesoramiento del práctico que el kilometraje del vehículo inspeccionado es el siguiente: 32.564 kilometros, con relación al segundo punto se deja constancia que el notificado manifestó que el vehículo inspeccionado ingresó a este sitio por un volcamiento, con relación al último punto deja constancia que el práctico manifestó qu el caucho delantero derecho marca Firestone fue cambiado después del accidente. Es todo. Terminó, se leyó y conforme firman. Lo enmendado Vale.-Se agregaron las fotografías Automáticas. La Juez Provisoria,

El Solicitante,

La Práctico Fotógrafo

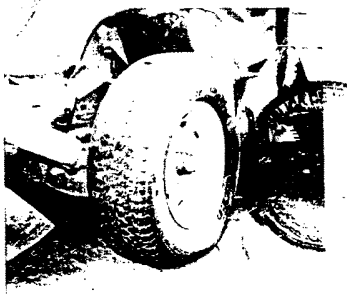
El Práctico que asesoró al Tribunal,

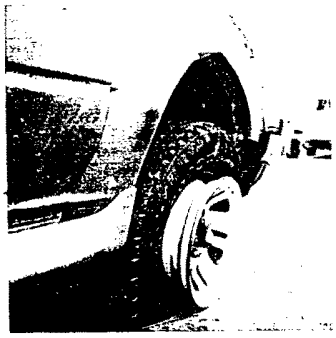
El Notificado,

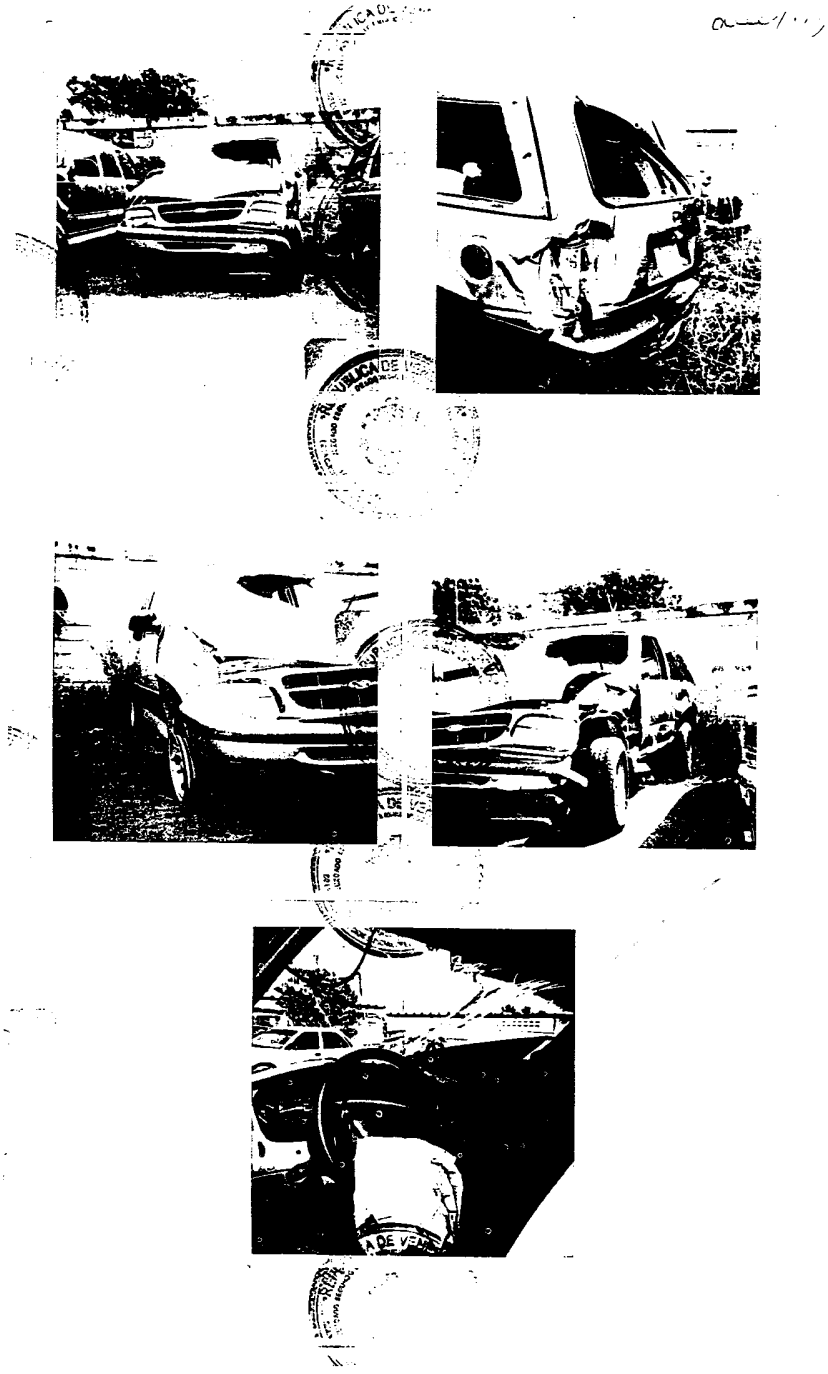
El Secretario Accidental,







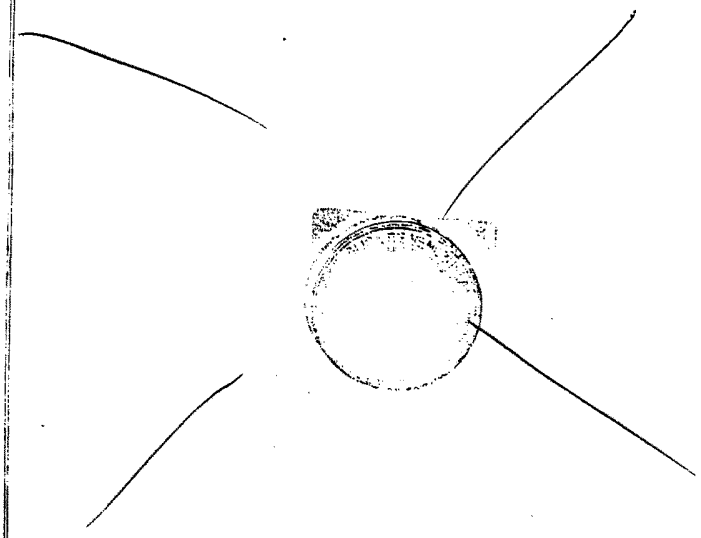




doce
(12)

En fecha de hoy, veintiséis de Mayo del Dos mil, se devuelven las presentes actuaciones al solicitante, constante de doce (12) folios y se le dió salida.

Secretario
Jaqueta



REPUBLICA DE VENEZUELA

[redacted] 29

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) FRANCISCO JESÚS VELASQUEZ RINCHY, Apoderado de BRIDGESTONE FIRESTONE VENEZOLANA, C.A.

MOTIVO INSPECCIÓN JUDICIAL.

JUZGADO 1º de los Municipios Guacara y San Joaquín de la C/J. del Estado CARABOBO.

FECHA DE ENTRADA: Día 29 Mes Junio Año 2.000.

FECHA DEVOLUCION: Día 03 Mes Julio Año 2.000.-

[redacted]

C - 22

29



CA - 98 № 03065505

Ciudadano

JUEZ PRIMERO DE LOS MUNICIPIOS GUACARA Y SAN JOAQUIN DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene cuatro (4) cauchos instalados en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en

cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

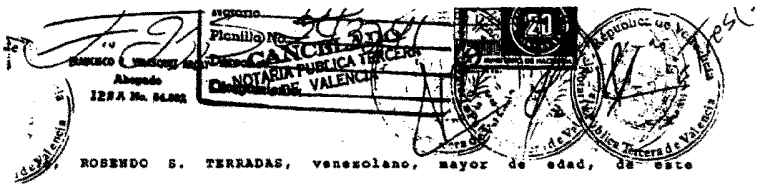
SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Guacara, en la fecha de su presentación.----------

Presentado personalmente por su firmante, por ante mi firmante, en un (1) folio útil y anexo a que se refiere, hoy 29 de junio de 2000, en horas de Despacho.-



ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 13.946, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.492, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal y de cualquier competencia, orden o jurisdicción, incluyendo pero

N° 28- T. 11.

Ocho (8)

GADO PRIMERO DE LOS MUNICIPIOS GUACARA Y SAN JOAQUÍN DE LA CIRCUNSCRIPCIÓN JUDICIAL DEL ESTADO CARABOBO.- Guacara, Veintinueve de Junio de dos mil.-

190° y 141°

Vista la anterior solicitud. Habilítese el Tiempo necesario por haber sido jurada la urgencia del caso. Désele entrada y hágase como se pide. Trasládese el Tribunal al sitio en ella indicado y allí constituido, practíquese la **inspección Judicial** a que se refiere. En cuanto a la designación de FOTOGRAFO y PRACTICOS, se hará en el acta a levantarse al efectuarla.

EL JUEZ PROVISORIO,

EL SECRETARIO ACC.-

Seguidamente se le da entrada bajo el Nº 2329.-

Secto Acc.-

Nueve (9)

el día de hoy, Treinta de Junio del dos mil, siendo las Dos y media de la tarde (02:30 p.m.), se trasladó el Tribunal, previa habilitación del tiempo necesario solicitado y acordado y a solicitud del Abg. FRANCISCO JESÚS VELASQUEZ ARCAY, inscrito en el I.P.S.A., bajo el No.54.892, en su carácter de Apoderado Judicial BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a la sede del Estacionamiento Guacara, ubicado en la calle las Delicias, Los Naranjillos, en Guacara, Estado Carabobo, con el fin de practicar la Inspección Judicial solicitada y acordada. Constituido el Tribunal en el referido sitio, NOTIFICA de su misión a la ciudadana MARLENE DEL VALLE GUTIERREZ DE FREITES, presente allí, Venezolana, mayor de edad, titular de la Cédula de Identidad No. V-10.250.928, en su condición de Administradora del mencionado Estacionamiento. El Tribunal designa FOTOGRAFO y PRÁCTICO para que tomen fotografías y asesoren al Tribunal, a los ciudadanos MARJORIE ROSELL ORTEGA y MIGUEL VALOIS FREITES RAMOS, presentes allí, venezolanos, mayores de edad, titulares de las Cédulas de Identidad Nºs: V-12.606.141 y V-3.222.836, respectivamente, quienes impuestos de tales designaciones y de las Generales de Ley correspondientes, manifiestan su aceptación y prestan juramento. Seguidamente, el Tribunal procede a practicar la Inspección Judicial dicha y a su particular **PRIMERO**: se deja constancia, previo asesoramiento del Practico, anteriormente designado y juramentado, que en el lugar donde se encuentra constituido el Tribunal, se encuentra un vehículo Marca: FORD; Modelo: EXPLORER XLT; Tipo: 4X2; Color: VERDE; Placas: MAZ-27J; en cuanto al particular **SEGUNDO:** el Tribunal deja constancia previo asesoramiento del Practico, anteriormente designado y juramentado, que el vehículo antes identificado tiene tres (3) cauchos instalados en sus rines, se observa igualmente que falta el caucho y rin delantero izquierdo; en cuanto al particular **TERCERO:** se deja constancia, previo asesoramiento del Practico, anteriormente designado y juramentado, que el caucho DELANTERO DERECHO, es marca FIRESTONE; Tipo: WILDERNESS AT; serial Nº: EX/4X BM11147; el caucho TRASERO DERECHO es marca FIRESTONE; Tipo: WILDERNESS AT; serial Nº: EX/4X BM11147 y el caucho TRASERO IZQUIERDO, marca FIRESTONE; Tipo: WILDERNESS AT; serial Nº: EX/4X BM11147; en cuanto al particular **CUARTO:** el Tribunal deja constancia, previo asesoramiento del Práctico antes

designado y juramentado, que las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado, es buena y se observa que la banda de rodamiento está completa; en cuanto al particular **QUINTO:** el Tribunal ordena a la FOTÓGRAFO antes designada y juramentada, tomar fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado; en cuanto al particular **SEXTO:** el Tribunal ordena a la FOTÓGRAFO antes designada y juramentada, tomar fotografías de la carrocería del vehículo objeto de esta inspección Judicial y de las condiciones generales del vehículo; en cuanto al particular **SÉPTIMO:** el Tribunal, previo asesoramiento del PRÁCTICO, antes designado y juramentado, deja constancia que el vehículo objeto de esta inspección Judicial presenta el techo hundido, hundimientos en el capót, guardafangos y puertas; En este estado, interviene el solicitante, antes identificado, haciendo uso del Derecho de Reserva y expone: "solicito al Tribunal, se deje constancia del Kilometraje que presenta el vehículo inspeccionado; se interrogue a la Notificada acerca de cual fue el motivo del ingreso a este estacionamiento del vehículo objeto de esta inspección y del estado en que se encuentran los dos (2) cauchos que están en la maletera del referido vehículo, así como su marca, tipo y serial". El Tribunal, visto el pedimento anterior, acuerda en conformidad lo solicitado y deja constancia, previo asesoramiento del PRACTICO, que el vehículo inspeccionado tiene SETENTA Y SEIS MIL DOSCIENTOS CUARENTA Y CINCO KILÓMETROS (76.245 Km) de rodaje. Igualmente, se hace constar que la NOTIFICADA antes identificada, manifestó, previo interrogatorio que el vehículo inspeccionado ingresó al estacionamiento donde se encuentra constituido el Tribunal, por accidente de Tránsito con volcamiento. Igualmente se hace constar, previo asesoramiento del PRACTICO, que los dos (2) cauchos que se encuentran en la maletera del vehículo inspeccionado, están rotos en los laterales producto de un impacto y sus bandas de rodamiento están en buen estado y son de marca FIRESTONE; Tipo: WILDERNESS AT; serial Nº: EX/4X BM11147. Se hace constar que las fotografías fueron tomadas al momento de practicar esta inspección judicial por la FOTOGRAFO anteriormente designada y juramentada, dichas fotografías son instantaneas y se ordena agregar las mismas a estas resultas.

EL JUEZ PROVISORIO,

LA NOTIFICADA,

EL...

Diez (10)

Abg. SOLICITANTE,

LA FOTÓGRAFO,

EL PRÁCTICO,

EL SECRETARIO ACC.-

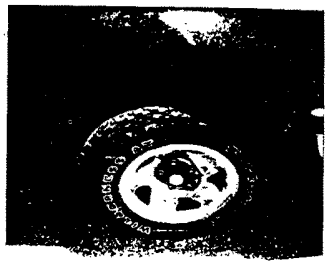
SOL. 2329

En fecha 03 de julio de 2.000, se le dá cuenta y se devuelve, constante de Dieciocho (18) folios útiles.-

El Secretario Acc.-

Once (11)





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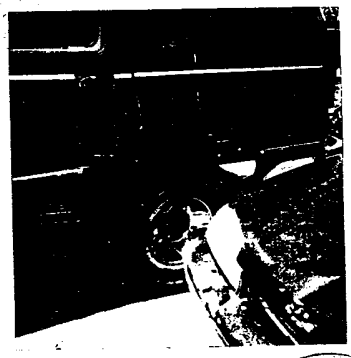
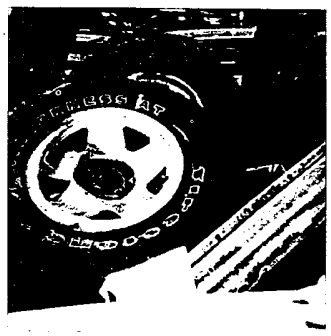
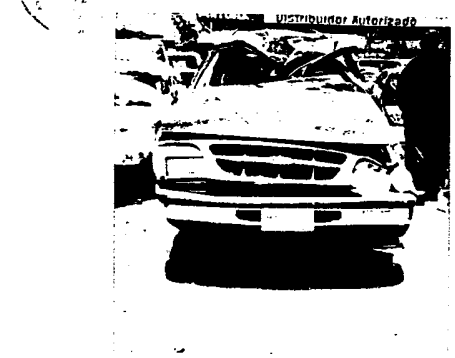







Distribuidor Autorizado











REPUBLICA DE VENEZU

N° 3324

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) FRANCISCO JESUS VELASQUEZ ARCAY

MOTIVO INSPECCION JUDICIAL

JUZGADO CUARTO DE MUNICIPIO

FECHA DE ENTRADA: Día 29 Mes 06 Año 2000

FECHA DEVOLUCION: Día ..... Mes ..... Año .....

3324

C - 32

CA - 98 № 03065510

Ciudadano

JUEZ CUARTO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene cuatro (4) cauchos instalados en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.----------

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.----------

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.----------

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la

carrocería del vehículo.----------

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.----------

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial.----------

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en Valencia, en la fecha de su presentación.----------

Presentado 29/06/00

Una (1) folio útil. Sin Anexo

No

El Secretario

El Presentante

Tres (3)

CA - 98 № 04214777

la fecha de hoy, treinta de Junio del año Dos Mil, siendo las 8.15 de la Mañana, se trasladó y Constituyó el Tribunal, previa habilitación de todo el tiempo necesario, en Avenida Bolívar Norte Nº 122-41, al lado del Rectorado, Valencia, Estado Carabobo, a fin de practicar la Inspección Judicial solicitada por el abogado: Francisco Jesús Velasquez Arcay, Inpreabogado Nº 54892, presente en este acto. se Notificó de la Misión del Tribunal al Ciudadano: Justaro José Labrador Rondon, Venezolano, mayor de edad, titular de la cédula de Identidad Nº V - 7.048.153, quien manifestó ser Gerente del Taller Nuevos Horizontes J. A. M. Cars C. A, donde se encuentra Constituido el Tribunal. - seguidamente el Tribunal para el mejor asesoramiento e ilustramiento en la práctica de la presente inspección Judicial, se acuerda nombrar practico fotografo a la Ciudadana: Marjorie Rossell, y práctico mecanico al Ciudadano: Jesús Ramón Rondon, Venezolanos, mayores de edad, titulares de las cédulas de Identidad

-1-

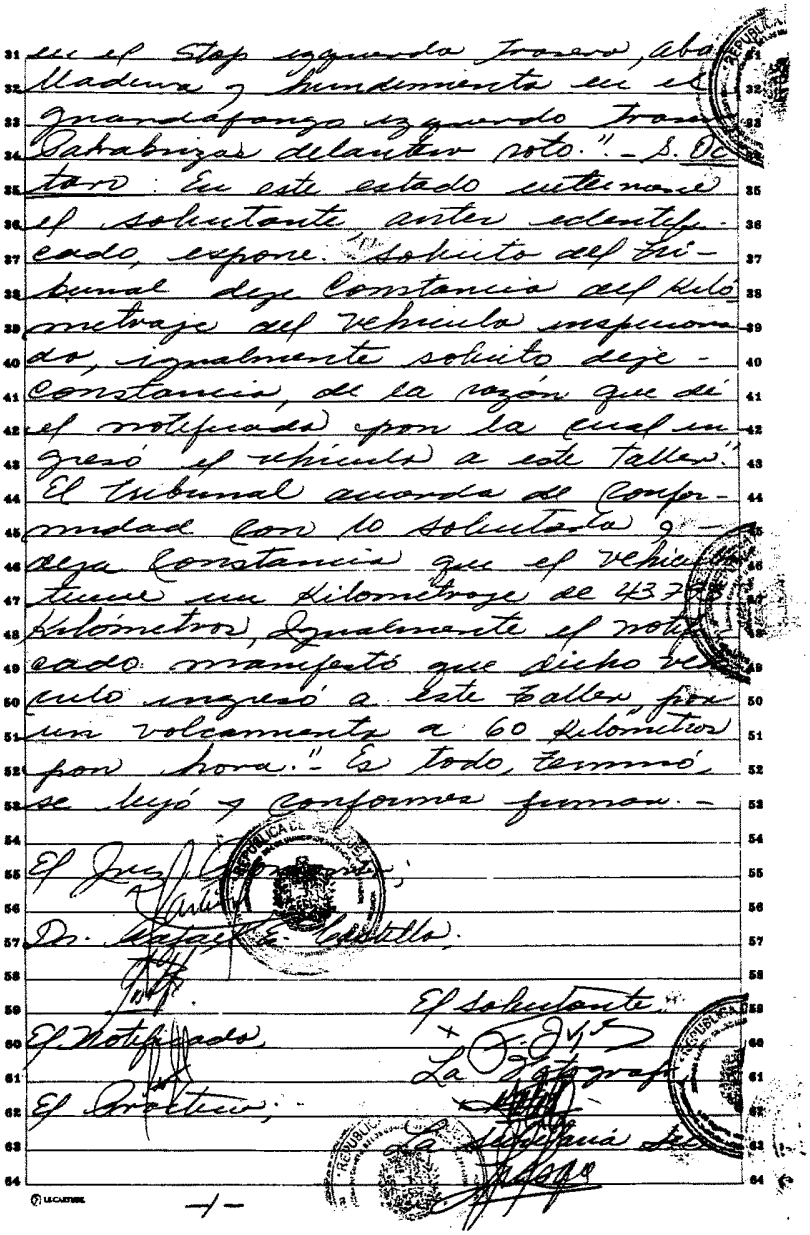
nos V- 12.606.141, y F.112.411., respectivamente, quienes estando presentes aceptaron el cargo, prestaron juramento de ley y juraron cumplirlo fielmente con sus obligaciones. Una vez tomadas las fotografías que son instantáneas, fueron agregadas a la presente solicitud, y forman parte de la presente Inspección Judicial.- El Tribunal pasa a practicar la Inspección Judicial solicitada asesorado por el práctico deja constancia de lo siguiente:- Primero: El Tribunal deja constancia que en el taller donde se encuentra constituido se encuentra el vehículo marca: Ford; Modelo: Explorer; Tipo: 4x2; Color: Gris Ceniza; placas:- GAX-74W". Segundo: El Tribunal asesorado por el práctico, deja constancia que el vehículo, antes identificado, tiene cuatro (4) cauchos instalados en cada uno de sus aros". - Tercero: El Tribunal asesorado por el práctico deja constancia que el Caucho delantero izquierdo marca Firestone Wilderness AT, serial nº EX/4XBN11147; el caucho delantero derecho, marca: Firestone Wilderness A.T, serial nº EX/4N11147; el caucho trasero derecho marca Firestone, tipo Wilderness AT, serial nº EX/4XBN11147; el Cauchos trasero izquierdo, marca:

Cuatro (4)

CA - 98 Nº 04214776

tone Wilderness A.T. serial Nº EX/4 XBN 11147." - Cuarto: El Tribunal asesorado por el práctico deja constancia que los Cauchos instalados en cada uno de sus rines, así como la banda de rodamiento de los cauchos, se encuentran en buen estado." - Quinto: El Tribunal acordó la toma de fotografías de cada uno de los cauchos instalados, en cada uno de sus rines del vehículo inspeccionado, las cuales fueron tomadas con una Cámara Polaroid de fotografías Instantáneas, marca Polaroid 636 Close up". Sexto: El Tribunal acordó la toma de fotografías de la Carrocería y las condiciones en que se encuentra el vehículo inspeccionado, las mismas fueron tomadas con la Cámara identificada en el particular anterior". Séptimo: El Tribunal asesorado por el práctico deja constancia que dicho vehículo inspeccionado tiene abolladuras en el Capot, Techo, punta lateral derecha, y lateral izquierdo, abolladura en el lateral izquierdo derecho, rotura

-1-



en el Stop izquierdo trasero, aba-
lladura y hundimiento en el
guardafango izquierdo trasero
Palabrizas delantero roto." - S. Oc-
taro: En este estado interviene
el solicitante antes identifi-
cado, expone: "Solicito del Tri-
bunal deje constancia del kiló-
metraje del vehículo inspeccio-
nado, igualmente solicito deje
constancia, de la razón que dé
el notificado por la cual in-
gresó el vehículo a este taller."
El Tribunal acuerda de confor-
midad con lo solicitado y
deja constancia que el vehículo
tiene un kilometraje de 437[illegible]
kilómetros, Igualmente el notifi-
cado manifestó que dicho ve-
hículo ingresó a este taller por
un volcamiento a 60 kilómetros
por hora." - Es todo, terminó,
se leyó y conformes firman. -

El Juez Comisionado;

Dr. Rafael E. Castillo.

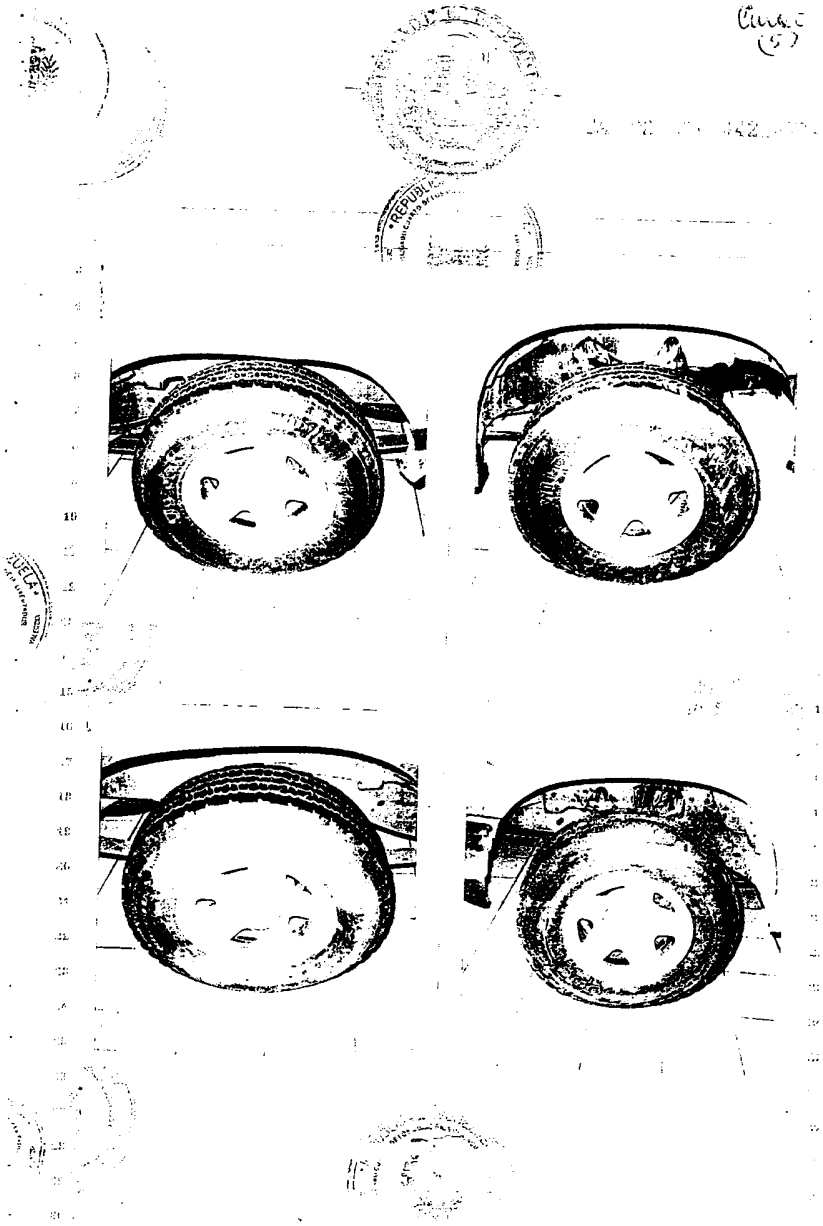
El Notificado,

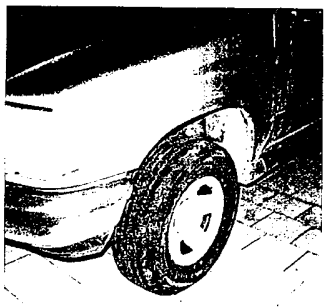
El Practicante;

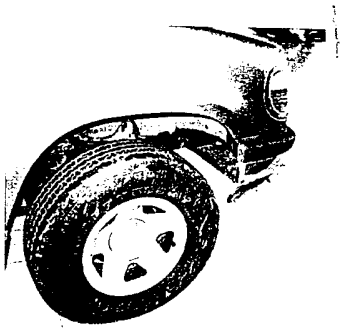
El Solicitante.

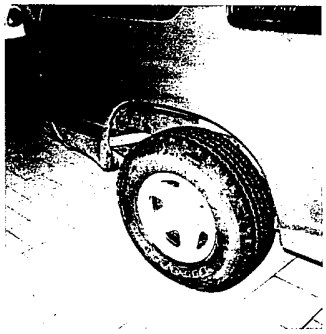
La Fotografía

La Secretaria Sec.

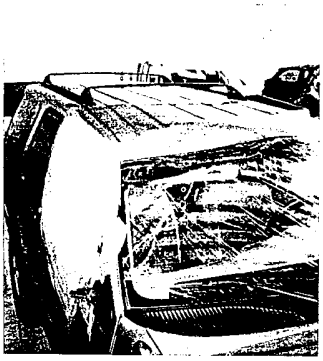








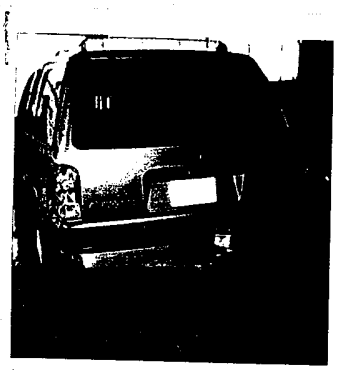


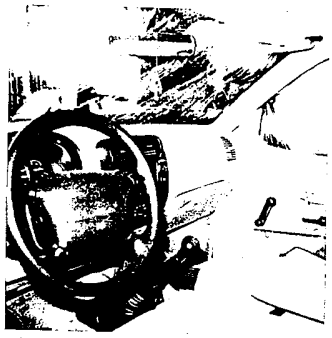


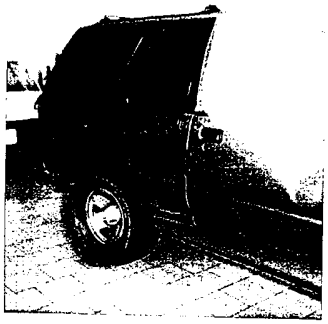


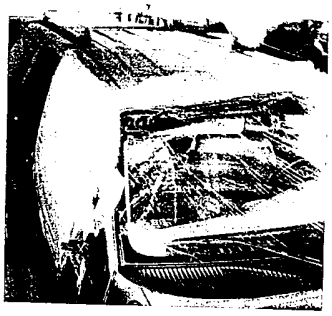












NUEVE (9)

SE DEVUELVE AL SOLICITANTE CONSTANTE DE NUEVE (9) FOLIOS UTILES, CONSTE HOY, CUATRO DE JULIO DEL AÑO DOS MIL.

EL SECRETARIO TITULAR:

ABG. JOSE LUIS SANZ PACHECO.

REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

No. *(stamp)* ***No. 0064***

(round ink stamp - illegible)

PETITIONER(S): *MILAGROS PEDRIQUE DE ALBERS, ASSISTED BY: MARIA KARELYS ZOZAYA.-*

REASON: *JUDICIAL INSPECTION*

COURT: *IN AND FOR THE SEVENTH MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO*

DATE OF ENTRY: Day: *20* Month: *SEPTEMBER* Year: *2000*

DATE RETURNED: Day:..... Month: ..... Year: .....

No. *(stamp)* ***No. 0064***

C.22

PAL0017

(Hand written) One (1)

STATE OF CARABOBO
(Seal)
(Illegible)

CA – 98 No. 04622916

Citizen
Assigning Judge in and for the Municipalities of Valencia, Libertador, Los Guayos, Naguanagua and San Diego in the Judicial District of the State of Carabobo
In his Office.-

I, MILAGROS PEDRIQUE DE ALBERS, a citizen of Venezuela, of age, holder of Identity Card No. 9,804,189, a resident of this City, duly represented by attorney MARIA CARELYS ZOZAYA, holder of Identity Card No. 7,081,212, a practicing attorney and resident of this City, registered with the Venezuelan Bar Association under No. 30,056, respectfully appear you in order to state: I ask this Court to be so kind as to be transferred and called into session at the establishment known as NUEVOS HORIZONTES J.A.M. CARS, C.A., located at No. 122-41, Avenida Bolivar Norte, next to the Chancery, in this City of Valencia, State of Carabobo, in order to place the following facts and circumstances on the record by means of a Judicial Inspection:

ONE: As to the identification of the legal entity on whose premises the Court has been called into session.

TWO: As to the identification of the individual who is in charge of or responsible for the establishment at which the Court has been called into session at the time this inspection is conducted.

THREE: That there is a vehicle that has been left at the establishment at which the Court is called into session, with the following characteristics: make: FORD, model: EXPLORER 7A8 SPORT WAGON, year: 1998, plates: GAR-78Z, color: WHITE, class: TRUCK, use: PRIVATE.

FOUR: I would ask this Court to state the tires on the vehicle for the record, they are make: FIRESTONE, model: WILDERNESS AT, and their characteristics are: P235-75R15 M/S and as to whether they are sealed with all purpose tape, make: Tessa, model 5041-34, size: 10 m. x 48 mm. and with Masking Tape, a roll of corrugated paper, Make: Celoven 3450, and also whether said vehicle is covered with a black waterproof canvas, make: all purpose Lonaleve.

FIVE: I would ask this Court to state the identification of the individual who is hereby going to proceed to remove the tires described in Item Four of this petition from the establishment at which the vehicle that is the subject of this inspection is located, ...

(Three partial stamps down right margin – illegible)

who is identified as follows:

Christian Name and Surname: DICK BAUMGARDNER

Nationality: North American

Passport Number: 045104920

Profession: Expert, President of the company known as Tire Consultants, I.N.C.

SIX: I ask the Court to take the statement of citizen, DICK BAUMGARDNER regarding the items that said citizen is going to verify at this inspection, and also that he make a statement on the identification of the tires that he is now going to proceed to take off the vehicle and ship from this establishment to the United States of America in order to prepare the pertinent expert's report for which he has been appointed.

SEVEN: I would ask this Court to state for the record any other fact or item that is requested at the time this Judicial Inspection is conducted.

I swear that this case is an emergency and I would ask the Court to set aside all of the time necessary to carry out all of the above, and once this has been done, that the original thereof be returned to me together with the results. In Valencia, on the twentieth day of the month of September, two thousand.

(Signed) (Illegible)

(Stamp)
RECEIVED TODAY, *September 20, 2000*
CONSISTING OF *One (1) sheet of paper*
(illegible)
TIME: *10:30 a.m.*
Acting Clerk

(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
Seventh Court in and for the Municipalities of Valencia, Libertador
(Seal)
Los Guayos, Naguanagua and San Diego
In the Judicial District of the State of Carabobo

Submitter,
(Signed) (Illegible)

PAL0019

(Hand written) Two (2)

(Three partial stamps down left margin – illegible)

SEVENTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.

VALENCIA, SEPTEMBER 20, 2000
190th Year of Independence and 141st Year of the Federation

Have received the foregoing petition, it is ordered that it be admitted and that the Court be transferred and called into session for such purpose at the location indicated by the petitioner, in order to conduct the Judicial Inspection requested in the petition that initiated this proceeding. Once the inspection has been conducted, it is ordered that it be returned to the petitioner with the results thereof.

DEPUTY JUDGE
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
Seventh Court in and for the Municipalities of Valencia, Libertador
(Seal)
Los Guayos, Naguanagua and San Diego
In the Judicial District of the State of Carabobo

TEMPORARY CLERK
(Signed) (Illegible)

Admitted on this same date under No. 0064.

TEMPORARY CLERK
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
Seventh Court in and for the Municipalities of Valencia, Libertador
(Seal)
Los Guayos, Naguanagua and San Diego
In the Judicial District of the State of Carabobo

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1765

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PAL0021

1766

(Hand written) Seven (7)

(illegible text reading only: 5171)

(Two illegible round ink stamps)

PAL0029

1767

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...Republic of Venezuela
...Coat of Arms

PAL0030

(Hand written) Eight (8)

(Partial stamps to left and right – illegible)

At 1:40 in the afternoon today, the twentieth day of September in the year two thousand, the Court, accompanied by citizen, MILAGROS PEDRIQUE DE ALBERS, holder of Identity Card No. V-9,804,189, assisted by Attorney MARIA CARELYS ZOZAYA, registered with the Venezuelan Bar Association under No. 35,056 was transferred and called into session at No. 122-41, Avenida Bolivar Norte, next to the Chancery, where the body and paint shop "Nuevos Horizontes, J.A.M. CARS, C.A." does business, in the Parish of San José, Municipality of Valencia, in the State of Carabobo, in order to conduct the Judicial Inspection requested in the petition that initiated this proceeding. Present was citizen GUSTAVO JOSE LABRADOR RONDON, holder of identity Card No. V-7,048,153, in his capacity as Manager of the Nuevos Horizontes J.A.M. CARS, C.A. shop, whom the Court served with a subpoena for its mission. The Court then placed the following items on the record: ITEM NO. ONE: With regard to this item, it was stated for the record that the corporate entity on whose premises the Court had been called into session was the commercial establishment known as "NUEVOS HORIZONTES J.A.M., CARS., C.A." ITEM NO. TWO: The Court stated for the record that the person who was in charge of the establishment at which it had been called into session was citizen: GUSTAVO JOSE LABRADOR RONDON, identified at the beginning of this report. ITEM NO. THREE: The Court stated for the record that a vehicle with the following characteristics: make: FORD, Model: EXPLORER 7A8 SPORT WAGON, year: 1998, plates: GAR-78Z, Color: WHITE, class: TRUCK, use: private, had been left at the establishment at which it had been called into session. ITEM NO. FOUR: The Court stated for the record that the tires on the vehicle identified in the preceding item were: make: FIRESTONE, model: WILDERNESS AT, and they had the following characteristics: P235-75RL5 M-S, and these were sealed with all-purpose tape, make: Tessa, model: 5041-34, size: 10 m. x 48 mm. and with masking tape, a roll of corrugated paper .....

(three partial stamps down right margin – illegible)

make: Celoven 3450; it was also stated for the record that the vehicle was covered with a piece of black waterproof canvas, make: all-purpose Lenaleve. ITEM NO. FIVE: The Court stated for the record that also present at the inspection was citizen: DICK BAUMGARDNER, a citizen of the United States of North America, holder of passport No. 045104920, an expert by profession, and President of the Company Tire Consultants, I.N.C., who then proceeded to remove a tire from the vehicle described in item No. Three of this Inspection for shipment to the United States of North America, in order to perform the expert examination of same for which he had been appointed. ITEM NO. SIX: The Court then stated for the record that citizen, DICK BAUMGARDNER, who was identified above, thereupon stated that the hidden serial number identifying the tires on the vehicle that was the subject of this inspection was No. F-17248-L01. ITEM NO. SEVEN: I ask the Court to appoint an expert photographer to take some photographs of the items described herein. The Court then appointed citizen, WUILLIAM *[sic]* OJEDA, holder of identity card No. V-8,830,286 as the expert photographer, and being present, he accepted the assignment, was sworn in as provided by Law and proceeded to take some photographs of the various items that were inspected; it was ordered that once these are developed, they be added to this record, to better illustrate same. Completed, read and signed by the undersigned, who were in agreement therewith.

DEPUTY JUDGE
(Signed) (Illegible)

(Stamp)
(Illegible)

PETITIONER
(Signed) (Illegible)

SUBPOENAED PARTY
(Signed) (Illegible)

HER ATTORNEY
(Signed) (Illegible)

ACTING CLERK
(Signed) (Illegible)

(Partial stamp - illegible)

STATE OF CARABOBO
(Seal)
(Illegible)

CA – 98 No. 04622901

(This page is hand written)

During office hours today, September 28, 2000, the undersigned attorney, María Zozaya, a citizen of Venezuela, holder of Identity Card No. 7,081,212, registered with the Venezuelan Bar Association under No. 35,056, appears before you and states: I would request a certified photocopy of the Judicial Inspection that was conducted. I then sign the requested item before the Clerk, who authorizes me to sign it. That is all.

Acting Attorney
(Signed) (illegible)

Clerk
(Signed – illegible)
(Stamp)
(Illegible)

SEVENTH COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.

VALENCIA, SEPTEMBER 28, 2000

Having reviewed the foregoing request, it is agreed to grant same and to this end, it is ordered that the requested certified copy be issued, as provided by Article 112 of the Code of Civil Procedure and Article 120 of the Public Records Law, and citizen, Ana Pacheca, is appointed to obtain same, and she will sign each page and at the bottom thereof, together with the Clerk. DONE AND ORDERED.

DEPUTY JUDGE

(Signed) (Illegible)

(Stamp – illegible)

ACTING CLERK
(Signed) (Illegible)

(Hand written)
Today, the third day of October in the year two thousand, this petition was returned to the party concerned with the results thereof, consisting of nine (9) sheets of paper.

ACTING CLERK
(Signed) (Illegible)
(Stamp) (Illegible)

JUDICIAL COUNCIL

COURT FILE OFFICE

NOTE:

This cover sheet must be used to cover the last sheets of paper in a file.

The purpose thereof is to protect the Documents and avoid any wear and tear thereof.

Model C-30

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 0064, dated September 20, 2000, concerning an inspection of the Ford Explorer with plates numbered GAR-78Z, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena H. Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC784723 EXPIRES:
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

No. Nº 0064

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) MILAGROS PEDRIQUE DE ALBERS, ASISTIDA POR: MARIA KARELYS ZOZAYA.-

MOTIVO INSPECCION JUDICIAL

JUZGADO SEPTIMO DE LOS MUNICIPIOS VALENCIA DEL EDO. CARABOBO

FECHA DE ENTRADA: Día 20 Mes SEPTIEMBRE Año 2000

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

Nº 0064

C - 22

PAT0017

CA - 98 № 04622916

Ciudadano

Juez Distribuidor de los Municipios Valencia, Libertador, Los Guayos, Naguanagua y San Diego de la Circunscripción Judicial del Estado Carabobo

Su Despacho.-

Yo, **MILAGROS PEDRIQUE DE ALBERS**, venezolana, mayor de edad, titular de la Cédula de Identidad No. 9.804.189, y de este domicilio, debidamente asistida por la abogada, MARIA CARELYS ZOZAYA, titular de la Cédula de Identidad Nro.7.081.212, abogada en ejercicio de este domicilio, inscrita en el Inpreabogado bajo el No. 35.056, ante Usted respetuosamente acudo a fin de exponer: Solicito de este Tribunal se sirva trasladarse y constituirse en el establecimiento denominado NUEVOS HORIZONTES J.A.M. CARS, C.A., ubicado en la Avenida Bolivar Norte, Nro. 122-41, al lado del Rectorado, en esta ciudad de Valencia, Estado Carabobo, a objeto de que por esta vía de inspección Judicial deje constancia de los siguientes hechos y circunstancias:

PRIMERO: De la identificación de la persona jurídica en cuya sede se encuentra constituido el Tribunal.

SEGUNDO: De identificación de la persona natural que para el momento de la práctica de esta inspección se encuentra como encargada o responsable del establecimiento donde se encuentra constituido el Tribunal.

TERCERO: Que en el establecimiento en el cual se encuentra constituido el Tribunal se encuentra depositado el vehículo automotor con las siguientes características: Marca: FORD; modelo: EXPLORER 7A8 SPORT WAGON; año 1998; placa GAR-78Z; color BLANCO; clase: CAMIONETA; uso: PARTICULAR.

CUARTO: Solicito del Tribunal se deje constancia de los cauchos que posea el vehículo automotor, son marca FIRESTONE, modelo WILDERNESS AT, y que poseen las características P235-75R15 M-S; y si los mismos se encuentran precintados con cinta multiuso, marca Tesa, modelo 5041-34, medidas 10m-48 m.m. y con Masking Teipe, rollo de papel crespón, marca Celoven 3450, e igualmente que dicho vehículo se encuentra cubierto con una lona impermeable de color negro, marca Lonaleve multiuso.

QUINTO: Solicito del Tribunal se deje constancia de identificación de la persona natural que va a proceder en este acto a retirar del establecimiento en el cual se encuentra el vehículo automotor objeto de esta inspección los cauchos descritos en el particular Cuarto de esta solicitud, siendo su

PAL0018

identificación la siguiente:

Nombre y Apellido: DICK BAUMGARDNER

Nacionalidad: Norteamericano

Número de Pasaporte: 045104920

Profesión: Experto, Presidente de la empresa Tire Consultans. I.N.C.

SEXTO: Solicito del Tribunal se sirva tomarle declaración al ciudadano DICK BAUMGARDNER, de las actuaciones que dicho ciudadano va a verificar en este acto, así como también declare sobre la identificación de los cauchos que en este momento va a proceder a retirar del vehículo y a trasladar de este establecimiento hacia los Estados Unidos de Norteamérica para realizar la experticia pertinente por la cual ha sido designado.

SEPTIMA: Solicito de este Tribunal se deje constancia de cualquier otra circunstancia o particular que se solicite al momento de la práctica de esta Inspección Judicial.

Juro la urgencia del caso y solicito del Tribunal habilite todo el tiempo necesario para la práctica de las presentes actuaciones, y una vez practicadas las mismas me sean devueltas original con sus resultas. En Valencia a los veinte días del mes de septiembre del dos mil.

[illegible] 20-09-00

[illegible] Un (1) folio

[illegible] 10:30 a.m.

[illegible]

(2)

GADO SEPTIMO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.

VALENCIA, SEPTIEMBRE 20 DE 2000
190º y 141º

Por recibida la anterior solicitud. Désele entrada, a tal efecto se ordena el traslado y constitución del Tribunal en el sitio que indique el solicitante, a fin de practicar la Inspección Judicial a que se contrae la solicitud que encabeza estas actuaciones. Una vez practicadas las mismas, devuelvanse al postulante original con sus resultas.

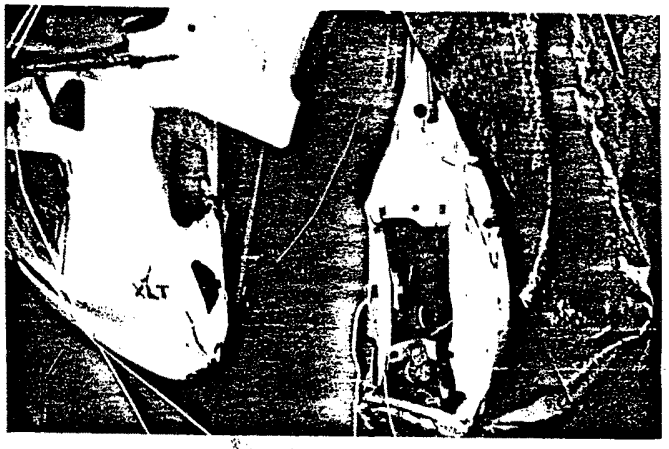
LA JUEZ TEMPLENTE

LA SECRETARIA TEMP.

En la misma fecha se le dió entrada bajo el Nº 0064.

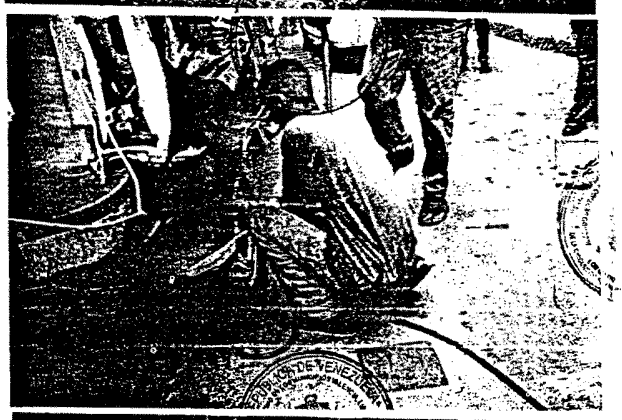
LA SECRETARIA TEMPORAL

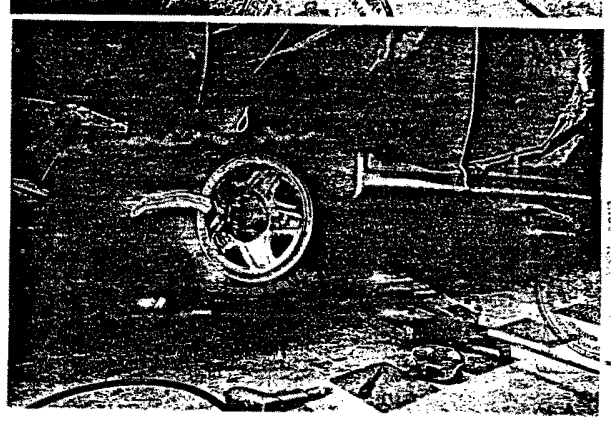




PALOU 22



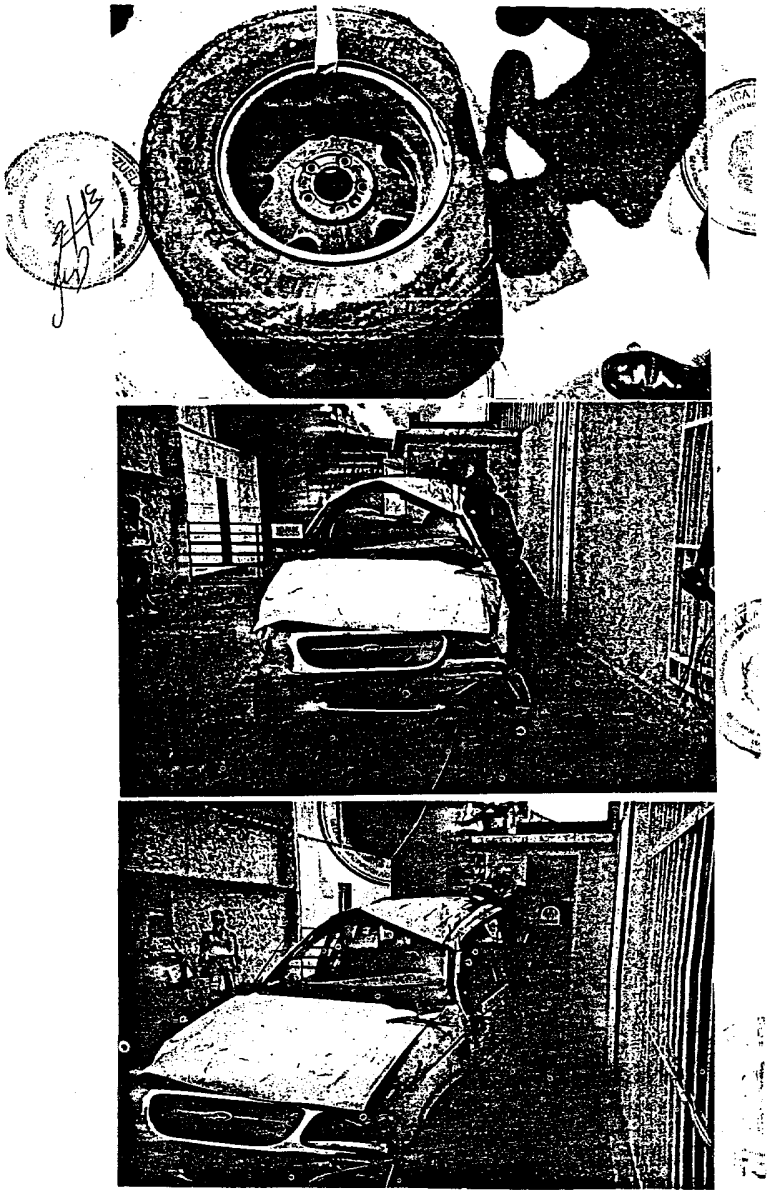




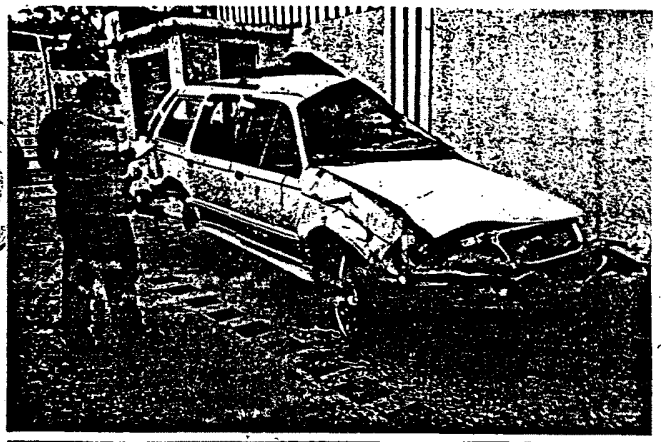
PALW23



PAL0024



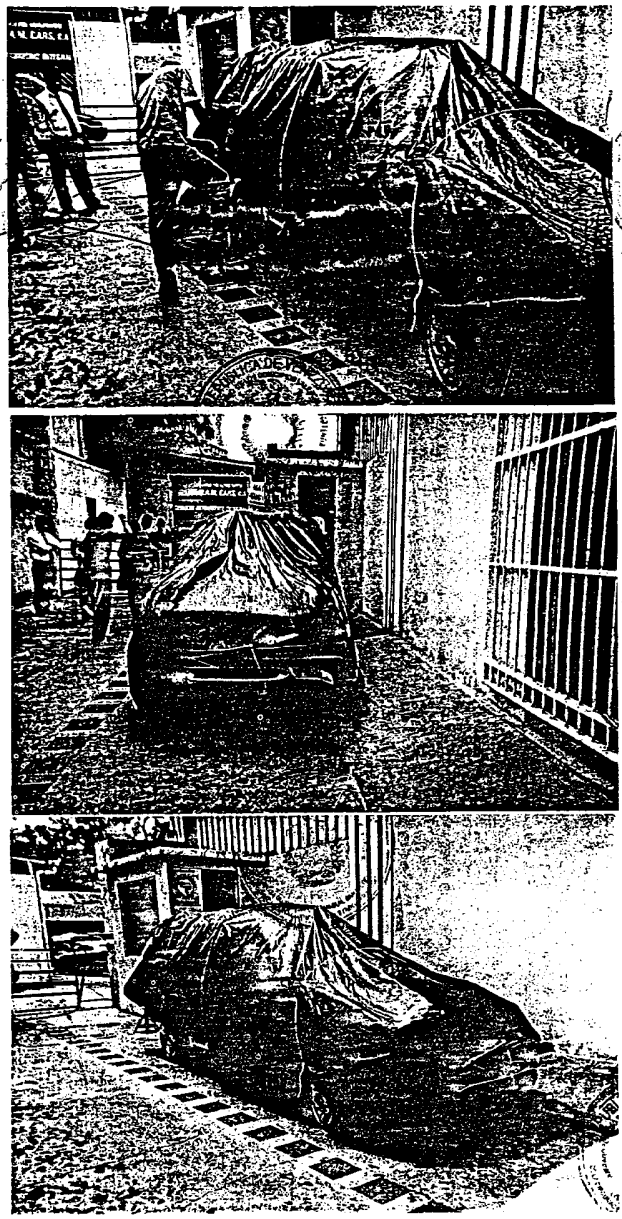
PAC0025







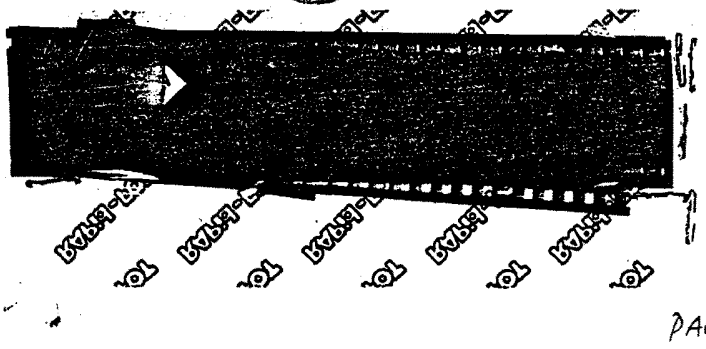
PAL00026



PALW 27







PALW28

Hoy, veinte de Septiembre del Año Dos Mil, siendo las 1:40 de la tarde, se trasladó y constituyó el Tribunal en la Avenida Bolivar Norte, Nº 122-41, al lado del Rectorado, donde funciona el Taller de Latonería y Pintura "Nuevos Horizontes", J.A.M., CARS, C.A., Parroquia San José, Municipio Valencia, Estado Carabobo, en compañia de la ciudadana: MILAGROS PEDRIQUE DE ALBERS, titular de la Cédula de Identidad Nº V- 9.804.189, asistida por la Abogado MARIA CARELYS ZOZAYA, inscrita en el instituto de Previsión Social del Abopgado bajo el Nº 35.056, con el fin de practicar la Inspección Judicial a que se contrae la solicitud que encabeza estas actuaciones. Presente el ciudadano: GUSTAVO JOSE LABRADOR RONDON, titular de la Cédula de Identidad Nº V- 7.048.153, en su carácter de Gerente del Taller Nuevos Horizontes J.A.M., CARS, C.A., a quien el Tribunal le impuso de su misión. Seguidamente el Tribunal deja constancia de los siguientes particulares: PRIMERO: En cuanto a este particular se deja constancia que la persona jurídica en cuya sede se encuentra constituído el Tribunal es en el Establecimiento Comercial "NUEVOS HORIZONTES J.A.M., CARS., C.A. SEGUNDO: El Tribunal deja constancia que la persona que se encuentra como encargada del establecimiento donde se encuentra constituído el Tribunal, es el ciudadano: GUSTAVO JOSE LABRADOR RONDON , identificado al comienzo de esta acta. TERCERO: El Tribunal deja constancia de que en el establecimiento donde se encuentra constituído, está depositado el vehículo automotor con las siguientes características: Marca: FORD, Modelo: EXPLORER 7A8 SPORT WAGON, Año: 1.998, Placa: GAR-78Z, Color: BLANCO, Clase: CAMIONETA, Uso: PARTICULAR. CUARTO: El Tribunal deja constancia, que los cauchos que posee el vehículo antes identificado en el particular anterior son: Marca: FIRESTONE, Modelo: WILDERNESS AT, y los cuales poseen las siguientes características: P235-75RL5 M-S, los cuales se encuentran precintados con cinta multiuso, marca Tessa, Modelo 5041-34, medidas 10m-48 m.m., y con Maskting Teipe, rollo de papel

crespón, marca celoven 3450, se deja igualmente constancia de que el vehículo se encuentra cubierto con una lona impermeable de color negro, marca lonaleve multiuso. QUINTO: El Tribunal deja constancia que igualmente se encuentra presente en este acto el ciudadano: DICK BAUMGARDNER, de Nacionalidad Norteamericano, número de pasaporte 045104920, de Profesión Experto, Presidente de la Empresa Tire Consultans. I.N.C., quien en este momento procede a retirar un caucho del vehículo descrito en el particular Tercero de esta Inspección para trasladarlo hacia los Estados Unidos de Norteamérica, a fin de realizar la experticia pertinente para la cual fué designado. SEXTO: Seguidamente el Tribunal deja constancia que el ciudadano DICK BAUMGARDNER, anteriormente identificado, manifiesta en este acto que el serial oculto Nº F-17Z48-LOi, es el que identifica a los cauchos que posee el vehículo automotor objeto de la presente inspección. SEPTIMO: Pido al Tribunal designe un práctico fotografo, para que tome algunas fotografias de los particulares aquí descritos. Seguidamente el Tribunal designa como práctico fotografo al ciudadano: WUILLIAM OJEDA, titular de la Cédula de Identidad Nº V- 8.830.286, quien estando presente acepta el cargo, presta el juramento de Ley y procede a tomar algunas fotografias de los diferentes aspectos inspeccionados, y ordena que una vez reveladas sean agregadas a estas actuaciones, para una mejor ilustración de las mismas. Se termina, se lee y conforman firman.

EL JUEZ SUPLENTE

EL NOTIFICADO

LA SOLICITANTE

SU ABOGADO ASISTENTE

LA SECRETARIA ACCIDENTAL

Muere (A)

CA - 98 № 04622901

Horas de despacho de hoy 28 de Septiembre del 2.000, quien suscribe el Abogado María Zozaya Venezolana titular de la cédula de identidad Nº 7.081.212 inscrita en el Instituto de Previsión Social del Abogado bajo el Nº 35.056 ante usted ocurro y expongo: Solicito una copia fotostática certificada de la inspección judicial practicada. Seguidamente firmo la presente diligencia por ante la Secretaria quien me autoriza a suscribirla. Es todo.

La Diligenciante

[signature]

La Secretaria

[signature]

PAL0033

GADO SEPTIMO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.

VALENCIA, SEPTIEMBRE 28 DE 2000

Vista la diligencia que antecede, se acuerda de conformidad lo solicitado, a tal efecto se ordena expedir la copia certificada solicitada, de conformidad con lo establecido en el Artículo 112 del Código de Procedimiento Civil, y 120 de la Ley de REgistro Público, se designa para la obtención de la misma, a la ciudadana Ana Pacheco, quien conjuntamente con la Secretaria firmará en cada una de sus páginas y al pie de la certificación. Librese lo conducente.

LA JUEZ SUPLENTE

LA SECRETARIA ACCIDENTAL

En fecha de hoy, Tres de Octubre del año Dos mil, se devuelve la presente solicitud a la parte interesada, original con sus resultas, constante de Nueve (9) folios

La Secretaria Jose.

PAL0034

1789

CONSEJO DE LA JUDICATURA

OFICINA DE LOS ARCHIVOS JUDICIALES

NOTA:

Esta contratapa debe ser utilizada para cubrir los últimos folios que conforman un expediente.

Su finalidad es protager los Documentos, evitando el deterioro.

Modelo C-38

PAL0035

1790

REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

No. *6044*

PETITIONER(S): Milagros Pedrique de Albers

REASON: Judicial Inspection

COURT: First Municipal Court of Valencia

DATE OF ENTRY: Day: 05 Month: September Year: 2000

DATE RETURNED: Day: Month: Year:

No. *6044*

C.22

PAL0036

(hand written) One

(Three partial stamps down left margin – illegible) *(Stamp in right margin – illegible)*

(Seal)

STATE OF CARABOBO

(Seal)

(Illegible)

CA-98 No. 04540086

Citizen

FIRST JUDGE IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.-

In his office

I, **MILAGROS PEDRIQUE DE ALBERS,** a citizen of Venezuela, of age, a widow, and holder of Identity Card No. 9,804,189, duly represented in this cause by attorney **LEONARDO GARCIA FLORES,** holder of identity card No. 7,128,817, registered with the Venezuelan Bar Association under No. 74,057, on my own behalf and to protect my own rights, appear before Your Honor in order to state: I would ask this Court to be transferred and called into session at the establishment known as **"NUEVOS HORIZONTES J.A.M. CARS, C.A."** located at No. 122-41, Avenida Bolívar Norte next to the Chancery, in this City of Valencia, State of Carabobo, in order to place a statement on the record as to the following facts and circumstances by means of a Judicial Inspection:

ONE: The identification of the legal entity on whose premises the Court has been called into session.

TWO: The identification of the individual who is in charge of or responsible for the establishment at which the Court has been called into session at the time the Inspection takes place.

THREE: That there is a vehicle that has been left at the establishment at which the Court has been called into session, described as follows: ***MAKE***: Ford; ***MODEL***: Explorer 7A8 Sport Wagon; ***YEAR***: 1998; ***PLATE:*** GAR-78Z; ***ENGINE SERIAL NUMBER***: W-A28557; ***CHASSIS SERIAL NUMBER***: AJ63WP; ***COLOR:*** White; ***CLASS:*** Truck; ***USE:*** Private.

FOUR: As to the condition of the vehicle described above, and I request that an expert be appointed to assist the Court for this purpose and to make a technical report on the condition thereof.

PAL0037

(Three partial stamps down right margin)

REPUBLIC OF ...
(Seal)
(Illegible)

FIVE: That a statement be made on the record as to the tires on the vehicle and that they be identified by serial number, make, model, characteristics and condition.

SIX: I request that the tires described above be sealed by the Court, to ensure that they cannot be removed from the truck without breaking the seal affixed thereto. I also request that a statement be made on the record as to the seal used and that it be clearly identified.

SEVEN: I request that the vehicle described above be covered and sealed by the Court to ensure that it cannot be removed or maneuvered without breaking the seal affixed to it. In addition, I request that a statement be placed on the record as to the seal used and that it be clearly identified.

EIGHT: That a statement be placed on the record as to the date on which the person in charge or representative of the premises at which the Court has been called into session said that the above-described truck arrived at these premises, and where it was brought in from and how it was transported.

NINE: That a statement be placed on the record as to whether the person in charge or the representative at the premises at which the Court has been called into session said that any accessory or part of the vehicle was removed or changed.

TEN: As to any other circumstance or item that is requested at the time the inspection is conducted.

We ask the Court to appoint an expert photographer to assist the Court for purposes of conducting this Judicial Inspection and in order to place a graphic statement of the facts and findings on the record.

Lastly, I state under oath that this matter is an emergency and I would ask the Court to be so kind as to set aside all of the time needed for conducting this Inspection, and that once it has been conducted, the original thereof be returned to me together with the results thereof.

In Valencia, on the date of the filing hereof.

(Signed) Milagros Pedrique
(Signed) (Illegible) **PAL0038**

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(Hand written) Two

(Stamp)

The foregoing petition was submitted for filing by the signatory thereto today.

September 5, 2000 at *Ten* o'clock, consisting of *01*

Sheets of paper and Fees *exhibits* ----

The signatory

(Signed) (Illegible)

Her attorney

(Signed) (Illegible)

Clerk
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
FIRST COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

PAL0039

(Three partial stamps down left margin – illegible) *(Hand written)* Four

(Seal)
STATE OF CARABOBO
(Seal)
(Illegible)

CA-98 No. 04540087

At 2:50 P.M. today, the fifth (5th) day of September, in the year two thousand, the Court, having set aside the necessary time, since it was requested and granted, was transferred to and called into session at the establishment known as "Nuevos Horizontes J.A.M. Cars, C.A.", located at No. 122-41 Avenida Bolívar Norte, next to the University of Carabobo Chancery, in the Jurisdiction of the Parish of San José, Municipality of Valencia in the State of Carabobo, in order to conduct the Judicial Inspection requested and agreed to. Citizen, Milagros Pedrique de Albers, of age, holder of identity card No. 9,804,189, was present in her capacity as the petitioner, duly represented by attorney, Leonardo García Flores, who is registered with the Venezuelan Bar Association under No. 74,057. Citizen Christian Vicente Hugo Peña, of age, holder of identity card No. V-1,366,511, a resident of this City, was appointed as the expert, and being present, he accepted the assignment and was sworn in as provided by Law. It was stated for the record that the expert identified above is a professional expert and is registered with the Ministry of Finance under No. 1,398. Citizen, Héctor Alfonso Mercado Medina, of age, holder of identity card No. V-11,396,192, and a resident of this City, was appointed as the photographer and being present, he accepted the assignment and was sworn in as provided by Law. Citizen, Gustavo José Labrador Rondón, of age, holder of identity card No. V-7,098,153, a resident of this City, was present and he was served with a subpoena for the Court's mission in his capacity as the Manager of "Nuevos Horizontes J.A.M. Cars, C.A." The Court next proceeded to conduct the Judicial Inspection .....

PAL0041

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(Signature in left margin – illegible)

as follows: With regard to ITEM NO. ONE: The Court stated for the record that the subpoenaed party identified above showed the Court a copy of the Articles of Incorporation of the commercial company "Nuevos Horizontes J.A.M. Cars, C.A." at whose corporate premises the Court had been called into session, and it was stated for the record that said document was recorded with the _____ *(struck out)* Office of the First Commercial Register in and for the Judicial District of the State of Carabobo, under No. 79, Volume 71-A, on the 19th day of August, 1998. With regard to ITEM NO. TWO: The Court stated for the record that citizen, Gustavo José Labrador Rondón, of age, holder of identity card No. V-7,098,153, and a resident of this City, was present at the establishment at which it had been called into session, in his capacity as Manager of "Nuevos Horizontes J.A.M. Cars, C.A.". With regard to ITEM NO. THREE: The Court, with advice from the expert who had been appointed, stated for the record that a vehicle, make: Ford, model: Explorer 7A8 Sport Wagon; year: 1998, plate: GAR-78Z. engine serial number W-A28557; chassis serial number: AJ63WP; color: white, type: truck, use: private. With regard to ITEM NO. FOUR: The Court, with advice from the expert who had been appointed, stated for the record that the condition of the above-described vehicle was as follows: 1) Front bumper, *spoiler* and its bases, front assembly, (steering column and spindles, rear bumper, tire and [wheel] bases, front inside vents, left and right headlights, left and right parking lights, left and right brake lights, left and right mirrors, inside rear view mirror, all of the windows, the hood, the front and rear mudguards, doors on the left side, the roof, the roof vent, the inside upholstery on the roof, the upholstery on the doors on the left side, the trimming over the left rear mudguard, the upholstery on the rear hatch door, the rear hatch door, ...

(Hand written) Five

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(Seal)
STATE OF CARABOBO
(Seal)
(Illegible)

CA-98 No. 04540089

The windshield wipers (two front and one rear), the left and right running boards, four (4) tires, two front rims, left and right door frames, dashboard, steering wheel and its air bag, blades and windshield wipers, plates, mudguard covers; the Court stated for the record that all of the above were noted to be wrecked and broken. 2) The doors on the right side were dented and buckled; 3) general misalignment of the bodywork; chassis was buckled; 4) Seat upholstery was stained; 5) there may be hidden damage. With regard to ITEM NO. FIVE: Upon advice from the expert who had been appointed, the Court stated for the record that the tires on the vehicle that is the subject of this Inspection are: Make: FIRESTONE; model: WILDERNESS AT, description: P235/75R15 M/S; it was noted that the front tires and the rear left tire were ruined and just from looking at them, the tread was in good condition, i.e., with a useful life; it was also stated for the record that the rear right tire was missing its tread; it was noted that the spare tire was in perfect condition and had never been used. With regard to ITEM NO. SIX : The Court stated for the record that the four (4) tires on the truck, with the exception of the spare tire, were sealed with all purpose tape make: Tesa model 5041-34, size: 10 m./48 mm. and with masking tape, a roll of crepe paper make: Caloveo, 3450, size: 18 mm. x 45 m./3/4" x 50 yards. It was also stated for the record, that the Court's wet seal was not stamped on the roll of crepe paper mentioned above. With regard to ITEM NO. SEVEN: The Court stated for the record that the vehicle that is the subject of this Inspection was covered with a piece of black waterproof canvas .....

PAL0043

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make: all-purpose Conaleve; sealed with the tape described in the preceding item and tied down with string to ensure the canvas was waterproof. With regard to ITEM NO. EIGHT: The Court stated for the record that the subpoenaed party advised the Court that the vehicle that is the subject of this Inspection arrived at the premises of the establishment at which the Court had been called into session on May 25 this year, that it was brought in from the State of Aragua and was transported aboard a tow truck. With regard to ITEM NO. NINE: The Court stated for the record that the subpoenaed party said that no accessory or any part of the vehicle that is the subject of this inspection has been removed or changed, and he stated that it was just as it was when it was brought in. With regard to ITEM NO. TEN: The petitioner, with the help of the attorney representing her, stated: "Exercising the reservation contained in this item, I would ask the Court to state for the record that the seals were affixed in its presence, just as requested in items Six and Seven." The Court, having reviewed this request, stated for the record that the seals affixed to the vehicle that is the subject of this Inspection, were affixed in the Court's presence, exactly as set forth in Items Six and Seven of this Inspection report. That is all, Completed at 4:40 p.m., it being stated for the record that the photographer who had been appointed proceeded to take photographs of everything that had been inspected, and asked the Court to grant him twenty-four (24) hours within which to deliver the photographs once they had been duly developed; this was agreed to. This report was read, and it was signed by those below, who are in agreement therewith. The part that is struck out on line 38 of the *(illegible)* previous sheet of paper, between "Office" and "of the" is not included *(illegible)* "sealed" Is OK.

(Stamp)
REPUBLIC OF VENEZUELA
(Illegible)

Provisional Judge
(Signed) (Illegible)

Petitioner
(Signed) (Illegible)

(Hand written) Six

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(Seal)
STATE OF CARABOBO
(Seal)
(Illegible)

CA-98 No. 04540090

Attorney for Petitioner,
(Signed) (Illegible)

The Expert,
(Signed) (Illegible)

Photographer,
(Signed) (Illegible)

Subpoenaed Party,
(Signed) (Illegible)

Acting Clerk,
(Signed) (Illegible)

PAL0045

(Hand written) Seven

(Three partial stamps down left margin– illegible)

(Seal)
STATE OF CARABOBO
(Seal)
(Illegible)

CA-98 No. 04540076

Citizen

FIRST JUDGE IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA AND SAN DIEGO IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.-
In his office

I, HECTOR MERCADO MEDINA, a citizen of Venezuela, of age, holder of identity card No. 11,346,192, am appearing before your Honor in order to deliver Forty (40) photographs on fifteen sheets of paper, taken at the Judicial Inspection conducted on September 5 of this year; I am hereby fulfilling the assignment I was given.

In Valencia, on the date of the submission hereof.

(Signed) (Illegible)

(Stamp)

The foregoing *pleading* was submitted for filing by the signatory thereto today.

September 6, 2000 during the *day*, consisting of *15*

Sheets of paper (40 photographs) and Fees _____ ----

Submitter,

(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
(illegible)

Clerk,

(Signed (Illegible)

PAL0046

(Hand written) Twenty-three

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... OF VENEZUELA
Illegible)

FIRST COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, SAN DIEGO AND NAGUANAGUA IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.-

Valencia, September 6, 2000

190th Year of Independence and 141st Year of the Federation

Having reviewed the foregoing pleading filed by citizen, HECTOR MERCADO MEDINA, in his capacity as court-appointed photographer, in which he delivered the photographs taken at the Inspection conducted on the 5th of this month, it is ordered that they be added to the record.

PROVISIONAL JUDGE,

(Signed) (Illegible)

CLERK,

(Signed) Betty *(illegible)* de *(illegible)*

(Two stamps)
REPUBLIC OF VENEZUELA
FIRST COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

Agreed.

THE CLERK,

(Signed) Betty *(illegible)* de *(illegible)*

(Hand written) Returned to the party concerned, consisting of twenty-three (23) sheets of paper.

Clerk,

(Signed) Betty *(Illegible)* de Rivero

PAL0062

(Hand written) Twenty-three

(Stamp to right – illegible)

(Three partial stamps down left margin)
... REPUBLIC OF VENEZUELA
Illegible)

FIRST COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR, LOS GUAYOS, SAN DIEGO AND NAGUANAGUA IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO.-

Valencia, September 6, 2000

190th Year of Independence and 141st Year of the Federation

Having reviewed the foregoing pleading filed by citizen, HECTOR MERCADO MEDINA, in his capacity as court-appointed photographer, in which he delivered the photographs taken at the Inspection conducted on the 5th of this month. It is ordered that they be added to the record.

PROVISIONAL JUDGE,

(Signed) (Illegible)

CLERK,

(Signed) Betty *(illegible)* de *(illegible)*

(Two stamps)
REPUBLIC OF VENEZUELA
FIRST COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

Agreed.

THE CLERK,

(Signed) Betty *(illegible)* de *(illegible)*

(Hand written) Returned to the party concerned, consisting of twenty-three (23) sheets of paper.

Clerk,

(Signed) Betty *(Illegible)* de Rivero

PAL0063

(Three partial stamps down left margin)
.. **OF VENEZUELA**
(Illegible)

(Two stamps in middle of page):

REPUBLIC OF VENEZUELA
FIRST COURT IN AND FOR THE MUNICIPALITIES OF VALENCIA, LIBERTADOR
(Seal)
LOS GUAYOS, NAGUANAGUA AND SAN DIEGO
IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

(Two photographs)

PAL0064

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 6044, dated September 5, 2000, concerning an inspection of the Ford Explorer with plates numbered GAR-78Z, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena H. Rosado

Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC784723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

No. 6544

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) Milagros Pedrique de Albers

MOTIVO Inspección Judicial.

JUZGADO Primero de los Municipios Valencia.

FECHA DE ENTRADA: Día 05 Mes Septiembre Año 2000.

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

PAL0036

CA - 98 Nº 04540086

Ciudadano:

JUEZ PRIMERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Su Despacho.-

Yo, **MILAGROS PEDRIQUE DE ALBERS**, venezolana, mayor de edad, viuda, titular de la cédula de identidad Nº 9.804.189, debidamente asistida en este acto por el Abogado **LEONARDO GARCIA FLORES**, titular de la cédula de identidad Nº 7.128.817, inscrito en el Instituto de Previsión Social del Abogado bajo el Nº 74.057, procediendo en mi propio nombre y por mis propios derechos, ante su competente autoridad ocurro para exponer: Solicito a este Tribunal se sirva trasladar y constituirse en el establecimiento denominado **"NUEVOS HORIZONTES J.A.M. CARS, C.A."**, ubicado en la Avenida Bolívar Norte, Nº 122-41, al lado del Rectorado, en esta ciudad de Valencia, Estado Carabobo, a objeto de que por vía de Inspección Judicial deje constancia de los siguientes hechos y circunstancias:

PRIMERO: De la identificación de la persona jurídica en cuya sede se encuentra constituido el Tribunal.

SEGUNDO: De la identificación de la persona natural que para el momento de la práctica de la inspección se encuentre como encargada o responsable del establecimiento donde se encuentra constituido el Tribunal.

TERCERO: Que en el establecimiento donde está constituido el Tribunal se encuentra depositado el vehículo automotor con las siguientes características: ***MARCA:*** Ford; ***MODELO:*** Explorer 7A8 Sport Wagon; ***AÑO:*** 1998; ***PLACA:*** GAR-78Z; ***SERIAL DE MOTOR:*** W-A28557; ***SERIAL DE CARROCERIA:*** A36WP; ***COLOR:*** Blanco; ***CLASE:*** Camioneta; ***USO:*** Particular.

CUARTO: De las condiciones en que se encuentra el vehículo automotor anteriormente identificado, para lo cual solicito se designe experto o práctico que asista al Tribunal, que informe técnicamente de las condiciones en que se encuentra.

PAL0037

QUINTO: Se deje constancia de los cauchos que posea el vehículo automotor, y se identifiquen los seriales, marca, modelo, características y condiciones.

SEXTO: Solicito que los cauchos anteriormente identificados sean precintados por el Tribunal, asegurándose que los mismos no puedan ser extraídos de la camioneta sin violentar el precinto que se coloque. Así mismo solicito se deje constancia del precinto utilizado identificándose claramente.

SEPTIMO: Solicito que el vehículo anteriormente identificado sea cubierto, precintado por el Tribunal, asegurándose que el mismo no pueda ser trasladado o manipulado sin violentar el precinto que se coloque. Así mismo solicito se deje constancia del precinto utilizado identificándose claramente.

OCTAVO: Se deje constancia, según el decir del encargado o representante del local donde se encuentra constituido el Tribunal, de la fecha en que llegó la camioneta anteriormente identificada a ese local, del lugar de donde proviene y como fue trasladada.

NOVENA: Se deje constancia, según el decir del encargado o representante del local donde se encuentra constituido el Tribunal, si al vehículo automotor descrito le fue sustraído y cambiado algún accesorio o cualquier parte del mismo.

DECIMO: De cualquier otra circunstancia o particular que se solicite en el momento de la práctica de la inspección.

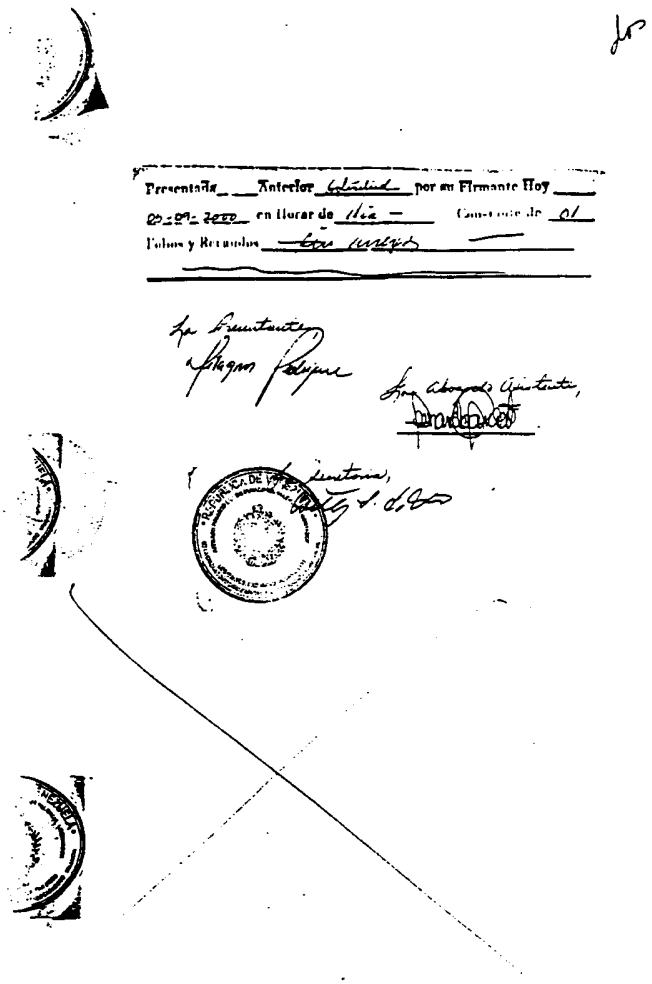
Solicitamos al Tribunal que a los efectos de la práctica de la presente Inspección Judicial y para poder dejar constancia gráfica de los hechos y circunstancias constatados, se designe práctico fotógrafo que asista al Tribunal.

Por último, juro la urgencia del caso, y ruego al Tribunal se sirva habilitar todo el tiempo necesario para la práctica de la presente inspección, y que una vez practicada la misma me sea devuelta en original con sus respectivas resultas.

En Valencia, a la fecha de su presentación.

PAL0038

Presentada ___ Anterior Identidad por su Firmante Hoy ___
05-09-2000 en Horas de Día — Consta de 01
Folios y Recaudos Seis anexos



La Presentante,
Alfonso Rodríguez

Los Abogados Asistentes,

La Secretaria,

PAL0039

CA - 98 Nº 04540085

JUZGADO PRIMERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 5 de Septiembre del 2.000

190º y 141º

Jurada como ha sido la urgencia del caso y en virtud de que los Tribunales se encuentran de vacaciones judiciales, se habilita el tiempo necesario para estas actuaciones. Por recibida la anterior solicitud presentada por la ciudadana MILAGROS PEDRIQUE DE ALBERS asistido por el Abogado LEONARDO GARCIA FLORES. Dese la entrada y cúmplase en todas sus partes. En consecuencia trasladese y constituyase el Tribunal en el sitio indicado en el escrito, a los fines de practicar la INSPECCION solicitada. Evacuadas que sean estas diligencias devuelvase al interesado original junto con sus resultas.-

EL JUEZ PROVISORIO,

LA SECRETARIA,

EN LA MISMA FECHA SE DIO ENTRADA BAJO EL Nº 6544.-

LA SECRETARIA,

PAL0040

CA - 98 № 04540087

fecha de hoy cinco (05) de septiembre del año dos mil (2000) siendo las 2:50 p.m. previa la habilitación del tiempo necesario por haber sido solicitada y acordada, se trasladó y constituyó el Tribunal en el establecimiento denominado "Nuevos Horizontes J.A.M. Cars, C.A., ubicado en la Avenida Bolívar Norte, Nº 122-41, al lado del Rectorado de la Universidad de Carabobo, Jurisdicción de la Parroquia San José Municipio Valencia del Estado Carabobo, con la finalidad de practicar la Inspección Judicial solicitada y acordada. Presente la ciudadana Milagros Pedrique de Albers, mayor de edad, titular de la cédula de identidad Nº = 1.9[illegible].189 en su carácter de solicitante, debidamente [illegible] por el abogado Leonardo García Flores, inscrito en el INPREABOGADO bajo el Nº 74.057. Se designa práctico al ciudadano: Christian Vicente Lugo Peña, mayor de edad, titular de la cédula de identidad Nº V-1.366.511 y de este domicilio, quien estando presente acepta el cargo y presta el juramento de ley. Se deja constancia que el práctico anteriormente identificado es perito de profesión, y se encuentra inscrito en el Ministerio de Hacienda bajo el Nº 1.398. Se designa fotógrafo al ciudadano: Héctor Alfonso Mercado Medina, mayor de edad, titular de la cédula de identidad Nº V-11.346.192 y de este domicilio, quien estando presente acepta el cargo y presta el juramento de ley. Presente el ciudadano: Gustavo José [illegible] Rondon, mayor de edad, titular de la cédula de identidad Nº V-7.048.153 y de este domicilio, a quien se le impuso la misión del Tribunal en su carácter de Gerente de "Nuevos Horizontes J.A.M. Cars, C.A. Seguidamente el Tribunal procede a evacuar la Inspección

en la forma siguiente: Al particular PRIMERO: El Tribunal deja constancia que el notificado antes identificado, puso de manifiesto al Tribunal copia del documento constitutivo de la Compañía Mercantil "Nuevos Horizontes J.A.M. Cars, C.A." en cuya sede se encuentra constituido el Tribunal y se deja constancia que el referido documento se encuentra registrado por ante la Oficina ——— del Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo bajo el N° 79, tomo 71-A, en fecha 19 de agosto de 1.998. Al particular SEGUNDO: El Tribunal deja constancia que en el establecimiento donde está constituido, se encuentra presente el ciudadano: Gustavo José Labrador Rondón, mayor de edad, titular de la cédula de identidad N° V.7.048.153 y de este domicilio, en su condición de Gerente de "Nuevos Horizontes J.A.M. Cars, C.A. Al particular TERCERO: El Tribunal deja constancia con el asesoramiento del práctico designado un vehículo automotor marca: Ford, modelo: Explorer 7A8 Sport Wagon; año: 1.998; placa: GAR-782; serial del motor: W-A28557; Serial de Carrocería: AJ63-WP; color: Blanco; clase: Camioneta; uso: particular. Al particular CUARTO: El Tribunal con el asesoramiento del práctico designado deja constancia que el vehículo antes identificado presenta las siguientes condiciones: 1) Parachoque delantero, spoiler y sus bases, tren delantero (barra de la dirección y snesetas, parachoque trasero, goma y bases, parrilla interna, frontal, faro derecho y faro izquierdo, cocuyos derechos y cocuyos izquierdos, stop izquierdo y stop derecho, espejo izquierdo y espejo derecho, espejo interno, vidrios todos, capot, guardafangos delanteros y traseros, puertas izquierdas, techo, parrilla del techo, tapicería interna de techo, tapicería de las puertas izquierdas, tapicería del guardafangos trasero izquierdo, tapicería de la compuerta, compuerta,

CA - 98 № 04540089

cepillos limpia vidrios (dos delanteros y uno trasero), estribo izquierdo y estribo derecho, los cuatro (4) cauchos; dos rines delanteros, paralelos izquierdos y derechos, tablero, volante y su air-bag, gomas y cepillos de vidrios, platinas, buches de guardafangos; El Tribunal deja constancia que todo lo anteriormente mencionado se observa destrozado y roto. 2) Puertas derechas golpeadas y dobladas; 3) descuadre de la carrocería; chasis doblado; 4) Tapicería de los asientos manchados; 5) salvo daños ocultos. Al particular QUINTO: El Tribunal con el asesoramiento del práctico designado deja constancia que los cauchos que posee el vehículo objeto de la presente Inspección, son marca: FIRESTONE, modelo: WILDERNESS AT, características: P235/75R15 M/S; se observan los cauchos delanteros y el trasero izquierdo, destrozados y a la vista, con la banda de rodamiento en buenas condiciones, es decir con vida útil; asimismo se deja constancia que el caucho trasero derecho carece de la banda de rodamiento; el caucho de repuesto se observa en perfectas condiciones sin estrenar. Al particular SEXTO: El Tribunal deja constancia que los cuatro (4) cauchos que posee la camioneta, a excepción del caucho de repuesto fueron precintados con Cinta multiuso marca: Tesa, modelo 5041-34, medidas: 10m/48m.m., y con masking teipe, rollo de papel crespón marca Caloven, 3450, medidas: 18m.m. x45m / 3/4" x 50yds. De igual forma se deja constancia que sobre rollo de papel crespón antes mencionado NO se estampó el sello húmedo del Tribunal. Al particular SEPTIMO: El Tribunal deja constancia que el vehículo objeto de esta inspección fue cubierto con una lona impermeable de color

negro, marca: Conalere, multiuso; precintado con las cuatro
tas descritas en el particular anterior y mecatillo para
asegurar dicha lona impermeable. Al particular OCTAVO:
El Tribunal deja constancia que el notificado manifestó
al Tribunal que el vehículo objeto de esta inspección
llegó a la sede del establecimiento donde está constituí-
do, en fecha 25 de mayo del corriente año, proveniente del
Estado Aragua y trasladado en una Efrúa-Plataforma.
Al particular NOVENO: El Tribunal deja constancia que
el notificado manifestó que al vehículo objeto de la
presente inspección, no le ha sido sustraído ni cambia-
do algún accesorio o cualquier parte del mismo, sino que
expresó que así como lo habían traído, así se encuen-
tra. Al particular DECIMO: La solicitante, asistida de
abogado expone: "Haciendo uso de la reserva contenida en
este particular, solicito del Tribunal deje constancia que
los precintos fueron colocados en su presencia, tal y
como fue solicitado en los particulares Sexto y Séptimo".
El Tribunal visto el pedimento anterior deja constancia
que los precintos colocados al vehículo objeto de esta
inspección, fue realizado en presencia del Tribunal, tal y como
se constató en los particulares Sexto y Septimo de esta acta.
Es todo. Terminó siendo las 4:40 p.m., dejando constancia
que el fotógrafo designado procedió a tomar las fotogra-
fías de todo lo inspeccionado, solicitando del Tribunal un
plazo de veinticuatro horas (24 horas) para consignar las
fotografías debidamente reveladas, lo cual fue acordado.
Se leyó y conformes firman: Lo tachado en el renglón
38 de [illegible] folio anterior, entre "Oficina" y "del"
no Vale. [illegible] "precintados". Vale.-

[illegible] Vélez Provisorio

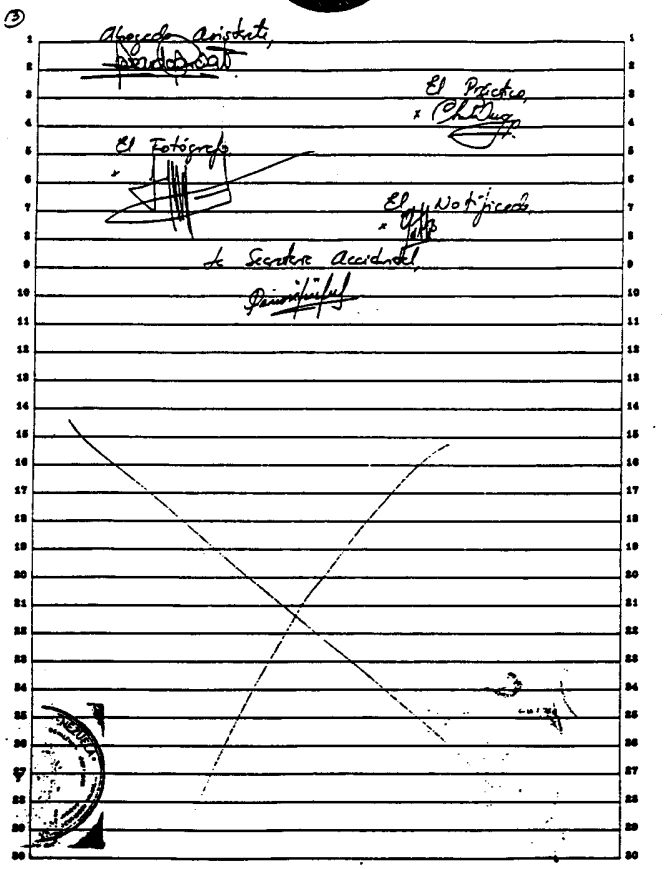
[illegible]

La Solicitante.

"Nataque [illegible]"

PAL0044

CA - 98 № 04540090



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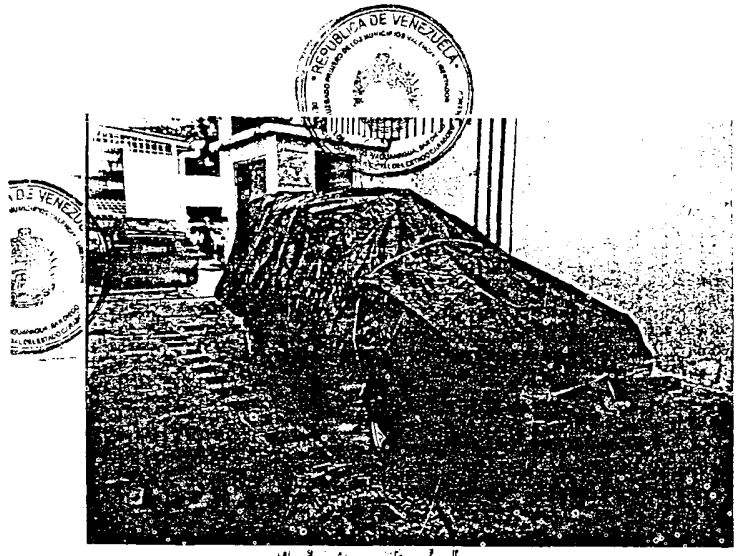
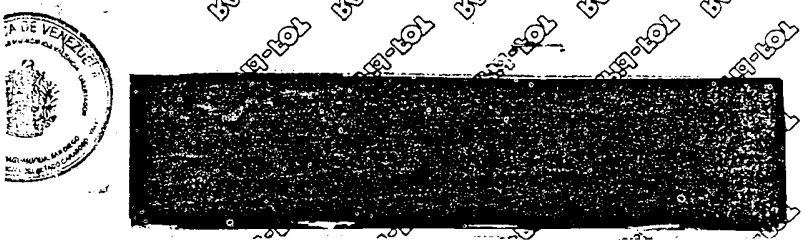
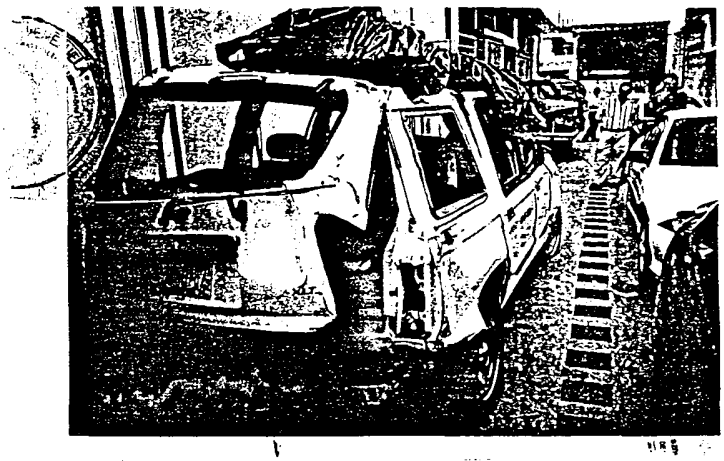
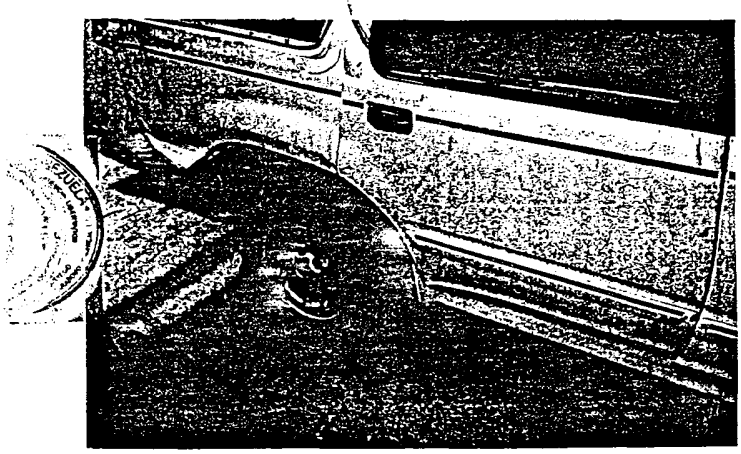
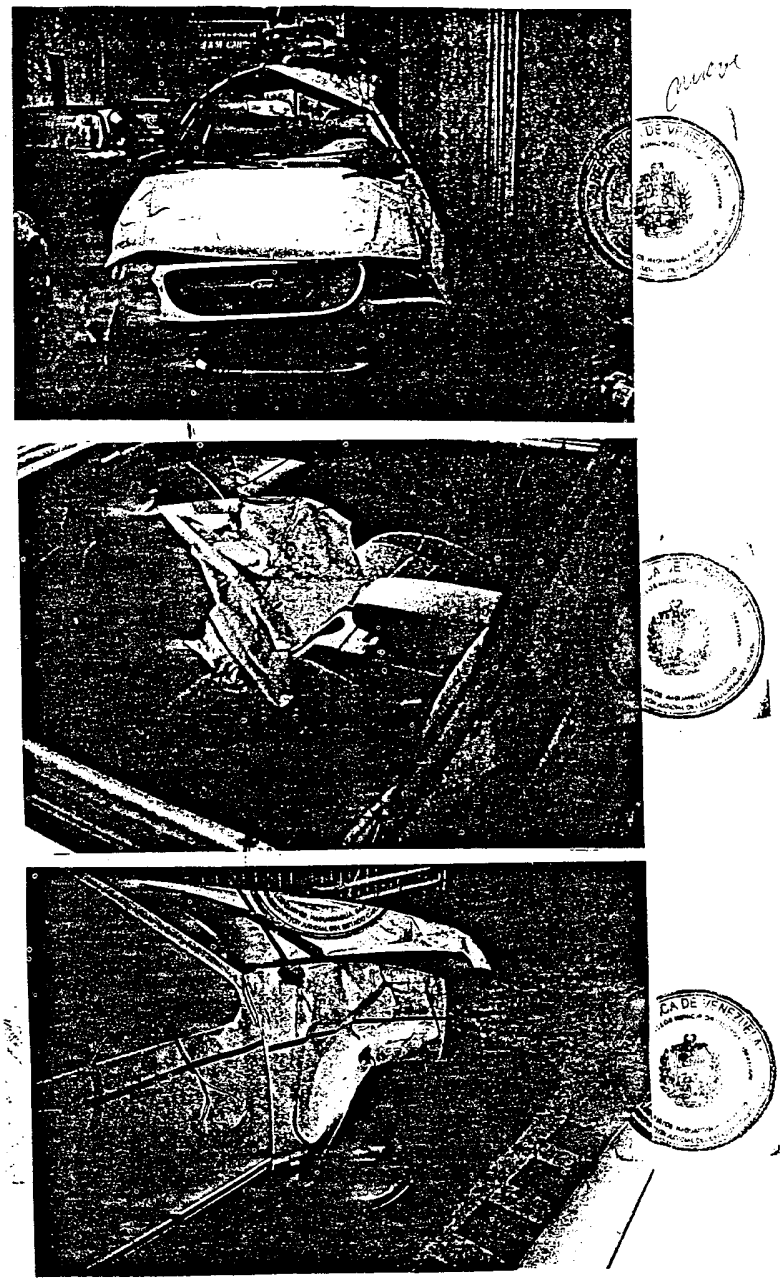






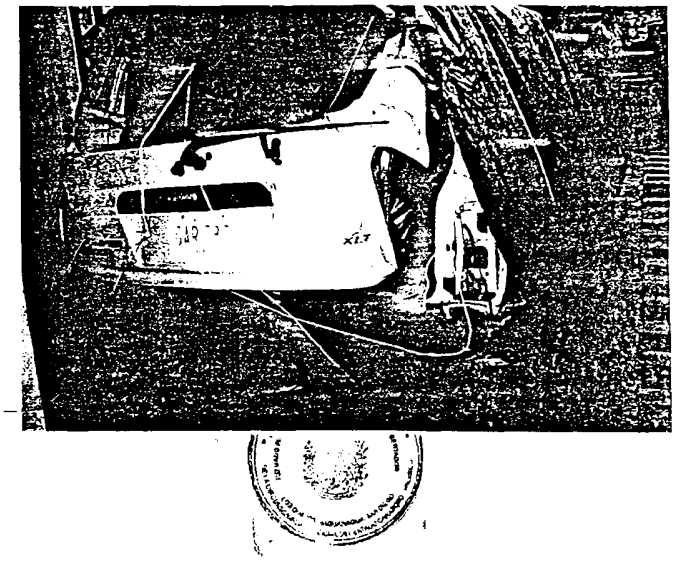


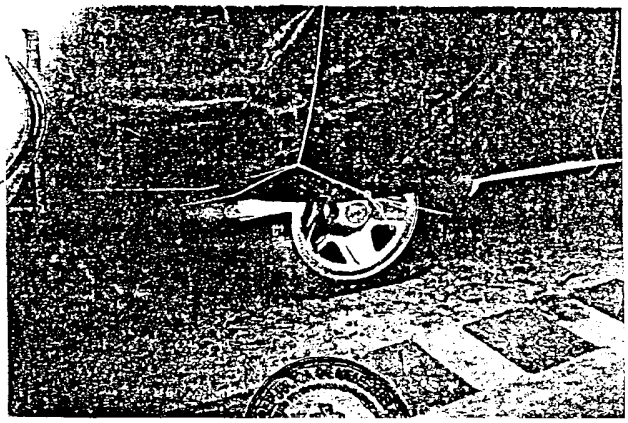


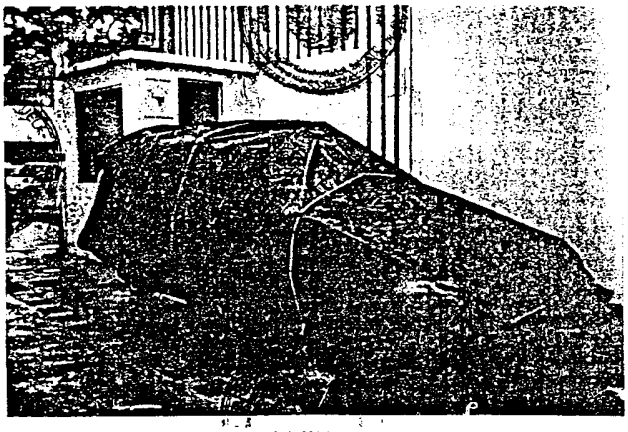


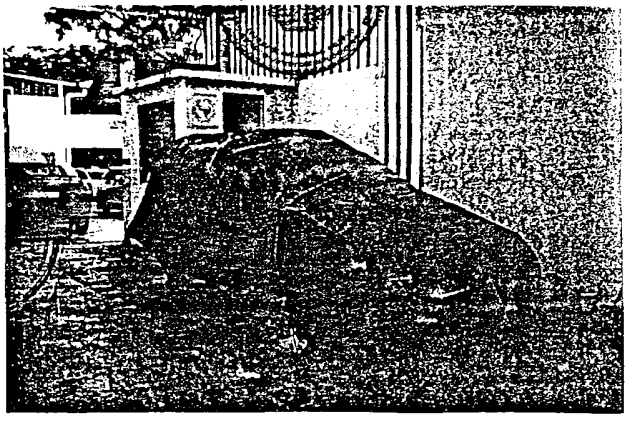
PACO048

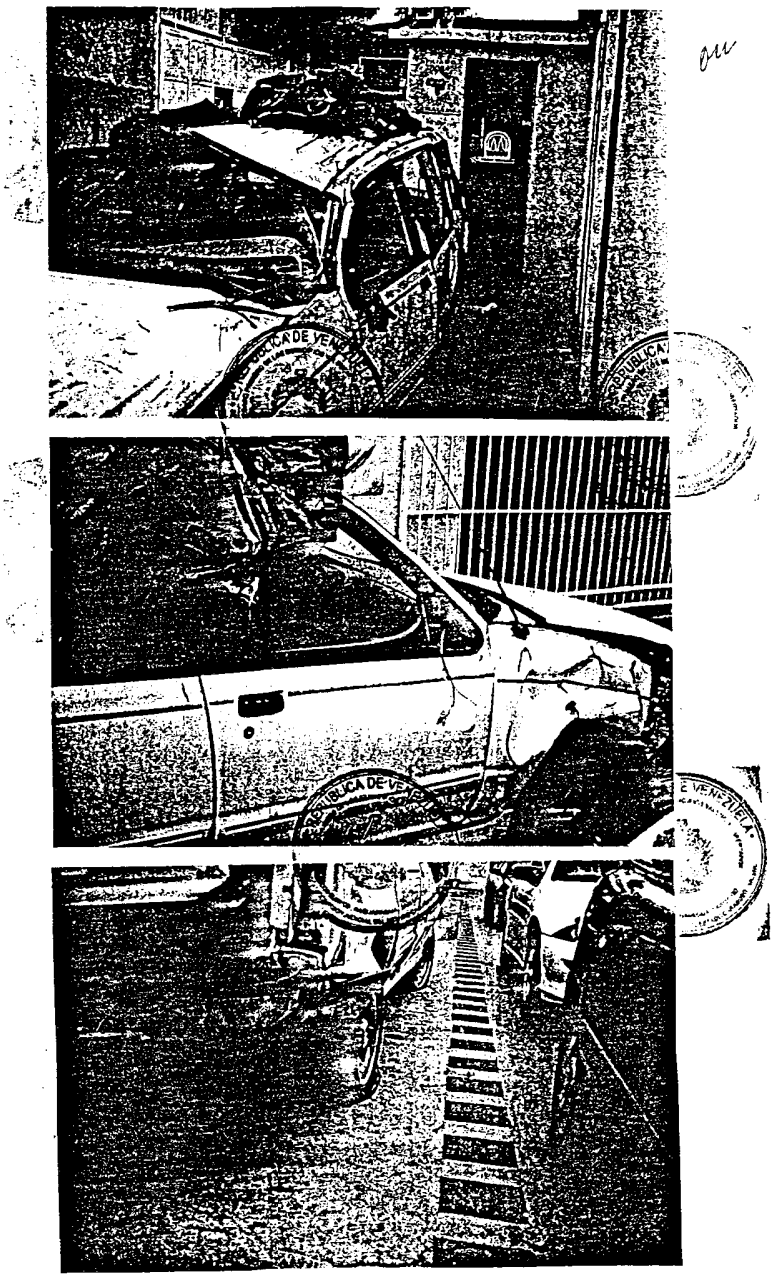




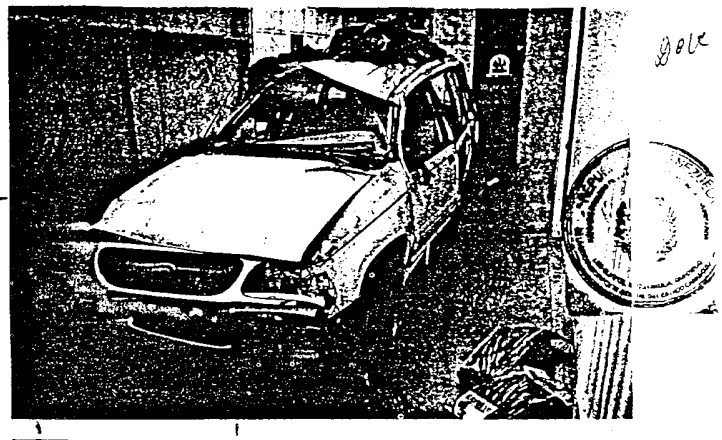


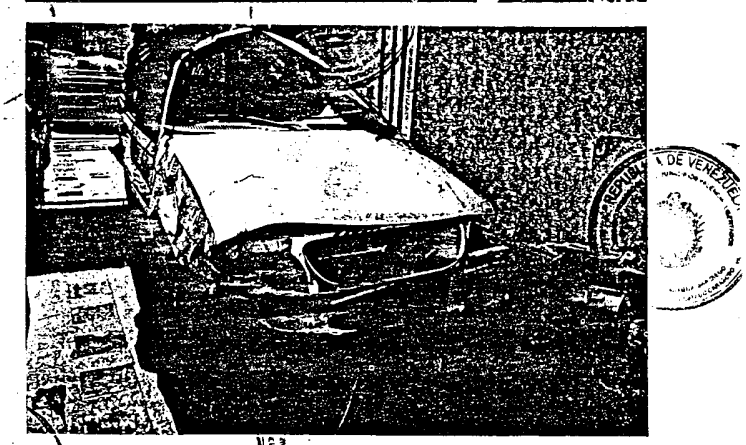


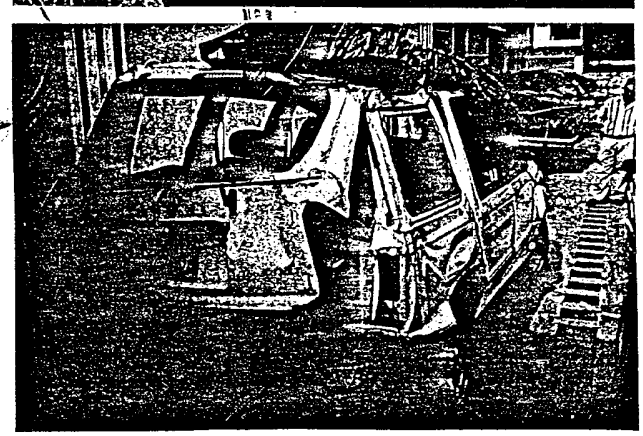




PALOO 50







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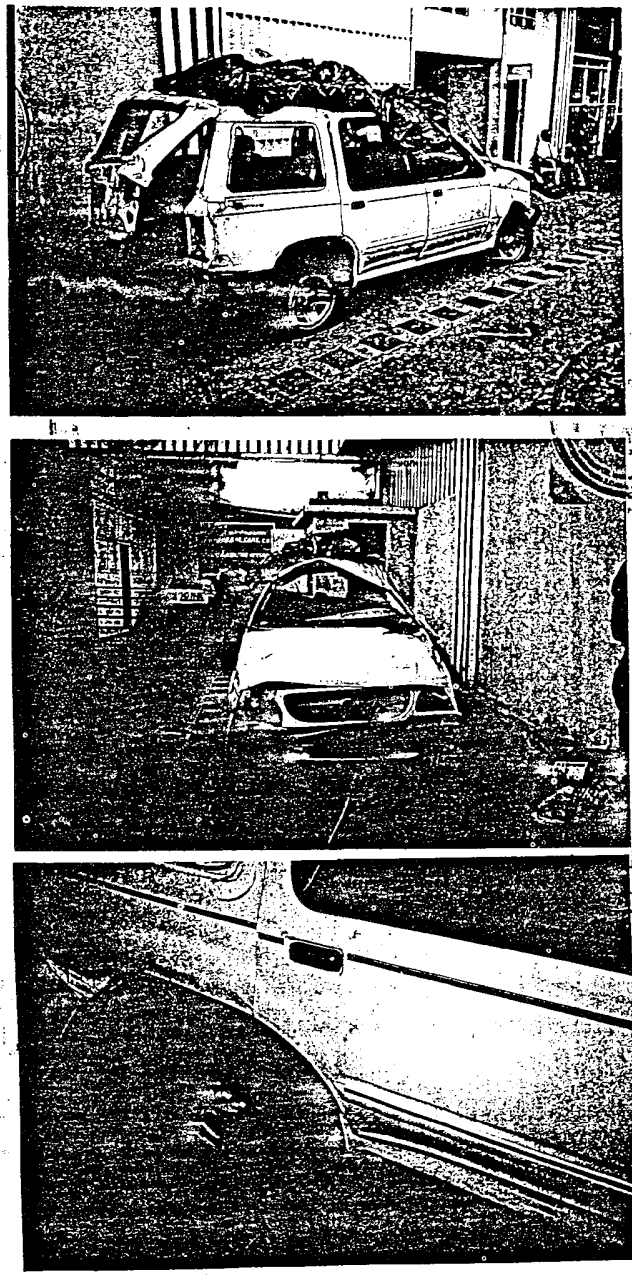
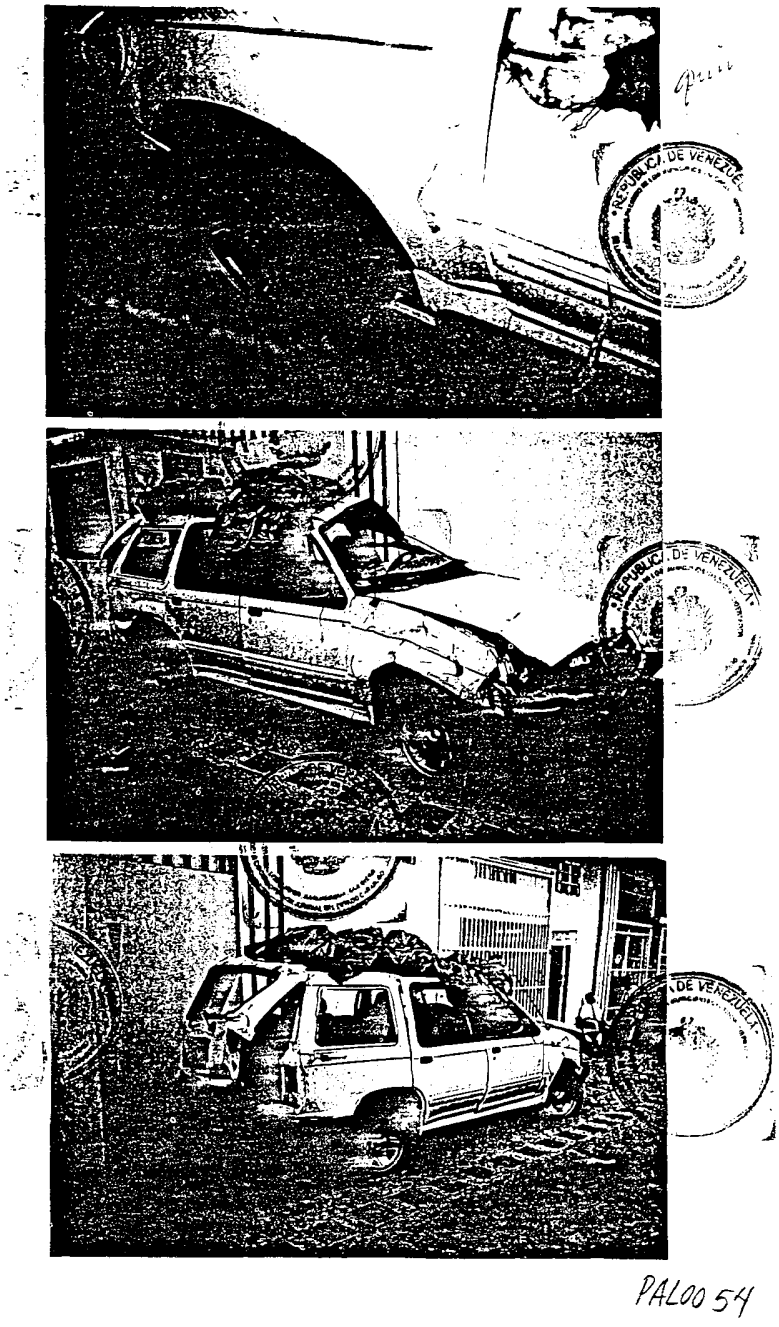


PA00052



PALW53



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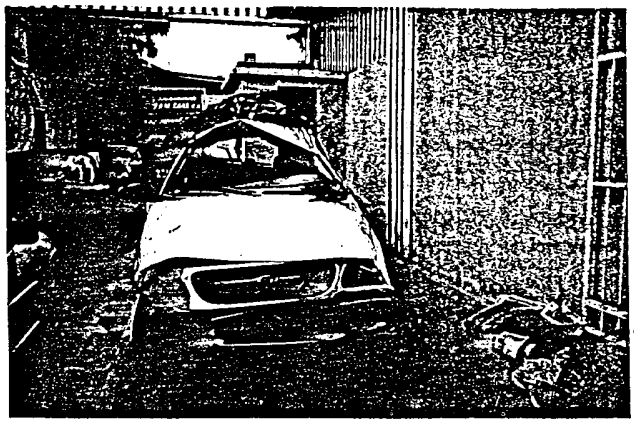

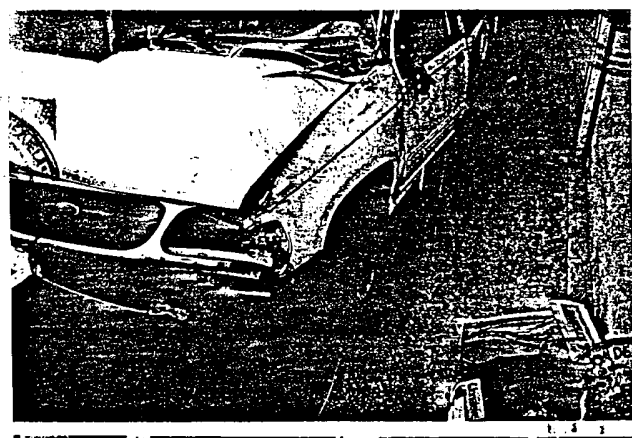

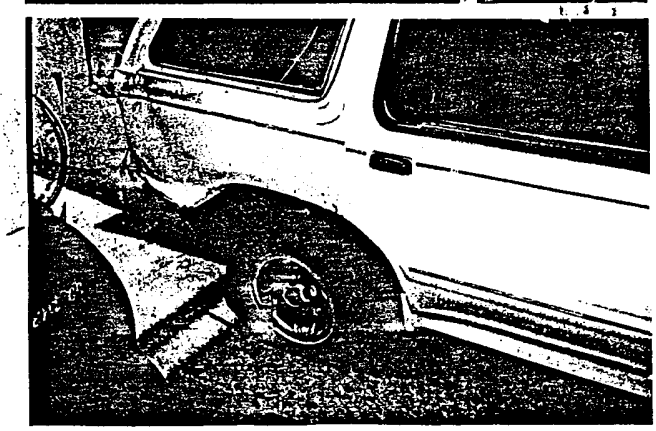

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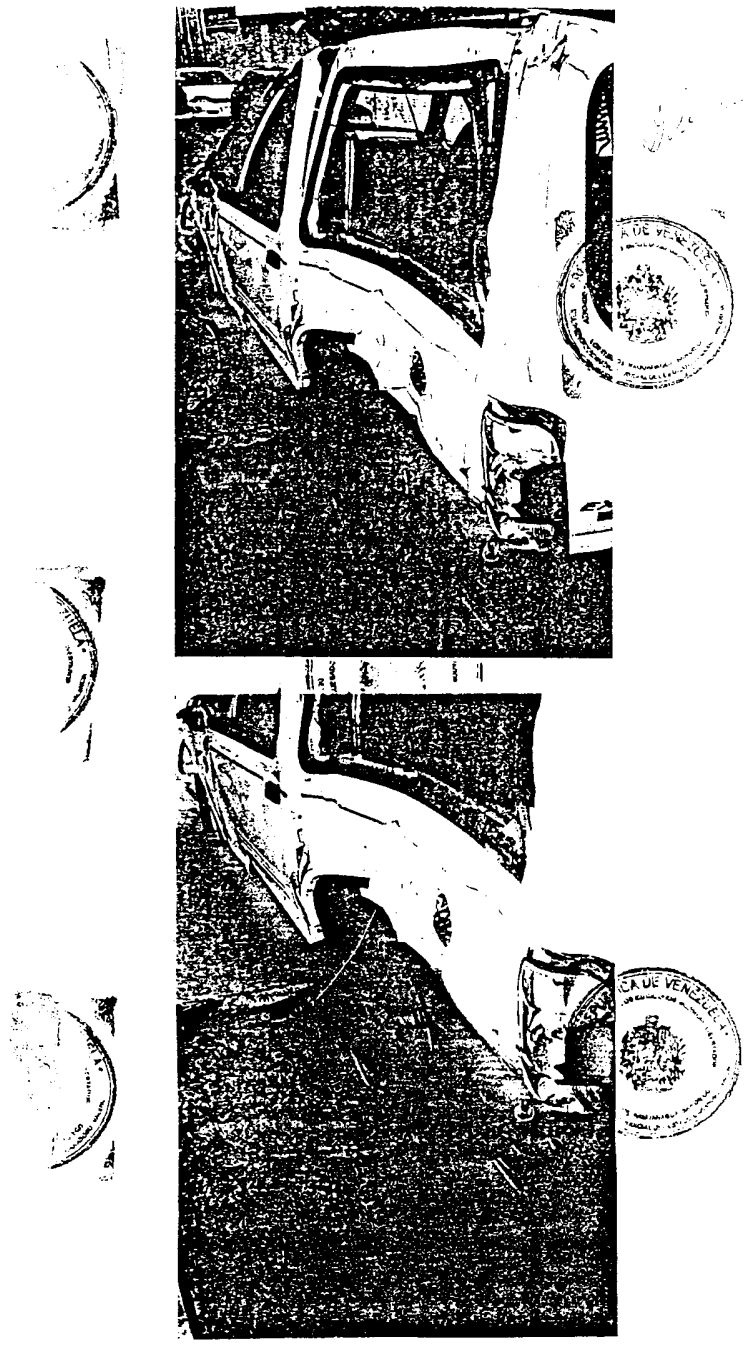



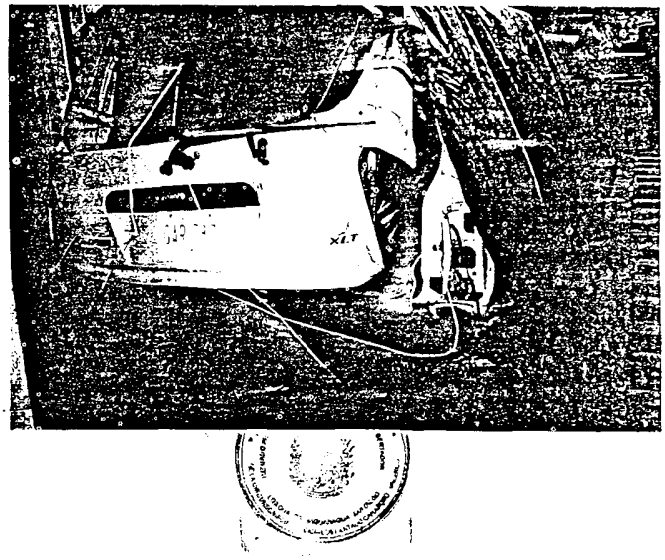
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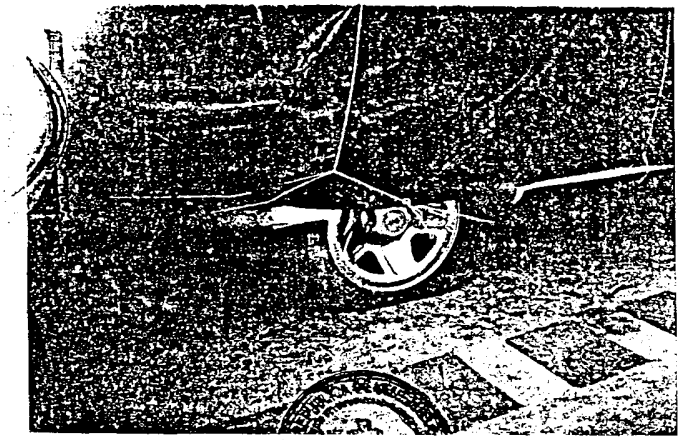

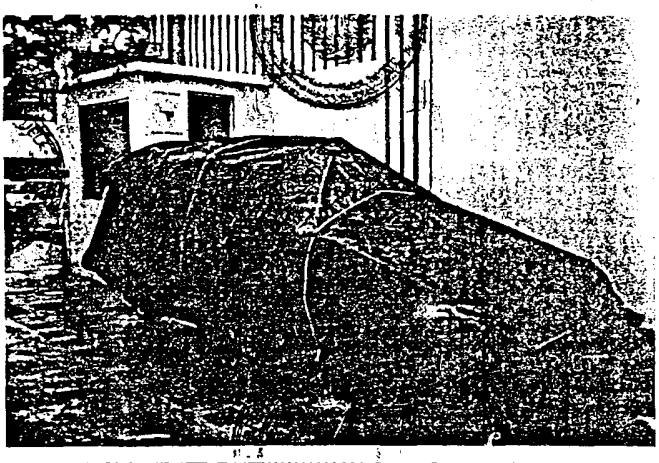

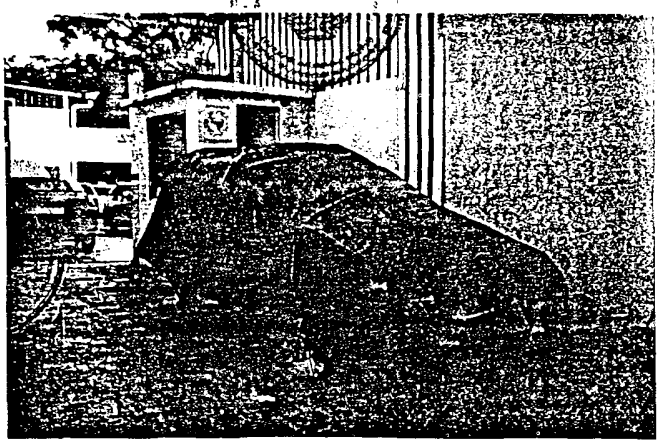



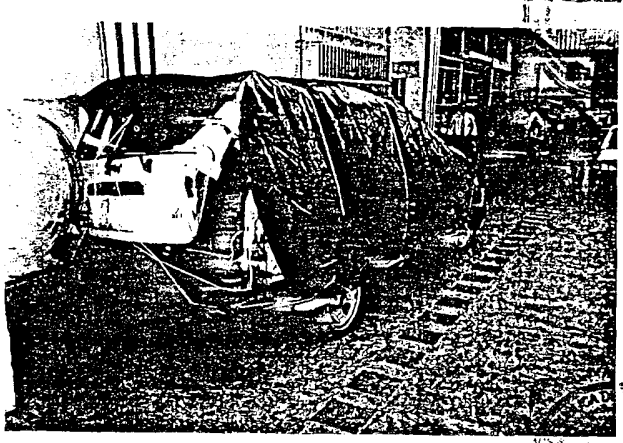



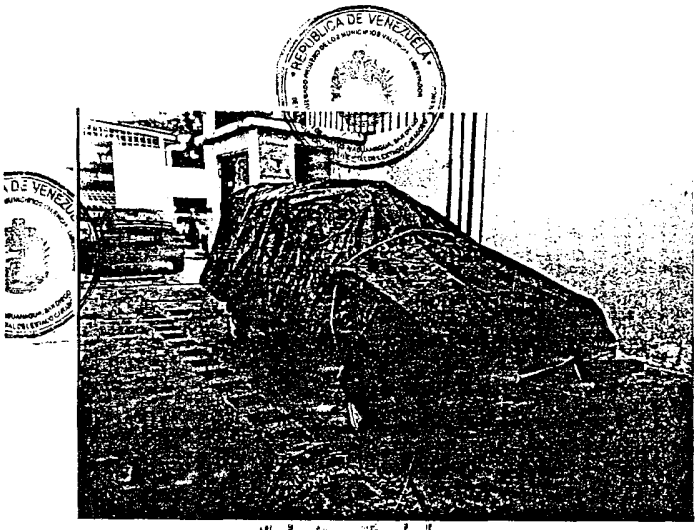

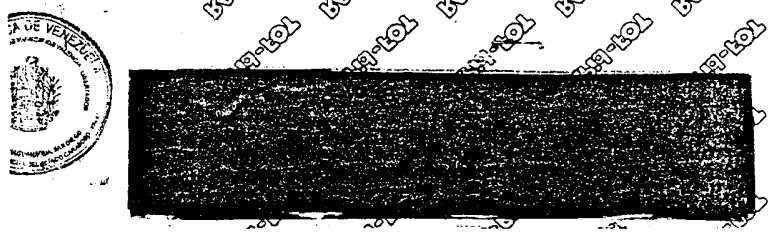

Veintitres

GADO PRIMERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, SAN DIEGO Y NAGUANAGUA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 06 de Septiembre del 2.000

190o y 141o

Visto el anterior escrito presentado por el ciudadano: HECTOR MERCADO MEDINA, en su carácter de fotógrafo designado, por el cual consigna las fotografías tomadas con motivo de la Inspección realizada en fecha 05 de los corrientes. Agréguese a los autos.

LA JUEZ PROVISORIO.

LA SECRETARIA.

Betty Sarquis de Rivero

Se agrega

LA SECRETARIA.

Betty Sarquis de Rivero

Se devuelve a la parte interesada constante de veintitres (23) folios utiles.-

La Secretaria,

Betty Sarquis de Rivero

Veintitres

GADO PRIMERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, SAN DIEGO Y NAGUANAGUA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 06 de Septiembre del 2.000

190o y 141o

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LA JUEZ PROVISORIO,

LA SECRETARIA,

Betty Sorquis de Pinero

Se agrega.

LA SECRETARIA,

Betty Sorquis de Pinero

Se devuelve a la parte interesada constante de veintitres (23) folios útiles.-

La Secretaria,

Betty Sorquis de Pinero

REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

[handwritten]: - 00

No. 115-2000

PETITIONER(S): ARMANDO CAÑIZALES. -

REASON: JUDICIAL INSPECTION

COURT: SECOND COURT IN AND FOR THE MUNICIPALITY OF HERES.-

DATE OF ENTRY: Day: NINE (09) Month: OCTOBER Year: 2000

DATE RETURNED: Day ..... Month ..... Year .....

No. (handwritten): **- 00**

C.22

(Hand written) One (1)

(Hand written number in margin – 115-00)

Citizen:

SECOND JUDGE FOR THE MUNICIPALITY OF HERES IN THE FIRST CIRCUIT OF THE JUDICIAL DISTRICT OF THE STATE OF BOLIVAR

In his Office.-

I, Armando Cañizales Castillo, a citizen of Venezuela, of age, domiciled in Ciudad Guayana, State of Bolívar, holder of national identity card No. 13,521,437, a practicing attorney, registered with the Venezuelan Bar Association ("INPREABOGADO") under No. 79.937, appearing herein on my own behalf, respectfully appear before you and state: For legal purposes that are of interest to me and in accordance with Articles 936 and 938 of the Code of Civil Procedure and Article 1,429 of the Civil Code, I request that the Court be transferred and constituted at the address that I will indicate in due course, in order to issue a statement for the record on the following items by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is constituted of a vehicle: Make: Ford, Model: Explorer, of the Type, Color and Plates of the vehicle being inspected.

TWO: As to whether the vehicle described above has a tire fitted on each of its rims.

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the vehicle being inspected.

FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and of their tread.

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle.

SIX: That photographs be taken of the bodywork and the condition of the inspected vehicle.

SEVEN: That a statement be issued for the record as to the general condition of the vehicle's bodywork.

As to any other fact or circumstance that I reserve the right to indicate in due course.

(Initials – illegible)

(Hand written) Two (02*)*

Pursuant to articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of article 502 of same, I request that the photographic reproduction be ordered of the items specified above and any others that I expressly reserve the right to name at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state on the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection, and I therefore expressly request that said photographs be included in this Judicial Inspection. I swear under oath that this matter is an emergency and I request that, as provided in article 192 of the Code of Civil Procedure, the necessary time be set aside for the above procedures.

Lastly, I request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting that this petition will be granted, in Ciudad Bolívar, on the date of the submission hereof.

(Signed) (Illegible)

(Stamp)
Filed in person by the signatory
today, October 9, 2000, at 8:45 a.m.
consisting of two sheets of paper.
The Clerk
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
JUDICIAL DISTRICT OF THE STATE OF BOLIVAR
FIRST CIRCUIT
(Seal)
SECOND COURT IN AND FOR THE MUNICIPALITY OF HERES

(Hand written) Three (03)

BOLIVARIAN REPUBLIC OF VENEZUELA SECOND COURT IN AND FOR THE MUNICIPALITY OF HERES IN THE FIRST CIRCUIT OF THE JUDICIAL DISTRICT OF THE STATE OF BOLIVAR - Ciudad Bolívar, on the ninth day of October, two thousand.

190th year of Independence and 141st year of the Federation

Having reviewed the foregoing petition filed by ARMANDO CAÑIZALES CASTILLO, a practicing attorney, registered with the Venezuelan Bar Association under No. 79.937, a resident of Ciudad Guayana, State of Bolivar, who is appearing on his own behalf and has sworn under oath to the setting aside of the necessary time, it is agreed as follows:

That the petition be duly processed;

That the petition be admitted and entered in the receiving book.

In order to conduct the JUDICIAL INSPECTION requested, it is agreed to Transfer and Constitute the Court at the location indicated by the Petitioner and two o'clock in the afternoon (02:00 p.m.) on October 9, 2000 is scheduled for same. Once this has been done, it is agreed that the original shall be returned with the results thereof, with an annotation thereof made in the Office log and a copy thereof deposited in the Court's records.

The Judge
(Signed – illegible)
Carlos E. Sanchez Morales

The Clerk (Temporary)
(Signed – illegible)
Attorney Rosanna Di Blasio González

(Stamp)
REPUBLIC OF VENEZUELA
JUDICIAL DISTRICT OF THE STATE OF BOLIVAR
FIRST CIRCUIT
(Seal)
SECOND COURT IN AND FOR THE MUNICIPALITY OF HERES

Petition No. 115-2000
CESM/RDBG

(Stamp)
LOGGED IN

(Hand written) Four (04)

Today, the ninth day of October, two thousand, at three hours and five minutes in the afternoon, the Second Court in and for the Municipality of Heres in the First Circuit of the Judicial District of the State of Bolívar, accompanied by citizen Armando Cañizales Castillo, a practicing attorney, registered with the Venezuelan Bar Association under No. 79.937, a resident of this city, in his capacity as legal counsel for Bridgestone Firestone Venezolana, C.A. who was sufficiently identified in the petition, was transferred and set up at the principal place of business of the "Las Vegas", S.R.L. Parking Lot, located on the extension to Avenida República, Via Puente Angostura, in the urban area of this city, in order to conduct the Judicial Inspection that is the subject of this petition. The Court was set up at the location mentioned, and citizen Angel Velásquez, a citizen of Venezuela, of age, holder of identity card No. 4,979,824, a resident of this city being present, was provided with notice of the Court's mission at that location. In order to conduct the Judicial Inspection, the Court then appointed citizen Juan Ventura Dellan, a citizen of Venezuela, of age, holder of Identity Card No. 4,599,444, a resident of this city, as the expert mechanic and, being present, he stated under oath that he would fulfill …

(Hand written) Five (05)

the inherent to the position. Whereupon the Court likewise proceeded to appoint an expert photographer, which task fell to citizen Federico Muñoz Muñoz, a citizen of Venezuela, of age, holder of Identity Card No. 15,782,552, a resident of this city, who was present, stated that he accepted the task and was sworn in as provided by law; he told the Court that he would take the photographs with a photographic Camera described as follows: make: Canon, model: Sure Shot, 105-200M, serial no. 0611350, Roll of film: make: Kodak, 24 exposures, 400 ASA, color film; and that he would attach same to this petition for a Judicial Inspection, thus forming part of same. With regard to **Item One**, with the assistance of the assigned and sworn in expert mechanic, the Court then noted and stated for the record that there was indeed a vehicle at the location; Make: Ford, Model: Explorer XLT; Color: gray, Plates: NAF-50L, Serial number on bodywork: AJU3WP50615. **Item No. Two**: The Court, with the help of the expert mechanic, noted and stated for the record that the above described vehicle was fitted with a tire on each of its rims, four mounted on the ....

(Hand written) Six (06)

vehicle and one (01) placed in the vehicle's trunk. **Item No. Three**: With the assistance of the expert mechanic, this Court noted and stated for the record that the front left tire (on the driver's side) was: Make: Goodyear, Type: Eagle GTII, Serial No. DOTPBTJ E 3 HR 238; the front right tire was: Make: Goodyear, Type Eagle GTII;, Serial No. DOTPBTJ E 3 HR 228; the rear right tire: Make: Goodyear, Type Eagle GTII, and it proved impossible to read the serial number since it was completely damaged; the left rear tire was: Make: Firestone Wilderness AT, Serial No. DOT P235-75-R15, and in the inside trunk of the vehicle's cab was a tire: Make: Goodyear, Make: Eagle GTII, Serial No. DOT PBTJ E 3 HR 437. **Item No. Four**: with the assistance of the expert mechanic, this Court noted and stated for the record that the condition of the tires mounted on each rim of the inspected vehicle was as follows: the tread on the rear right tire, the front left tire, the front right tire and the tire in the trunk was about 25% worn, and the rear left tire was completely new; the rear left tire was in good condition, the rear right tire was totally ruined, the tire in the trunk .....

(Hand written) Seven (07)

and also the front right and front left tires are broken. With regard to **Item No. Five**: The Court sought the assistance of the above-mentioned expert photographer, who had been identified and sworn in, to take a photograph of each of the tires mounted on each of the vehicle's rims, and he did so. **Item No. Six**: The Court sought the assistance of the expert photographer to take a photograph of the bodywork of the inspected vehicle and he did so. **Item No. Seven**: The Court, with the help of the expert mechanic, noted and stated for the record that the bodywork of the inspected vehicle was totally damaged. Likewise, the Court noted and stated for the record that the roof of the inspected vehicle was dented and the driver's side panel was bent over, causing the cabin to be displaced to the right side, that is, from the left or driver's side to the passenger side, or right side. At this point, the petitioner intervened and exercising the reservation he had included in his petition, he asked the Court to make a statement on the record as to the condition of the rims and the steering wheel of the inspected vehicle. At this point, the Court, with the assistance of the expert mechanic, noted and stated for the record that the outside flange ....

(Hand written) Eight (08)

of the front right rim was broken, the outside flange of the rear right rim was completely damaged; and the rims on both the front and rear left side were in good condition; it was also observed and stated for the record that the steering wheel was damaged and spun freely. The Court stated for the express record that at the request of the petitioner, any time necessary has been set aside to conduct this inspection. There being no further business, the Court was ordered to return to its usual seat, at five thirty-five in the afternoon. That is all, completed, read and signed by the undersigned, being in agreement therewith.

(Stamp))
REPUBLIC OF VENEZUELA
JUDICIAL DISTRICT
OF THE STATE OF BOLIVAR
1ST CIRCUIT
(Coat of Arms)
Second Court in and for
The Municipality of Heres

The Judge,
(Signed) (Illegible)
Carlos E. Sanchez Morales

The Petitioner,
(Signed) (illegible)
Attorney Claudia Tomasi

The Subpoenaed Party,
(Signed) (illegible)
Angel Velásquez

The Expert Mechanic,
(Signed) (Illegible)
Juan Ventura Dellén

The Expert Photographer,
(Signed – illegible)
Federico Muñoz Muñoz

The Temporary Clerk,
(Signed) (Illegible)
Rosanna Di Blasio González

(Hand written) Sixteen (16)

BOLIVARIAN REPUBLIC OF VENEZUELA, SECOND COURT IN AND FOR THE MUNICIPALITY OF HERES IN THE FIRST CIRCUIT OF THE JUDICIAL DISTRICT OF THE STATE OF BOLIVAR - Ciudad Bolívar, on the ninth day of October, two thousand.

190th year of Independence and 141st year of the Federation

This Petition for a Judicial Inspection having been complied with, it is agreed to return the

original with the results thereof, consisting of Sixteen (16) pages, leaving a copy in the

Court's records.

The Judge
(Signed) (illegible)
Carlos E. Sánchez Morales

The Temporary Clerk,
(Signed) (Illegible)
Rosanna Di Blasio González

(Stamp)
REPUBLIC OF VENEZUELA
JUDICIAL DISTRICT
OF THE STATE OF BOLIVAR
1st CIRCUIT
(Coat of Arms)
Second Court in and for
The Municipality of Heres

Petition No. 115-2000
CESM/RDBG

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 115-2000, dated October 9, 2000, concerning an inspection of the Ford Explorer with plates numbered NAF-50L, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC784723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

PODER JUDICIAL

Jurisdicción Civil

SOLICITUDES

ARCHIVO

- 00

Nro. 115-2000

SOLICITANTE(s) ARMANDO CAÑIZALES.-

MOTIVO INSPECCION JUDICIAL.-

JUZGADO SEGUNDO DEL MUNICIPIO HERES.-

FECHA DE ENTRADA: Día NUEVE (09) *Mes* OCTUBRE *Año* 2.000.-

FECHA DEVOLUCION: Día ..... *Mes* ..... *Año* .....

Nro. - 00

C-22

Uno (01)

Ciudadano
Juez Segundo del Municipio Heres del Primer Circuito de la Circunscripción Judicial del Estado Bolívar
Su Despacho.

Yo, **Armando Cañizales Castillo**, venezolano, mayor de edad, domiciliado en Ciudad Guayana, Estado Bolívar, titular de la cédula de identidad N° 13.521.437, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 79.937, procediendo en este acto en mi propio nombre, ante usted respetuosamente ocurro y expongo: Para fines legales que me interesan y de conformidad con los artículos 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, solicito que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.

SEGUNDO: Si el vehículo antes identificado tiene cada caucho instalado en cada uno de sus rines.

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.

Doc (02)

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Juro la urgencia del caso y solicito que de conformidad con lo establecido en el artículo 192 del Código de Procedimiento Civil se habilite el tiempo necesario para estas actuaciones.

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es justicia que espero en Ciudad Bolívar, en la fecha de su presentación.

Presentado personalmente por el firmante
09-10-00
a las: 8:45 a.m.
constante de: 2 folios útiles

Exes (03)

REPUBLICA BOLIVARIANA DE VENEZUELA.- JUZGADO SEGUNDO DEL MUNICIPIO HERES DEL PRIMER CIRCUITO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO BOLIVAR.- Ciudad Bolívar nueve de octubre de dos mil.-

190° y 141°

Vista la anterior solicitud presentada por ARMANDO CAÑIZALE CASTILLO abogado en ejercicio con matrícula de I.P.S.A. N° 70.027 con domicilio en Ciudad Guayana, Estado Bolívar, actuando en su propio nombre y jurada la habilitación del tiempo necesario, se acuerda darle el curso correspondiente. Desele entrada y anótese en el libro respectivo. A los fines de practicar la INSPECCION JUDICIAL solicitada se acuerda el Traslado y Constitución del Tribunal en el sitio indicado por el Solicitante y se fija para el día 09 de octubre de 2.000, a las dos de la tarde (02:00 P.M.).- Hecho esto, se acuerda devolver original con sus resultas, dejándose nota en el libro diario del Despacho y copia en el archivo del Tribunal.-

El Juez,

Carlos E. Sánchez Morales

La Secretaria (Temp.),

Ab. Rosanna Di Blasio González

Solicitud N° 115-2000.-

CESM/RDBG/iv

cuatro (04

En el día de hoy, 09 de Octubre del año dos mil, siendo las tres y cinco minutos de la tarde, se trasladó y constituyó el Juzgado Segundo del Municipio Heres del Primer Circuito de la Circunscripción Judicial del Estado Bolívar, en compañía del ciudadano Armando Cañizales Castillo, abogado en ejercicio, debidamente inscrito en el Inpreabogado bajo el nº 79.937, de este domicilio; en la sede del Estacionamiento "Las Vegas". S.R.L., ubicado en la prolongación de la Avenida República, Vía Puente Angosturа, zona urbana de esta ciudad, con el fin de Practicar Inspección Judicial, a que se contrae la presente solicitud. Constituido el Tribunal en el sitio antes indicado, y presente el ciudadano Angel Velásquez, venezolano, mayor de edad, titular de la cedula de Identidad nº 4.979.824, de este domicilio, fué notificado de la misión del Tribunal en este acto. Seguidamente, el Tribunal para la práctica de esta Inspección Judicial, acuerda, designar como práctico mecánico al ciudadano Juan Ventura Dellan, venezolano, mayor de edad, titular de la Cédula de Identidad nº 4.599.444, de este domicilio, quien estando presente juró cumplir con las labores

inherentes al cargo. Igualmente, el Tribunal procede a realizar en este mismo acto la designación de un práctico fotógrafo, el cual recae en la persona del ciudadano Federico Muñoz Muñoz, venezolano, mayor de edad, titular de la cédula de Identidad n.° 15.782.552, de este domicilio, quien estando presente y habiendo manifestado su aceptación al cargo, prestó el juramento de ley, manifestando al Tribunal, que procedería a tomar las fotografías con una cámara fotográfica, Marca: Canon, Modelo: Sure Shot, 105200 M, Serial: 0611350, Rollo Marca Kodak, de 24 exposiciones, 400 asas, película a color; y las anexaría a la presente a la presente solicitud de Inspección Judicial, para que formen parte de la misma. Seguidamente, el Tribunal en cuanto al Primer Particular, con la asistencia del práctico mecánico designado y juramentado, observa y deja constancia que ciertamente, en el lugar se encuentra un vehículo Marca: Ford, Modelo: Explorer XLT, Color: Gris, Placas: NAF-50L, Serial de Carrocería: AJU3WP50615. Al Segundo Particular, el Tribunal observa y deja constancia con la asistencia del práctico mecánico, que el vehículo antes identificado, tiene un caucho instalado en cada uno de sus rines, cuatro de ellos instalados en el

Seis (06)

vehículo, y uno (01) colocado en la maletera del mismo. Al Tercer Particular con la asistencia del práctico mecánico, este Tribunal observa y deja constancia que el caucho delantero izquierdo (lado del conductor) es marca: Good Year, Tipo: Eagle GT II, Serial: DOTPBTJ E 3 HR 238; el caucho derecho delantero es Marca: Good Year, Tipo Eagle GT II, Serial: DOTPBTJ E 3 HR 228; el caucho trasero derecho es Marca: Good Year, Tipo Eagle GT II, resulta imposible visualizar el serial, por estar totalmente dañado; el caucho trasero izquierdo es Marca: Firestone Wilderness AT, Serial: DOT P235-75-R15; y en el maletero interno de la cabina del vehículo, un caucho, Marca Good Year, Tipo: Eagle GT II, Serial: DOTPBTJ E 3 HR 437. Al Cuarto Particular, con la asistencia del práctico mecánico, este Tribunal observa y deja constancia que la condición de los cauchos instalados en cada uno de los rines del vehículo inspeccionado, es la siguiente: los cauchos trasero derecho, delantero izquierdo, delantero derecho y el del maletero, presentan un desgaste de aproximadamente de un 25% en su banda de rodamiento, y el trasero izquierdo, está totalmente nuevo; el caucho trasero izquierdo está está en buen estado, el caucho trasero derecho está totalmente destrozado; el caucho del maletero,

Suite (07)

así como el delantero derecho y delantero izquierdo están rotos. En cuanto al Quinto Particular, el Tribunal se auxilia del práctico fotógrafo antes mencionado, identificado y juramentado para tomar fotografía de cada uno de los cauchos instalados en cada uno de los rines del vehículo y así lo hace. Al Sexto Particular, el Tribunal se auxilia del práctico fotógrafo para tomar fotografía de la carrocería del vehículo inspeccionado y así se hace. Al Séptimo Particular, el Tribunal asistido del práctico mecánico, observa y deja constancia que la carrocería del vehículo inspeccionado está totalmente dañada, igualmente observa y deja constancia que el techo del vehículo inspeccionado está abollado, con el panal del lado del conductor doblado, presentando un desplazamiento de la cabina hacia el lado derecho, es decir, desde el lado izquierdo o lado del conductor hacia el lado que corresponde al copiloto o lado derecho. En este estado interviene el solicitante y haciendo uso de la reserva contenida en la solicitud, pide al Tribunal deje constancia del estado de los rines y el volante del vehículo inspeccionado. En este estado el Tribunal, con la ayuda del práctico mecánico, observa y deja constancia que el rin delantero derecho tiene la pestaña exterior rota,

Ocho (08

el rin trasero derecho presenta la pestaña exterior completamente dañada; y los rines del lado izquierdo tanto delantero como trasero están en buen estado; igualmente observa y deja constancia que el volante está dañado y gira libremente. El Tribunal deja expresa constancia que a petición del solicitante, ha sido habilitado todo el tiempo necesario para la práctica de la presente inspección.- No teniendo otra diligencia que practicar, el Tribunal ordena su regreso a su sede natural, siendo las cinco y treinta y cinco de la tarde. Es todo, terminó, se leyó y conformes firman.

REPUBLICA DE VENEZUELA
Circunscripción Judicial
Del Estado Bolívar
Del Circuito
SEGUNDO DEL MUNICIPIO HERRERA

El Juez,

Carlos E. Sánchez Morales

El Solicitante,

Ab. Armando Cañizalez

El Notificado,

Angel Velasquez

El Práctico Fotógrafo,

Federico Muñoz Muñoz

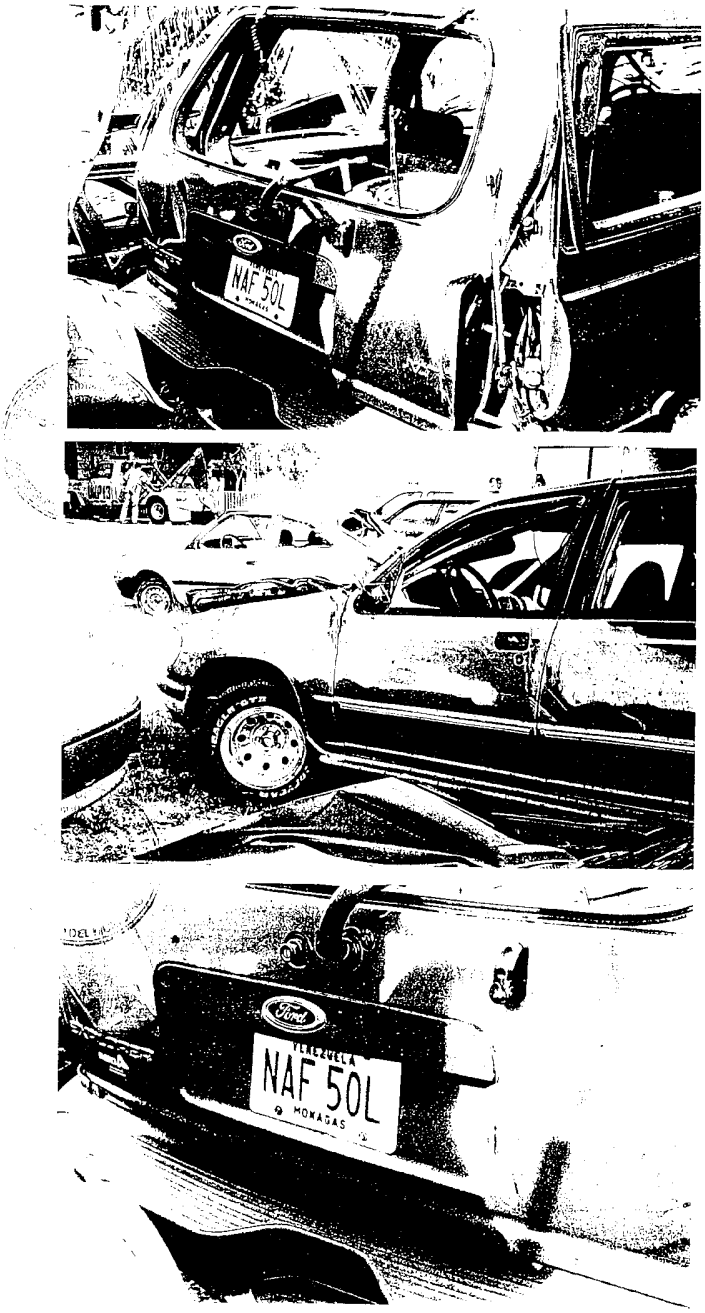
El Práctico Mecánico,

Juan Ventura Dellan

La Secretaria Temp.

Josanna Di Blasio Y.

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VENEZUELA
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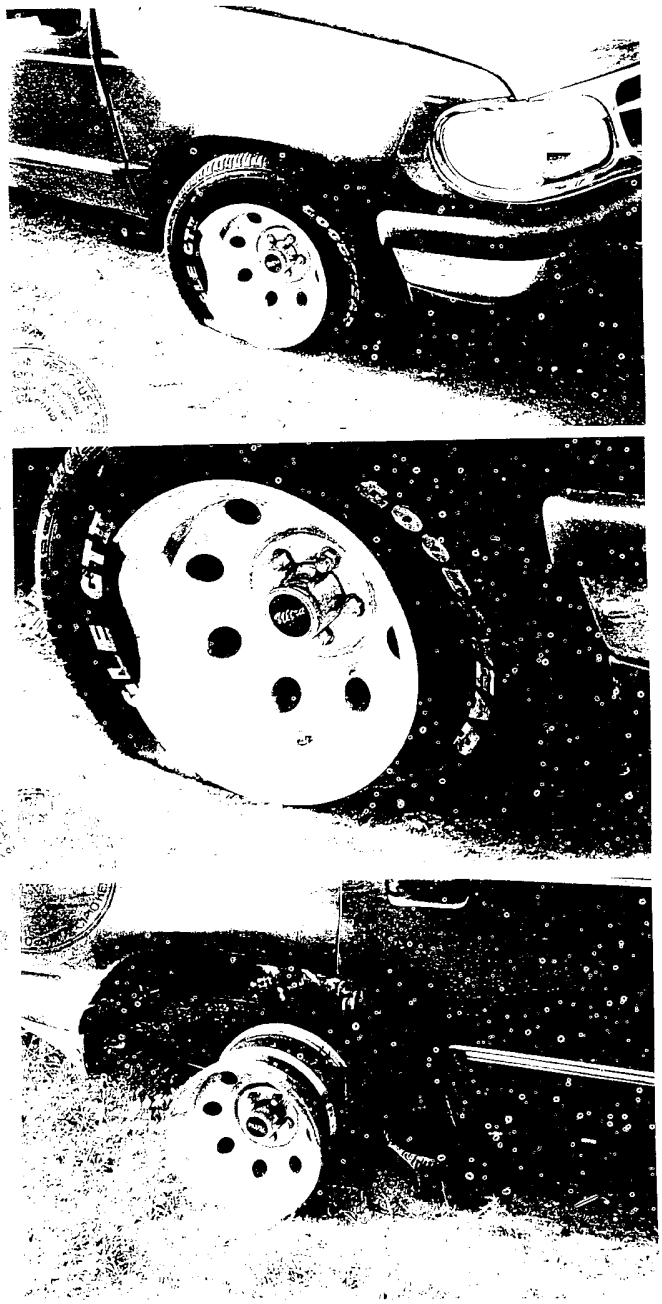
MONAGAS







Date (13)

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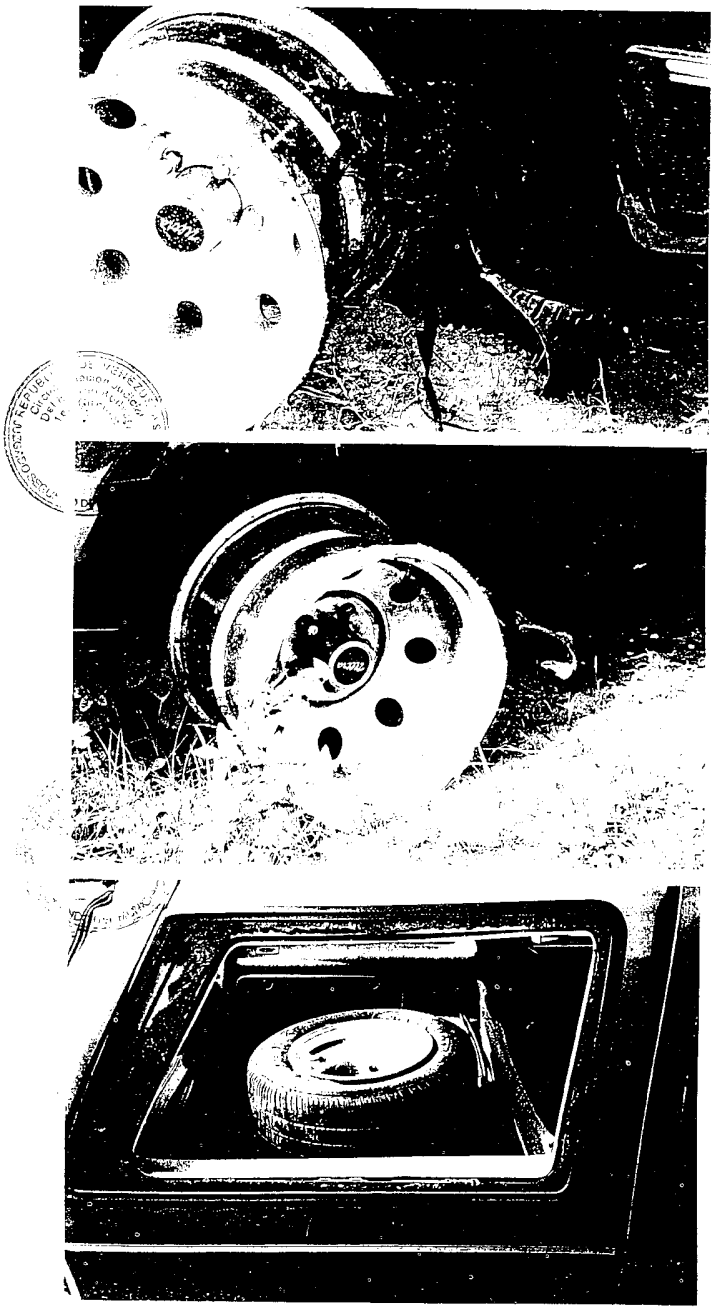

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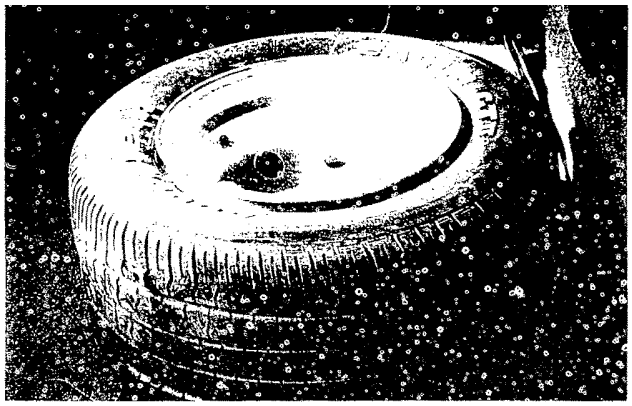
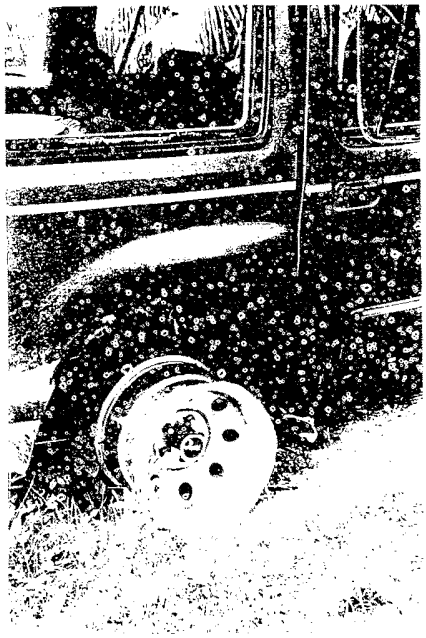




Dieciséis (16)

REPUBLICA BOLIVARIANA DE VENEZUELA. JUZGADO SEGUNDO DEL MUNICIPIO HERES DEL PRIMER CIRCUITO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO BOLIVAR.- Ciudad Bolivar, diez (10) de octubre del año dos mil.

190° y 141°

Cumplida como ha sido la presente Solicitud de Inspección Judicial, se acuerda devolver original con sus resultas, constante de Dieciséis (16) folios útiles, dejando copia en el archivo del Tribunal.-

El Juez,

Carlos E. Sánchez Morales

La Secretaria Temporal,

Rosanna Di Blasio González

Solicitud N° 115-2000
CESM/RDBG

REPUBLICA DE VENEZUELA

PODER JUDICIAL

Jurisdicción Civil

SOLICITUDES

ARCHIVO

00

Nro. 116-2000.-

SOLICITANTE(s) CLAUDIA TOMASI.-

MOTIVO INSPECCION JUDICIAL.-

JUZGADO SEGUNDO DEL MUNICIPIO HERES.-

FECHA DE ENTRADA: Día NUEVE (09) *Mes* OCTUBRE *Año* 2.000.-

FECHA DEVOLUCION: Día ..... *Mes* ..... *Año* .....

Nro. .....

00

C-22

Une (01)

Ciudadano
Juez Segundo del Municipio Heres del Primer Circuito de la Circunscripción Judicial del Estado Bolívar
Su Despacho.

Yo, **Claudia Tomasi**, venezolana, mayor de edad, domiciliada en Ciudad Bolívar, Estado Bolívar, titular de la cédula de identidad N° 13.016.937, abogada en ejercicio, inscrita en el INPREABOGADO bajo el N° 76.479, actuando en este acto en nombre y representación de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, solicito muy respetuosamente de este Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.

SEGUNDO: Si el vehículo antes identificado tiene cada caucho instalado en cada uno de sus rines.

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de

Dos (02)

los rines del vehículo inspeccionado y su banda de rodamiento.

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 ejusdem, se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto, se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Judicial. Juro la urgencia del caso y solicito que de conformidad con lo establecido en el artículo 192 del Código de Procedimiento Civil se habilite el tiempo necesario para estas actuaciones.

Pido, por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es justicia que espero en Ciudad Bolívar, en la fecha de su presentación.

Presentado personalmente por: el firmante

hoy: 09-10-00

a las: 8 50 a m

constante de: 2 folios

El Secretario

REPÚBLICA BOLIVARIANA DE VENEZUELA
JUZGADO SEGUNDO DE PRIMERA INSTANCIA
MUNICIPIO HERES

Folios (03)

[illegible]

DIARIZADO

Exacto Co

En el dia de hoy, 09 de Octubre del año dos mil, siendo las dos de la tarde, se trasladó y constituyó el Juzgado Segundo del Municipio Heres del Primer Circuito de la Circunscripción Judicial del Estado Bolivar, en compañia de la ciudadana Claudia Comasi, abogada en ejercicio, inscrita en el Inpreabogado bajo el nº 76.479, de este domicilio, en su condición de representante judicial de Bridgestone Firestone Venezolana, C.A., suficientemente identificada en el escrito de solicitud, en la sede del Estacionamiento "Las Vegas" S.R.L. ubicado en la prolongación de la Avenida Republica, Via Puente Angostura, zona urbana de esta ciudad, con el fin de practicar Inspección judicial, a que se contrae la presente solicitud. Constituido el Tribunal en el sitio antes indicado, y presente el ciudadano Angel Velásquez, venezolano, mayor de edad, titular de la Cedula de Identidad N: 4.979.824, de este domicilio, fue notificado de la misión del Tribunal en este sitio. Seguidamente el Tribunal para la práctica de esta Inspección Judicial acuerda designar como práctico mercantil al ciudadano Juan Ventura Dallan, venezolano, mayor de edad, titular de la Cédula de Identidad N: 4.599.444, de este domicilio,

Cinco (05

quien estando presente juró cumplir con las labores inherentes al cargo. Igualmente el Tribunal procede a realizar en este mismo acto la designación de un práctico fotógrafo, el cual recae en la persona del ciudadano Federico Muñoz Muñoz, venezolano, mayor de edad, titular de la Cédula de Identidad N°: 15.782.552, de este domicilio, quien estando presente y habiendo manifestado su aceptación al cargo, prestó el juramento de ley, significando al Tribunal que procederá a tomar las fotografías con una Cámara Fotográfica Marca: Canon, Modelo: Sure Shot, 105-200M, Serial: 0611350, Rollo Marca: Kodak, de 24 exposiciones, 400 asas, película a color; y las anexará a la presente solicitud de Inspección Judicial, para que formen parte de la misma. Seguidamente el Tribunal en cuanto al Primer Particular observa y deja constancia que ciertamente en el lugar se encuentra un vehículo, Marca Ford, Modelo: Explorer XLT, Color: Gris, Placas: NAF-50L, Serial de Carrocería: AJU3CWP50615. Al Segundo Particular, el Tribunal observa y deja constancia con la asistencia del práctico mecánico, que el vehículo antes identificado tiene un caucho instalado en cada uno de sus rines, cuatro

Seis (06)

de ellos instalados en el vehículo y uno (01) colocado en la maletera del mismo. Al Cuarto Particular con la asistencia del práctico mecánico, este Tribunal observa y deja constancia que, el caucho delantero izquierdo (lado del conductor) es Marca: Good Year, Tipo Eagle GT II, Serial: DOT PBTJ E 3 HR 238; el caucho derecho delantero es Marca Good Year, Tipo Eagle GT II, Serial: DOT PBTJ E 3 HR 228; el caucho trasero derecho es Marca Good Year, Tipo: Eagle GT II, resulta imposible visualizar el serial por estar totalmente cañado; el caucho trasero izquierdo es Marca: Firestone Wilderness A T, Serial: DOT P235-75-R15; y en el maletero interno de la cabina del vehículo, un caucho, Marca Good Year, Marca Eagle GT II, Serial: DOT PBTJ E 3 HR 437. Al Cuarto Particular, con la asistencia del práctico mecánico, este Tribunal observa y deja constancia, que la condición de los cauchos instalados en cada uno de los ejes del vehículo inspeccionado, es la siguiente: los cauchos trasero derecho, delantero izquierdo, delantero derecho y el del maletero, presentan un desgaste de aproximadamente de un 25% en su banda de rodamiento, y el trasero izquierdo, está totalmente nuevo, el caucho trasero izquierdo está en buen estado, el caucho trasero derecho está totalmente destrozado; el caucho

Siete (07)

del maletero, así como el delantero derecho y delantero izquierdo están rotos. En cuanto al Quinto Particular, el Tribunal se auxilia del práctico fotográfico antes mencionado, identificado y juramentado para tomar fotografía de cada uno de los cauchos instalados en cada uno de los rines del vehículo, y así se hace. Al sexto Particular, el Tribunal se auxilia del práctico fotógrafo para tomar fotografía de la carrocería del vehículo inspeccionado, y así se hace. Al Séptimo Particular el Tribunal asesorado del práctico mecánico observa y deja constancia que la carrocería del vehículo inspeccionado está totalmente dañada. En este estado interviene el Tribunal con asistencia del práctico mecánico, observa y deja constancia que el techo del vehículo inspeccionado está abollado, con el pasal del lado del conductor doblado, presentando un desplazamiento de la cabina hacia el lado derecho, es decir, desde el lado izquierdo o lado del conductor hacia el lado que corresponde al copiloto, o lado derecho. En este estado interviene la solicitante y haciendo uso de la reserva contenida en la solicitud, pide al Tribunal deje constancia del estado de los rines y el volante del vehículo inspeccionado. En este estado el Tribunal con la ayuda del práctico mecanico, observa y deja constancia que el rin —

Ocho (08)

delantero derecho tiene la pestaña exterior rota, el aro trasero derecho presenta la pestaña exterior completamente dañada; y los rines del lado izquierdo tanto delantero como trasero están en buen estado; igualmente observa y deja constancia que el volante está dañado y gira libremente. No teniendo otra diligencia que practicar, el Tribunal ordena su regreso a su sede natural siendo las dos y cincuenta y seis minutos de la tarde. Es todo, terminó, se leyó y conforman firman

Carlos E. Sánchez Morales.

La Solicitante,

Ab. Claudia Comasi

El Notificado,

Angel Velásquez

El Práctico Fotógrafo,

Federico Muñoz Muñoz

El Práctico Mecánico

Juan Ventura Dellán

La Secretaria Temporal,

Rosanna Di Blasio González

Diecisiete (17)

REPUBLICA BOLIVARIANA DE VENEZUELA. JUZGADO SEGUNDO DEL MUNICIPIO HERES DEL PRIMER CIRCUITO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO BOLIVAR.- Ciudad Bolivar, diez (10) de octubre del año dos mil.

190° y 141°

Cumplida como ha sido la presente Solicitud de Inspección Judicial, se acuerda devolver original con sus resultas, constante de Diecisiete (17) folios utiles, dejando copia en el archivo del Tribunal.-

El Juez.

Carlos E. Sánchez Gonzales

La Secretaria Temporal.

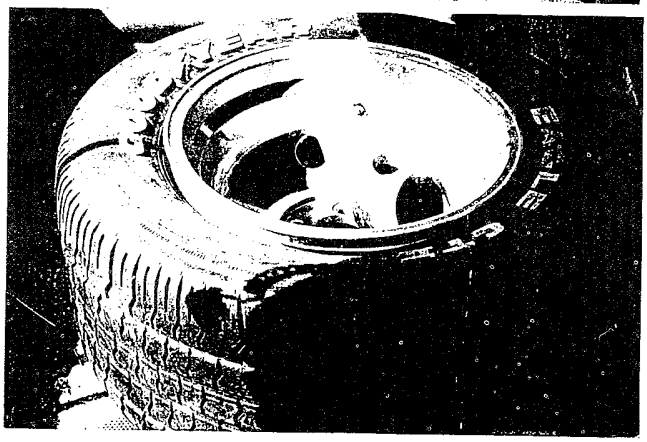
Rosanna Di Blasio González

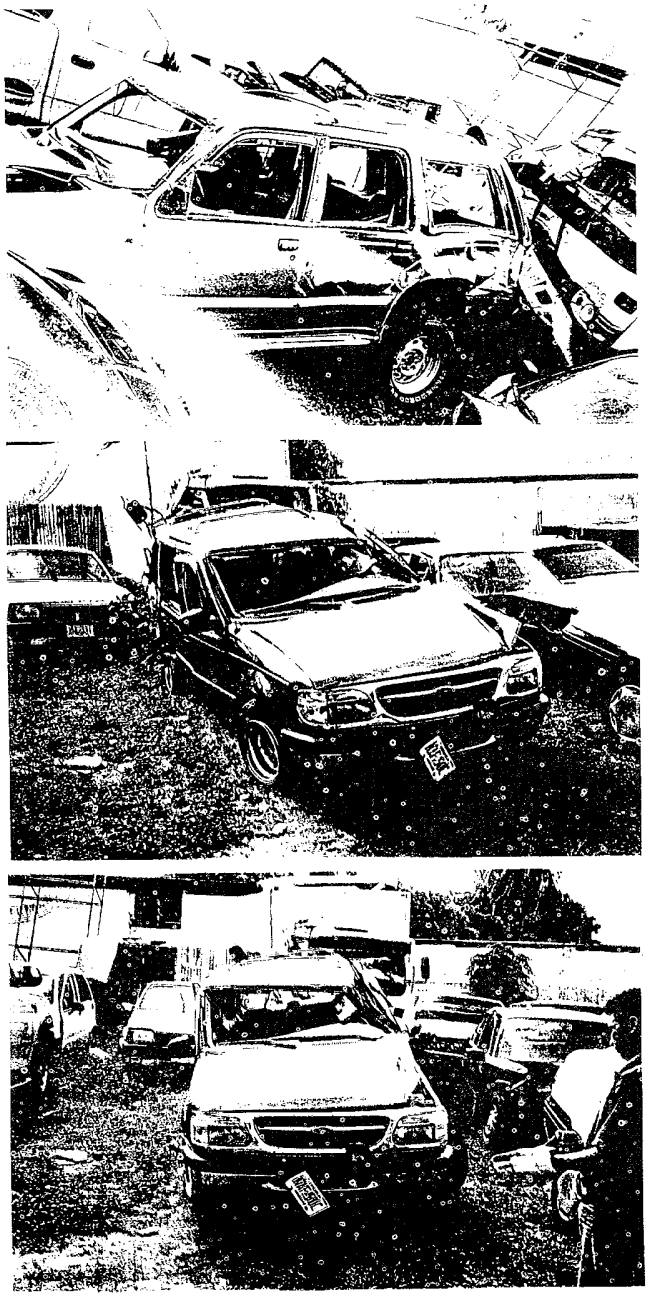
Solicitud N° 116-2000

CESM/RDBG



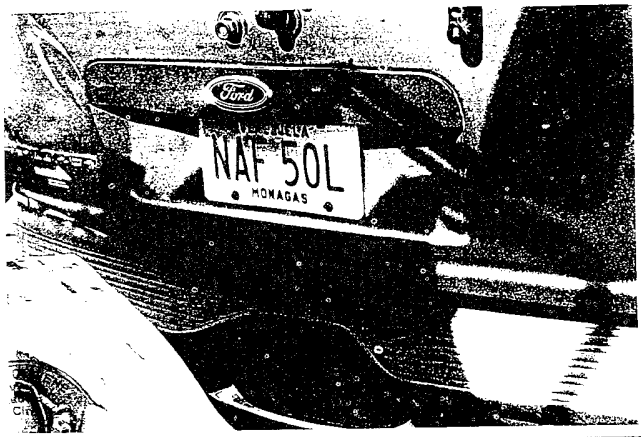




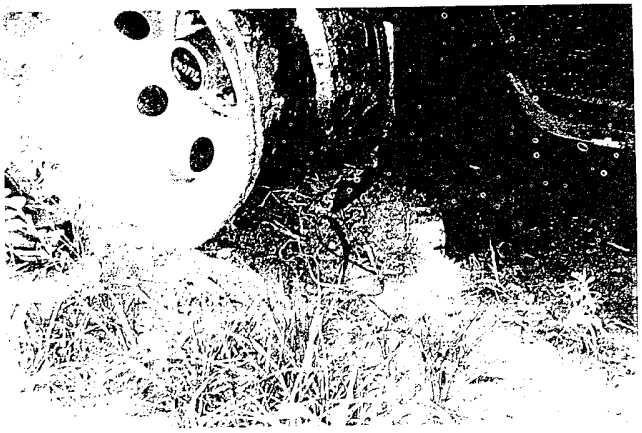












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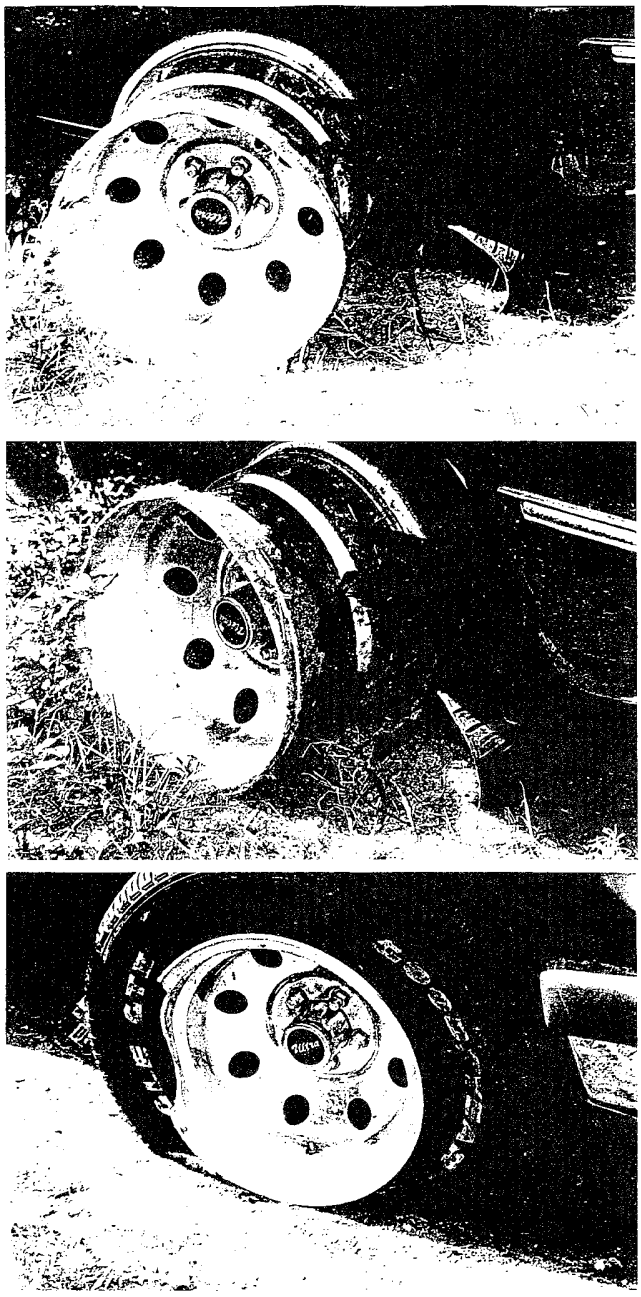
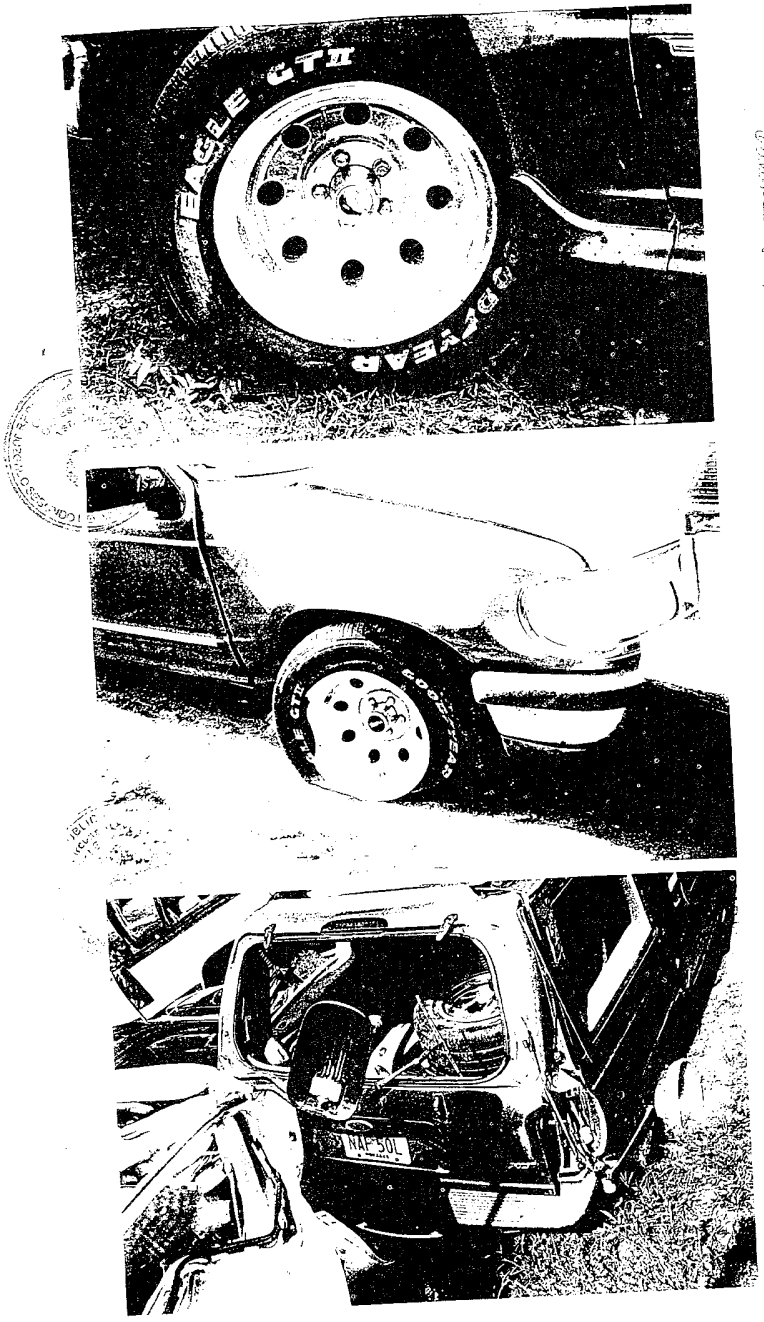
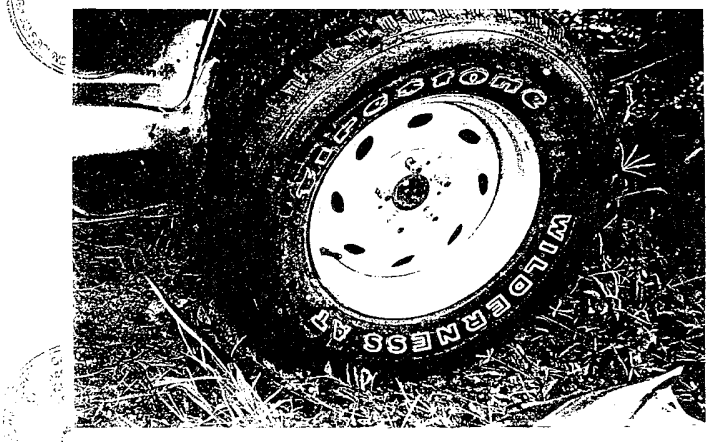
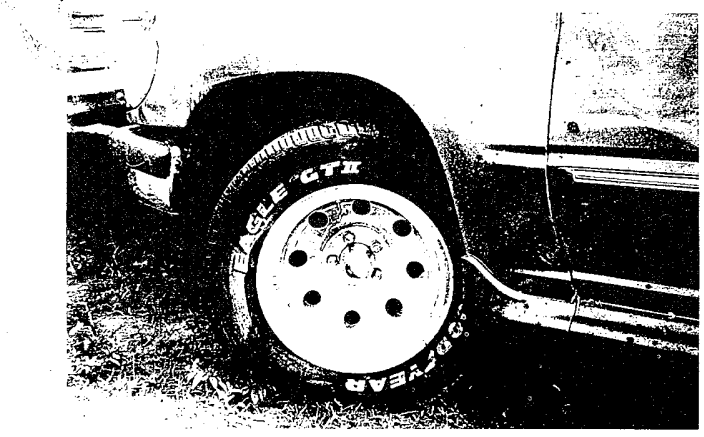



EAGLE GT II
GOODYEAR
NAP 50L




GOODYEAR
WILDERNESS AT


EAGLE GT II
GOODYEAR







REPUBLIC OF VENEZUELA

No. 36/2000

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): FRANCISCO JESÚS VELASQUEZ A. VENEZUELAN BAR ASSOCIATION ("INPREABOGADO") NO. 54,892, in his capacity as Legal Counsel for BRIDGESTONE FIRESTONE VENEZOLANA, C.A.

REASON: JUDICIAL INSPECTION

COURT: COURT IN AND FOR THE MUNICIPALITY OF JUAN JOSÉ MORA-MORÓN

DATE STAMPED IN: Day: 28 Month: June Year: 2000

DATE RETURNED: Day: 28 Month: June Year: 2000

No. 36/2000

C.22

(Hand written) One –1-

(Seal)

STATE OF CARABOBO

(Coat of Arms)

• Fee for Fiscal Stamp • VALUE: ONE HUNDRED FORTY-EIGHT BOLIVARS (Bs. 148.00) •

CA 98 – No. 03065432

Citizen:

JUDGE FOR THE MUNICIPALITY OF JUAN JOSE MORA IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

In his office.

I, **FRANCISCO JESÚS VELASQUEZ ARCAY**, a citizen of Venezuela, of age, domiciled in Valencia, State of Carabobo, holder of identity card No. 7,121,658, a practicing attorney, registered with the Venezuelan Bar Association ("INPREABOGADO") under No. 54,892, appearing herein in my capacity as legal counsel, as evidenced by the power of attorney attached to this petition, for **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, a corporation formerly known as **C.A. FIRESTONE VENEZOLANA**, which was registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in the Judicial District of the State of Carabobo, on the twenty-third (23rd) day of October, 1956, under No. 1, the amendments thereto being assembled in one body of documentation as set forth in the Minutes of the Extraordinary General Shareholders' Meeting recorded in the First Companies Register in and for the Judicial District of the State of Carabobo on January 29, 1997, under No. 2, Volume 8-A, hereby respectfully appear before you and state: In accordance with articles 192, 936 and 938 of the Code of Civil Procedure, and article 1,429 of the Civil Code, I swear that this case is an emergency, and I would ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred to and constituted at the address of which I will advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is constituted of a vehicle: Make: Ford, and the Model, Type Color and Plates of the inspected vehicle.- ------

TWO: As to whether the vehicle identified above has four (4) tires fitted one on each of its rims. ----

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

(Back of Page One)

(Three partial stamps in right margin – illegible)

FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. ---------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. -- -------

SEVEN: That a statement be made on the record as to the general condition of the vehicle's bodywork. - As to any other fact or circumstance that I reserve the right to indicate in due course. ---------- ------

Pursuant to articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of article 502 of same, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer be appointed, together with an expert mechanic. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in Valencia, on the date of the filing hereof. ----------

(Signed) (Illegible)

N:\FVelasquez\Firestone\Inspeccion Judicial 3.doc

(Hand written) Three - 3 -

(Two partial stamps in left margin – illegible)

(Stamp)
Republic of Venezuela
(Coat of Arms)
(Initials – illegible)
Third Notary Public in and for Valencia

(Five partial Stamps down left margin)
...Venezuela
(Coat of Arms)
..in and for Valencia

(Fiscal Stamp)
20 BOLIVARS
Ministry of Finance

(Hand written) Four - 4 -

(Stamp)
Receipt No. *(illegible)*
Notary:_____
Fees:_____
Authorized by:_____
(stamped): PAID
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Two Stamps)
Republic of Venezuela
(Coat of Arms)
(Initials) (Illegible)
Third Notary Public in and for Valencia

(Signed) (illegible)
FRANCISCO J. VELASQUEZ ARCAY
ATTORNEY
VENEZUELAN BAR ASSOCIATION NO. 54,892

I, ROSENDO S. TERRADAS, a citizen of Venezuela, of age, a resident of this city, in full possession of my civil rights and holder of identity card No. 6,297,265, appearing in my capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., a commercial company domiciled in the city of Valencia, State of Carabobo, and originally registered with the Companies Register that was maintained by the Second Court of the First Instance for Civil and Commercial Matters in and for the Seventh Judicial District of the State of Carabobo on the twenty-third (23rd) day of October, 1956, under No. 1, hereby state: That the company I represent is granting a power of attorney that is as broad, adequate and sufficient as the law requires and is necessary, to practicing attorneys: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ and FRANCISCO J. VELASQUEZ ARCAY, all citizens of Venezuela, of age, legally competent and holders of identity cards Nos. 3,967,563, 3,661,025, 7,308,173, 6,845,624, 6,822,699, 10,335,670, 9,879,275, 7,139,825 and 7,121,658 respectively, who are registered with the Venezuelan Bar Association ("INPREABOGADO") under Numbers 13,946; 11,568; 19,692; 26,304; 32,501; 54,502; 48,338; 55,660 and 54,892, also respectively; the first eight of said attorneys being domiciled in the city of Caracas, Federal District, and the last one being domiciled in the city of Valencia, State of Carabobo, to act jointly or separately and represent and uphold the rights, actions and interests of BRIDGESTONE FIRESTONE VENEZOLANA, C.A. in any type of judicial or extra-judicial matter to which it is a party, before any person, whether public or private, and before any national, state, district or municipal, judicial or administrative agency or agencies under any other competence, order or jurisdiction, including, but .....

(Hand written at bottom of page)
No. 28 – Volume 11

(Back of Page Four)

(hand written) No. (60)

(Three stamps with initials and Five partial stamps down right margin)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

not limited to, the courts of the First and/or Second Instance, District or Municipal Courts, the Supreme Court of Justice, the First Court for Contentious-Administrative Matters, Higher Courts for Contentious-Administrative Matters, Higher Courts for Contentious-Tax Matters, Courts for Contentious-Administrative Matters, Criminal Courts, Labor Courts and finally, before any agency, court, office, authority and/or officers of any public or private kind. The grantees named above are, when exercising this power of attorney, authorized to file and/or answer any kind of complaint, claim, proceeding, motion and/or counterclaim, allege, object to and/or answer prior defenses and questions, enter into commitments for remedies and/or guarantees, agree to, dismiss, settle, waive actions or rights and refrain from exercising them if appropriate; request the record on orders or actions; defer action, suspend, exercise, request and waive extensions of time and appeals, challenge, move for dismissal and reinstatement if necessary or appropriate; appeal, appear in person; produce any type of evidence and object to the admission of same and participate in all of the procedures and motions for compliance therewith, request and arrange for any preventive or executory measure if necessary or appropriate or oppose same and participate in any other motion that may arise; commence third party proceedings; strike and/or disavow all types of documents, strike witnesses, assign property, request accountings, move for petitionary or confessional proceedings of any kind whatsoever; be summoned or subpoenaed, receive and deliver any amount of money that is legitimately due and owing and issue and demand the corresponding receipts and releases, dispose of rights during litigation, request and participate in auctions, by bidding and purchasing at auctions for such purpose, issue any bond and guarantee required by any Court or Tribunal; object to any kind of bond and/or guarantee, settle at arbitration, with arbitrators and/or .....

(Hand written) Five - 5 -

(Fiscal Stamp) *(Illegible initials)*
REPUBLIC OF VENEZUELA
20 BOLIVARS
Ministry of Finance

(Five partial stamps in left margin)
....OF VENEZUELA
(Coat of Arms)
...IN AND FOR VALENCIA
(Two stamps over fiscal stamp with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

at arbitration proceedings at law, request rulings in equity, appoint partners, pursue lawsuits that have been commenced in all of their proceedings, motions and procedures and exercise any remedy there may be, whether ordinary or extraordinary, such as cassation or annulment, initiate and refrain from proceedings challenging the constitutionality of laws, propound and answer interrogatories under oath, file claims and small claims and refrain from making them, and in general, do anything necessary or appropriate for the best defense of the rights and interests of BRIDGESTONE FIRESTONE VENEZOLANA C.A. I hereby certify that the powers granted and listed hereunder are merely for reference purposes and are not limitative and that the grantees appointed hereunder are authorized to assign this power of attorney to people or attorneys they deem to be trustworthy, with all or any of the powers mentioned above, with or without a restriction on the exercise thereof. This power of attorney neither revokes nor invalidates any other power of attorney previously granted by BRIDGESTONE FIRESTONE VENEZOLANA C.A. In order to certify as to the legal existence of the company I represent for the record, the capacity in which I am acting, my powers and the other issues concerning powers of attorney, and pursuant to the provisions of article 155 of the Code of Civil Procedure, I am hereby listing and producing the following documents to the Notary before whom this power of attorney is being signed and I am asking her to list them in the respective note: ONE: Certified copy issued by the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District dated the twenty-third (23rd) day of October, 1956, of the entry in Companies Register No. 1, containing the original Articles of Incorporation and Bylaws of C.A. FIRESTONE VENEZOLANA, (now known as BRIDGESTONE FIRESTONE VENEZOLANA, C.A.). TWO: Certified copy issued by the First Commercial Register for the Judicial District of the State of ....

(Back of Page 5)

(Hand written) No. 61

(Three stamps with illegible initials)

REPUBLIC OF VENEZUELA

(Coat of Arms)

THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Five partial stamps in right margin:)

REPUBLIC OF.....

(Coat of Arms)

THIRD NOTARY PUBLIC....

Carabobo, on the twenty-fifth (25th) day of November, 1992, of the entry in Commercial Register No. 34, Volume 16-A, containing the Minutes of the Extraordinary Shareholders' Meeting held in lieu of an Ordinary Meeting on the nineteenth (19th) day of November, 1992, at which it was agreed, among other things, to change the name of the company to BRIDGESTONE FIRESTONE VENEZOLANA, C.A. THREE: Certified copy issued by the First Commercial Register for the Judicial District of the State of Carabobo dated the twenty-seventh (27th) day of January, 1995, of the entry in Companies Register No. 46, Volume 6-A, containing the minutes of the Extraordinary General Shareholders' Meeting held on the twelfth (12th) day of December, 1994, which sets forth my appointment as President of the company. I am also asking the Notary Public to come to and appear at the company offices for the granting of this power of attorney. Valencia, on the date of the authentication hereof.

(Signed) (Illegible)

(Three stamps)
REPUBLIC OF VENEZUELA
(Seal))
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Fiscal Stamp)
REPUBLIC OF VENEZUELA
Ministry of Finance
Name of Applicant *(writing illegible)*
Identification Number_____Date____
For _____ Legal Basis _____
H-91 1310203
1000 - ONE THOUSAND .....

(Hand written) Six - 6 -

(Hand written) sixty-two

(Five partial stamps down left margin)
.....Venezuela
– ..in and for Valencia)

(Four stamps)
REPUBLIC OF VENEZUELA
(Seal)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA
(Initials superimposed – illegible)

REPUBLIC OF VENEZUELA. THIRD NOTARY PUBLIC IN AND FOR VALENCIA. Valencia, on the *thirtieth (30th) day* of *January*, nineteen hundred and ninety-six. 185th year of Independence and 136th year of the Federation. The foregoing document, which was prepared by attorney FRANCISCO VELASQUEZ ARCAY, who is registered with the Venezuelan Bar Association under number 54892, was submitted for authentication and return, as per form No. 243271, dated: January 30, 1996. The grantor thereof was present and stated that his name was: ROSENDO S. TERRADAS, acting in his capacity as President of BRIDGESTONE FIRESTONE VENEZOLANA, C.A., being of legal age, domiciled in *Valencia*, a citizen of *Venezuela*, marital status: *married* and holder of identity card No. 6,297,265. He read the document in the presence of the notary and stated: "The content thereof is true and correct and the signature appearing at the bottom of the instrument is mine." The Notary therefore declared it to be authenticated in the presence of witnesses: MARIELA JIMENEZ AND ESTHER DE CESAR, holders of identity cards Nos. 10,737,912 and 395,502, and she inserted it in the book of authentications maintained by this Notary's office under No. 28, Volume 11. The Notary states for the record that she examined and returned BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s entry in the Companies Register, which was originally registered with the Second Court of the First Instance for Civil and Commercial Matters in the Seventh Judicial District of the State of Carabobo on October 23, 1956, under No. 1. Also, the Notary went to BRIDGESTONE FIRESTONE VENEZOLANA, C.A.'s premises in this city at *10:15 a.m.* for the execution of this document.

THE NOTARY
(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

GRANTOR:
(Signed) (Illegible)

THE WITNESSES.-
(Two signatures – illegible)

(Three stamps)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

(Back of Page Six)

(Hand written) 62
(Three stamps with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
Third Notary Public in and for Valencia

(Five Partial stamps down right margin)
REPUBLIC OF.....
(Coat of Arms)
THIRD NOTARY PUBLIC.....

The undersigned Notary hereby certifies that the foregoing power of attorney was replaced by citizen Ramón J. Alvins Santi, and the exercise thereof was restricted to citizens Diego Buatillos Beiner, Henry Torrealba, Mario Calosa, José Enrique D'Apollo and Gabriela Núñez Márquez, by means of an instrument signed before the 8th Notary's Office, now the 4th, in and for the Municipality of Chacao in the District of Miranda, under No. 45, Volume 96, on December 11, 1996.

(illegible stamp)

The Notary,
(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC

(Three stamps reading)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia

(Five partial stamps down left margin) *(Hand written)* Seven - 7 -

....VENEZUELA

.....IN AND FOR VALENCIA

(Three Stamps, two with illegible initials)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia
(Seal)

STATE OF CARABOBO

(Coat of Arms)
• Fee for Fiscal Stamp • VALUE: ONE HUNDRED FORTY-EIGHT BOLIVARS (Bs. 148.00) •

REPUBLIC OF VENEZUELA.- THE UNDERSIGNED, ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO, CERTIFIES: That I have compared the photocopy consisting of THREE (03) ..... sheets of paper, and that it is a true and correct copy of the Document that was inserted at this Notary's Office in 1996 ....., under No. 28 ....., Volume 11..., that said copy was made by citizen SULEIDA NOGUERA...., of age, Holder of Identity Card No. V-5,622,001...., a capable person who is Authorized by me to do so and who, together with me, is signing this Certification and each one of its pages. That said copy is issued at the request of the interested party and by Decree of this same date, which are inserted below: Citizen: Third Notary Public in and for Valencia. In her office. I, AN OFFICER OF BAKER & MCKENZIE ..., of legal age, Holder of Identity Card No. ////////, am requesting a Certified Photocopy of Document No. 28 ....., Volume: 11 ....., in the Books of Authentications maintained by this Notary's Office dated January 30, 1996. In Valencia, on the TWENTY-FIFTH (25th) day of the month of May.- ...., in the year TWO THOUSAND. The Applicant (signed) illegible. Republic of Venezuela. Third Notary Public in and for Valencia. Valencia, 5-25-2000 ...., and for this purpose, pursuant to the provisions of Article 120 of the Public Records Law. Citizen SULEIDA NOGUERA..., of age, Holder of Identity Card No. V-5,622,001, is appointed to perform the Photocopying and sign each of the pages together with the Notary. (signed). ROSA RUEDA DE HOUTMANN, THIRD NOTARY PUBLIC IN AND FOR THE AUTONOMOUS MUNICIPALITY OF VALENCIA IN THE STATE OF CARABOBO. Valencia. On the TWENTY-FIFTH (25th) ..... day of the month of MAY.- ....., TWO THOUSAND.- 189th year of Independence, and 140th year of the Federation.- ----------

THE NOTARY
(Stamp)
Republic of Venezuela
(Coat of Arms)
Third Notary Public in and for Valencia
(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

THE APPOINTEE
(Signed) (illegible)

(Back of Page Seven)

(Five partial stamps down right margin)

REPUBLIC ....
(Seal)
THIRD NOTARY PUBLIC

(Two stamps with illegible initials)
REPUBLIC OF VENEZUELA
(Coat of Arms)
THIRD NOTARY PUBLIC IN AND FOR VALENCIA

(Stamp)

The undersigned NOTARY confirms that she had before her for examination and return FORM 16 *No. 1404770*, paid at the Bank *Corp. Banking* on *May 26, 2000*, issued by the MINISTRY OF FINANCE

The Notary

(Signed) (Illegible)
(Stamp)
ROSA RUEDA DE HOUTMANN
THIRD NOTARY PUBLIC
IN AND FOR VALENCIA

(Five stamps diagonally down page)

Republic of Venezuela

(Coat of Arms)

Third Notary Public in and for Valencia

1891

(Hand written) Eight - 8 -

(Four partial stamps down left margin)

..... Venezuela

.....

.....Valencia

(Stamp in middle of page)

....Venezuela

(Illegible)

.... Valencia

(Hand written) Nine - 9 -

(Seal)
STATE OF CARABOBO
(Coat of Arms)
• Fee for Fiscal Stamp • VALUE: ONE HUNDRED FORTY-EIGHT BOLIVARS (Bs. 148.00) •

CA 98 No. 04214783

(Two partial stamps in left margin – illegible)

COURT IN AND FOR THE MUNICIPALITY OF JUAN JOSE MORA IN THE JUDICIAL DISTRICT OF THE STATE OF CARABOBO

Morón, June 28, 2000.

190th year of Independence and 141st year of the Federation

Since the foregoing pleading, consisting of one (1) sheet of paper, together with a certified copy of the Power of Attorney has been filed, it is ordered that it be admitted and that every part thereof be complied with. To this end, it is ordered that the Court be transferred to and constituted at the locations indicated by the petitioner, in order to conduct the Judicial Inspection requested.

Acting Judge,

(Signed) (Illegible)

Clerk,
(Signed – illegible)

Entered on this same date under *No. 36/2000.*

Clerk,
(Signed) (illegible)

DCC/amgc/mr.-

(Three partial stamps down left margin – illegible)

(Hand written) Ten -10 -

CA – 98 No. 04214781

(Seal)

STATE OF CARABOBO

(Coat of Arms)

• Fee for Fiscal Stamp • VALUE: ONE HUNDRED FORTY-EIGHT BOLIVARS (Bs. 148.00) •

At 2:00 p.m. today, the twenty-eighth day of June, in the year two thousand, after setting aside the time needed, the Court was transferred to and constituted at the "Punto Fijo" Parking Lot on Avenida Falcon, at Morón, in the Municipality of Juan José Mora in the State of Carabobo, in order to conduct the Judicial Inspection requested of and agreed to by this Court. Present thereat was attorney Francisco Jesús Velasquez Arcay, Venezuelan Bar Association No. 54,892, in his capacity as legal counsel for "Bridgestone Firestone Venezolana, a corporation formerly known as "C.A. Firestone Venezolana". Citizen Francisco Marín, holder of identity card No. 1,421,535, was subpoenaed for the Court's mission, in his capacity as Manager of the "Punto Fijo" Parking Lot. Citizen Xiomara Carolina Barrios García, holder of identity card No. V-/3,234,607, was appointed as the expert photographer to take photographs of the subject matter of the Inspection and being present, she accepted the task and was sworn in as provided by law. Also, Citizen Charles José Tosive Castillo, holder of identity card .....

(Back of Page Ten)

No. V-15,225.897, a mechanic by trade, was appointed as the expert mechanic to advise the Court on performing the Inspection; being present he accepted the task and was sworn in as provided by law. The Court then issued a statement for the record, with regard to Item ONE, it stated for the record, all upon the advice of the expert appointed, that at the location at which it had been set up, there was a vehicle, Make: Ford, Model: Ranger XLT, Type: 4x4, Double cab with four seats, Color: Wine with blue trim, Plates 816 GAG. With regard to Item TWO: The Court stated for the record that the inspected vehicle was fitted with three (3) tires, and that the rear right tire and rim were missing. With regard to Item THREE: Upon advice from the expert, the Court stated for the record that the first tire on the inspected vehicle, on the front ["front" was inserted] right side, was Make: Goodyear, type: R15, serial number LT235/75R15 10//1045 and was a tubeless radial; the front left tire was Make: Goodyear, type: R15, serial number LT235/75R15 105Q, and was a tubeless radial. The rear left tire was Make: Goodyear, type: R15, serial number LT235/75R15 105Q. With regard to Item FOUR, the Court stated for the record, with advice from the expert, that the three (3) tires were in good condition, as was their tread. With regard to Item FIVE, the Court ordered the Expert Photographer appointed.....

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(Hand written) Eleven - 11 -

CA – 98 No. 04214779

(Seal)

STATE OF CARABOBO

(Coat of Arms)

• Fee for Fiscal Stamp • VALUE: ONE HUNDRED FORTY-EIGHT BOLIVARS (Bs. 148.00) •

to take photographs of each tire on each rim of the inspected vehicle with an instant photograph 636 Close Up Polaroid Camera; these photographs will be added to the Inspection Report to form a part of same. With regard to Item SIX, the Court ordered the Expert Photographer to take photographs of the bodywork. With regard to Item SEVEN, upon advice from the expert mechanic, the Court made a statement on the record as to the general condition of the inspected vehicle. The Court stated on the record that there were dents on the roof, hood, the left and right front mudguards and the left and right rear mudguards and the four (4) doors, and also the headlights and glass covers were broken, as were the brake lights. Exercising the right he had reserved, the petitioner then stated: "I request that the vehicle's mileage be stated on the record; and that the subpoenaed party advise the Court of the reason why, as far he knows, the vehicle was brought into the parking lot, and also, with the advice of the expert, a statement as to the state of the right rear axle, where the vehicle's tire....

(Back of Page Eleven)

is missing. That is all". Upon receiving the petitioner's requests, the Court stated for the record that the inspected vehicle's odometer showed 65,250 kilometers. Next, citizen Francisco Marín, whose identity and capacity have been set forth herein, stated to the Court that the owner of the vehicle told him that the vehicle had been taken to the parking lot as a result of a traffic accident due to a rollover. With regard to the last part of the request, the Court stated for the record, with advice from the Expert, that the right rear axle where the tire and rim were missing had been split. As there was no other request on which to report, the Court adjourned the Inspection and ordered that it be transferred back to the Courthouse. Completed, read and signed by the undersigned who are in agreement therewith. Insertion: "front" – OK.

The Acting Judge,

(Signed) (Illegible)

(stamp)

.... OF VENEZUELA
(illegible))

The Petitioner,
(Signed) (Illegible)

The Subpoenaed Party,
(Signed) (Illegible)

The Expert Photographer,
(Signed) Xiomara Barrios

The Expert Mechanic,
(Signed) Charles (Illegible)

Clerk,
(Signed) (Illegible)

(Hand written) Fifteen - 15 -

CA – 98 No. 04214778

(Seal)
STATE OF CARABOBO
(Coat of Arms)
• Fee for Fiscal Stamp • VALUE: ONE HUNDRED FORTY-EIGHT BOLIVARS (Bs. 148.00) •

(Hand written) Returned the same day, consisting of 15 two-sided pages

Clerk,
(Signed) (illegible)
(stamp)
REPUBLIC OF VENEZUELA
(illegible)

(Stamp)
REPUBLIC OF VENEZUELA
(illegible) State of Carabobo
(Coat of Arms)
Court of the Municipality of Juan José Mora

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 36-2000, dated June 28, 2000, regarding an inspection of the Ford Explorer with plates numbered 81G-GAG, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification, or having shown satisfactory evidence of identification.

The foregoing instrument was acknowledged to and before me this 23rd day of January, 2001.

Elena H. Rosado
Notary Public
State of Florida

[SEAL] My commission expires: _____

Elena H. Rosado
MY COMMISSION # CC764723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE INC.

(entire page is hand written) Two -2-

(Two partial stamps in left margin – illegible)

Filed by Attorney Francisco Jesús Velasquez Arcay, holder of identity card No. 7,121,658, Venezuelan Bar Association No. 54,892, in his capacity as legal counsel for Bridgestone Firestone-Venezolana, C.A. during office hours today, the twenty-eighth (28th) day of June, 2000, consisting of one (1) sheet of paper, together with the filing fee, accompanied by a certified photocopy. Advise the Judge.-
The Filer:

(Signed) (Illegible)

The Clerk,
(Signed) (Illegible)

REPUBLICA DE VENEZUELA

No. 36/2.000

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) FRANCISCO J. VELASQUEZ A., INPREABOGADO Nº 54.892, en su carácter de Apoderado Judicial de BRIDGESTONE FIRESTONE VENEZOLANA, C.A.

MOTIVO INSPECCION JUDICIAL

JUZGADO Municipio Juan José Mora-Morón

FECHA DE ENTRADA: Día 28 Mes Junio Año 2.000

FECHA DEVOLUCION: Día 28 Mes junio Año 2000

No. 36/2.000

C - 22

Anexo - 1 -

CA 98 N° 3065432

Ciudadano

JUEZ DEL MUNICIPIO JUAN JOSE MORA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO

Su Despacho.

Yo, **FRANCISCO JESÚS VELASQUEZ ARCAY**, venezolano, mayor de edad, domiciliado en Valencia, Estado Carabobo, titular de la cédula de identidad N° 7.121.658, abogado en ejercicio, inscrito en el INPREABOGADO bajo el N° 54.892, procediendo en este acto en mi carácter de apoderado según se evidencia de instrumento poder que se anexa a esta solicitud de **BRIDGESTONE FIRESTONE VENEZOLANA, C.A.**, compañía anónima antes denominada **C.A. FIRESTONE VENEZOLANA**, inscrita por ante el Registro Mercantil que llevó el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Circunscripción Judicial del Estado Carabobo, en fecha veintitrés (23) de octubre de 1956, bajo el N° 1, compiladas sus reformas en un solo cuerpo según consta de Acta de Asamblea General Extraordinaria de Accionistas inscrita por ante el Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo en fecha 29 de enero de 1997, bajo el N° 2, Tomo 8-A, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de la distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalaré, a fin de dejar constancia por vía de Inspección Judicial, de los particulares siguientes:----------

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford y del Modelo, Tipo, Color y Placas, que presenta el vehículo inspeccionado.----------

SEGUNDO: Si el vehículo antes identificado tiene cuatro (4) cauchos instalados en cada uno de sus rines.----------

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en

Por -2-

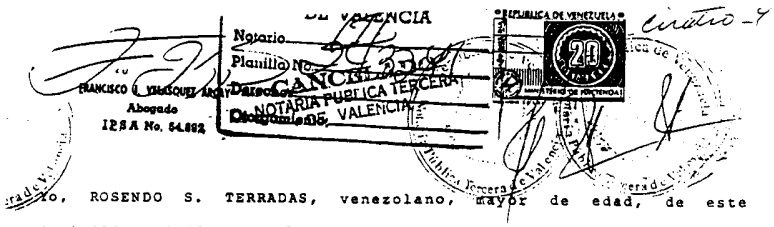
Sentada por el abogado Francisco Jesús Velazquez Arcay, titular de la cédula de identidad N° 7.121.658, Inpreabogado N° 54.892, en su carácter de Apoderado Judicial de Bridgestone - Firestone Venezolana, C.A., en horas de Despacho del día de hoy, veintiocho (28) de junio del 2.000, constante de un (1) folio útil. Junto con el recaudo acompañado en copia fotostática certificada. Dése cuenta al Juez. —

El Presentante,

[signature]

La Secretaria,

[signature]



Yo, ROSENDO S. TERRADAS, venezolano, mayor de edad, de este domicilio, civilmente hábil y titular de la cédula de identidad No. 6.297.265, procediendo en mi carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., sociedad mercantil domiciliada en la ciudad de Valencia, Estado Carabobo e inscrita originalmente por ante el Registro de Comercio que llevaba el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial del Estado Carabobo en fecha veintitrés (23) de octubre de 1956, bajo el No. 1, por el presente documento declaro: Que mi representada confiere poder amplio, bastante y suficiente cuanto en derecho se requiera y sea necesario, a los abogados en ejercicio: HUMBERTO J. BRICEÑO, HENRY TORREALBA LEDESMA, JOSE HENRIQUE D'APOLLO, RAMON J. ALVINS SANTI, MARIA FERNANDA ZAJIA, CLEMENTINA DE CASTRO, MARGOT HUEN, CARLOS LUIS PIMENTEL HENRIQUEZ y FRANCISCO J. VELASQUEZ ARCAY, venezolanos, mayores de edad, hábiles en derecho, titulares de las cédulas de identidad Nos. 3.967.563, 3.661.025, 7.308.173, 6.845.624, 6.822.699, 10.335.670, 9.879.275, 7.139.825 y 7.121.658, respectivamente e inscritos en el INPREABOGADO bajo los Nos. 13.946, 11.568, 19.692, 26.304, 32.501, 54.502, 48.338, 55.660 y 54.892, también respectivamente; domiciliados los ocho primeros de los nombrados en la ciudad de Caracas, Distrito Federal y el último de los nombrados en la ciudad de Valencia, Estado Carabobo, para que actuando conjunta o separadamente, representen y sostengan los derechos, acciones e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A., en toda clase de asuntos judiciales o extrajudiciales en que sea parte, por ante cualquier persona, pública o privada, por ante cualquier entidad judicial o administrativa de carácter nacional, estadal, distrital o municipal y de cualquier competencia, orden o jurisdicción, incluyendo pero

n.- 28- T. 11.

árbitros de derecho, solicitar la decisión según la equidad, constituir asociados, seguir el o los juicios en todas sus instancias, incidencias y trámites y ejercer todos los recursos a que hubiere lugar, tanto los ordinarios como los extraordinarios de casación o invalidación, iniciar y desistir del juicio de amparo, promover y absolver posiciones juradas, promover quejas y querellas y desistir de ellas, y en general, hacer todo cuanto fuere necesario o conveniente para la mejor defensa de los derechos e intereses de BRIDGESTONE FIRESTONE VENEZOLANA, C.A. Dejo constancia que las facultades aquí conferidas son meramente enunciativas y no taxativas y que los apoderados aquí instituidos están facultados para sustituir el presente poder en personas o abogados de su confianza, con todas o algunas de las facultades anteriormente señaladas, con reserva o no de su ejercicio. Este poder no revoca ni deja sin efecto ningún otro poder otorgado con anterioridad por BRIDGESTONE FIRESTONE VENEZOLANA, C.A. A fin de dejar constancia de la existencia legal de mi representada, del carácter con que actúo, de mis atribuciones y de los demás particulares relativos a los poderes, y de conformidad con lo previsto en el artículo 155 del Código de Procedimiento Civil, enuncio y exhibo en este acto al Notario ante quien se otorga el presente poder, solicitándole se sirva hacer constar en la nota respectiva, los siguientes documentos: PRIMERO: Copia certificada expedida por el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Séptima Circunscripción Judicial en fecha veintitrés (23) de octubre de 1956, del asiento Registro de Comercio No. 1, contentivo del Documento Constitutivo Estatutario original de C.A. FIRESTONE VENEZOLANA (ahora denominada BRIDGESTONE FIRESTONE VENEZOLANA, C.A.) SEGUNDO: Copia certificada expedida por el Registro Mercantil Primero de la Circunscripción Judicial del Estado

Sesenta y seis -6-

REPUBLICA DE VENEZUELA. NOTARIA PUBLICA TERCERA DE VALENCIA. Valencia Treinta (30) de enero de mil novecientos noventa y seis. 185º y 136º. El anterior documento redactado por el abogado FRANCISCO VELASQUEZ ARCAY, inscrito en el inpreabogado bajo el Nº54992, fué presentado para su autenticación y devolución, según planilla Nº 243 271, de fecha: 30-1-96. Presente su otorgante dijo llamarse: ROSENDO S. TERRADAS actuando en carácter de Presidente de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, mayor de edad, domiciliado en: Valencia de nacionalidad: Venezolana, de estado civil: casado y titular de la cédula de identidad Nº 6.297.265. Leido el documento en presencia de la notario expuso. "Su contenido es cierto y mia la firma que aparece al pié del instrumento". La Notario en tal virtud lo declara autenticado en presencia de los testigos: MARIELA JIMENEZ Y ESTHER DE CESAR, titulares de las cédulas de identidad Nos:10.737. 912 y 395.502, dejándolo inserto bajo el Nº 28, Tomo: 11, de los libros de autenticaciones llevados en esta notaria. La Notario hace constar que tuvo para su vista y devolución Registro de Comercio de BRIDGESTONE FIRESTONE VENEZOLANA, C.A, inscrita originalmente por ante el Juzgado Segundo de Primera Instancia en lo Civil y Mercantil de la Septima Circunscripción Judicial del Edo. Carabobo, en fecha:23 de Octubre de 1956, bajo el Nº 1.-Igualmente para el otorgamiento del presente documento la Notaria se Trasladó y Constituyó en la Empresa BRIDGESTONE FIRESTONE VENEZOLANA, C.A, de esta ciudad a las: 10.15 pm.

LA NOTARIO

Rosa Rueda de Houtmann
NOTARIO PUBLICO TERCERO
DE VALENCIA

EL OTORGANTE

LOS TESTIGOS.-

Siete -7-

REPUBLICA DE VENEZUELA. ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO, QUIEN SUSCRIBE CERTIFICA:-- Que ha confrontado la Copia Fotostática constante de: TRES (03).....folios útiles, que es traslado fiel y exacto del Documento inserto en esta Notaría, durante el Año: 1.996...., bajo el Nº 28....., Tomo: 11º..., que dicha Copia fué realizada por la Ciudadana: SULEIDA NOGUERA.....mayor de edad, Titular de la Cédula de Identidad Nº V-5.622.001....., persona capaz, Autorizada por mí para hacerla y quién junto conmigo suscribe la presente Certificación y cada una de sus páginas. Que dicha Copia se expide a solicitud de parte interesada y Decreto de esta misma fecha, los cuales a continuación se insertan: Ciudadano: Notario Público Tercero de Valencia. Su Despacho.- Yo,... FFC.BAKER & MCKENZIE.....mayor de edad, Titular de la Cédula de Identidad Nº ////////////// Solicito Copia Fotostática Certificada del Documento Nº-28.....,Tomo: 11º.....de los Libros de Autenticaciones llevados por esta Notaría en fecha: 30-01-96..... En Valencia, a los: VEINTICINCO (25).. días del mes de: MAYO.-.....del DOS MIL. El Solicitante: (fdo.) Ilegible. República de Venezuela. Notaría Pública Tercera de Valencia. Valencia, 25-05-2.000.....y a tal efecto de conformidad con lo establecido en el Artículo 120º de la Ley de Registro Público. Se designa a la Ciudadana: SULEIDA NOGUERA.-..... mayor de edad, Título de la Cédula de Identidad Nº V-5.622.001...para que realice la operación de la Copia y suscriba cada una de las páginas junto con la Notaria. (fdo.) ROSA RUEDA DE HOUTMANN. NOTARIO PUBLICO TERCERO DEL MUNICIPIO AUTONOMO VALENCIA DEL ESTADO CARABOBO. Valencia, a los: VEINTICINCO (25).. días del mes de: MAYO.-.....del DOS MIL.-189º Años de la Independencia y 140º Años de la Federación.-. . . . . .

LA NOTARIO

Rosa Rueda de Houtmann
Notario Público Tercero
de Valencia

LA DESIGNADA.-

Nueve -9-

CA 98 N 04214788

GADO DEL MUNICIPIO JUAN JOSE MORA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO. Morón, 28 de junio del 2.000.190º y 141º.----------

Por presentada la anterior Solicitud constante de un (1) folio útil, junto con el Poder consignado en copia certificada. Désele - entrada y cúmplase en todas sus partes. Al efecto, trasládese y constituyase el Tribunal a los sitios indicados por la parte solicitante, a los fines de practicar la Inspección Judicial solicitada.

El Juez Accidental,

La Secretaria,

En la misma fecha se le dió entrada bajo el Nº 36/2.000

Secta,

DCC/amgc/mr.-

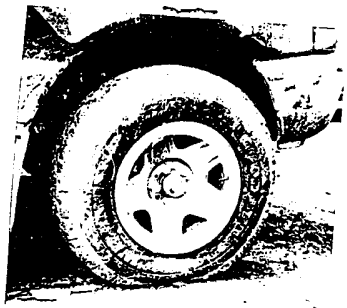
ESTADO CARABOBO

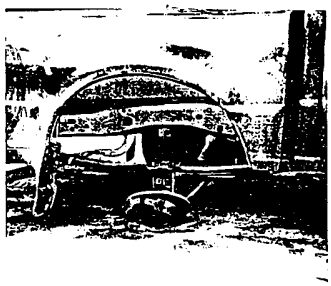
CA 98 04214781

La fecha de hoy, Veintiocho 28 de Junio del año dos mil, previa habilitación del tiempo necesario siendo las 2:00 P.M., se trasladó y constituyó el Tribunal en la Avenida Falcón en el Estacionamiento "Punto Rojo", Morón, Municipio Juan José Mora del Estado Carabobo, a fin de practicar Judicial solicitada y acordada por este Tribunal. Presente en este acto el abogado Francisco Jesús Velásquez Arcay, Supreabogado N° 54.892, en su carácter de apoderado Judicial de la empresa "Bridgestone Firestone Venezolana, C.A.", compañía anónima antes denominada "C.A. Firestone Venezolana". Se notifica de la misión del Tribunal al ciudadano Francisco Marín titular de la cédula de Identidad N° 1.421.535 en su carácter de Administrador del Estacionamiento "Punto Rojo". Se designa Práctico Fotógrafo a la ciudadana Nomora Carolina Barrios García, titular de la cédula de Identidad N° V-13.234-607, para que tome las fotografías al objeto de la Inspección, quien estando presente aceptó el cargo y prestó el juramento de Ley. Igualmente, se designa Práctico mecánico para que asesore al Tribunal en la práctica de la Inspección al ciudadano Charles José Torre Castillo, titular de la cédula de Identidad

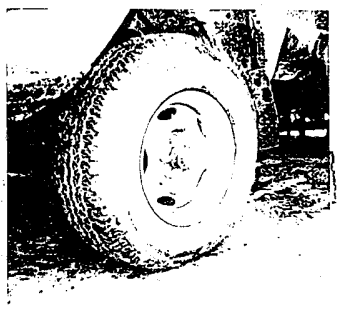
CA 98 No. 04214779

Segunda tome las fotografías de cada uno de los Cauchos, en cada uno de los rines del vehículo inspeccionado, con una Cámara Polaroid 636 Close up, de fotos instantáneas las cuales serán agregadas a la presente Acta de Inspección y que forman parte de ella. Con respecto al particular Sexto, el Tribunal ordena a la Práctico Fotógrafo tome las fotografías de la Carrocería. Con respecto al particular Séptimo, el Tribunal deja constancia con el asesoramiento del Práctico, de las condiciones generales en que se encuentra el vehículo inspeccionado. El Tribunal deja constancia de las abolladuras en el techo, capot, guardafango delantero izquierdo y derecho y guardafango trasero izquierdo y derecho y las cuatro 4 puertas, así como las rincas y faros se encuentran rotos al igual que los stops. Seguidamente el solicitante haciendo uso del derecho que se reserva expone: "Solicito se deje constancia del Kilometraje que presenta el vehículo, que el notificado manifieste al Tribunal del motivo por el que el conoce, que el vehículo ingresó al Estacionamiento y asimismo, se deje constancia con el asesoramiento del Práctico, del estado en que se encuentra la Punta de eje trasero derecho, en la que falta



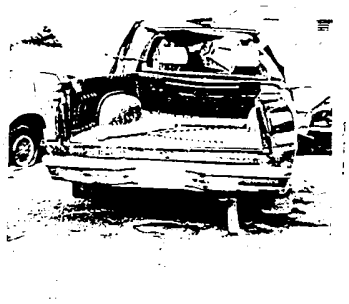


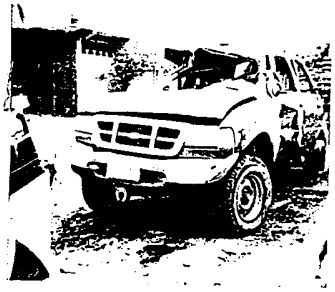




1911



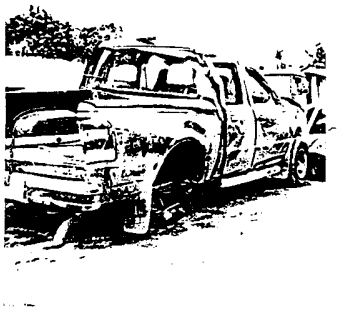














Quince -15

CA 98 N 04214776

La misma fecha se devuelve constante de 15 - folios útiles -

La Secretaria,

[illegible]

REPUBLIC OF VENEZUELA

No. **499**

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

PETITIONER(S): BELKIS COLMENTER

REASON: JUDICIAL INSPECTION

COURT: THIRD MUNICIPAL COURT

DATE OF ENTRY: Day: 02 Month: NOVEMBER Year: 2000

DATE RETURNED: Day: ..... Month: ..... Year: .....

No. 499

C.22

(Seal)
BOLIVARIAN REPUBLIC OF VENEZUELA
STATE OF TACHIRA
(Coat of Arms)
Fee for Fiscal Stamp – Value: Two hundred and thirty-two Bolivars

(Signed) (Illegible)
(Stamp)
BELKIS M. Colmenter
ATTORNEY
Venezuelan Bar Association No. 52,353
T-2000-1 No. 6393044

Citizen:

JUDGE IN AND FOR THE MUNICIPALITIES OF SAN CRISTOBAL AND TORBES IN THE JUDICIAL DISTRICT OF THE STATE OF TACHIRA

In his office.

I, BELKIS M. COLMENTER DE CHACON, a citizen of Venezuela, of age, domiciled in Táriba, State of Táchira, holder of identity card No. 10,035,864, a practicing attorney, registered with the Venezuelan Bar Association under No. 52353, acting on my own behalf and for legal purposes that are of interest to me, hereby respectfully appear before you and state: In accordance with Articles 192, 936 and 938 of the Code of Civil Procedure and Article 1,429 of the Civil Code, I swear that this case is an emergency, and I ask this Honorable Court to set aside the necessary time, thus obviating the distribution requirement, for the Court to be transferred and called into session at an address of which I will advise it in due course, in order to have the following items placed on the record by means of a Judicial Inspection:

ONE: As to the presence at the location at which the Court is in session, of a vehicle described as follows: make: Ford, and the model, type, color and plates evidenced by the inspected vehicle.----------

TWO: As to whether the vehicle identified above has a tire fitted one on each of its respective rims. -----

THREE: As to the make, type and serial number of each of the tires fitted on each rim of the inspected vehicle. ----------

FOUR: As to the general condition of the tires installed on each rim of the inspected vehicle and their tread. ----------

FIVE: That photographs be taken of each of the tires fitted on each rim of the inspected vehicle. --------

SIX: That photographs be taken of the bodywork and condition of the inspected vehicle. ----------

SEVEN: That a statement be made on the record as to the general condition of the vehicle's bodywork. --

As to any other fact or circumstances that I reserve the right to indicate in due course.

(Two partial stamps in right margin)
BOLIVARIAN REPUBLIC OF ...
THIRD COURT IN...
(ILLEGIBLE)

Pursuant to Articles 472 and 475 of the Code of Civil Procedure, in agreement with the provisions of Article 502 *ejusden*, I request that the photographic reproduction be ordered of the items specified above and any other item that I expressly reserve the right to indicate at the time said judicial inspection takes place and that, to this end, an expert photographer and an expert mechanic be appointed. Furthermore, I would ask this Court to state for the record that the said photographs were taken in its presence and that they are true and correct reproductions of the facts evidenced at this judicial inspection and I therefore expressly request that said photographs be added to this Judicial Inspection. ----------

Lastly, I would request that once this petition has been complied with, the original be returned to me together with the results thereof. Trusting in the Court's grace, in San Cristóbal, on the date submitted for filing.

(Signed – illegible)

(Stamp)

The foregoing petition was submitted for [illegible]
in person by the signatory(ies) thereto at 01:30 p.m., of the
office [illegible] on the 31st day of October, 2000,
to the clerk, and consists of 01 sheets of paper;
and the Citizen Judge was advised.
Acting Clerk
(Signed) (Illegible)

(Stamp)
(Illegible)
JUDICIAL DISTRICT OF..

(Three partial stamps in left margin – illegible)

THIRD COURT IN AND FOR THE MUNICIPALITIES OF SAN CRISTOBAL AND TORBES IN THE JUDICIAL DISTRICT OF THE STATE OF TACHIRA. San Cristóbal, the second day of November, two thousand.

190th Year of Independence and 141st Year of the Federation

Having reviewed the foregoing petition, which was submitted for filing by the signatory thereto in person, consisting of one (01) sheet of paper. It is ordered that it be admitted and processed as provided by Law. The inspection is scheduled for 4:30 p.m. today, the date of the petition, so that the Court may be transferred and called into session at the address the petitioner indicates to the Court in this City of San Cristóbal, State of Táchira, upon setting aside all of the time needed.

THE JUDGE
(Signed) (Illegible)

(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
(Illegible) (Seal)
SAN CRISTOBAL AND TORBES
IN THE JUDICIAL DISTRICT OF THE STATE OF TACHIRA

Temporary Clerk
(Signed) (Illegible)

Entered this same date under No. 499.-

(Stamp)
LOGGED IN
ON NOVEMBER 2, 2000
Entry No. 27.

(Seal)
BOLIVARIAN REPUBLIC OF VENEZUELA
STATE OF TACHIRA
(Coat of Arms)
Fee for Fiscal Stamp – Value: Two hundred and thirty-two Bolivars

T-2000-1 No. 6393045

Being the time and date scheduled in the foregoing order, having first set aside the necessary time, the Third Court in and for the Municipalities of San Cristóbal and Torbes, together with attorney, Belkis M. Colmenter de Chacón, registered with the Venezuelan Bar Association under No. 52,353, in her capacity as petitioner, was transferred to and called into session at the building located on 8th Avenue in La Concordia, at which the Hermanos Bolivar No. 6-107 Mechanic's Workshop does business, in this City of San Cristóbal, where citizen, Yocob Bolívar Sepulvedo, holder of identity card No. 81-860,583 was present; to whom a subpoena was served in his capacity as owner of the workshop, advising him of the Court's mission. The Court then proceeded to make a statement on the record as to the items contained in the Inspection, as follows: Item No. ONE: The Court stated for the record that a vehicle was noted in the building in which it [the court] was located, make: Ford: model: Explorer, type: 4x4, color: beige, plates: SAI32Z [or SA132Z]. Item No. TWO: The Court stated for the record that a visual inspection revealed that the vehicle described above had the respective tire on each of its rims. Item No. THREE: The Court stated for the record that the make of each tire mounted on each of the vehicle's rims was: Goodyear, type: Wrangler, serial numbers T3001346R77044MWSN; 14876RF70M4N; T3001366R77OMNWSN; T3001346RF7OMWSN. Item No. FOUR: In order to proceed with the inspection, the Court appointed citizen, José Alirio Chacón Rosales, holder of identity card No. V-9,236,861, as the expert and being present, he accepted the task and was sworn in as provided by Law. With the advice of the expert, the Court then stated for the record that the tires mounted on each of the rims, and also their respective treads, were in perfect condition, except that the front left tire was flat and a little piece had come and/or broken away. Item No. FIVE: The photographer was then appointed, in the person.....

(Two partial stamps in right margin)
(Illegible)
Judicial District...*(Illegible)*

of citizen, Joiki Hernán Garzón Sarmiento, holder of identity card No. 10,156,372, who accepted the task and was sworn in as provided by Law; in order to further pursue items FIVE and FOUR, he took the respective photographs of both the tires and the bodywork of the inspected vehicle, and he was given 24 hours within which to deliver them to the Court for them to form part of this Inspection. Item No. SEVEN: With advice from the expert, the Court stated for the record that the general condition of the Vehicle's bodywork was denting in the front left part, and it was noted that the front end was totally wrecked, the front and rear doors on the left side were misaligned, the bumper was split, the chassis was twisted, it was noted that the left rear part was dented and the brake light was broken; it was noted that the front window was broken, the front left tire rim was twisted. At this point, the petitioner asked for the right to speak, which was granted, and she stated: "I ask this Court to state the mileage of the vehicle which is the subject of this inspection for the record, and also, that citizen José Angel Antonio Ortiz Pastron, holder of identity card No. 3,9996,996, the owner of the vehicle, be present. That is all". The Court then stated for the record that the mileage of the inspected vehicle was 38,415 kilometers, and it was also expressly stated for the record that citizen José Angel Antonio Ortiz Pastron was present; he said he was the owner of the vehicle and stated: "I was driving from Tariba to San Cristóbal, when I felt the truck lock up and it lost stability, smashing me against the island in the middle of Botalo Avenue." Completed, read and signed by the undersigned, who are in agreement therewith.

(Stamp)
BOLIVARIAN REPUBLIC OF VENEZUELA
(Illegible)
(Seal)
SAN CRISTOBAL AND TORBES
JUDICIAL DISTRICT OF THE STATE OF TACHIRA
THE JUDGE,
(Signed) (Illegible)

THE SUBPOENAED PARTY,
(Signed) (Illegible)

THE EXPERT,
(signed) (Illegible)

(Stamp)
LOGGED IN
On November 2, 2000
Entry No. 3

(Seal)
BOLIVARIAN REPUBLIC OF VENEZUELA
STATE OF TACHIRA
(Coat of Arms)
Fee for Fiscal Stamp – Value: Two hundred and thirty-two Bolivars

T-2000-1 No. 6393046

(Partial Stamp in left margin)
(Illegible)
Judicial District of the State of Táchira

THE PHOTOGRAPHER, *(Signed) (Illegible)*

THE PETITIONER,
(Signed) (Illegible)

OWNER OF THE VEHICLE,
(Signed) (Illegible)

TEMPORARY CLERK,
(Signed) (Illegible)

(Stamp)
LOGGED IN
On November 2, 2000
Entry No. 3

(Two illegible stamps in left margin)

(Three partial stamps in left margin – illegible)

JORKI HERNAN GARZON, a citizen of Venezuela, of age, legally competent, holder of identity card No. V-10,156,372, personally appeared before this Court during office hours today, the sixth (6th) day of November, 2000, and proceeded to state: "I am hereby delivering the photographs taken at the Judicial Inspection at which I was appointed Expert Photographer". That is all, completed, read and signed by the undersigned, who are in agreement therewith.

(Three Partial stamps in left margin – illegible)

(Signed) (Illegible) *(Signed) (Illegible)*

(Partial Stamp)
..SAN CRISTOBAL..TORBES

(Stamp)
LOGGED IN
On November 6, 2000
Entry No. 25

(Three partial stamps in left margin)
San Cristóbal and
Torbes
(Seal)
Judicial District...

THIRD COURT IN AND FOR THE MUNICIPALITIES OF SAN CRISTOBAL AND TORBES IN THE JUDICIAL DISTRICT OF THE STATE OF TACHIRA. San Cristóbal, the seventh day of November, two thousand.

190th Year of Independence and 140th Year of the Federation

Having reviewed the filing dated November 6, 2000, signed by citizen JORKI HERNAN GARZON, in his capacity as expert photographer, pursuant to which he delivered the photographs taken at the Judicial Inspection conducted by this Court, this Court agrees to add the above-mentioned photographs to this file.

THE JUDGE

(Stamp)
REPUBLIC OF VENEZUELA
THIRD COURT IN AND FOR THE MUNICIPALITIES OF
(Seal)
SAN CRISTOBAL AND TORBES
JUDICIAL DISTRICT .....

(signed) (illegible)
Estrella Davila Ocque

The Temporary Clerk
(Signed) (illegible)
Attorney, Sonia Contreras

Complied with as ordered on the same day.
(signed) (illegible)

(Stamp)
LOGGED IN
On November 7, 2000
Entry No. 48

1923

JUDICIAL COUNCIL

RECORDS OFFICE

NOTE:

This cover sheet should be used to cover the last sheets forming a file.

Its purpose is to protect the documents and prevent the their wear and tear.

(Partial stamp in right margin – illegible)

C-30

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 499, dated November 2, 2000, concerning an inspection of the Ford Explorer with plates numbered SAI-32Z, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 2nd day of February, 2001.

Concepción Larrubia
Notary Public
State of Florida

[Seal] My commission expires: 11-14-02

Concepcion Larrubia
MY COMMISSION # CC785511 EXPIRES
November 14, 2002
BONDED THRU TROY FAIN INSURANCE, INC.

1925

REPUBLICA DE VENEZUELA

PODER JUDICIAL

Jurisdicción Civil

SOLICITUDES

4/401

No.

ARCHIVO

SOLICITANTE(S): BELKIS COLMENTER

MOTIVO: INSPECCION JUDICIAL

JUZGADO: TERCERO DE MUNICIPIOS

Fecha de Entrada: Día 02 Mes NOVIEMBRE Año 2.000

Fecha Devolución: Día Mes Año

No. 464

C-22



B. M. Colmenter
ABOGADO
Inpre Nº 52.353

T-2000-1 No. 6393044

Ciudadano:

JUEZ DE LOS MUNICIPIOS SAN CRISTOBAL Y TORBES DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO TACHIRA.

Su Despacho.

Yo, BELKIS M. COLMENTER DE CHACON, venezolana, mayor de edad, domiciliada en Táriba, Estado Táchira, titular de la cédula de identidad Nº 10.035.864, abogado en ejercicio, inscrita en el INPREABOGADO bajo el Nº 52353, actuando en mi propio nombre y para fines legales que me interesan, ante usted respetuosamente ocurro y expongo: De conformidad con los artículos 192, 936 y 938 del Código de Procedimiento Civil y 1.429 del Código Civil, juro la urgencia del caso, solicito la habilitación del tiempo necesario de este honorable Tribunal, y en consecuencia se obvie el requisito de distribución, con el fin de que el Tribunal se traslade y constituya en la dirección que oportunamente le señalare, a fin de dejar constancia por via de Inspección Judicial, de los particulares siguientes:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo: Marca: Ford y del Modelo, tipo, Color y placas que presenta el vehículo inspeccionado.

SEGUNDO: Si el vehiculo antes identificado tiene el respectivo caucho instalado en cada uno de sus rines.

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.

QUINTO: Se tomen fotografías de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

SEXTO: Se tomen fotografías de la carrocería y las condiciones en que se encuentra el vehículo inspeccionado.

SEPTIMO: Se deje constancia de las condiciones generales en que se encuentra la carrocería del vehículo.

De cualquier otro hecho o circunstancia que me reservo el derecho de señalar en su debida oportunidad.

Solicito de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en

concordancia con lo previsto en el artículo 502 ejusdem , se ordene la reproducción fotográfica de los hechos anteriormente especificados y de cualquier otro que expresamente me reservo señalar en la oportunidad de la práctica de dicha inspección judicial y que, a tal efecto se designe un práctico fotógrafo y un práctico mecánico. Asimismo, solicito al Tribunal que deje constancia que las referidas fotografías fueron realizadas en su presencia, y que son reproducciones fieles y exactas de los hechos evidenciados en la presente inspección judicial, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta inspección judicial.----------

Pido por último, que una vez evacuada la presente solicitud, me sea devuelta en original junto con sus resultas. Es gracia que espero en San Cristóbal, en la fecha de su presentación.

Presentada la anterior Solicitud

pers[illegible]nte por su firmante(s) a las 01:30 pm.

del [illegible] despa[illegible]ho 31-10-2000

Ante [illegible]oretar[illegible] constante de 01 folio útil

y se dió cuenta a ciudadano Juez.

La Secretaria, Accidental,

JUZGADO TERCERO DE LOS MUNICIPIOS SAN CRISTOBAL Y TORBES DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO TACHIRA. San Cristóbal, dos de noviembre del dos mil.

1909 y 1419

Vista la solicitud anterior, presentada personalmente por su firmante, constante de un (01) folio útil, désele entrada y el trámite de Ley correspondiente. Para la práctica de la inspección se fija el día de hoy, fecha del auto, a las 4:30 p.m., para que el Tribunal se traslade y constituya en la dirección que indique el Tribunal la parte solicitante de esta ciudad de San Cristóbal, Estado Táchira, previa la habilitación de todo el tiempo que sea necesario.

La Juez,

La Secretaria Temporal,

En la misma fecha se le dio entrada bajo el Nº 499.

DIARIZADO

El 02/11/00

Asiento Nº 220

T-2000-1 No. 6393045

Siendo el día y hora fijados en el auto anterior se trasladó y constituyó el Juzgado Tercero de los Municipios San Cristóbal y Tobos, previa habilitación del tiempo necesario, junto con la abogada [illegible] y Colmenter de Chacón, inscrita en el Inpreabogado bajo el Nº 52.353, en su carácter de solicitante en el inmueble ubicado en la 8ª Avenida de la Concordia, donde funciona el Taller Hermanos Bolívar Nº 6-107, de esta ciudad de San Cristóbal, en donde se encuentra presente el ciudadano Yocob Bolívar Sepúlveda, titular de la cédula de identidad Nº 81.860.583, a quien en su carácter de propietario del Taller se le notificó de la misión del Tribunal. Acto seguido el Tribunal pasa a dejar constancia de los particulares contentivos de la Inspección en la forma siguiente: Al particular PRIMERO el Tribunal deja constancia que en el inmueble en que se encuentra se observa la presencia de un vehículo marca Ford, modelo Explorer, tipo 4 x 4, color Beige, placas SM132Z. Al particular SEGUNDO el Tribunal deja constancia que por vía de observación constató que el vehículo antes identificado tiene respectivamente cada uno de los cauchos en sus rines. Al particular TERCERO el Tribunal deja constancia que la marca de cada uno de los cauchos instalados en los rines del vehículo es Good Year, tipo Wrangler, serial T300134GR770H4MWSN V814X76RF70H4N; T300136GR770HMWSN T300134GR770HWSN. Al CUARTO el Tribunal para proceder a su desarrollo nombra experto al ciudadano José Alirio Chacón Rosales, titular de la cédula de identidad Nº V-9.236.861, quien estando presente aceptó el cargo y prestó el juramento de ley. Acto seguido el Tribunal con asistencia del práctico deja constancia que los cauchos instalados en cada uno de los rines, así como la respectiva banda de rodamiento se encuentra en perfecto estado, con la salvedad que el izquierdo delantero está desinflado y tiene un pedacito despegado y/o roto. Al particular QUINTO se procede al nombramiento de fotógrafo en la persona

del ciudadano Jorki Hernan Garzon Sarmiento, titular de la cédula de identidad N° 10.156.372, quien aceptó el cargo y prestó el juramento de ley; quien para desarrollar los particulares QUINTO y CUARTO hace las respectivas tomas fotográficas, tanto de los cauchos como de la carrocería del vehículo inspeccionado, y se le concede un plazo de 24 horas para consignarlas ante el Tribunal y que formen parte de la presente inspección. Al particular SEPTIMO el Tribunal con asistencia del práctico deja constancia que las condiciones generales de la carrocería del vehículo es de abovedura en la parte delantera izquierda, con una observacion del frontal totalmente deteriorado, las puertas delantera y trasera del lado izquierdo estan desencuadradas, el parachoque partido, el chasis torcido, la parte trasera izquierda se observa abovedada y el stop partido, el vidrio delantero se observa partido, el rin del caucho delantero izquierdo está torcido. En este estado solicito el derecho de palabra la solicitante y concedido que le fue expuso: "Solicito al Tribunal se deja constancia del Kilometraje del vehículo objeto de la inspección, así como también que se encuentra presente el ciudadano José Angel Antonio Ortiz Pastran titular de la cédula de identidad N° 3.9946.996, propietario del vehículo Es todo". Acto seguido el Tribunal deja constancia que el Kilometraje del vehículo inspeccionado es de 38.415 Km. e igualmente se deja expresa constancia que se encuentra presente el ciudadano José Angel Antonio Ortiz Pastran, quien manifestó ser el propietario del vehículo y expuso "Me dirigía de Tariba hacia San Cristóbal, cuando sentí que se me trancó la camioneta perdiendo la estabilidad estrellandome con la isla central de la Avenida. Es todo". Terminó, se leyó y conformes firman,

El Juez,

El Notificado,

El Práctico,

DIARIZADO 02/11/00 3°

El Asiento N°

T-2000-1 No. 6393046

El fotografo [illegible]

La Solicitante

Propietario del vehiculo, [illegible]

La Secretaria Temporal

[illegible]

DIARIZADO

El 02/11/00

Asiento N° 20

En horas de Despacho del dia de hoy (6) de Noviembre de 2.000, comparece ante este Tribunal JORKI HERNAN GARZON , venezolano, mayor de edad, hábil titular de la cédula de identidad Nº V- 10.156.372 y seguidamente expone "Consigno en este acto fotografías tomadas en la Inspección Judicial para la cual fui designado Práctico fotógrafo". Es todo, terminó, se leyó y conformes firman.

DIARIZADO
El 06/11/00.
Asiento Nº 25°

1933

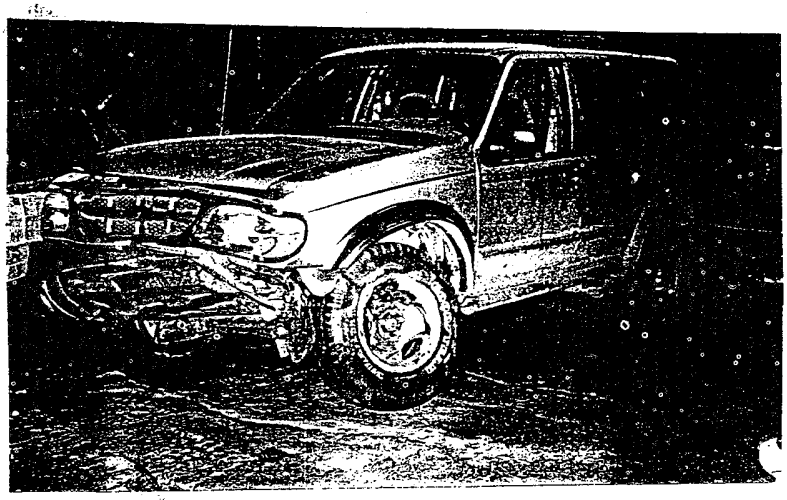


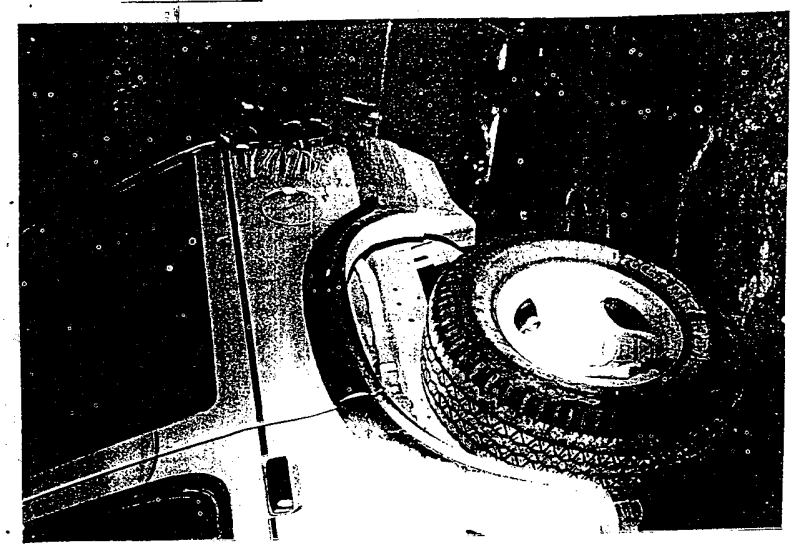
1934



1935







1937

CONSEJO DE LA JUDICATURA

OFICINA DE LOS ARCHIVOS

NOTA:

Esta contratapa debe ser utilizada para cubrir los últimos folios que conforman un expediente.

Su finalidad es proteger los documentos evitando deterioro.

C-30

JUZGADO TERCERO DE LOS MUNICIPIOS SAN CRISTOBAL Y TORBES DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO TACHIRA, San Cristóbal SIete de Noviembre de dos mil.

190º Y 140º

Vista la diligencia de fecha 06 denoviembre de 2000, suscrita por el ciudadano JORKI HERNAN GARZON, con el carácter de práctico fotógrafo , mediante la cual consigna fotografias tomadas en la Inspección Judicial efectuada por este Juzgado; este Tribunal acuerda agregar al presente expediente las fotografías anteriormente mencionadas.

La Juez,

Abog. Exarella Davila Ocque

La Secretariatemp.,

Abog.Sonia Contreras

En la misma fecha se cumplió lo ordenado.

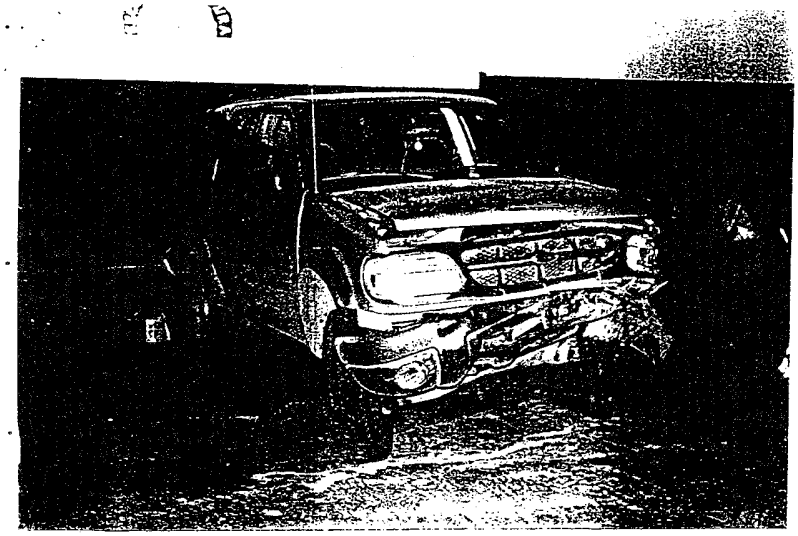
mm

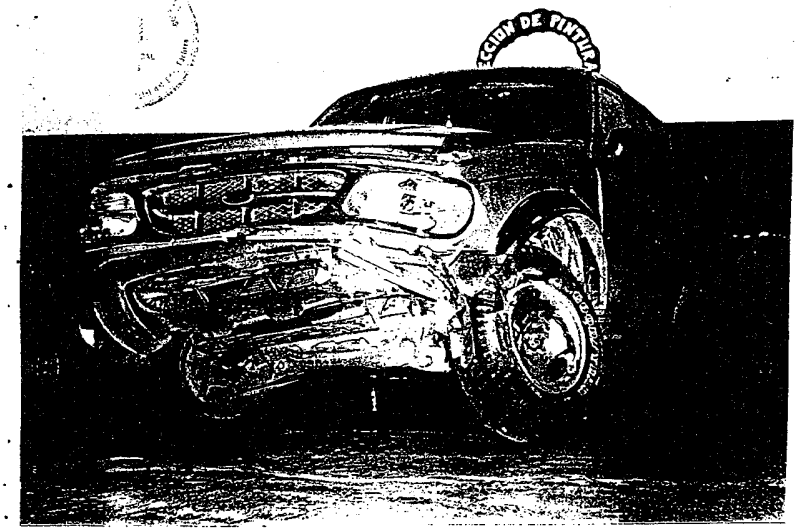
DIARIZADO

El 07/11/00

Asiento Nº 48º

1939





1940

REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

No. 10.381

PETITIONER(S): MORENO, Luis Laurence.-

REASON: JUDICIAL INSPECTION.-

COURT: SECOND IN AND FOR THE MUNICIPALITY OF GUANARE IN THE JUDICIAL DISTRICT OF THE STATE OF PORTUGUESA

DATE OF ENTRY: Day: 21 Month: FEBRUARY Year: 2000

DATE RETURNED: Day: Month: Year:

No. 10.381

C.22

CHU0091

STATE OF PORTUGUESA
BAR ASSOCIATION

Receipt No. 35701
Guanare, February 21, 2000

PROFESSIONAL FEES

(Stamp)
BAR ASSOCIATION

(Illegible)

Document filed by: Attorney LUIS LAURENSE MORENO
Received from: SAME
The sum of: EIGHTY THOUSAND BOLIVARS AND NO/100
For: VISUAL INSPECTION

For Bs. 80,000.00

(Signed) (Illegible)
Collector

CHU0092

(Two Fiscal Stamps)
(Illegible)
(Seal)
Year/Month/Day
Bs. 140

(Stamp)
BAR ASSOCIATION
TREASURY
(Signed) (Illegible)
Collector
STATE OF PORTUGUESA

Citizen
SECOND JUDGE IN AND FOR THE MUNICIPALITY OF GUANARE IN THE JUDICIAL DISTRICT OF THE STATE OF PORTUGUESA
In his office.-

I, Luis Laurence Moreno, a citizen of Venezuela, of age, a practicing attorney, holder of identity card No. **V-6,900,450**, domiciled in the city of Barinas in the State of Barinas and registered with the Venezuelan Bar Association under No. **35,817**, appearing on my own behalf, respectfully appear before you and would state: Pursuant to the provisions of Article 1429 of the Civil Code in agreement with Article 472 of the Code of Civil Procedure, I would ask the Court of which your Honor is in charge to be transferred and called into session at the premises of the parking lot known as Curacao located in the Union District of this City of Guanare, in order to conduct a judicial inspection on the **vehicle: MAKE: FORD; PLATES: MAN-18B, CHASSIS SERIAL NUMBER: AJU3VP21870; ENGINE SERIAL NUMBER: -VA21870-; MODEL: SPORT WAGON; YEAR: 1997; COLOR: TWO TONE BLACK; CLASS: TRUCK; TYPE: SPORT WAGON; USE: PRIVATE,** owned by citizen, **CLAUDIA SOFIA HOET MACHADO,** Venezuelan, of age, holder of identity card No. V-11,387,694, domiciled in the City of Caracas, in order to place the following items on the record: **ONE**: That a statement be placed on the record as to the identification and characteristics of the vehicle that is the subject of this Inspection. **TWO**: That a statement be placed on the record as to the general condition of the vehicle and any damage to it. **THREE**: That a statement be placed on the record as to the identification and characteristics of each of the tires on the vehicle; this should include the make, model, size and any other comment the Court or the Experts should make. **FOUR**: That a statement be placed on the record as to condition of each of the tires on the vehicle. **FIVE**: That a statement be placed on the record .....

as to a description of the location at which the vehicle is parked in said Curacao Parking Lot. **SIX:** That the Court, with the assistance of the Experts who have been sworn in to conduct the Inspection, state the facts and circumstances that *(text missing)* content of this Judicial Inspection for the record. I also ask, pursuant to the provisions of Articles 473 and 476 of the Code of Civil Procedure, that the citizen Judge order the photographic or audio visual reproduction of each of the items listed and that it be accompanied by any necessary experts of its choice. **SEVEN:** That a statement be placed on the record as to any other item that is indicated at the time the inspection is conducted.

Once the requested Judicial Inspection has been conducted, I would ask the Court to return the original to me with the results thereof.

In order to comply with the requested Inspection, I swear that this matter is an emergency and that all of the time needed be set aside for the holding thereof as provided by Law.

Trusting I will receive justice in the City of Guanare on the twenty-first day of February in the year two thousand (02-21-2000).

(Signed) (Illegible)
V-6,900,450

(Stamp)
21-02 2000
11 a.m. 01
(Signature – illegible)

(Fiscal Stamp)
(Illegible)
(Seal)
Year/Month/Day
Bs. 140

(Seal)
STATE OF PORTUGUESA
(Seal)
Fee for sealed paper VALUE Bs. 55

P-96-1 No. 0 *(text missing)*

SECOND COURT IN AND FOR THE MUNICIPALITY OF GUANARE IN THE FIRST CIRCUIT OF THE JUDICIAL DISTRICT OF THE STATE OF PORTUGUESA.-

Guanare, February 21, 2000
189th Year of Independence and 141st year of the Federation

Having received the foregoing petition, it is ordered that it be admitted and *(text missing)* ...as a result, it is ordered that the Court be transferred and called into session at the location indicated in the petition. Since the Clerk of the Court is unable to attend the Judicial Inspection, citizen, PASCUALA MONTES MATERAN, holder of identity card No. V-8,063,932, is appointed as the Acting Clerk, and she accepts the assignment and swears that she will properly and faithfully fulfill her duties.

(Stamp)
(Obliterated)
The Judge
(Signed) (Illegible)
Attorney Oscar Mahín Mejías Ramos.

(Partial stamp)
..OF VENEZUELA
(Illegible)

Acting Clerk
(Signed) (Illegible
Pascuala Montes M.

Clerk
(Signed) (Illegible)
Zoraida H. de Alvarez

Immediately admitted under No. *(Illegible)*
Clerk
(Initials – illegible)

CMMR/pm.-

LOGGED IN
Entry No. 1 **CHU0095**

(Fiscal Stamp)
(Illegible)
(Seal)
Year/Month/Day
Bs. 140

(Seal)
STATE OF PORTUGUESA
(Seal)
Fee for sealed paper VALUE Bs. 55

P-96-1 No. 0896467

At 12:30, midday today, the twenty-first of February, two thousand, The Court was transferred and called into session at the Curacao Parking Lot located in this City of Guanare in the State of Portuguesa, in order to conduct the Judicial Inspection requested and ordered in the preceding order. The Petitioner, LUIS LAURENCE MORENO, a citizen of Venezuela, of age, an attorney, holder of identity card No. 6,900,450, acting on his own behalf was present, as was a person who said his name was as follows: TRAIMY FREITES, a citizen of Venezuela, of age, holder of identity card No. *(cut off)* ..31,847, who said he was the Administrator of the premises at which the Court was located; he was served with a subpoena regarding this mission. Having reviewed the need to appoint an Expert and an Photographer, the Court did so as follows: ASDRUBAL JIMENEZ and MARIA DE LOS ANGELES MORALES, citizens of Venezuela, of age, residents of this City, holders of identity cards Nos. 12,239,942 and 13,605,386 respectively, who accepted the assignment and swore that they would properly and faithfully fulfill their duties. The photographer who had been appointed showed the Court the roll of film to be used, make: LUCKY, with twelve exposures, that would be used to take the photographs at this inspection. The Court then went on to place the items contained in the petition on the record. ITEM NO. ONE: There was a vehicle with the following characteristics: make: Ford, plates: MAN-18B, chassis serial no.: AJU3VP21870, model: Sport Wagon, year: 1997, color: two tone black, class: truck, type: Sport Wagon, use: Private, inside the parking lot at which the Court had been called into session. ITEM NO. TWO: It was noted that the Vehicle's bodywork was totally damaged. It was noted that the engine was in good condition. ITEM NO. THREE: The tire on the front right side had the following characteristics: make: Firestone Wilderness AT, No. P2 35/75R15-M/S. The remaining tires have the following characteristics: Firestone Radial ATX No. P2 35/75R15-M/S. ITEM NO. FOUR: It was noted that the ties on the vehicle were in average condition .....

CHU0096

...with the exception of the one on the back to the left which had no tread. The tires on the right side had air in them, and those on the left side were flat. ITEM NO. FIVE: The inspected vehicle was inside the Parking Lot to the left side of same, and to the (cut off), and the ground where it was parked was earth, with low underbrush. The photographer who had been sworn in told the Court that she had taken 12 photographs and it was ordered that these be developed at the establishment known as FOTO *(text missing)* in this City of Guanare in the State of Portuguesa. Having fulfilled its mission, the Court agreed to return to its seat at one forty-five in the afternoon. Completed, read and signed by those below, who are in agreement therewith.

Judge
(Signed) (Illegible)
Attorney Oscar Mahín Mejias Ramos.

(Stamp)
REPUBLIC OF VENEZUELA
Second Court in and for the Municipality of Guanare
First Circuit in the Judicial District of the State of Portuguesa
(Seal)
GUANARE

Petitioner
(Signed) (Illegible)
Attorney Luis Laurence Moreno

The Subpoenaed party
(Signed) (Illegible)
Thaimy Freites

Expert
(Signed) (Illegible)
Asdrubal Jiménez

Photographer
(Signed) Illegible)
María de los A. Morales

Acting Clerk
(Signed) (Illegible)
Pascuala Montes M.-

LOGGED IN
Entry No. 4

(Fiscal Stamp)
(Illegible)
(Seal)
Year/Month/Day
Bs. 140

(Seal)
STATE OF PORTUGUESA
(Seal)
Fee for sealed paper VALUE Bs. 55

P-96-1 No. 0898209

During office hours today, February 23, 2000, María de los Angeles Morales, holder of identity card No. 13,605,386, personally appeared before this Court in her capacity as Expert Photographer, and stated: I am hereby delivering thirteen (13) photographs taken of the vehicle: Ford, truck, plates "MAN-18B", which were taken at the Curacao Parking Lot in this City. That is all". Addendum: There are not thirteen (13) photographs, there are twelve (12). That is all. Completed, read and signed by the undersigned who are in agreement therewith.

The Appointee
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
(Illegible)
GUANARE
Clerk
(Signed) (Illegible)

CHU0098

The undersigned Attorney, Oscar Mahín Mejías Ramos, Second Judge in and for the Municipality of Guanare in the First Circuit of the Judicial District of the State of Portuguesa, CERTIFIES: That the foregoing photograph was taken on the same day on which Judicial Inspection 21-02-2000 was conducted, by the Photographer, citizen María de los Angeles Morales, who had been duly sworn in. Guanare, February 23, 2000.

Judge

(Stamp)
REPUBLIC OF VENEZUELA
(Illegible)
GUANARE

(Signed) (Illegible)
Attorney Oscar Mahín Mejías Ramos.

The undersigned, Attorney Oscar Mahín Mejías Ramos, Second Judge in and for the Municipality of Guanare in the First Circuit of the Judicial District of the State of Portuguesa, CERTIFIES: That the foregoing photograph was taken on the same day on which Judicial Inspection 21-02-2000 was conducted, by the Photographer, citizen María de los Angeles Morales, who had been duly sworn in. Guanare, February 23, 2000.

Judge
(Signed) (Illegible)
Attorney Oscar Mahín Mejías Ramos

[illegible stamp]

The undersigned, Attorney Oscar Mahín Mejías Ramos, Second Judge in and for the Municipality of Guanare in the First Circuit of the Judicial District of the State of Portuguesa, CERTIFIES: That the foregoing photograph was taken on the same day on which Judicial Inspection 21-02-2000 was conducted, by the Photographer, citizen María de los Angeles Morales, who had been duly sworn in. Guanare, February 23, 2000.

Judge
(Signed) (Illegible)
Attorney Oscar Mahín Mejías Ramos

(Stamp – illegible)

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 10.381, dated February 21, 2000, concerning an inspection of the Ford Sport Wagon with plates numbered MAN-18B, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena H. Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC784723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

1951

REPUBLICA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

No. 10.381.-

SOLICITUDES

ARCHIVO

SOLICITANTE (S) MORENO, Luis Laurence.-

MOTIVO: INSPECCION JUDICIAL.-

JUZGADO: SEGUNDO DEL MUNICIPIO GUANARE DEL PRIMER CIRCUITO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO PORTUGUESA.-

FECHA DE ENTRADA: Día 21 Mes FEBRERO Año 2.000

FECHA DEVOLUCION: Día ____ Mes ____ Año ____

No. 10.381.-

COLEGIO DE ABOGADOS
DEL ESTADO PORTUGUESA

Recibo No. 35701
Guanare, 21 de Febrero de 1990

HONORARIOS PROFESIONALES

Abogado Redactor : LUIS LAURENSE MORENO

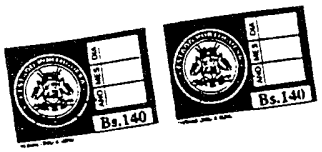
Recibido de : EL MISMO

La Cantidad de : SESENTA MIL BOLIVARES CON 00/100 CENTIMOS

Por Concepto de : UNA INSPECCION OCULAR

Por Bs. 60,000.00

El Recaudador





udadano
JEZ SEGUNDO DEL MUNICIPIO GUANARE DE LA RCUNSCRIPCION JUDICIAL DEL ESTADO PORTUGUESA.
ı [pacho.-

), **Luis Laurence Moreno**. venezolano, mayor de edad, abogado en ercicio, titular de la cédula de identidad N° **V-6.900.450**, domiciliado en ciudad de Barinas Estado Barinas e inscrito en el Instituto de previsión ocial del Abogado bajo el N°.**35.817,** procediendo en mi propio nombre, nte usted con el debido respeto acudo para solicitar: A tenor de los stablecido en los articulos 1429 del Código Civil en concordancia con el ticulo 472 del Codigo de Procedimiento Civil, se sirve trasladar y nstituir el Tribunal a su digno cargo en el Inmueble sede del stacionamiento: denominado Curacao situado en el Barrio Unión de esta udad de Guanare, a fin de practicar una Inspección Judicial, en el **ehiculo: MARCA: FORD; PLACAS: MAN-18B, SERIAL CARROCERIA: JU. .P21870; SERIAL DE MOTOR: -VA21870-; MODELO: SPORT 'AGON; AÑO: 1997; COLOR: NEGRO DOS TONOS; CLASE: AMIONETA; TIPO: SPORT WAGON; USO: PARTICULAR**; propiedad e la ciudadana **CLAUDIA SOFIA HOET MACHADO**, venezolana, mayor e edad, titular de la cédula de identidad N° V-11.387 694 y domiciliada en ciudad de Caracas, con el propósito de dejar constancia de los articulares siguientes. **Primero**. Que se deje constancia de identificación caracteristicas del vehiculo objeto de esta Inspección. **Segundo**: Que e deje constancia del estado general en que se encuentra el vehiculo y e los daños que presenta. **Tercero**. Que se deje constancia de la entificación y caracteristicas de cada uno de los neumáticos del ehiculo: para ello debe tomar en cuenta marca, modelo, medidas y ualquier otra apreciación que deba hacer el Tribunal o los Prácticos. **uarto:** Que se deje constancia del estado en que se encuentran ada uno de los neumáticos del vehiculo. **Quinta:** Que se deje constancia

de la caracteristica del lugar donde se encuentra estacionado el vehi
en el referido Estacionamiento Curacao. **Sexta:** Que el Tribunal auxili
por los Prácticos que fueren juramentados para la practica de
inspección dejen constancia de las circunstancias y hechos que ampli
contenido de la presente inspección Judicial. Así mismo solicit
ciudadano Juez que de conformidad con lo establecido en los artic.
473 y 476 del Código de Procedimiento Civil ordene la reproduc
fotográfica o audiovisual
de cada uno de los particulares enunciados y se haga acompañar de
prácticos de su elección que sean necesarios **Séptima**: Que se
constancia de cualquier otro particular que se señale al momento mis
de practicarse la inspección.

Cumplida que haya sido la Inspección Judicial solicitada, ruego al Tribu
me sea devuelto el original con sus resultas.

Para la evacuación de la Inspección solicitada juro la urgencia del cas
pido se habilite todo el tiempo que sea necesario para la culminación d
misma conforme la Ley

Es justicia que espero en la ciudad de Guanare a los veintiún dias del r
de febrero del año dos mil (21-02-2000)

V-6.566.152

21 02. 2000
11:00 a.m 01

Bs.1

ESTADO PORTUGUESA

P-96-1 No. (

JUZGADO SEGUNDO DEL MUNICIPIO GUANARE DEL PRIMER CIRCU
CIRCUNSCRIPCION JUDICIAL DEL ESTADO PORTUGUESA.-

Guanare, 21 de Febrero de 2.00(
1899 y 141º.

Por recibida la anterior solicitud, dásele entrada y c
en consecuencia trasládese y constitúyase el Tribunal al si
do en la solicitud. Por cuanto la Secretaria del Tribunal n
asistir a la práctica de la Inspección Judicial, se designa
ria Accidental a la ciudadana PASCUALA MONTES MATERAN, titu
cédula de identidad Nº V- 8.063.932, quién acepta el cargo
plir bién y fielmente con su deber.-

El Juez,

Abg. Oscar Mabin Mejias Ramos.

La Secretaria Acc.

Pascuala Montes M.

La Secretaria,

Zoraida H. de Alvarez.-

Seguidamente se le dió entrada bajo el Nº 1[illegible] .- Co
Stria.-

OMMR/nm.-

Diarizado

Asiento No. [illegible]



P-96-1 No. 0896467

En el día de hoy, Veintiúno de Febrero de Dos Mil, siendo las doce
[illegible] del mediodía, se trasladó y constituyó el Tribunal en el Esta
[illegible]namiento Curacao, ubicado en ésta ciudad de Guanare del Estado Por
[illegible]uesa, con el fin de practicar la Inspección Judicial solicitada y -
[illegible]rdada en el auto anterior. Presente el solfcitante LUIS LAURENCE MC
[illegible]O, Venezolano, mayor de edad, Abogado, titular de la cédula de iden
[illegible]lad No. 6.900.450, actuando en su propio nombre, y presente igualmen
una persona que dijo ser y llamarse como queda escrito: THAIMY FREI
[illegible], Venezolana, mayor de edad, titular de la cédula de identidad No.
[illegible].31.847, quién dijo ser la Administradora del sitio donde se encuen
[illegible] el Tribunal, quién fué notificada de la presente misión. Vista la
[illegible]esidad de designar Práctico y Fotógrafo el Tribunal lo hace en la
[illegible]ma siguiente: ASDRUBAL JIMENEZ Y MARIA DE LOS ANGELES MORALES, Vene
[illegible]anos, mayores de edad, de éste domicilio, titulares de las cédulas
[illegible]ntidad Nros. 12.239.942 y 13.605.386 respectivamente, quienes -
[illegible]ptan el cargo y juran cumplir bien y fielmente con sus deberes. La
[illegible]ógrafo designada pone a la vista del Tribunal un rollo fotográfico
[illegible] usar marca LUCKY, de 12 exposiciones fotográficas que será utiliza
para tomar las fotografías en la presente inspección. Seguidamente
Tribunal pasa a dejar constancia de los particulares contenidos en
solicitud. PRIMERA: Dentro del Estacionamiento donde el Tribunal se
[illegible]uentra constituido se encuentra un vehículo de las siguientes caract
[illegible]isticas: Marca: Ford, Placas: MAN-18B, Serial Carrocería: AJU3VP21B
Modelo Sport, Wagon, Año: 1997, Color: Negro dos tobos, Clase: Camio
[illegible]a, Tipo: Sport Wagón, Uso: Particular. SEGUNDO: El vehículo se obser
con daño total de carrocería. El motor se observa en buen estado.-
CERO: El neumático del lado delantero derecho es de las siguientes
[illegible]s [illegible]risticas: Marca Firestone Wilderness AT, No. P2 35/75R15-M/S.-
resto de los cauchos es de las siguientes caracteristicas: Firestone
[illegible]ial ATX No. P2 35/75R15-M/S. CUARTO: Los cauchos del vehículo se ob-

...servan en regular estado , con excepción del colocado en la par
trasera del lado izquierdo que no tiene banda de rodamiento. Los
máticos del lado derecho tienen aire, los del lado izquierdo están
desinflados. QUINTO: El vehículo inspeccionado se encuentra dento
Estacionamiento, hacia el lado izquierdo del mismo y a la interper
siendo el piso donde se encuentra de tierra, con maleza pequeña. I
fotografo juramentada informa al Tribunal que tomó 12 fotografías
cuales se ordena su revelado en el Establecimiento denominado FOTO
en ésta ciudad de Guanare del Estado Portuguesa. El Tribunal habie
cumplido su misión acuerda regresar a su sede a la una y cuarenta
cinco minutos de la tarde. Terminó, se leyó y conformes firman.-

El Juez,

Abg. Nader Mahín Mejias Ramos.

El Solicitante

Abg. Luis Laurence Moreno

Se Notificado

Thaimy Freites

El Práctico

Asdrúbal Jiménez

La Fotógrafo,

María de los A. Morales

La Secretaria Acc.

Pascuala MontesM.-

Diarizado

Asiento No. 4

Bs.140

ESTADO PORTUGUESA
RENTA DE PAPEL SELLADO VALOR Bs. 55

P-96-1 No. 0898209

En horas de Despacho del día de hoy, 23 de febrero del 2000 comparece por ante este Juzgado María de los Angeles Morales, titular de la cédula de identidad N° 13.605.386, en mi carácter de experto fotógrafo, expone: Consigno en este acto trece (13) fotografías que corresponden al vehículo Ford, Camioneta, placas MAN-193 las cuales fueron tomadas en el Estacionamiento Curazao de esta ciudad. Es todo. Otro sí: No son trece (13) sino doce (12) fotografías. Es todo. Terminó, se leyó y conforme firman.

La Diligenciante

La Secretaria

[illegible]

REPÚBLICA ... GUANARE

1959

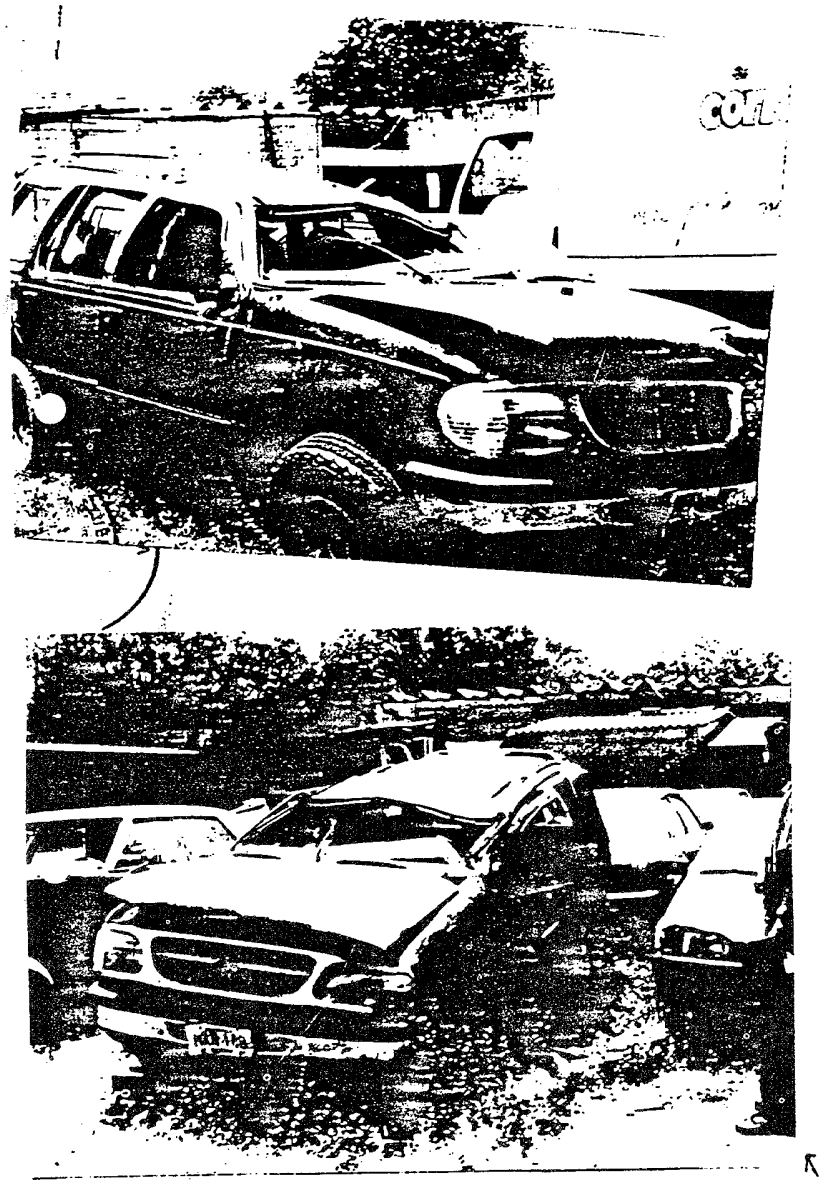


El suscrito Abogado Oscar Mahín Mejías Ramos, Juez Segundo del Municipio Guanare del Primer Circuito de la Circunscripción Judicial del Estado Portuguesa, CERTIFICA: Que la anterior fotografía fué tomada el mismo día en que fué practicada la Inspección Judicial 21-02-2.000,por la fotografa juramentada ciudadana: María de los Angeles Morales. Guanare, 23 de Febrero de 2.000.-

El Juez,

Ab. Oscar Mahín Mejías Ramos.

1961



El suscrito Abogado Oscar Mahín Mejías Ramos, Juez Segundo del Municipio Guanare del Primer Circuito de la Circunscripción Judicial del Estado Portuguesa, CERTIFICA: Que la anterior fotografía fué tomada el mismo día en que fué practicada la Inspección Judicial 21-02-2.000, por la fotografa juramentada ciudadana: María de los Angeles Morales. Guanare, 23 de Febrero de 2.000.-

El Juez,

Ab. Oscar Mahín Mejías Ramos.

El suscrito Abogado Oscar Mahín Mejías Ramos, Juez Segundo del Municipio Guanare del Primer Circuito de la Circunscripción Judicial del Estado Portuguesa, CERTIFICA: Que la anterior fotografía fué tomada el mismo día en que fué practicada la Inspección Judicial 21-02-2.000, por la fotografa juramentada ciudadana: María de los Angeles Morales. Guanare, 23 de Febrero de 2.000.-

El Juez,

Ab. Oscar Mahín Mejías Ramos.

1963



1964

REPUBLIC OF VENEZUELA

(Coat of Arms)

JUDICIAL BRANCH

CIVIL JURISDICTION

PETITIONS

RECORDS

No. 5-389

PETITIONER(S): Claudia Sofia Hoet

REASON: Judicial Inspection

COURT: Twentieth Municipal Court

DATE OF ENTRY: Day: 14 Month: August Year: 2000

DATE RETURNED: Day: Month: Year:

No. 5-389

C.22

EUS0064

Citizen

Twentieth Municipal Judge in and for the Judicial District of the Metropolitan Area of Caracas.
In his office

I, CLAUDIA SOFIA HOET MACHADO, a citizen of Venezuela, of age, domiciled in this City **and holder of** Identity Card No., 11,307,694, represented in this cause by attorney, **Carlos Domínguez H.,** registered with the Venezuelan Bar Association under No. 31,491, appearing on **my own behalf** and in my capacity as the legal owner of an automobile described as follows: **Plate: MAN-18B,** Chassis Serial No. AJU3VP21870, Engine Serial No. VA21870, Make: Ford, **Model: Sport Wagon,** Year: 1997, Color: Two-tone black, Class: Truck, Private Use, my **capacity being evidenced by a document that was duly authenticated at the Twenty-ninth Notary Public's Office for the Municipality of Libertador in the Federal District, on the eleventh (11th) day of August, 2000, under No. 38, volume 79, which, for examination purposes, I submitted to the Court and would ask that it be returned to me after the certification thereof for the record, hereby appear before you in order to state:**

I would ask this Court to be transferred and called into session at the establishment known as "Autos y Partes", located in Warehouse No. 17, Via Manzanares, El Baruteño Industrial Center, **in the Municipality of Baruta, in order to place the following items and circumstances on the record by means of a Judicial Inspection:**

ONE: The identification of the legal entity on whose premises the Court has been called into session.

TWO: The identification of the individual who is in charge of or responsible for the establishment at which the Court has been called into session at the time the Inspection takes place.

(Initials – illegible)

EUS0065

THREE: That there is a vehicle owned by me, as described above, in the parking lot of the premises at which the Court has been called into session.

FOUR: As to the condition of the vehicle described above and the damage to it.

FIVE: That a statement be placed on the record as to the tires on the vehicle and that the serial numbers, make, model characteristics and condition be identified.

SIX: As the legal owner, I would ask that the tires described above be sealed by the court and that it be ensured that they cannot be taken out of the truck without breaking the seal affixed to them. I also request that a statement be placed on the record as to the type of seal used and that it be clearly identified.

SEVEN: As the legal owner, I request that the vehicle described above be covered and sealed by the court and that it be ensured that the vehicle cannot be moved or maneuvered without breaking the seal affixed to it. In addition, I request that a statement be placed on the record as to the seal used and that it be clearly identified.

EIGHT: That a statement be placed on the record as to the date on which the above-described truck arrived at these premises, pursuant to a statement from the person in charge or representative of the premises at which the Court has been called into session, or pursuant to any existing documentation; the place where it came from and how it was transported.

NINE: That a statement be placed on the record as to whether anything was removed from the vehicle and as to whether any accessory or any part of same was changed, pursuant to a statement from the person in charge or representative of the premises at which the Court has been called into session, or pursuant to any existing documentation.

TEN: As to any other circumstance or item that is requested at the time the inspection is conducted.

(Initials) (Illegible)

We request that the Court appoint an expert photographer to assist the Court for purposes of conducting this Judicial Inspection and in order to place a graphic statement of the facts and circumstances on the record.

Lastly, I state under oath that this matter is an emergency and I would ask the Court to be so kind as to set aside all of the time needed for conducting this Inspection, and that once it has been conducted, the original be returned to me together with the results thereof.

In Caracas, on the date of the filing hereof.

(Signed) (Illegible) *(Signed) (Illegible)*

TWENTIETH MUNICIPAL COURT IN AND FOR THE JUDICIAL DISTRICT OF THE METROPOLITAN AREA OF CARACAS. Caracas.
The *fourteenth* day of *August*, two thousand.

190th Year of Independence and 141st Year of the Federation

The necessary time having been set aside, since the petitioner stated under oath that the matter was an emergency, and having reviewed the foregoing pleading, this Court agrees to the requests and consequently is scheduling *9:15 a.m.* on *August 16, 2000* as the time for fulfilling the requests.

(Signed) (Illegible)
JUDGE

(Stamp)
REPUBLIC OF VENEZUELA
TWENTIETH MUNICIPAL COURT
(Seal)
IN AND FOR THE JUDICIAL DISTRICT
OF THE METROPOLITAN AREA OF CARACAS

(Signed) (Illegible)
ACTING CLERK

ALBA.

EUS0070

(Partial stamp to left – illegible)

At 9:15 a.m. today, the sixteenth (16th) day of August, two thousand (2,000), the Court, having set aside the necessary time because the petitioner swore to the emergency nature of the case under oath, was transferred to and called into session at the following address: the premises of Autos y Partes, Warehouse No. 17, Via Manzanares, El Baruteño Industrial Center in the Municipality of Baruta. The Court thereupon appointed citizen, Jaime Ernesto Flores Espinoza, holder of Identity Card No. 14,275,332 as the Expert Photographer, and being present, he accepted the assignment and was sworn in as provided by Law; he asked the Court to give him six (6) working days within which to deliver the photographs taken. The Court thereupon agreed to his request and granted him six (6) days to deliver the photographs that had been taken. The Court next stated for the record that the petitioner was present together with the attorney who was representing her. Next, a person who stated his name was Juan Emilio Rodríguez, holder of Identity Card Number 5,538,424, was present and the Court subpoenaed him for its mission and being mindful of this, he allowed it access to said establishment. At this point, the Court then placed the requested items on the record.....

by means of a Judicial Inspection: ITEM NO. ONE: The Court stated for the record that the legal entity on whose premises it had been called into session was Autos y Partes JBSOV C.A. ITEM NO. TWO: The Court stated for the record that the subpoenaed party stated that he was in charge while the owners, Juan Benavides and Oswaldo Vargas, were not there. ITEM NO. THREE: The Court stated for the record that there was a vehicle on the property on which it had been called into session, Make: Ford, Model: Sport Wagon, type, year: 1997, color: two tone black, type: truck, plates: MAN-18B, chassis serial number AJU3VP21870, engine serial number VA21870, belonging to and owned by the petitioner, as confirmed by the copy of the buy-sell document attached to the petition. ITEM NO. FOUR: The Court stated for the record that the vehicle that was the subject of the inspection was totally unusable and wrecked and according to the Insurance company, it was a total loss; it was noted that the bodywork was totally smashed, the tires had burst, and it was seen that the dashboard and upholstery inside were in a very bad state. The greatest damage was located on the front on the driver's side. ITEM NO. FIVE: The Court stated .....

(Two partial stamps to left)
...OF VENEZUELA
(Seal)
..District
Metropolitan ----

for the record that the vehicle that was the subject of the inspection had five tires, Make: Firestone, four of them were model Radial TX and one was a Wilderness AT model, the serial number on all of them was P235/75 R/5, and they were all in bad condition; the rear tire on the driver's side had no tread, the rim on the wheel that, according to the subpoenaed party, was the rear one on the other side, was completed buckled and the tire was broken and scratched, and the two front tires were in bad condition and completely flat. ITEM NO. SIX: The Court stated for the record that at the request of the petitioner, the tires described above were sealed by the Court. ITEM NO. SEVEN: The Court stated for the record that at the request of the petitioner, the attorney who was representing her proceeded to put a blue rod on the vehicle that is the subject of this inspection, and it was sealed by the Court at the request she made as the legal owner. ITEM NO. EIGHT: The Court stated for the record that according to a statement made by the subpoenaed party, the vehicle was towed in from the State of Portuguesa on a wrecker on the fifth (5th) day of August, two thousand (2000). .....

ITEM NO. NINE: The Court stated for the record that the subpoenaed party said that no accessory or part of the vehicle that is the subject of this inspection has been changed. ITEM NO. TEN: The petitioner and the attorney representing her asked the Court to state for the record that there were other Ford Explorer trucks with obvious damage on the property on which it had been called into session, and a statement was placed on the record as to the tires on them and it was noted that the air bag on same had come out of the dashboard. In view of the foregoing, the Court agreed to her request and then stated for the record that four Ford trucks were noted on the property at which it had been called into session and these were described as follows: 1) truck, color: white, plates: BAL-66D; 2) truck, color: green, plates: JAF-46B, 3) Truck, color: silver, plates: JAE-74E, and 4) truck, color: Silver, plates: NAB-48M. The Court stated for the record that all of the trucks described above .....

had obvious damage to their bodywork, especially on the front driver's side, and that all of them had Firestone ATX tires that were damaged, and it was noted that the air bag was out of the dashboard on all of them. The Court, having fulfilled its mission, declared that the Judicial Inspection was at an end and ordered its return to the courthouse at 11:00 a.m. That is all, completed, read and signed by the undersigned, who are in agreement therewith.

JUDGE

(Signed) (Illegible)

(Two stamps)
REPUBLIC OF VENEZUELA
TWENTIETH MUNICIPAL COURT
(Seal)
IN AND FOR THE JUDICIAL DISTRICT
OF THE METROPOLITAN AREA OF CARACAS

(Signed) (illegible)
Petitioner

Acting Clerk
(Signed) (Illegible)

Attorney for Petitioner
(Signed) (Illegible)

The Subpoenaed party
(Signed) (Illegible)

The Expert
(Signed) (Illegible)

(Partial stamp to left – illegible)

Today, August 21, 2000, citizen Jaime Ernesto Flores Espinoza, holder of identity card No. V-14,275,332, very respectfully appeared before this Court in his capacity as Expert Photographer, in order to state: "I swear under oath that this matter is an emergency and I am setting aside all of the time needed in order to submit and process this assignment; in addition, I am also herewith delivering twenty-four (24) photographs taken during the Judicial Inspection conducted by this court on August 16, 2000. That is all."
Concluded, read and signed by the undersigned, who are in agreement therewith.

(Stamp – illegible)

(Signed) (Illegible)
Acting Clerk

(Signed) (Illegible)
The Appointee

[Page EUS0077]:
(Hand written) Thirteen (13)
GENERAL VIEW OF THE VEHICLE
(Two photos)

[Page EUS0078]:
(Hand written) Fourteen (14)
LEFT FRONT WHEEL
(Two photos)

[Page EUS0079]:
(Hand written) Fifteen (15)
LEFT FRONT WHEEL
(Two photos)

[Page EUS0080]:
(Hand written) Sixteen (16)
LEFT REAR WHEEL
(Two photos)

[Page EUS0081]:
(Hand written) Seventeen (17)
LEFT REAR WHEEL
(photo)

[Page EUS0082]:
(Hand written) Eighteen (18)
RIGHT FRONT WHEEL
(Two photos)

[Page EUS0083]:
(Hand written) Nineteen (19)
RIGHT REAR WHEEL
(photo)

[Page EUS0084]:
(Hand written) Twenty (20)
RIGHT REAR WHEEL
(Two photos)

[Page EUS0085]:
(Hand written) Twenty-One (21)
WHEEL LOCATED INSIDE THE TRUNK OF THE VEHICLE
(Two photos)

[Page EUS0086]:
[*(Hand written)* Twenty-Two (22)]
GENERAL VIEW OF THE SEALED VEHICLE
(photo)

[Page EUS0087]:
(Hand written) Twenty-Three (23)
GENERAL VIEW OF THE SEALED VEHICLE
(Two photos)

[Page EUS0088]:
(Hand written) Twenty-Four (24)
OTHER FORD TRUCKS LOCATED IN THE SAME PLACE
(Two photos)

[Page EUS0089]:
(Hand written) Twenty-Five (25)
OTHER FORD TRUCKS LOCATED IN THE SAME PLACE
(photo)

[Page EUS0090]:
(Hand written) Twenty-Six (26)
OTHER FORD TRUCKS LOCATED IN THE SAME PLACE
(photo)

... Today, August 31, 2000, personally appeared citizen Claudia Sofia Hoet, a citizen of Venezuela, of age, domiciled in this City, and holder of identity card No. 11,307,694, represented in this cause by attorney, Carlos G. Domínguez Hernández, registered with the Venezuelan Bar Association under No. 31491, who, in her capacity as the petitioner, very respectfully stated as follows: "I would ask this Court to be so kind as to deliver the petition filed on August 14, 2000. In this regard, I swear under oath that this matter is an emergency and I would ask the Court to be so kind as set aside all of the time needed to grant the requests filed in this cause. That is all." Completed, read and signed by the undersigned, who are in agreement therewith.

Acting Clerk
(Signed) (Illegible)

(Stamp)
REPUBLIC OF VENEZUELA
TWENTIETH MUNICIPAL COURT
(Seal)
IN AND FOR THE JUDICIAL DISTRICT
OF THE METROPOLITAN AREA OF CARACAS

(Signed) (illegible)
Petitioner

Her Attorney
(Signed) (Illegible)

EUS 0091

Certificate of Accuracy

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

I, Vanessa Marie Havel, fluent in both Spanish and English, certify that the attached translation from Spanish into English, of the Judicial Inspection, No. 5-389, dated August 14, 2000, concerning an inspection of the Ford Sport Wagon with plates numbered MAN-18B, is accurate, true and complete, to the best of my knowledge, ability and belief.

Vanessa Havel

Vanessa Havel
Miami, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me appeared Vanessa Havel, personally known to me to be the person signing this certification.

The foregoing instrument was acknowledged to and before me this 14th day of February, 2001.

Elena H. Rosado

Elena Rosado
Notary Public
State of Florida

[Seal] My commission expires: 1-19-03

Elena H. Rosado
MY COMMISSION # CC784723 EXPIRES
January 19, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

REPUBLICA DE VENEZUELA

PODER JUDICIAL

No. 5-389

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) Claudia Sofia Hoot.

MOTIVO: Inspección Judicial

JUZGADO: Vigesimo de Municipio

FECHA ENTRADA: Día 14. Mes Agosto Año 2000.

FECHA DEVOLUCION: Día Mes Año

No. 5-389.

C-22

EUS0064

Ciudadano

Juez Vigésimo de Municipio de la Circunscripción Judicial del Area Metropolitana de Caracas.

Su despacho.-

Yo, **CLAUDIA SOFIA HOET MACHADO**, venezolana, mayor de edad, de este domiciliado y titular de la Cédula de Identidad N° 11.307.694, asistido en este acto por el abogado **Carlos Domínguez H.**, inscrito en el Inpreabogado bajo el N° 31.491, procediendo en mi propio nombre y en mi condición de legítima propietaria del vehículo automotor de las siguientes características: Placa: MAN-18B, Serial de Carrocería: AJU3VP21870, Serial del Motor: VA21870, Marca: Ford, Modelo: Sport Wagon, Año: 1997, Color Negro dos Tonos, Clase: Camioneta, Uso Particular, carácter el mío que se evidencia de documento debidamente autenticado por ante la Notaría Pública Vigésima Novena del Municipio Libertador del Distrito Federal, en fecha once (11) de agosto de 2000, bajo el N° 38, tomo 79, el cual, *ad efectum videndi*, presente al Tribunal y solicito me sea devuelto previa su certificación en autos, acudo ante usted en la presente oportunidad con el objeto de exponer:

Solicito al Tribunal se sirva trasladarse y constituirse en el establecimiento denominado "**Autos y Partes**", ubicado en el Municipio Baruta, Vía Manzanares, Centro Industrial El Baruteño, Galpón N|°17, a objeto de que por vía de **Inspección Judicial** deje constancia de los siguientes hechos y circunstancias:

PRIMERO: De la identificación de la persona jurídica en cuya sede se encuentra constituido el Tribunal.

SEGUNDO: De la identificación de la persona natural que para el momento de la práctica de la Inspección se encuentre como encargada o responsable del establecimiento donde se encuentra constituido el Tribunal.

EUS0065

TERCERO: Que en el estacionamiento donde esta constituido el Tribunal se encuentra depositado el vehículo automotor de mi propiedad anteriormente identificado.

CUARTO: De las condiciones en que se encuentra el vehículo automotor anteriormente identificado y de los daños que presenta.

QUINTO: Se deje constancia de los cauchos o neumáticos que posea el vehículo automotor, y se identifiquen los seriales, marca, modelo, caracteristicas y condiciones.

SEXTO: Solicito, en mi condición de legitima propietaria, que los cauchos anteriormente identificados sean precintados por el tribunal, asegurándose que los mismos nos puedan ser extraidos de la camioneta sin violentar el precinto que se coloque. Asi mismo solicito se deje constancia del precinto utilizado identificándose claramente.

SEPTIMO: Solicito, en mi condición de legitima propietaria, que el vehículo automotor anteriormente identificado sea cubierto y precintado por el tribunal, asegurándose que el mismo no pueda ser trasladado o manipulado sin violentar el precinto que se coloque. Así mismo solicito se deje constancia del precinto utilizado identificándose claramente.

OCTAVO: Se deje constancia, según el decir del encargado o representante del local donde se encuentra constituido el Tribunal, o según documentación que exista, de la fecha en que llegó la camioneta anteriormente identificada a ese local; del lugar de donde proviene y de cómo fue trasladada.

NOVENO: Se deje constancia, según el decir del encargado o representante del local donde se encuentra constituido el Tribunal, o según documentación que exista, si al vehículo automotor descrito le fue sustraído y cambiado algún accesorio o cualquier parte del mismo.

DÉCIMO: De cualquier otra circunstancia o particular que se solicite al momento de la práctica de la inspección.

Solicitamos al Tribunal que a los efectos de la práctica de la presente Inspección Judicial y para poder dejar constancia gráfica de los hechos y circunstancias constatados, se designe práctico fotógrafo que asista al Tribunal.

Por último juro la urgencia del caso y ruego al Tribunal se sirva habilitar todo el tiempo necesario para la práctica de la presente Inspección, y que una vez practicada la misma me sea devuelta en original con sus respectivas resultas.

En Caracas, a la fecha de su presentación.

JUZGADO VIGESIMO DE MUNICIPIO DE LA CIRCUNSCRIPCION JUDICIAL DEL AREA METROPOLITANA DE CARACAS. Caracas. Catorce de Agosto de dos mil. .

190° y 141°

Habilitado como se encuentra el tiempo necesario por haber sido jurada la urgencia del caso por la parte solicitante y visto el escrito que antecede, este Tribunal acuerda de conformidad con lo solicitado en consecuencia fija el 16 8 2000 a las 9 15 a.m. a fin de llevar a cabo lo solicitado.

LA JUEZ,

SECRETARIO Acc

ALBA.

EUS0070

El día, de hoy dieciseis (16) de Agosto del Dos Mil (2.000), siendo las 9:15 a.m. y habilitado como se encuentra el tiempo necesario, por haber sido jurada la urgencia del caso, por la parte solicitante, se trasladó y se constituyó el Tribunal, a la siguiente dirección: vía Manzanares, Centro Industrial El Banquito, Galpón N° 17, establecimiento Autos y Partes, Municipio Baruta. Seguidamente el Tribunal pasa en este acto a designar Práctico Fotógrafo al ciudadano: Jaime Ernesto Flores Espinoza, titular de cédula de Identidad N° 14.275.392, quien estando presente aceptó el cargo y prestó el juramento de ley, y quien pide al Tribunal le conceda seis (6) días a fin de consignar las tomas fotográficas en este estado el Tribunal acuerda de conformidad con lo solicitado y concede seis (6) días para que el mismo consigne las tomas realizadas. Seguidamente el Tribunal deja constancia que se encuentra presente la solicitante y su abogado asistente. Seguidamente se encuentra presente la persona que dijo ser y llamarse Juan Emilio Rodriguez titular de la Cédula de Identidad número 5.538.424 a quien el Tribunal impone de esta misión y quien juró cumplirla fielmente y permitió el acceso a dicho establecimiento en este estado el Tribunal pasa a dejar constancia

EUS0071

por vía de inspección Judicial de los particulares solicitados. Primero: El Tribunal deja constancia que la persona jurídica en cuya sede se encuentra constituido es Autos y Partes J B & O. V. C. A. Segundo: El tribunal deja constancia que el notificado manifestó que el es el encargado, mientras no estan los propietarios Juan Benavides y Oswaldo Vargas. Tercero: El Tribunal deja constancia que en el inmueble donde se encuentra constituido se encuentra el vehículo marca: Ford, modelo: Spor Wagon, tipo, año: 1997, color: Negro dos Tonos, clase: camioneta, placas: MAH-18B, serial de carrocería: AJU3 VP21870, serial motor: VA21870 perteneciente y propiedad de la solicitante seg consta de copia de documento de compra-venta anexo al escrito de solicitud. Cuarto: El Tribunal deja constancia: que el vehículo objeto de la inspección se encuentra totalmente inservible y destruido, y según el Seguro tiene perdida total, observandose que la latonería esta totalmente chocada, los cauchos desvaratado, evidenciandose que en su parte interior presenta el tablero y la tapicería en muy mal estado. Localizados los mayores daños en la parte delantera del lado del conductor. Quinto: El Tribunal deja

constancia que el vehículo objeto de la inspec
poseía cinco cauchos marca Firestone, cua
tro modelo Radial TX y uno modelo
Wilderness AT, todos con el serial P235/75
R/5, y en muy malas condiciones, el tra-
ro del lado del conductor sin banda de
rodamiento, el caucho que según el dicho
del notificado era el ubicado en la par-
te trasera del otro lado, tiene el riel To-
talmente doblado y el caucho roto y ra-
jado, y los dos delanteros en mal estado y
ponchados. Sexto: El tribunal deja constanc
que según el pedimento de la solicitante -
los neumáticos antes identificados fueron
precintados por el Tribunal. Septimo: El -
Tribunal deja constancia que según el pedimen
to de la solicitante, su abogado asistente pro
dio a poner un forro color Azul al vehículo
objeto de la inspección, siendo precinta-
do por el Tribunal según su solicitud re
lizada como legítima propietaria. Octavo
El Tribunal deja constancia que según el
dicho del notificado el vehículo llegó e
fecha cinco (5) de Agosto del dos mil (2000)
en grúa, proveniente del Estado Portuguen

Noveno: El Tribunal deja constancia que según el dicho del Notificado al vehículo objeto de la inspección no se le ha cambiado ningún accesorio ni parte del mismo. Décimo: La solicitante y su abogado asistente piden el Tribunal deje constancia que en el inmueble que se encuentra constituido existen otras camionetas Ford Explorer con daños evidentes y se deje constancia de los neumáticos que estas camionetas poseen y si se observa que el "air bag" de las mismas estan fuera del tablero. Vista la anterior exposición el Tribunal accede de conformidad y pasa a dejar constancia que en el inmueble en el que se encuentra constituido se observan cuatro camionetas Ford con las siguiente características: 1) camioneta color: blanco, placas: BAL-661; 2) camioneta color: Verde, placas: JAF-476B, 3) camioneta color: Plateada, placas: JAE-74E, y 4) camioneta color: Plateado, placas: NAB-48M. El Tribunal deja constancia que todas las anterior descritas

camionetas, presentan daños evidentes en la carrocería, especialmente del lado delantero del conductor, que todas tienen caucho Firestone ATX dañados, y en todas se observan que la bolsa "air bag" se encuentra afuera del tablero. Cumplida como ha sido la mision el Tribunal declara concluida la Inspección Judicial y ordena el regreso a su sede siendo las 11:00. Es todo, termino, y la conformes firmo.

Juez

La solicitante

El Secretario Accidental

Abogado Asistente

El Notificado

El Practico

EUS0075

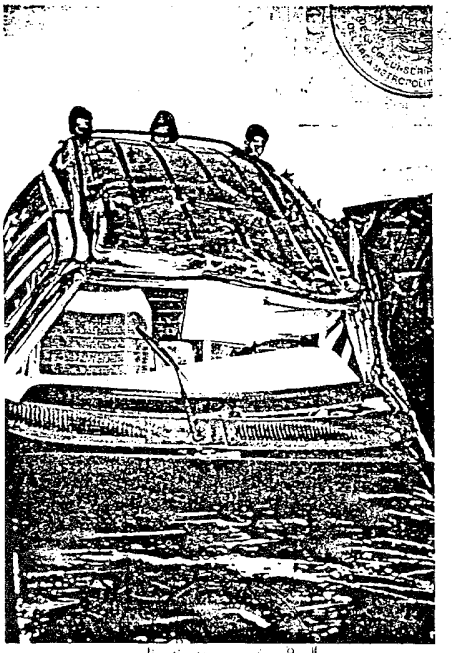
En el día de hoy 21 de agosto de 2000, comparece ante este Tribunal el cuidadano Jaime Ernesto Flores Espinoza, titular de la cédula de identidad v-14.275.332, quien en su carácter de Experto Fotógrafo, ocurre muy respetuosamente a los fines de exponer lo siguiente: "Juro la urgencia del caso y habilito todo el tiempo necesario a los efectos de la presentación y tramitación de la presente diligencia; así mismo, consigno en este acto veinte y cuatro (24) impresiones fotográficas tomadas durante la Inspección Judicial llevada a cabo por este juzgado, en fecha 16/08/2000. Es todo". Terminó, se leyó y conformes firman.

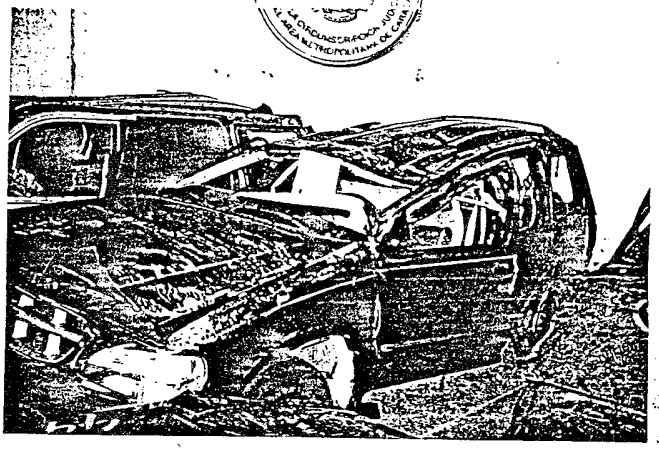
El Secretario a.c.c.

El Diligenciante

1990

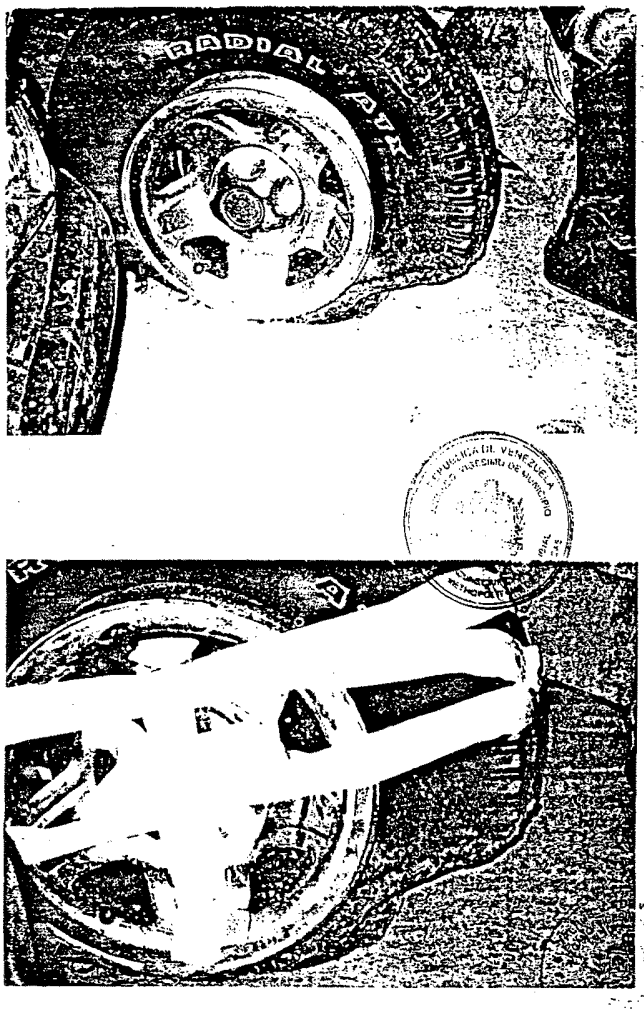
Vista general del vehículo





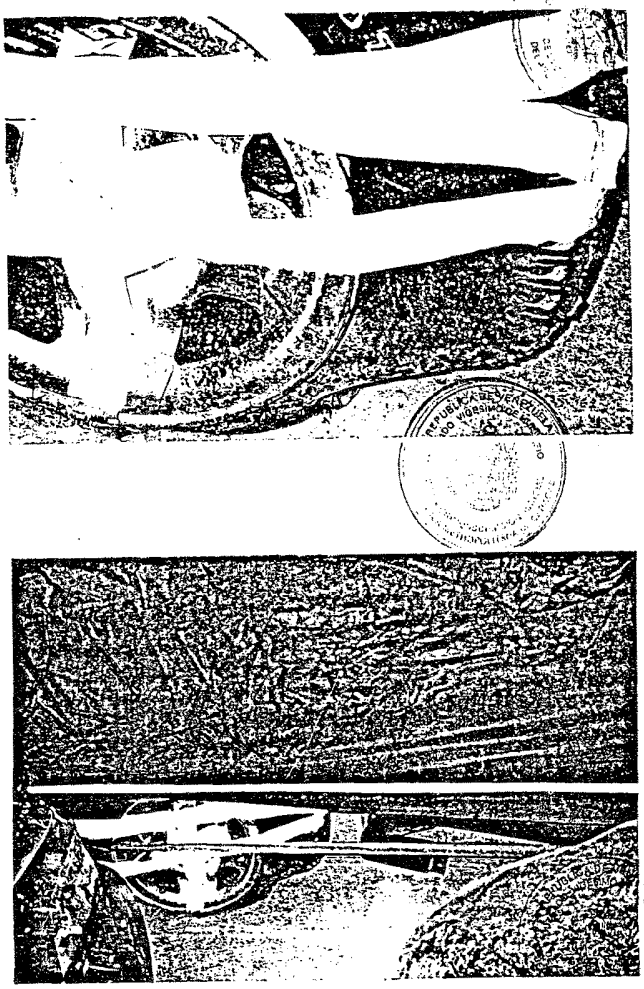
1991

RUEDA DELANTERA IZQUIERDA



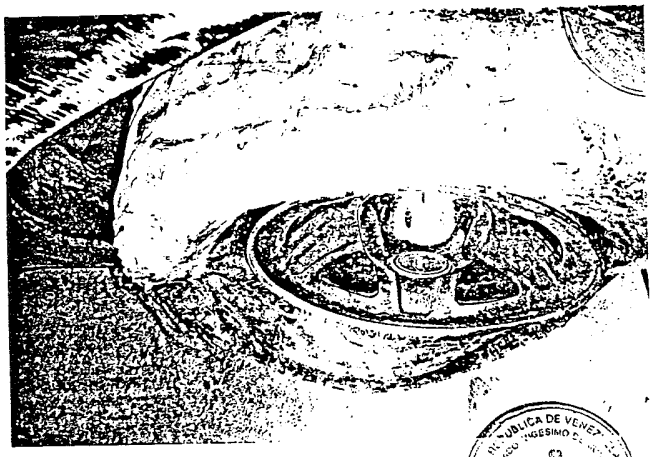
1992

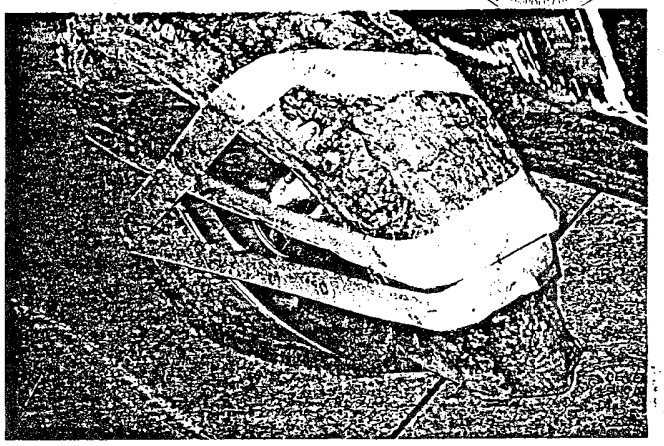
RUEDA DELANTERA IZQUIERDA



1993

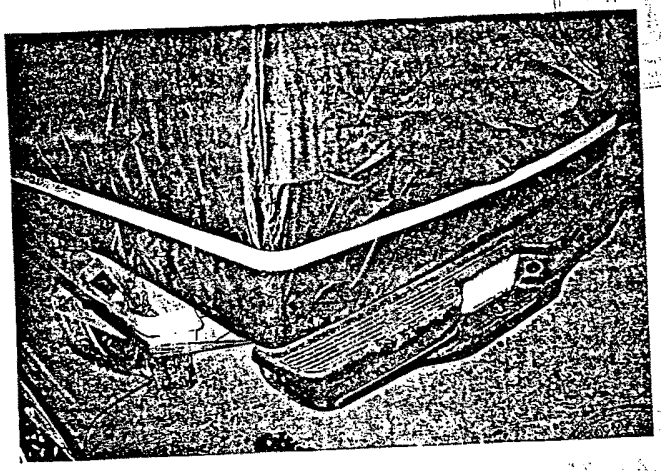
RUEDA TRASERA IZQUIERDA





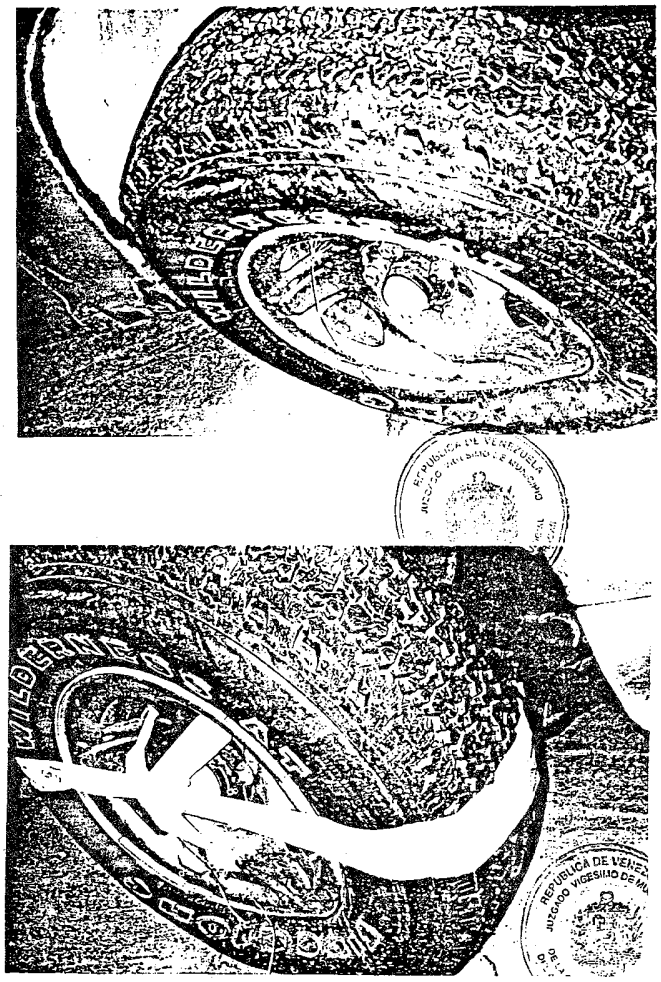
1994

RUEDA TRASERA IZQUIERDA



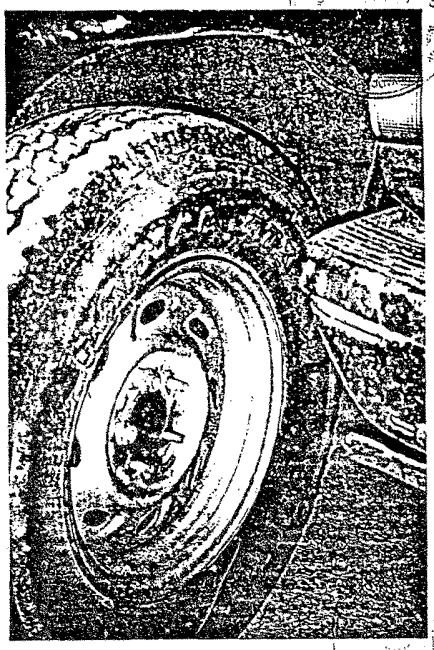
1995

RUEDA DELANTERA DERECHA



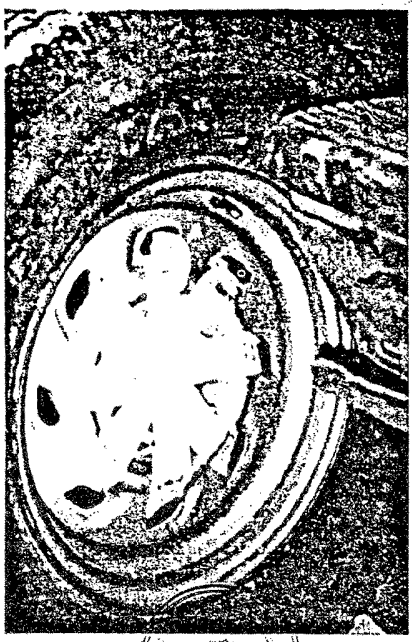
1996

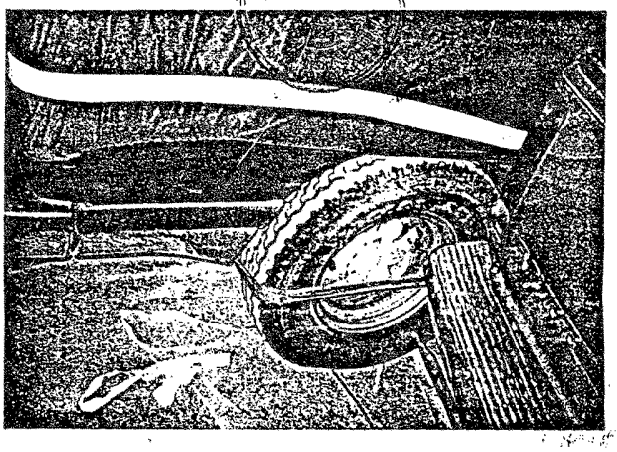
RUEDA TRASERA DERECHA



1997

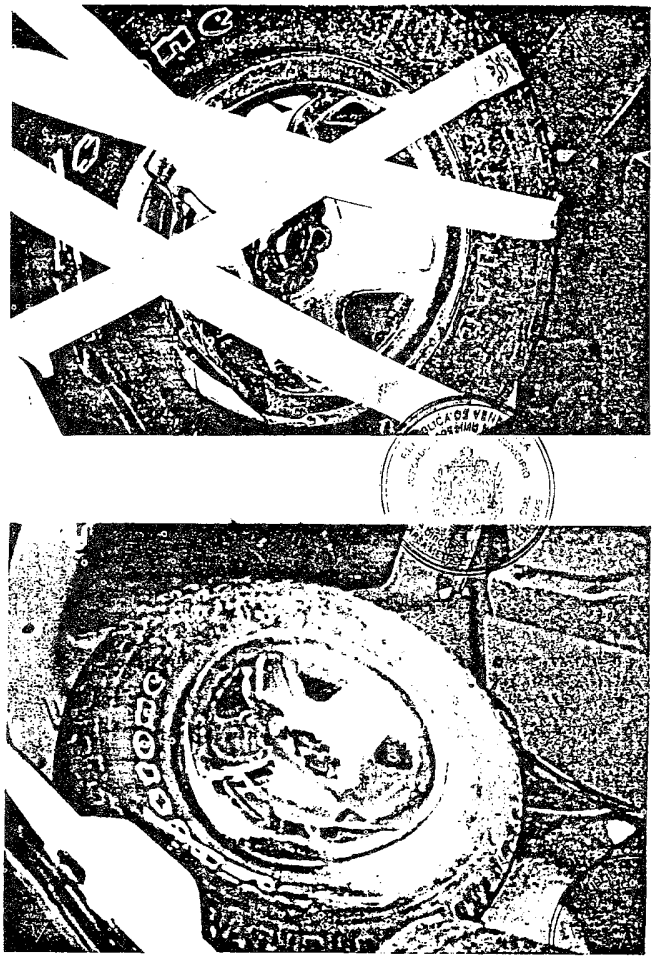
RUEDA TRASERA DERECHA



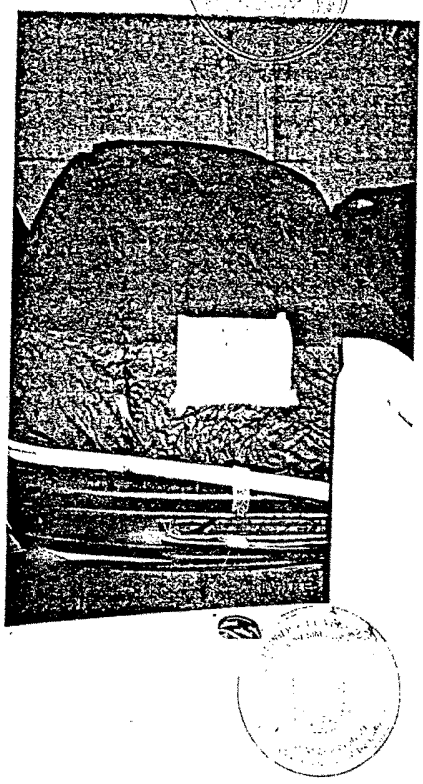


1998

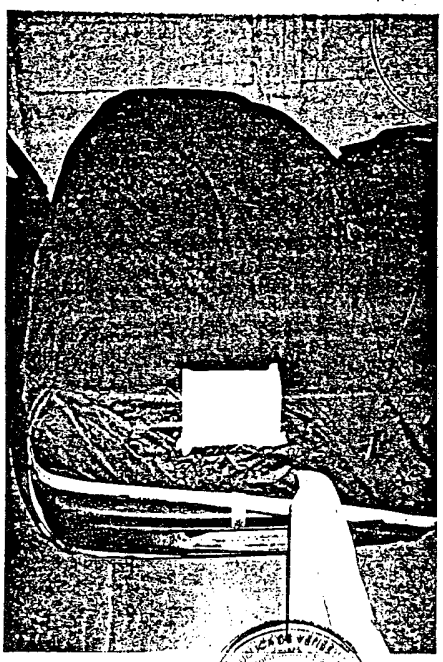
Rueda ubicada en el interior de la maletera del vehículo.

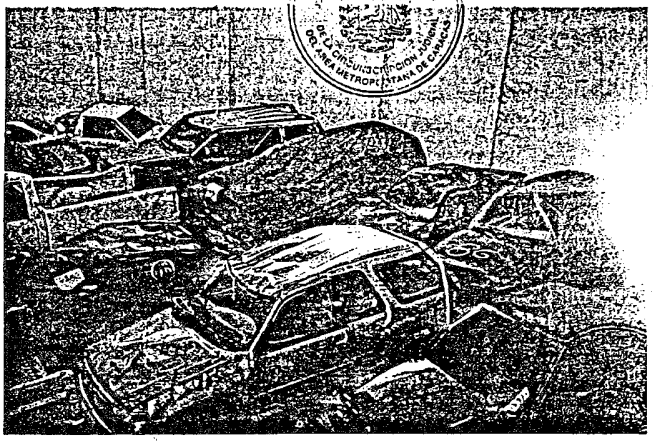


Vista general del vehículo prescintado.

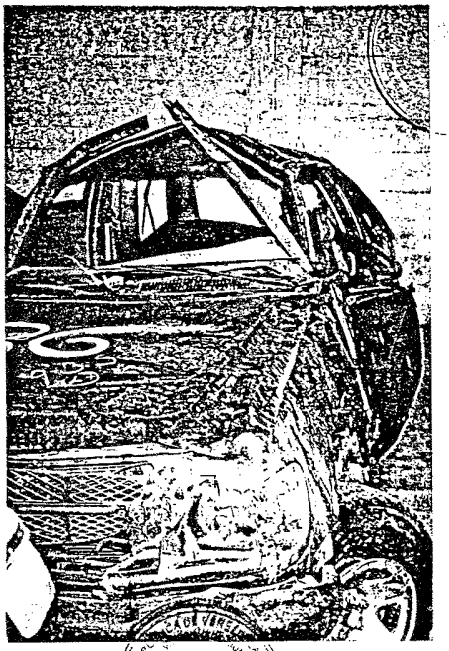


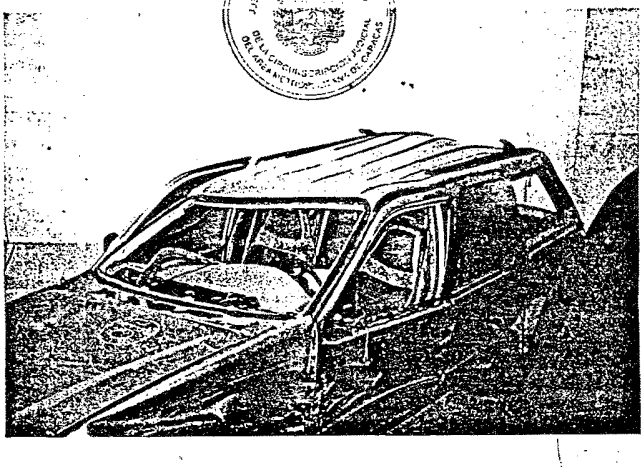
Vista general del vehículo prescintado.





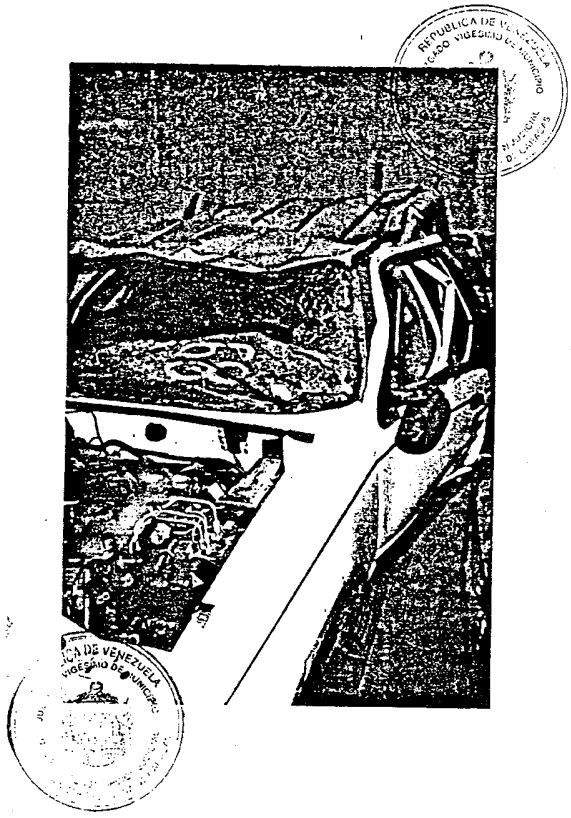
Otras camionetas Ford ubicadas en el mismo lugar.





2002

Otras camionetas Ford ubicadas en el mismo lugar.



2003

Otras camionetas Ford ubicadas en el mismo lugar.



... En el día de hoy 31 de agosto de 2000, comparece la ciudadana Claudia Sofía Hoet, venezolana, mayor de edad, de este domicilio y titular de la cédula de identidad N° 11.307.694, asistida en este acto por el abogado Carlos G. Domínguez Hernández, inscrito en el Instituto de Previsión Social del Abogado (IMPREABOGADO), bajo el N° 31991, quien en su carácter de solicitante, ocurre muy respetuosamente a los fines de exponer lo siguiente: "Solicito a este tribunal se sirva entregar la solicitud efectuada en fecha 14 de agosto de 2000. En tal sentido, pido la urgencia del caso y ruego al tribunal se sirva habilitar todo el tiempo necesario para proveer sobre la petición efectuada en la presente diligencia. Es todo." Terminó, se leyó y conforman firman.

El Secretario

La Diligenciante

El Abogado Asistente

EUS0091

2005

REPUBLICA BOLIVARIANA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

Nº. 00

ARCHIVO

SOLICITANTE(S) ARMANDO J. PLANCHART. M.

MOTIVO: INSPECCION JUDICIAL

JUZGADO: DECIMO OCTAVO DE MUNICIPIO DE LA CIRCUNSCRIPCION JUDICIAL DEL AREAMETROPOLITANA DE CARACAS.

FECHA DE ENTRADA Día 25 Mes AGOSTO Año 2000

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

Nº

2006

Ciudadana
Juez Décimo Octavo de Municipio
de la Circunscripción Judicial del Area Metropolitana de Caracas
Su Despacho.-

Yo, **ARMANDO J. PLANCHART M.**, venezolano, mayor de edad, abogado en ejercicio, domiciliado en Caracas, titular de la cédula de identidad N° 5.220.985 e inscrito en el Instituto de Previsión Social del Abogado bajo el N° 25.104, ante usted respetuosamente ocurro con el fin de exponer y solicitar lo siguiente:

Para fines legales que me interesan, solicito respetuosamente al Tribunal, de conformidad con lo establecido en los artículos 936 y 938 del Código de Procedimiento Civil, en concordancia con el artículo 1429 del Código Civil, se sirva trasladar y constituir en el lugar donde funciona un taller mecánico denominado "Servicio Ruggiero" en la siguiente dirección: Avenida Andrés Bello, Calle Sánchez, Caracas; a fin de dejar constancia, por vía de Inspección Ocular, de los siguientes particulares:

PRIMERO: De la presencia en el lugar donde se encuentra constituido el Tribunal, de un vehículo Marca: Ford, Modelo: Explorer y el Tipo, Color y Placas, que presenta el vehículo inspeccionado.

SEGUNDO: Que el vehículo antes identificado tiene cada caucho instalado en cada uno de sus rines.

TERCERO: De la marca, tipo y serial de cada uno de los cauchos instalados en cada uno de los rines del vehículo inspeccionado.

CUARTO: De las condiciones generales de los cauchos instalados en cada uno de los rines del vehículo inspeccionado y su banda de rodamiento.

QUINTO: De las condiciones generales en que se encuentra la carrocería del vehículo inspeccionado.

SEXTO: De cualquier otro hecho o circunstancia que expresamente me reservo señalar al Tribunal al momento de practicarse la Inspección Ocular solicitada.

De conformidad con lo establecido en el artículo 473 del Código de Procedimiento

dos(2)

Civil, solicito respetuosamente a este Tribunal se haga asistir de un práctico mecánico a los fines de la práctica de la Inspección Ocular que aquí se solicita. Igualmente, de conformidad con lo establecido en el artículo 475 del Código de Procedimiento Civil, en concordancia con lo dispuesto en el artículo 502 *ejusdem*, solicito que al momento de llevarse a cabo dicha Inspección Ocular se ordene la reproducción fotográfica del vehículo inspeccionado y de cualquier otro hecho que expresamente me reservo señalar en la oportunidad de llevarse a cabo la Inspección Ocular solicitada. A estos efectos, solicito respetuosamente a este Tribunal se sirva designar un práctico fotógrafo para la obtención de dichas fotografías y que las mismas sean agregadas al acta que se levante con ocasión de la práctica de la Inspección Ocular a fin de que formen parte integrante de la misma.

Finalmente, solicito respetuosamente a este Tribunal se sirva habilitar todo el tiempo que sea necesario a los fines de acordar y practicar las actuaciones aquí solicitadas, para lo cual juro la urgencia del caso. Igualmente pido que, evacuada como sea la presente solicitud, me sea devuelta en original con sus resultas.

Es gracia que espero, en Caracas, a la fecha de su presentación.

25/04

Por recibido el Escrito constante de dos(2)

M:\G\Cobeña\Inspecciones\Firestone.Inspecc.Explorer.doc

...s presentado por su(s) firmante(s) a la hc 1:00pm.

del día: 25-08-2000

Désele cuenta al JUEZ

REPUBLICA DE VENEZUELA CIRCUNSCRIPCION JUDICIAL JUZGADO DECIMO OCTAVO DE ... DEL AREA METROPOLITANA

EL SECRETARIO

REPUBLICA BOLIVARIANA DE VENEZUELA
JUZGADO DECIMOCTAVO DE MUNICIPIO DE LA CIRCUNSCRIPCION
JUDICIAL DEL AREA METROPOLITANA DE CARACAS

Caracas, 25 de agosto de 2.000

Por recibida la presente solicitud, désele entrada y fiel cumplimiento previa la habilitación del tiempo necesario. En consecuencia para la práctica de la INSPECCION JUDICIAL solicitada, el Tribunal fija las 2:45 pm del día 25-8-2000 y ordena su traslado y constitución en el lugar indicado, habilitándose para ello todo el tiempo que fuere necesario, y una vez cumplida la misma devuélvase original con sus resultas al solicitante.-

LA JUEZ,

JANETH C. COLINA PEÑA

LA SECRETARIA,

OLGA RODRIGUES

En el día de hoy, 25 de agosto de 2000, previa habilitación del tiempo necesario, se trasladó y constituyó este Juzgado Decimoctavo de Municipio en compañía del solicitante en la siguiente dirección: Avenida Andrés Bello, Calle Sánchez, Taller Mecánico "Servicio Ruggiero", a fin de practicar la Inspección Judicial solicitada. Presente una persona que dijo ser y llamarse Mario Ruggiero, titular de la cédula de identidad nº E-266 858 en su carácter de dueño del establecimiento, a quien el Tribunal impuso de su misión y permitió el ingreso al interior de las instalaciones. En este estado el Tribunal designa como práctico mecánico al ciudadano Jonathan Battista Blando Hurtado, titular de la cédula de identidad nº 11552956, quien estando presente acepta el cargo y jura cumplirlo bien y fielmente en los deberes inherentes al cargo, comprometiéndose a colaborar con el Tribunal con sus conocimientos técnicos para la realización de la presente Inspección. Seguidamente se

designa como práctico fotógrafo a Andrés Sáez Rodríguez titular de la cédula de identidad Nº 12.950.018, quien estando presente acepta el cargo y jura cumplirlo bien y fielmente en los deberes inherentes al cargo, utilizando para las tomas fotográficas una cámara Pentax - modelo Espio 738 6 con una película para 24 exposiciones. Seguidamente el Tribunal pasa a dejar constancia por vía de Inspección Judicial con la colaboración del práctico mecánico de los siguientes particulares. AL PRIMERO El Tribunal observa y deja constancia que en el lugar donde está constituido existe una sola camioneta marca Ford, modelo Explorer, color gris plata, placas LAE-93V, tipo XLT. AL SEGUNDO El Tribunal observa y deja constancia que el vehículo objeto de Inspección tiene sus cuatro cauchos con rines instalados. AL TERCERO El tribunal observa y deja constancia que el caucho delantero izquierdo es de color negro y tiene alrededor unas letras blancas donde se puede leer: "Firestone Wilderness AT" y en letras negras al relieve P255/70R16 M/S serial G17N06J04. El caucho delantero derecho es de color negro, y tiene alrededor unas letras blancas donde se puede leer "Firestone Wilderness AT" y en letras negras al relieve P255/70R16 M/S y en la parte interior se lee el serial Nº G17N06J04

El caucho trasero izquierdo es de color negro y se puede leer en letras blancas alrededor "Firestone Wilderness AT" y en letras negras al relieve P255/70 B16 M/S y en la parte interior del caucho se lee el serial nº G17N06J03; y el caucho trasero derecho es de color negro y se puede leer en letras blancas alrededor "Firestone Wilderness AT" y en letras negras al relieve P255/70 B16 M/S y en la parte interior del caucho se lee el serial nº G17N06J03. Al CUARTO El tribunal deja constancia y observa con la colaboración del práctico que los cuatro cauchos identificados en el particular anterior tienen su banda de rodamiento en perfecto estado. Igualmente se observa que el caucho delantero derecho tiene una perforación en su lateral externo y está desinflado. Al QUINTO El tribunal observa y deja constancia con la ayuda del práctico mecánico, que el parachoque delantero presenta dos golpes de ambos lados; el faro delantero derecho está roto; el aro frontal está partido; el capot en su lateral derecho se aprecia hundido y rayado. El Parabrisas se observa roto. La carrocería en su lateral izquierdo presenta impacto en la parte delantera justo al nivel del guardafango; rayones generalizados; la puerta del conductor se observa con rastros de vidrios a su alrededor y el espejo retrovisor está roto y desprendido

Se observa la compuerta trasera descuadrada; y la carrocería en su lateral derecho se observa con abolladuras en su parte trasera y en el guardafango delantero. AL SEXTO a petición del solicitante se deja constancia que la placa identificada en el particular primero, es de color blanca, y en letras azules se lee "Mirada". Igualmente se observa que en el reloj del tablero que marca el kilometraje se lee "069804". En este estado siendo las 3:15 de la tarde, no existiendo otro particular sobre el cual dejar constancia el Tribunal da por concluida su misión y ordena el regreso a su sede. Es todo, terminó. Se leyó y conformes firman.

La Juez

El Notificado

El Solicitante

El Práctico mecánico

El Práctico fotógrafo,

La Secretaria

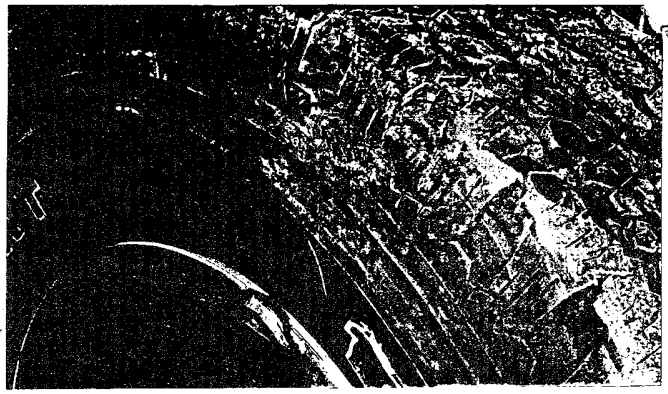
En horas de despacho del día de hoy, veintinueve (29) de agosto de dos mil (2000), comparece por ante este Tribunal **ANDRÉS F. LÁREZ**, venezolano, mayor de edad, domiciliado en Caracas, titular de la Cédula de Identidad Nro. 12.950.018, en su carácter de Práctico Fotógrafo designado por este Tribunal, quien expone: "Consigno en este acto, marcado con letra **"A"**, el revelado de las fotografías tomadas en fecha 25 de agosto de 2000 en el lugar donde funciona el taller mecánico denominado "Servicio Ruggiero" ubicado en la Avenida Andrés Bello, Calle Sánchez, Caracas, las cuales son objeto de la presente Inspección Judicial, a fin de que surtan los efectos legales correspondientes. Es todo". Terminó, se leyó y conformes firman.

LA SECRETARIA.

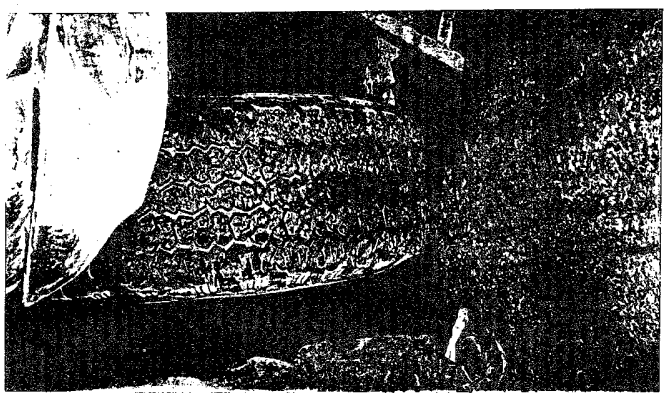
EL DILIGENCIANTE,

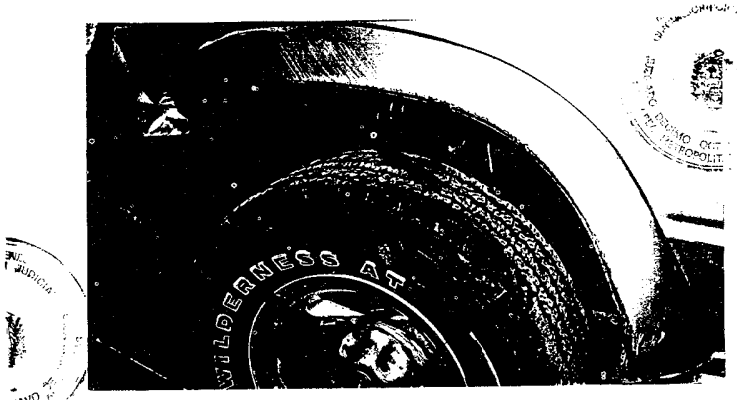
GM.arez\Diligencias\Inspección.doc

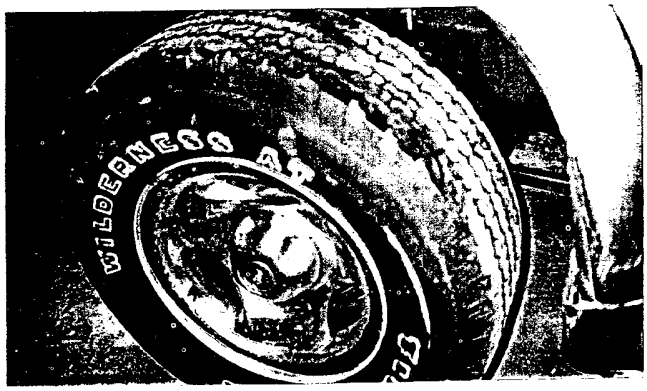
2014

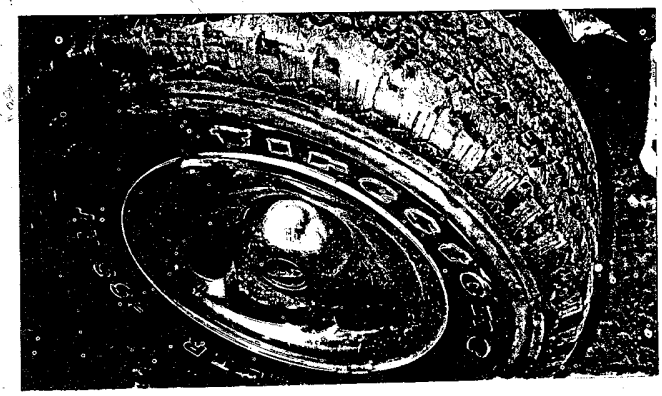




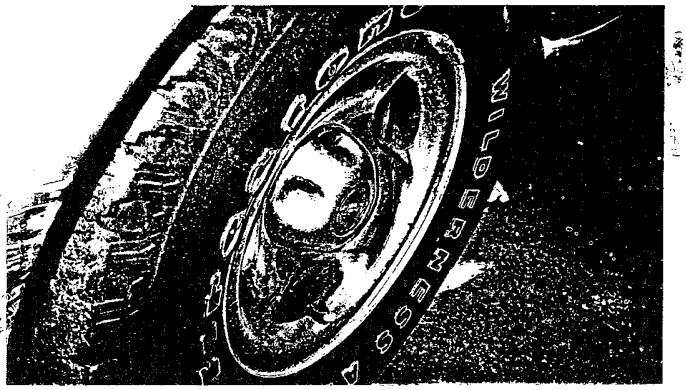


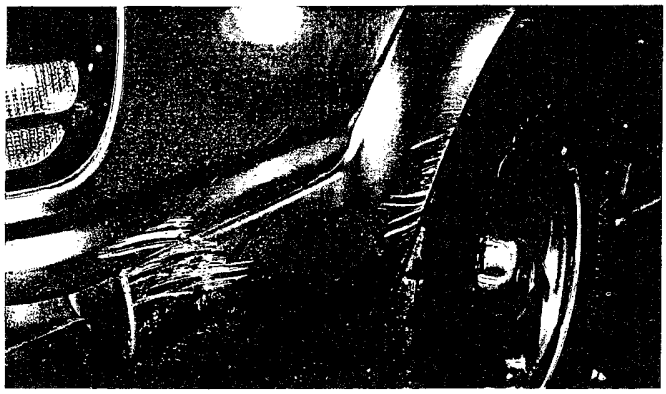

WILDERNESS AT

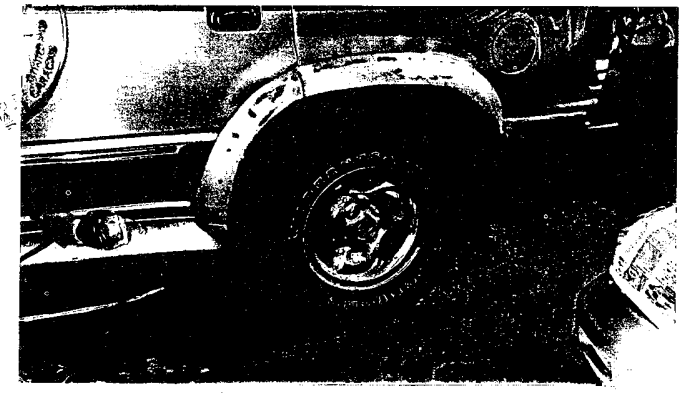

WILDERNESS AT



2016







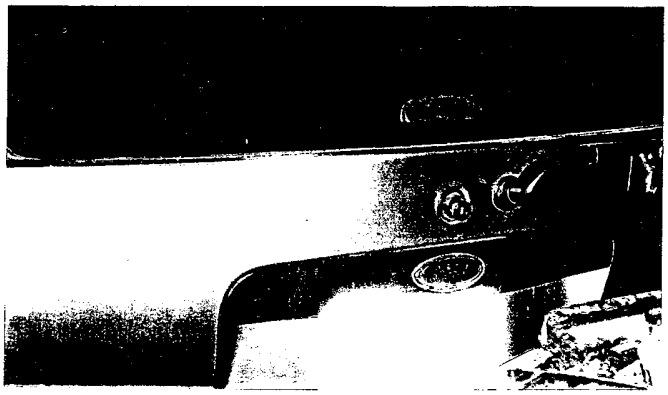






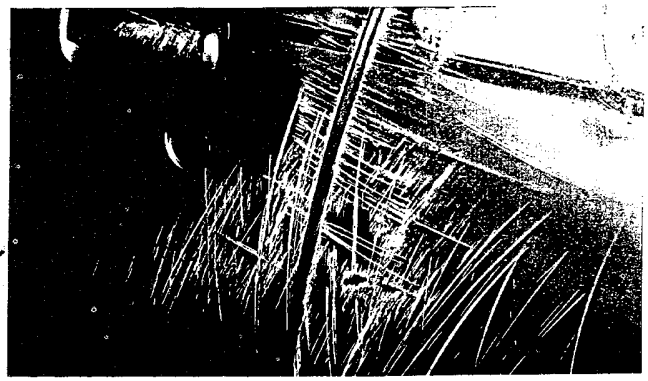
2018



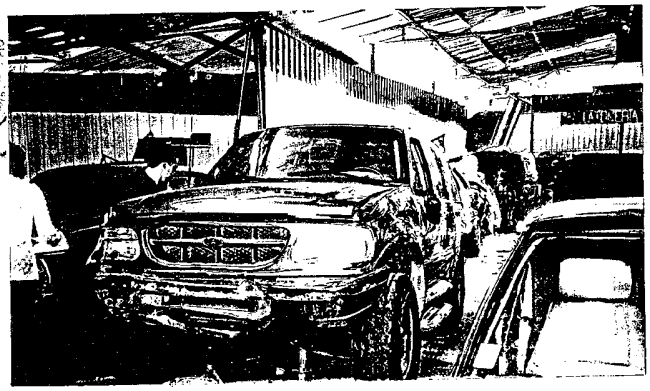




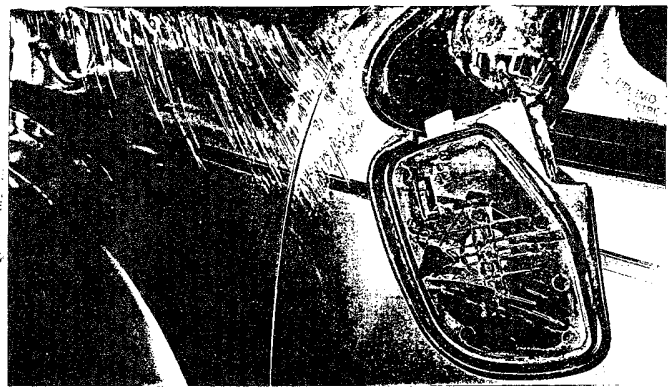
2019



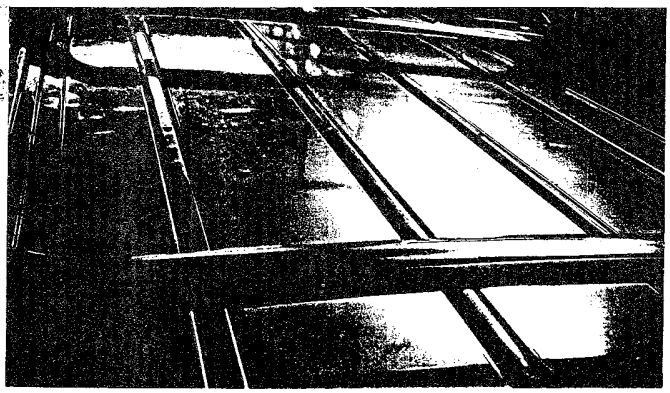




2020







2021

REPUBLICA DE VENEZUELA

No. 6044

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

ARCHIVO

SOLICITANTE (S) Milagros Padrique de Albers.

MOTIVO Inspección Judicial.

JUZGADO Primero de los Municipios Valencia.

FECHA DE ENTRADA: Día 05 Mes Septiembre Año 2000.

FECHA DEVOLUCIÓN: Día ____ Mes ____ Año ____

No. 6044

C - 22

PAL0036

CA - 98 № 04540086

Ciudadano:
JUEZ PRIMERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-
Su Despacho.-

Yo, **MILAGROS PEDRIQUE DE ALBERS**, venezolana, mayor de edad, viuda, titular de la cédula de identidad Nº 9.804.189, debidamente asistida en este acto por el Abogado **LEONARDO GARCIA FLORES**, titular de la cédula de identidad Nº 7.128.817, inscrito en el Instituto de Previsión Social del Abogado bajo el Nº 74.057, procediendo en mi propio nombre y por mis propios derechos, ante su competente autoridad ocurro para exponer: Solicito a este Tribunal se sirva trasladar y constituirse en el establecimiento denominado **"NUEVOS HORIZONTES J.A.M. CARS, C.A."**, ubicado en la Avenida Bolívar Norte, Nº 122-41, al lado del Rectorado, en esta ciudad de Valencia, Estado Carabobo, a objeto de que por vía de Inspección Judicial deje constancia de los siguientes hechos y circunstancias:

PRIMERO: De la identificación de la persona jurídica en cuya sede se encuentra constituido el Tribunal.

SEGUNDO: De la identificación de la persona natural que para el momento de la práctica de la inspección se encuentre como encargada o responsable del establecimiento donde se encuentra constituido el Tribunal.

TERCERO: Que en el establecimiento donde está constituido el Tribunal se encuentra depositado el vehículo automotor con las siguientes características: ***MARCA:*** Ford; ***MODELO:*** Explorer 7A8 Sport Wagon; ***AÑO:*** 1998; ***PLACA:*** GAR178Z; ***SERIAL DE MOTOR:*** W-A28557; ***SERIAL DE CARROCERIA:*** A363WP; ***COLOR:*** Blanco; ***CLASE:*** Camioneta; ***USO:*** Particular.

CUARTO: De las condiciones en que se encuentra el vehículo automotor anteriormente identificado, para lo cual solicito se designe experto o práctico que asista al Tribunal, que informe técnicamente de las condiciones en que se encuentra.

PAL0037

QUINTO: Se deje constancia de los cauchos que posea el vehículo automotor, y se identifiquen los seriales, marca, modelo, características y condiciones.

SEXTO: Solicito que los cauchos anteriormente identificados sean precintados por el Tribunal, asegurándose que los mismos no puedan ser extraídos de la camioneta sin violentar el precinto que se coloque. Así mismo solicito se deje constancia del precinto utilizado identificándose claramente.

SEPTIMO: Solicito que el vehículo anteriormente identificado sea cubierto, precintado por el Tribunal, asegurándose que el mismo no pueda ser trasladado o manipulado sin violentar el precinto que se coloque. Así mismo solicito se deje constancia del precinto utilizado identificándose claramente.

OCTAVO: Se deje constancia, según el decir del encargado o representante del local donde se encuentra constituido el Tribunal, de la fecha en que llegó la camioneta anteriormente identificada a ese local, del lugar de donde proviene y como fue trasladada.

NOVENA: Se deje constancia, según el decir del encargado o representante del local donde se encuentra constituido el Tribunal, si al vehículo automotor descrito le fue sustraído y cambiado algún accesorio o cualquier parte del mismo.

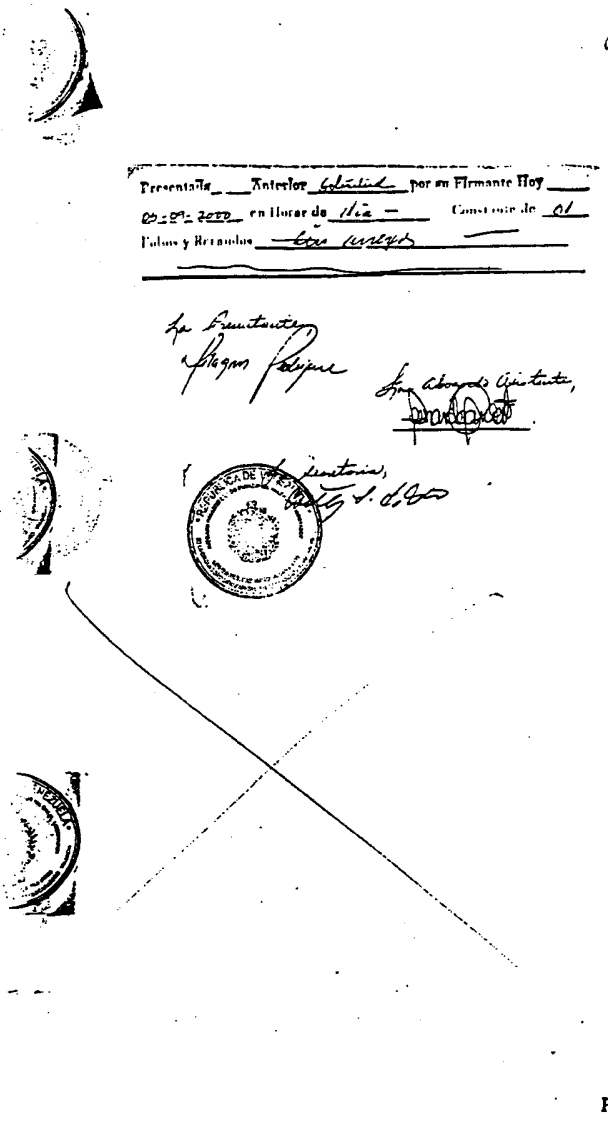
DECIMO: De cualquier otra circunstancia o particular que se solicite en el momento de la práctica de la inspección.

Solicitamos al Tribunal que a los efectos de la práctica de la presente Inspección Judicial y para poder dejar constancia gráfica de los hechos y circunstancias constatados, se designe práctico fotógrafo que asista al Tribunal.

Por último, juro la urgencia del caso, y ruego al Tribunal se sirva habilitar todo el tiempo necesario para la práctica de la presente Inspección, y que una vez practicada la misma me sea devuelta en original con sus respectivas resultas.

En Valencia, a la fecha de su presentación.

Presentada ___ Anterior Solicitud por su Firmante Hoy ___
05-09-2000 en Horas de Día — Constante de 01
Folios y Recaudos Dos anexos



La Presentante,
Magan Felipe

Los Abogados Asistentes,

La Secretaria,

PAL0039

CA - 98 № 04540085

JUZGADO PRIMERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 5 de Septiembre del 2.000

190º y 141º

Jurada como ha sido la urgencia del caso y en virtud de que los Tribunales se encuentran de vacaciones judiciales, se habilita el tiempo necesario para estas actuaciones. Por recibida la anterior solicitud presentada por la ciudadana MILAGROS PEDRIQUE DE ALBERS asistido por el Abogado LEONARDO GARCIA FLORES. Désele entrada y cúmplase en todas sus partes. En consecuencia trasladese y constituyase el Tribunal en el sitio indicado en el escrito, a los fines de practicar la INSPECCION solicitada. Evacuadas que sean estas diligencias devuelvase el interesado original junto con sus resultas.-

EL JUEZ PROVISORIO,

LA SECRETARIA,

EN LA MISMA FECHA SE DIO ENTRADA BAJO EL Nº 6544.-

LA SECRETARIA,

PAL0040

CA - 98 № 04540087

fecha de hoy, cinco (05) de septiembre del año dos mil (2.000) siendo las 2:50 p.m. previa la habilitación del tiempo necesario por haber sido solicitada y acordada, se trasladó y constituyó el Tribunal en el establecimiento denominado: "Nuevos Horizontes J.A.M. Cars, C.A., ubicado en la Avenida Bolívar Norte, Nº 122-91, al lado del Rectorado de la Universidad de Carabobo, Jurisdicción de la Parroquia San José, Municipio Valencia del Estado Carabobo, con la finalidad de practicar la Inspección Judicial solicitada y acordada. Presente la ciudadana: Milagros Pedrique de Albers, mayor de edad, titular de la cédula de identidad Nº V-[illegible].189 en su carácter de solicitante, debidamente asistida por el abogado Leonardo García Flores, inscrito en el INTERABOGADO bajo el Nº 74.057. Se designa práctico al ciudadano: Christian Vicente Lugo Peña, mayor de edad, titular de la cédula de identidad Nº V-1.366.511 y de este domicilio, quien estando presente acepta el cargo y presta el juramento de ley. Se deja constancia que el práctico anteriormente identificado es perito de profesión y se encuentra inscrito en el Ministerio de Hacienda bajo el Nº 1.398. Se designa fotógrafo al ciudadano: Héctor Alfonso Mercado Medina, mayor de edad, titular de la cédula de identidad Nº V-11.396.192 y de este domicilio quien estando presente acepta el cargo y presta el juramento de ley. Presente el ciudadano: Gustavo José Salvador Rondon, mayor de edad, titular de la cédula de identidad Nº V-7.098.153 y de este domicilio, a quien se le impuso la misión del Tribunal en su carácter de Gerente de "Nuevos Horizontes J.A.M. Cars, C.A. Seguidamente el Tribunal procede a evacuar la Inspección

PAL0041

en la forma siguiente: Al particular PRIMERO: El Tribunal deja constancia que el notificado antes identificado, puso de manifiesto al Tribunal copia del documento constitutivo de la Compañía Mercantil "Nuevos Horizontes J.A.M. Cars, C.A." en cuya sede se encuentra constituido el Tribunal y se deja constancia que el referido documento se encuentra registrado por ante la Oficina ——— del Registro Mercantil Primero de la Circunscripción Judicial del Estado Carabobo bajo el N° 79, tomo 71-A, en fecha 19 de agosto de 1.998. Al particular SEGUNDO: El Tribunal deja constancia que en el establecimiento donde está constituido, se encuentra presente el ciudadano: Gustavo José Labrador Bonilla, mayor de edad, titular de la cédula de identidad N° V-7.048.153, y de este domicilio, en su condición de Gerente de "Nuevos Horizontes J.A.M. Cars, C.A. Al particular TERCERO: El Tribunal deja constancia con el asesoramiento del práctico designado un vehículo automotor marca: Ford, modelo: Explorer 7AB Sport Wagon; año: 1.998; placa: 6AR-782; serial del motor: W-A28557; Serial de Carrocería: AJ63-WP; color: Blanco; clase: Camioneta; uso: particular. Al particular CUARTO: El Tribunal con el asesoramiento del práctico designado deja constancia que el vehículo antes identificado presenta las siguientes condiciones: 1) Parachoque delantero, spoiler y sus bases, tres delantero (barra de la dirección y mesetas, parachoque trasero, goma y bases, parilla interna, frontal, faro derecho y faro izquierdo, cauchos derechos y cauchos izquierdos stop izquierdo y stop derecho, espejo izquierdo y espejo derecho, espejo interno, vidrios todos, capot, guardafangos delantero y trasero, puertas izquierdas, techo, parilla del techo, tapicería interna de techo, tapicería de las puertas izquierdas, tapicería del guardafango trasero izquierdo, tapicería de la compuerta, compuerta,

PAL0042

CA - 98 № 04540089

cepillos limpia vidrios (dos delanteros y uno trasero), estribo izquierdo y estribo derecho, los cuatro (4) cauchos; dos rines delanteros, parales izquierdos y derechos, tablero, volante y su air-bag, gomas y cepillos de vidrios, platinas, buches de guardafangos; El Tribunal deja constancia que todo lo anteriormente mencionado se observa destrozado y roto. 2) Puertas derechas golpeadas y dobladas; 3) descuadre de la carrocería; chasis doblado; 4) Tapicería de los asientos manchados; 5) salvo daños ocultos. Al particular QUINTO: El Tribunal con el asesoramiento del práctico designado deja constancia que los cauchos que posee el vehículo objeto de la presente Inspección, son: marca: FIRESTONE, modelo: WILDERNESS AT, características: P235/75R15 M/S; se observan los cauchos delanteros y el trasero izquierdo, destrozados y a la vista, con la banda de rodamiento en buenas condiciones, es decir con vida útil; asimismo se deja constancia que el caucho trasero derecho carece de la banda de rodamiento; el caucho de repuesto se observa en perfectas condiciones sin estrenar. Al particular SEXTO: El Tribunal deja constancia que los cuatro (4) cauchos que posee la camioneta a excepción del caucho de repuesto fueron precintados con Cinta multiuso marca: Tesa, modelo 5041-34, medidas: 10m/48m.m., y con masking tape, rollo de papel crespón marca Caloven 3450, medidas: 18m.m. x 45m / 3/4" x 50yds. De igual forma se deja constancia que sobre rollo de papel crespón antes mencionado NO se estampó el sello húmedo del Tribunal. Al particular SEPTIMO: El Tribunal deja constancia que el vehículo objeto de esta inspección fue cubierto con una lona impermeable de color

negro, marca: Conalere, multiuso; precintado con las cintas descritas en el particular anterior y mecatillo para asegurar dicha lona impermeable. Al particular OCTAVO: El Tribunal deja constancia que el notificado manifestó al Tribunal que el vehículo objeto de esta inspección llegó a la sede del establecimiento donde está constituído, en fecha 25 de mayo del corriente año, proveniente del Estado Aragua y trasladado en una Gráfica-Plataforma. Al particular NOVENO: El Tribunal deja constancia que el notificado manifestó que al vehículo objeto de la presente inspección, no le ha sido sustraído ni cambiado algún accesorio o cualquier parte del mismo, sino que expresó que así como lo habían traído, así se encuentra. Al particular DECIMO: La solicitante, asistida de abogado expone: "Haciendo uso de la reserva contenida en este particular, solicito del Tribunal deje constancia que los precintos fueron colocados en su presencia, tal y como fue solicitado en los particulares Sexto y Séptimo". El Tribunal visto el pedimento anterior deja constancia que los precintos colocados al vehículo objeto de esta inspección, fue realizado en presencia del Tribunal, tal y como se constató en los particulares Sexto y Septimo de este acta. Es todo. Terminó siendo las 4:40 p.m., dejando constancia que el fotógrafo designado procedió a tomar las fotografías de todo lo inspeccionado, solicitando del Tribunal un plazo de veinticuatro horas (24 horas) para consignar las fotografías debidamente reveladas, lo cual fue acordado. Se leyó y conformes firman: Lo tachado en el renglón 38 [illegible] folio anterior entre "Oficina" y "del" no Va[illegible] "precintados". Vale.-

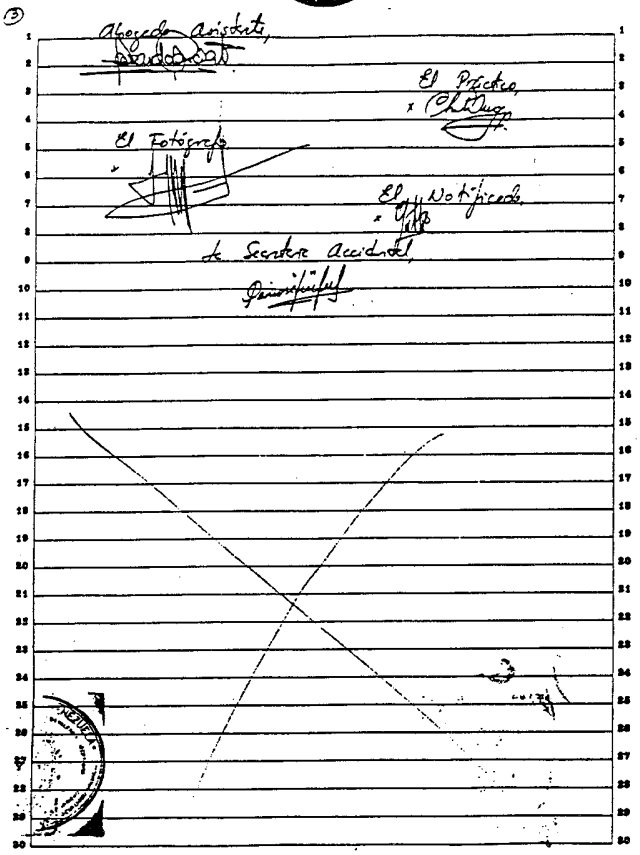
[illegible] Provisorio

[illegible]

La Solicitante,

[illegible]

CA - 98 № 04540090



PALC045

CA - 98 № 04540076

Ciudadano:

JUEZ PRIMERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, NAGUANAGUA Y SAN DIEGO DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Su Despacho.

Yo, HECTOR MERCADO MEDINA, venezolano, mayor de edad, titular de la cédula de Identidad N° 11.346.192, ante su competente autoridad ocurro a los fines de consignar Cuarenta (40) fotografías, en 15 folios útiles, correspondientes a la Inspección Judicial realizada en fecha 05 de Septiembre del año en curso; dando así cumplimiento a la labor encomendada.

En Valencia, a la fecha de su presentación.-

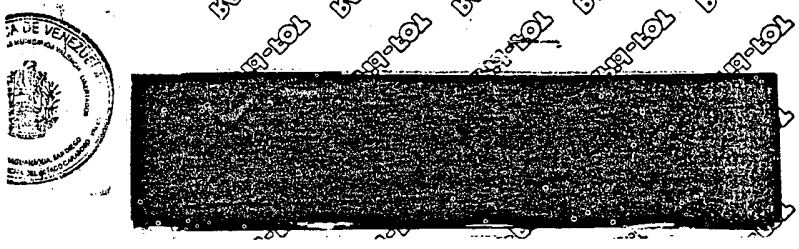
Presentado el Anterior escrito por su Firmante Hoy 06-09-2000 en horas de día Constante de Folios y Recaudos 15 anexos (40 fotografías)

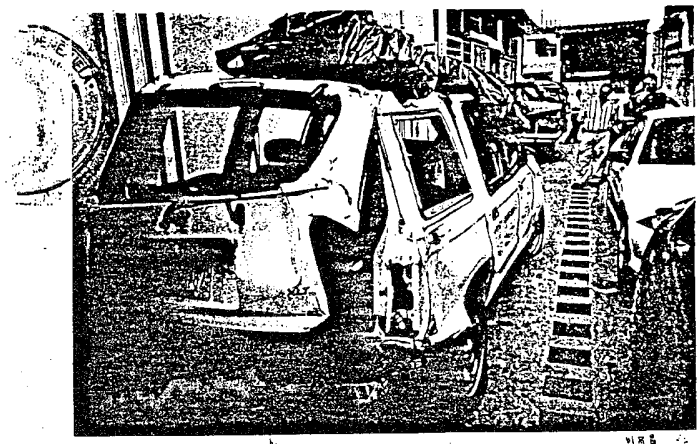
El Presentante

La Secretaria

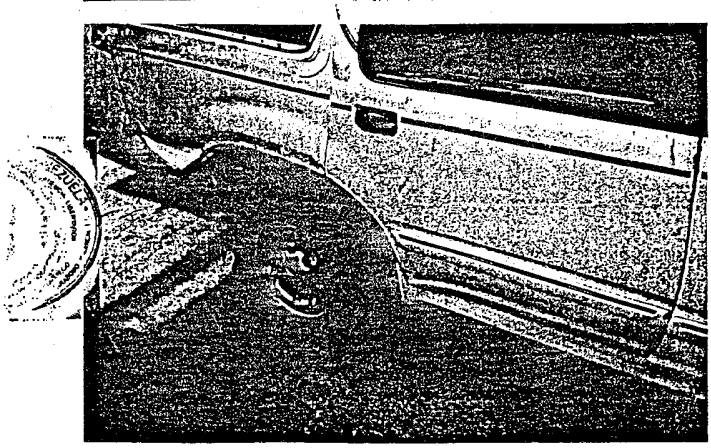
PAL00

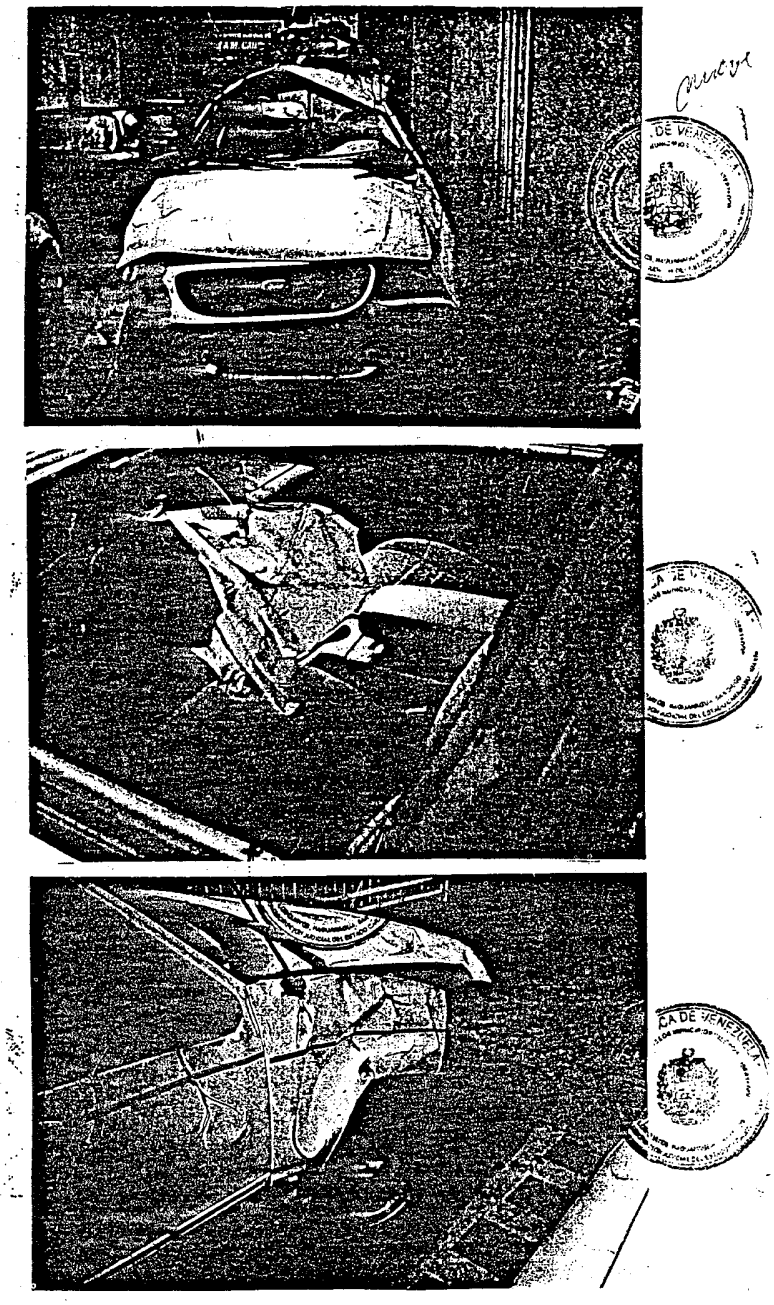


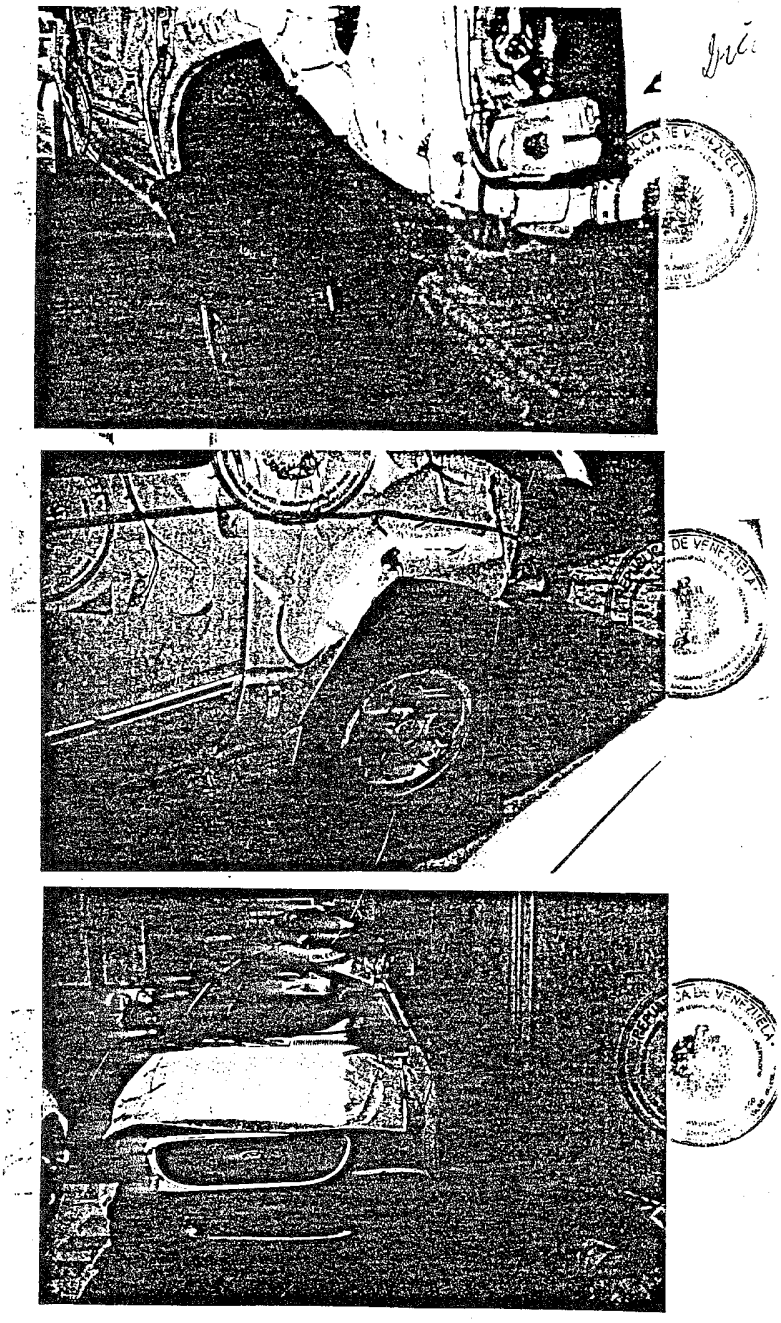


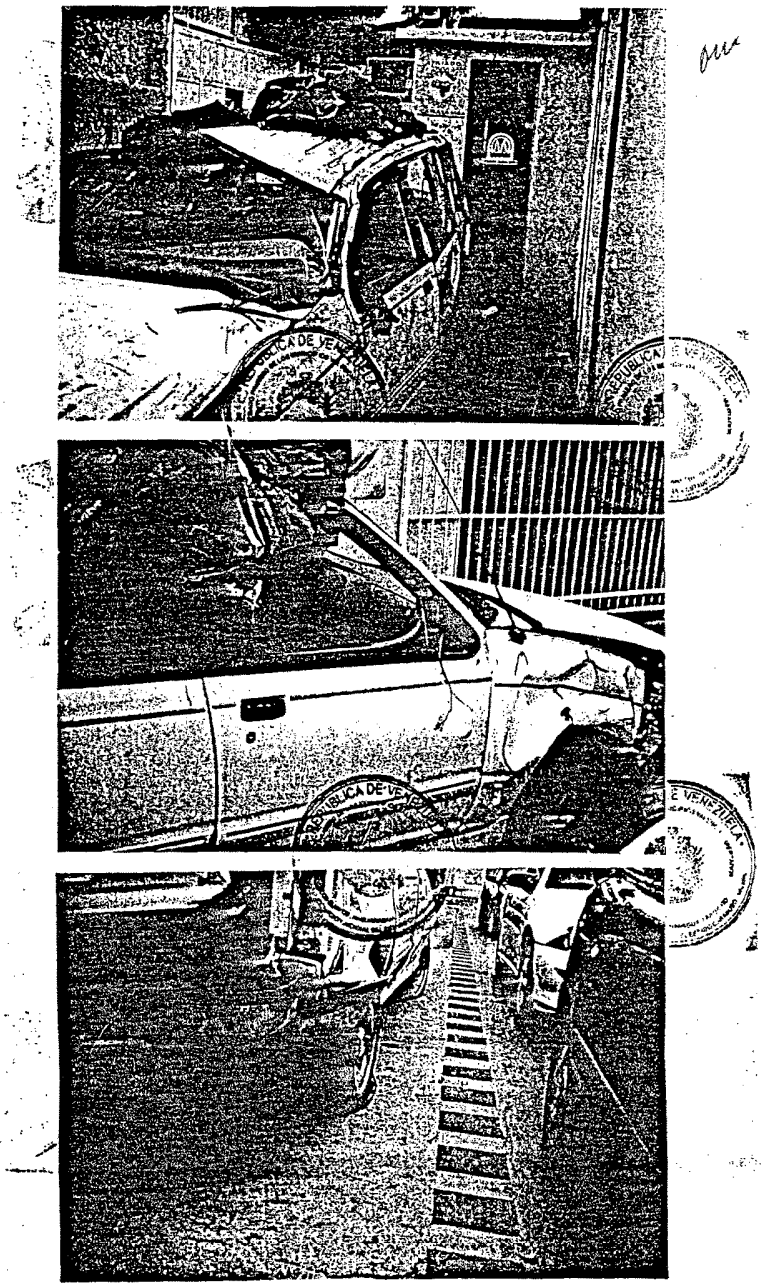


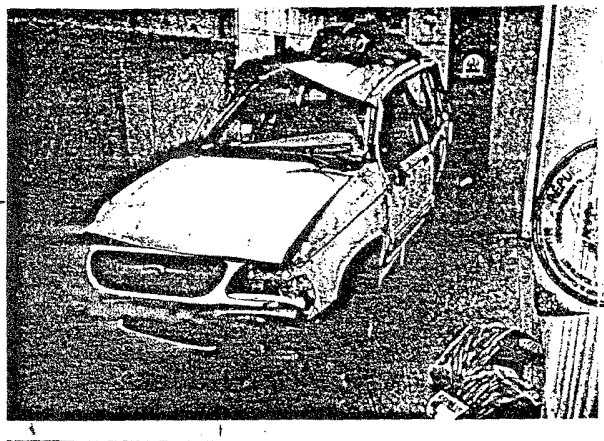




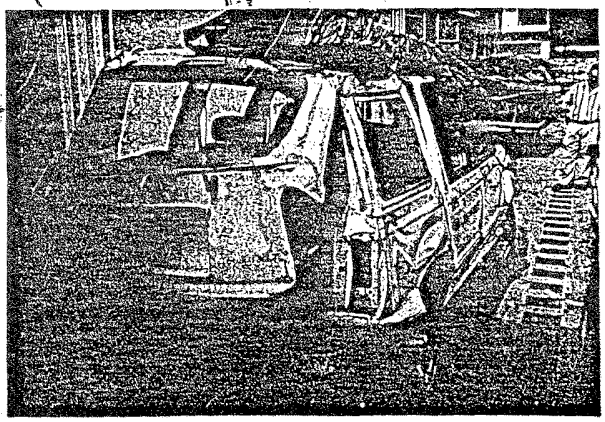












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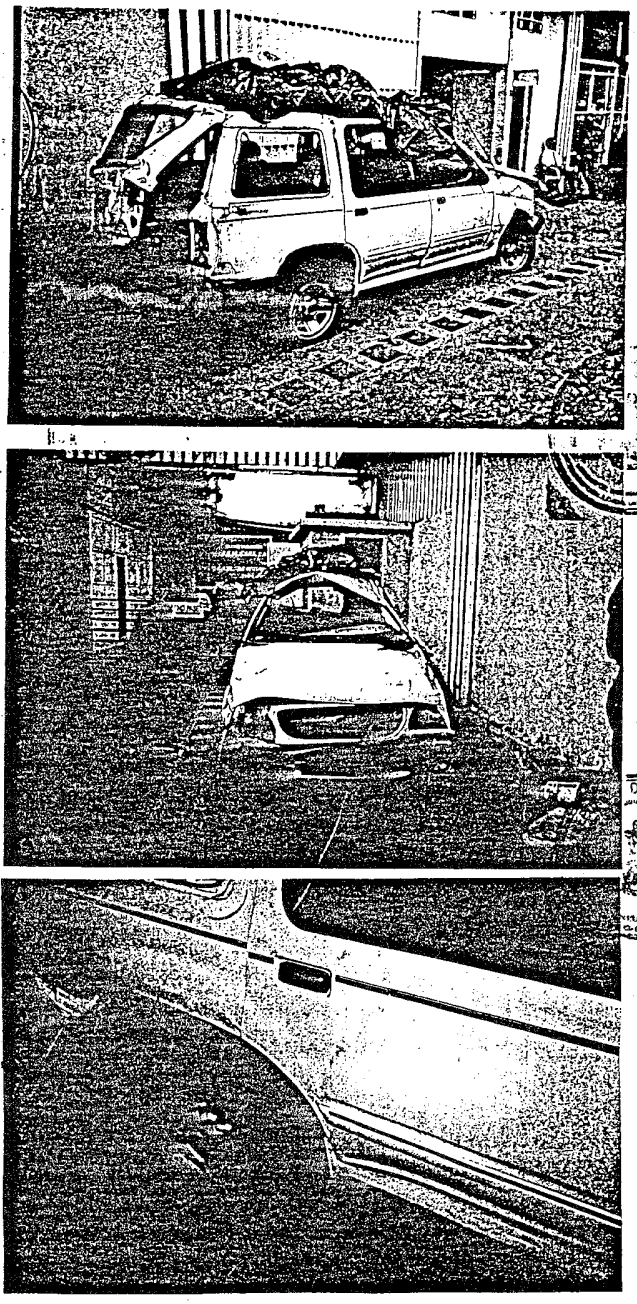

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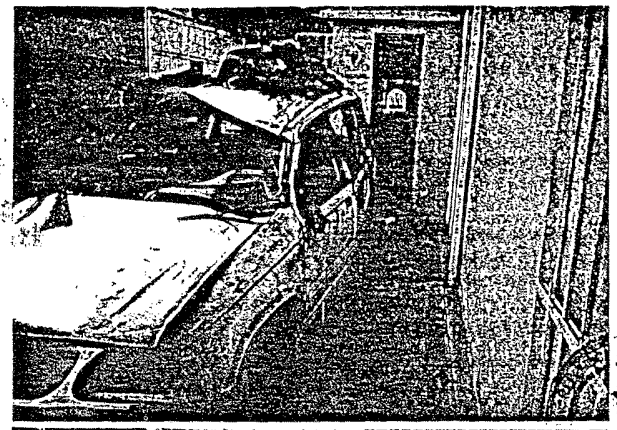





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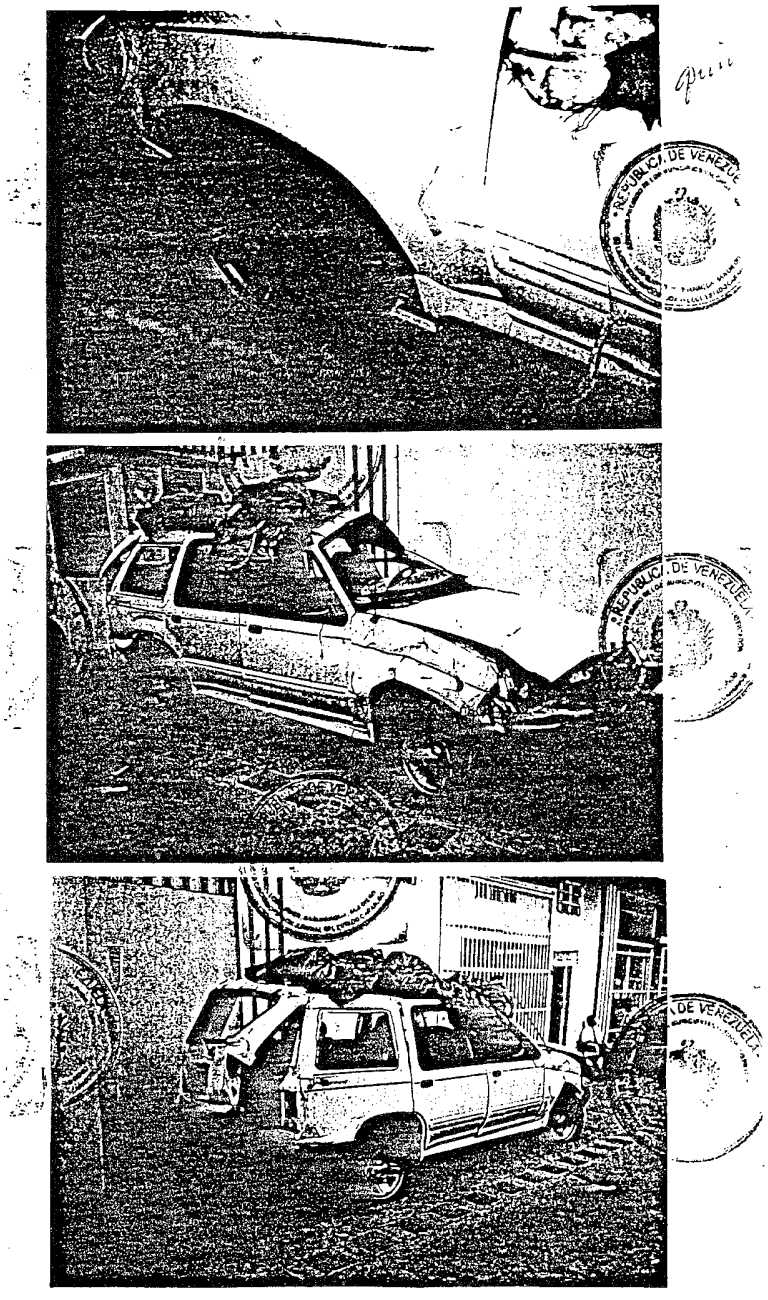



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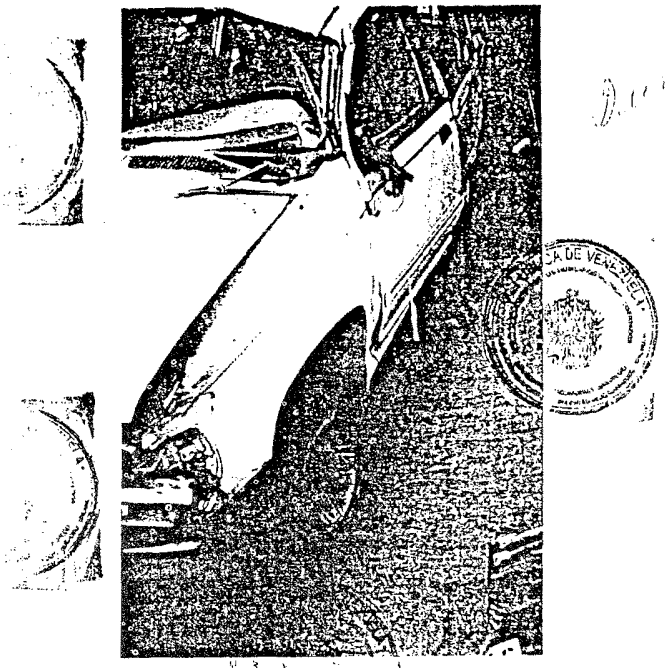
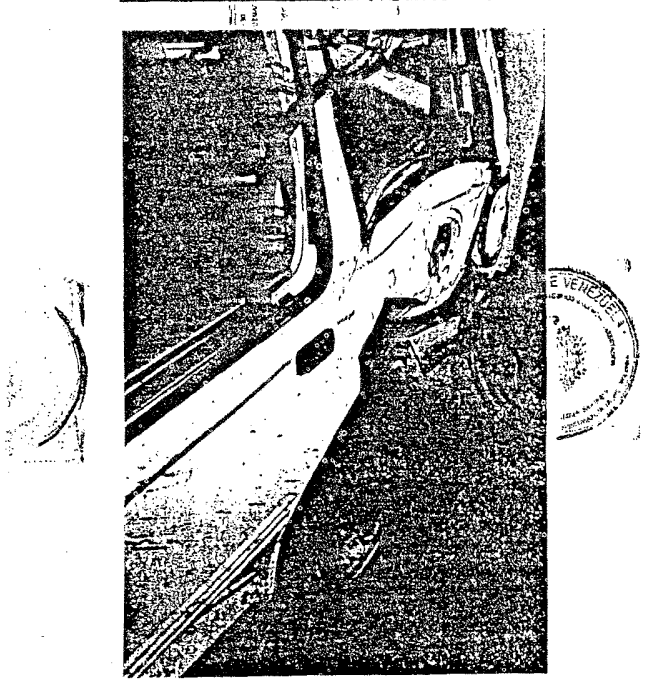
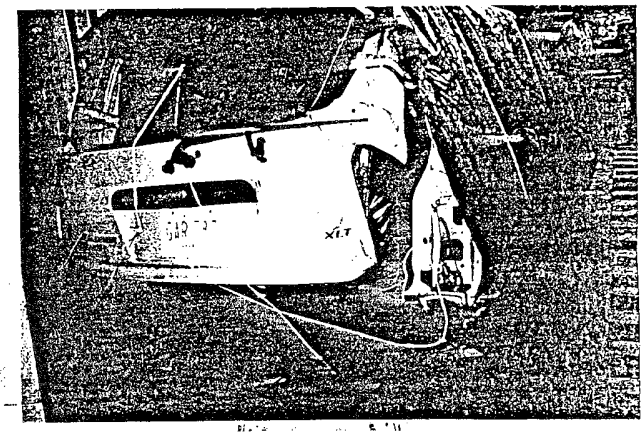
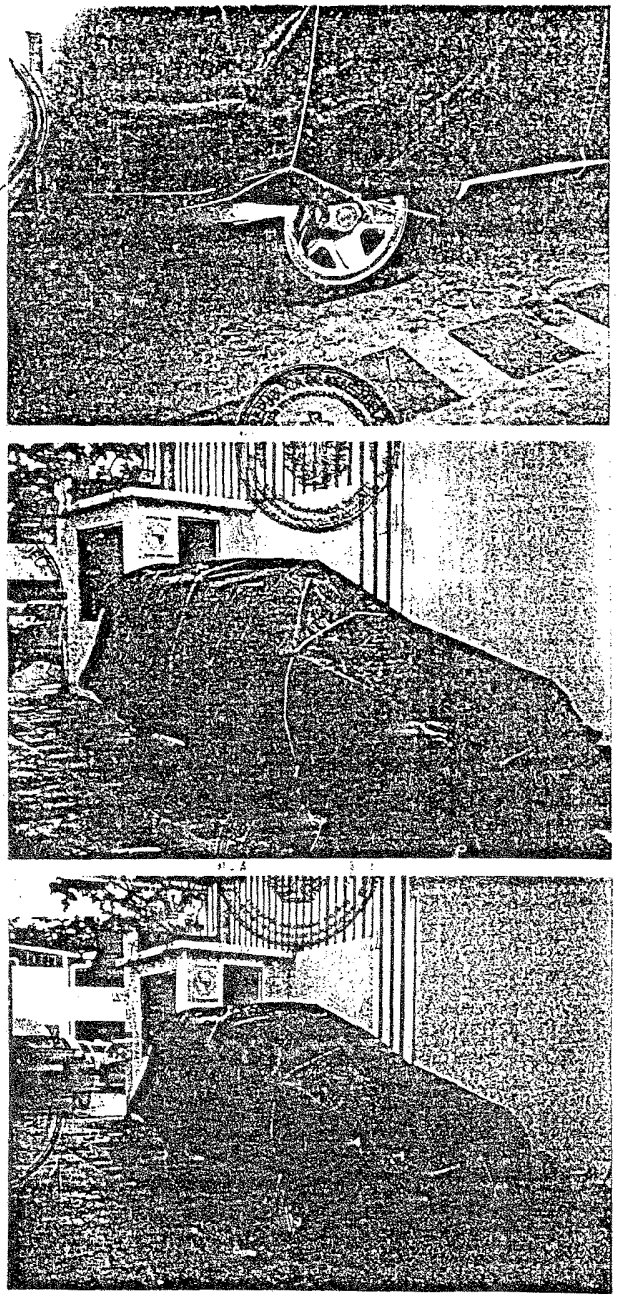
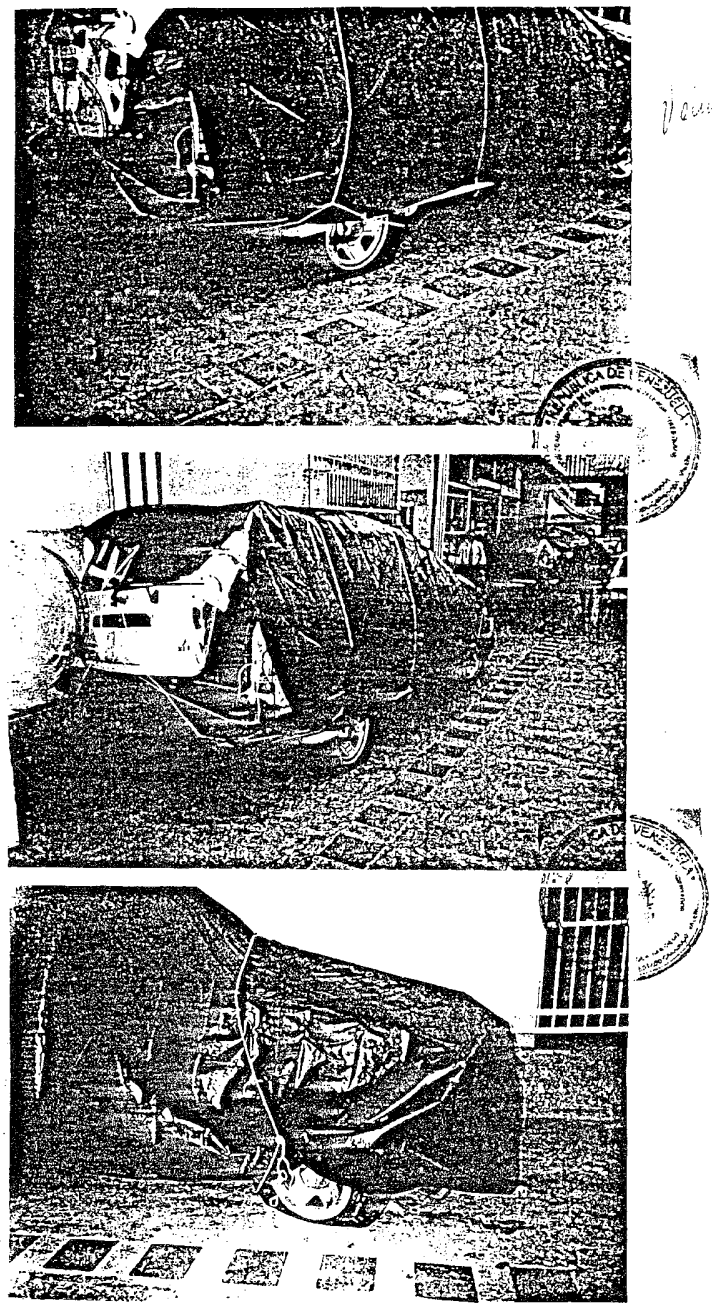


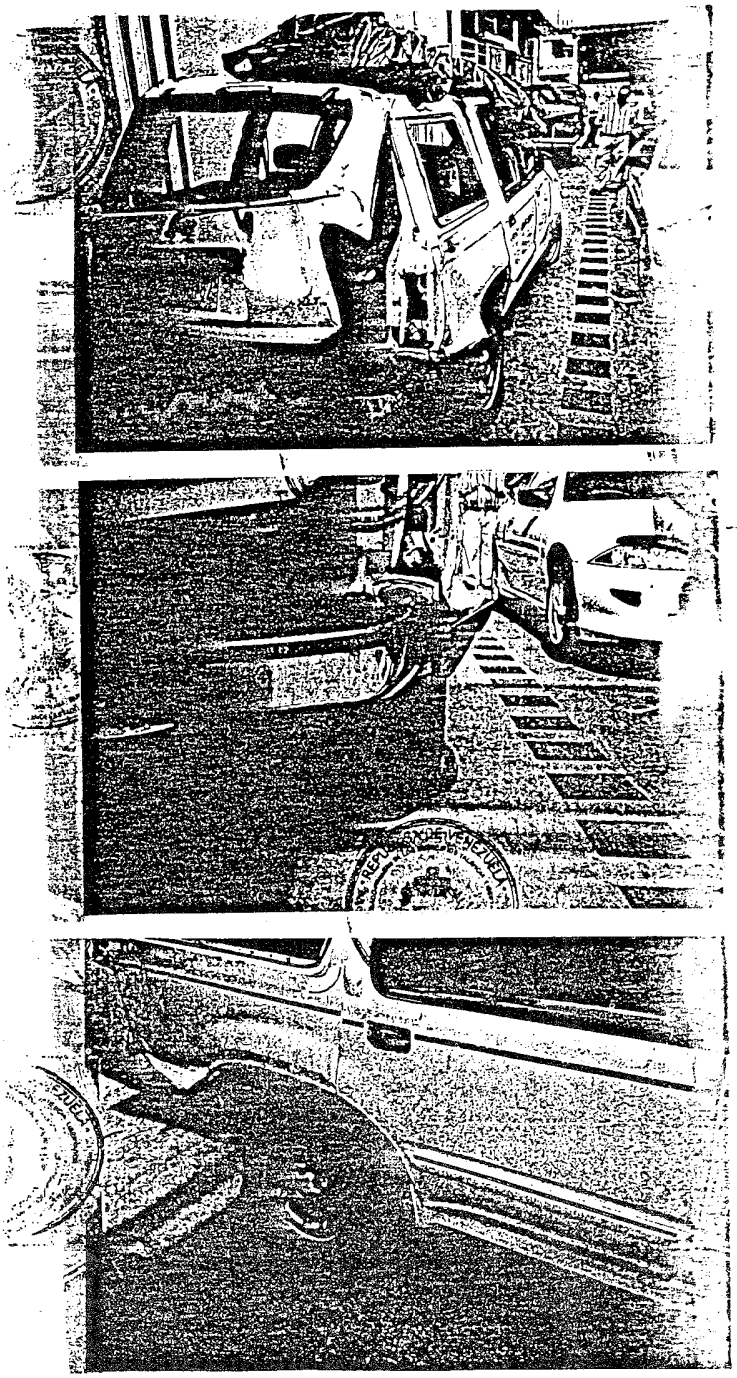


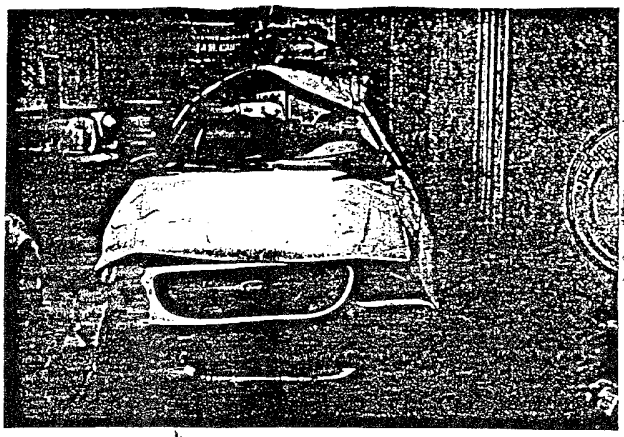


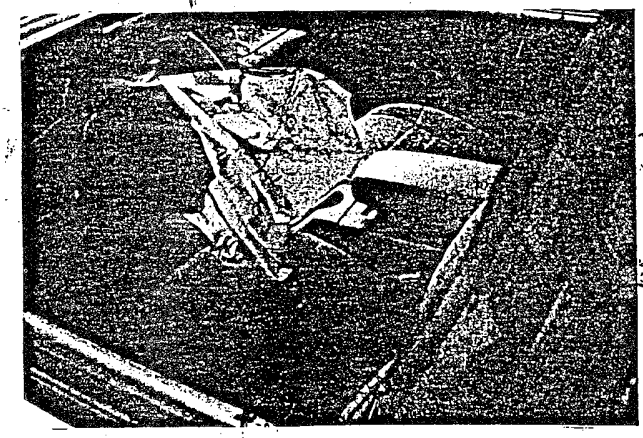


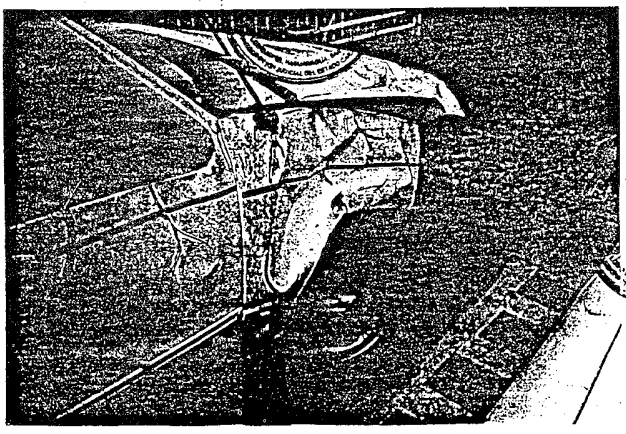












PACO048

Veintitres

GADO PRIMERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, SAN DIEGO Y NAGUANAGUA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 06 de Septiembre del 2.000

190o y 141o

Visto el anterior escrito presentado por el ciudadano: HECTOR MERCADO MEDINA, en su carácter de fotografo designado, por el cual consigna las fotografías tomadas con motivo de la Inspección realizada en fecha 05 de los corrientes. Agréguese a los autos.

LA JUEZ PROVISORIO.

LA SECRETARIA.
Betty Sarquis de Kiss

Se copia.

LA SECRETARIA.
Betty Sarquis de Kiss

Se devuelve a la parte interesada constante de veintitres (23) folios utiles.-

La Secretaria,
Betty Sarquis de Kiss

PAL0062

Veintitres

...ADO PRIMERO DE LOS MUNICIPIOS VALENCIA, LIBERTADOR, LOS GUAYOS, SAN DIEGO Y NAGUANAGUA DE LA CIRCUNSCRIPCION JUDICIAL DEL ESTADO CARABOBO.-

Valencia, 06 de Septiembre del 2.000

190o y 141o

Visto el anterior escrito presentado por el ciudadano: HECTOR MERCADO MEDINA, en su carácter de fotógrafo designado, por el cual consigna las fotografías tomadas con motivo de la Inspección realizada en fecha 05 de los corrientes. Agréguese a los autos.

EJECUTADO

LA JUEZ PROVISORIO.

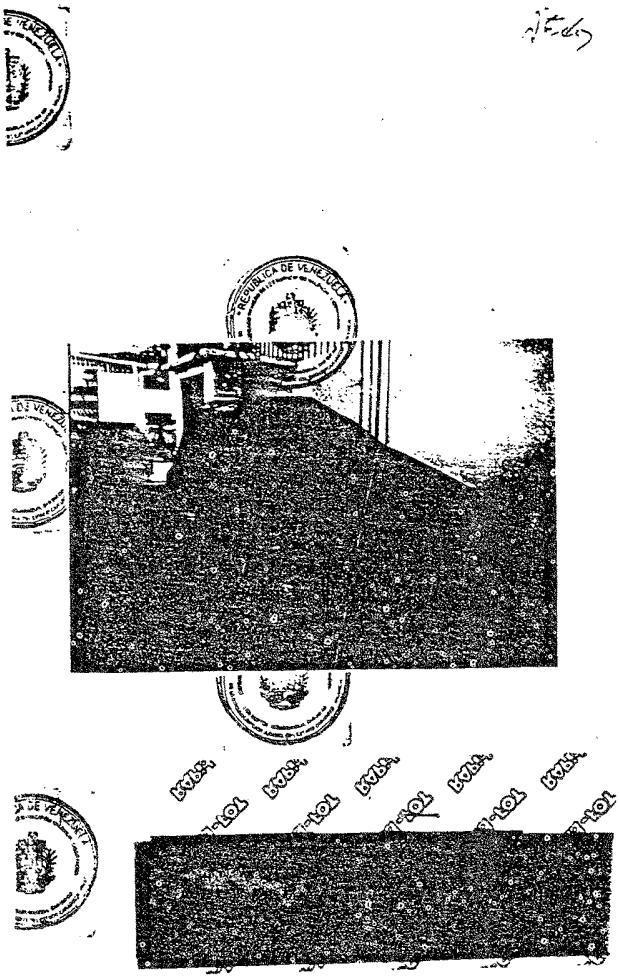
LA SECRETARIA.

Se acordó lo anterior.

LA SECRETARIA.

Se deja constancia de la parte interesada constante de veintitres (23) folios útiles.-

La Secretaria,



PAL0064

REPUBLICA BOLIVARIANA DE VENEZUELA

PODER JUDICIAL

JURISDICCION CIVIL

SOLICITUDES

00-600

Nº. _____

ARCHIVO

SOLICITANTE(S) Juan Enrique Pino

MOTIVO: Inspección Judicial

JUZGADO: Décimo Octavo de Primera Instancia

FECHA DE ENTRADA Día 03 Mes Octubre Año 2000

FECHA DEVOLUCION: Día _____ Mes _____ Año _____

Nº 00-600

Ciudadana
Juez Décimo de Municipio de la Circunscripción Judicial
del Área Metropolitana de Caracas.
Su Despacho.-

Yo, **IVÁN ENRIQUE ROJAS LOYNAZ**, venezolano, mayor de edad, domiciliado en Caracas, abogado en ejercicio, titular de la cédula de identidad N° 6.949.138 e inscrito ante el Instituto de Previsión Social del Abogado bajo el N° 62.739, procediendo en este acto en mi propio nombre; ante usted de conformidad con lo pautado en el artículo 1.429 del Código Civil, en concordancia con lo establecido en el Libro Segundo, Sección 4°, Capítulo VII, último aparte del artículo 472 del Código de Procedimiento Civil, con todo respeto ocurro para solicitar el traslado y constitución del Tribunal en el Estacionamiento OLSALBIL, ubicado en la urbanización Las Mayas, Sector Coche, Municipio Libertador, Distrito Federal, Caracas; para que por vía de Inspección Ocular se sirva dejar constancia de las personas, objetos, cosas, lugares, bienes y documentos a que se refieren los siguientes particulares:

PRIMERO: Que en el lugar en donde está constituido el Tribunal, se encuentra un vehículo estacionado Marca: FORD, Modelo: EXPLORER, Color: GRIS PLOMO, Placas: AAR 53D. De igual forma dejar expresa constancia del serial del motor, carrocería, y cualesquiera otros datos que permitan una mayor identificación del vehículo objeto de Inspección.

SEGUNDO: Que el vehículo antes identificado tiene instalados los cauchos en cada uno de sus rines.

TERCERO: De las condiciones generales de los cauchos colocados en cada uno de los rines del vehículo inspeccionado y de su banda de rodamiento.

CUARTO: Igualmente, me reservo el derecho de dejar expresa constancia de cualquier otro hecho o circunstancia que, como solicitante, considere conveniente o necesario al momento de la práctica de esta solicitud.

Asimismo, de conformidad con los artículos 472 y 475 del Código de Procedimiento Civil, en concordancia con lo previsto en el artículo 502 *eiusdem*, se ordene la reproducción fotográfica del vehículo, cauchos, rines, bandas de rodamiento y demás objetos y cosas que expresamente me reservo señalar, al momento mismo de la práctica de esta Inspección Ocular. Para los fines anteriormente indicados, pido al Tribunal se sirva designar un práctico fotógrafo y un práctico mecánico para que le asistan al momento de la evacuación de la presente Inspección.

Solicito respetuosamente a este Tribunal se sirva dejar expresa constancia, de que las fotografías tomadas al momento de la práctica de la Inspección fueron realizadas en su presencia, y que por lo tanto, sean consideradas como reproducciones fieles y exactas de los hechos presenciados, para lo cual solicito expresamente que dichas fotografías sean agregadas a esta Inspección Ocular con la finalidad de que formen parte integrante e inseparable de la misma.

Finalmente, a los fines de la evacuación de la Inspección Ocular aquí solicitada, juro la urgencia del caso, y a tal efecto pido al Tribunal se sirva habilitar todo el tiempo que fuera necesario para la admisión y evacuación de la solicitud contenida en este documento. De igual forma, solicito de la ciudadana Juez se sirva devolverme en original la presente Inspección con sus resultas, una vez que haya sido evacuada.

Es Justicia. En Caracas, a la fecha de su presentación.

En el día de hoy, 3 de octubre de 2000 previa habilitación del tiempo necesario, siendo las 2:40 PM. se trasladó y constituyó este Juzgado 18° Municipio en compañía del solicitante en la siguiente dirección: Urbanización Las Mayas sector Coche, Municipio Libertador, sede del estacionamiento OLSALBIL a fin de practicar la Inspección Judicial solicitada. Presente una persona que dijo ser y llamarse José R. Cepeda, titular de la cédula de identidad 3.001813 en su carácter de encargado del estacionamiento, a quien el Tribunal impuso de su misión, y permitió el ingreso al interior de las instalaciones. Seguidamente el Tribunal, pasa a dejar constancia de los siguientes particulares. PRIMERO El Tribunal observa y deja constancia que en el estacionamiento está estacionada una camioneta, marca Ford, modelo EXPLORER XLT 5 puertas, serial de motor 15W40S6/SH10W 305H RF-97TF-9430-AA, placa AAR-53D, color gris plomo, serial de carrocería AJU3VP12 768. SEGUNDO: El Tribunal observa y deja constancia que el vehículo identificado en el particular anterior tiene instalados sus respectivos caucho con sus correspondientes cines (4). En este acto el Tribunal procede a designar como práctico mecánico al ciudadano Jonathan Blando, titular de la cédula de identidad n° 11.552.956 y como

práctico fotógrafo al ciudadano Andrés Sarz titular de la cédula de identidad Nº 12.950.018 quienes estando presente aceptan el cargo y juran cumplirlo bien y fielmente. TERCERO El Tribunal observa y deja constancia con la ayuda del práctico mecánico que las bandas de rodamiento de los 4 cauchos están en perfecto estado, y se puede leer en letras blancas en relieve en cada uno de los cauchos una leyenda así "Michelin LTX M/S". Igualmente se observa que el caucho delantero izquierdo está desinflado y tiene una rotura lateral. CUARTO A petición del solicitante se deja constancia que en las instalaciones del estacionamiento está otra camioneta marca Ford, modelo Explorer, color verde, placas MBA-70K del Estado Miranda, Serial carrocería AJU2WP252 05, 3 puertas. Sus cuatro cauchos están instalados con sus respectivos rines, y sus bandas de rodamiento se aprecian en perfecto estado. Igualmente se observa el caucho delantero izquierdo y el caucho delantero derecho, que tienen una leyenda en relieve que dice "Firestone Wilderness", así mismo los cauchos traseros tienen una leyenda que dice "Good Years GPS". Con la ayuda igualmente del práctico mecánico, el Tribunal deja constancia que la camioneta

identificada en el particular primero está
rayada y muestra impactos en su carrocería
en todo su lateral izquierdo; se aprecia
el capot, faro, guardafango y parachoque
abollado y roto; las puertas se observan
abolladas; en el lateral derecho se observa
el guardafango delantero, faro delantero,
puerta delantera, abolladas, raspadas y
con impacto de distinta índole; el para-
brisas roto y estallado. De igual forma
se deja constancia que la camioneta iden-
tificada al inicio de este particular presenta
abolladuras, rayones en el área del capot
y parafangos delanteros. En este estado el
Tribunal a petición del práctico fotógrafo
le concede 3 días para consignar las
fotos efectuadas en la presente Inspección.
Entre líneas en la primera página línea
11 donde dice "3.001.813" vale. En este estado
no existiendo otro particular sobre el cual dejar
constancia el Tribunal da por concluida su
misión siendo las 3:30 P.M. y ordena el regreso
a su sede. Es todo, terminó, se leyó y con-
formes firman.

La Jefa

El Práctico mecánico

El Práctico fotógrafo

El Solicitante,

El Notificado,
no firmó

La Secretaria,

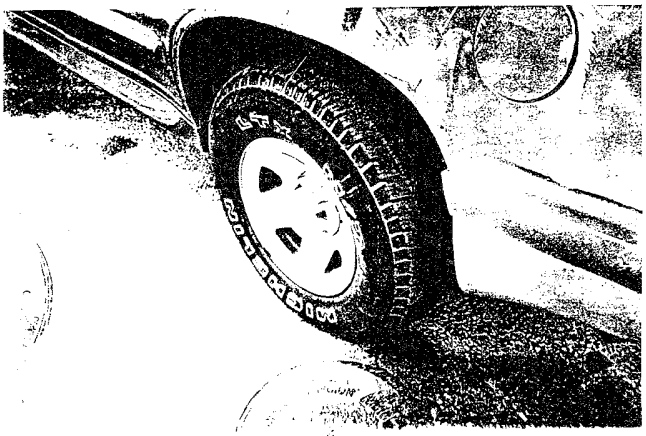
44

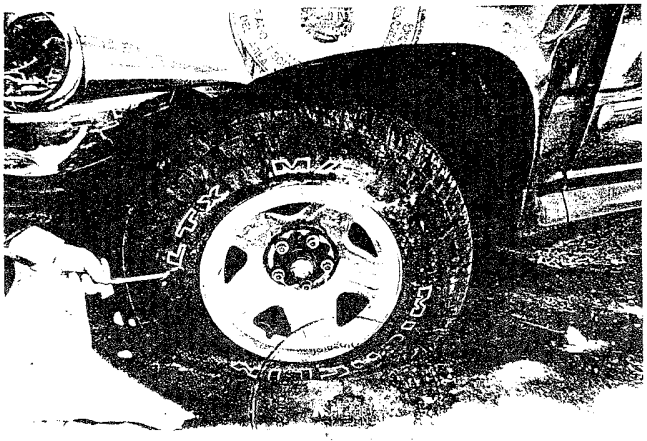
Exp. 2000-600

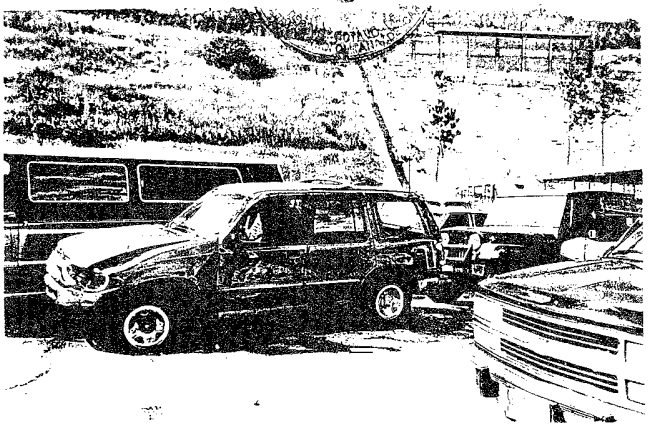
En horas de despacho del día de hoy, seis (06) de octubre de dos mil (2000), comparece por ante este Tribunal **ANDRÉS F. LÁREZ**, venezolano, mayor de edad, domiciliado en Caracas, titular de la Cédula de Identidad Nro. 12.950.018, en su carácter de Práctico Fotógrafo designado por este Tribunal, quien expone: "Consigno en este acto, marcado con letra **"A"**, el revelado de las fotografías tomadas en fecha 03 de octubre de 2000 en el lugar donde funciona el Estacionamiento denominado OLSALBIL, ubicado en la urbanización Las Mayas, sector Coche Municipio Libertador, Distrito Federal, las cuales son objeto de la presente Inspección Judicial, a fin de que surtan los efectos legales correspondientes. Es todo". Terminó, se leyó y conformes firman.

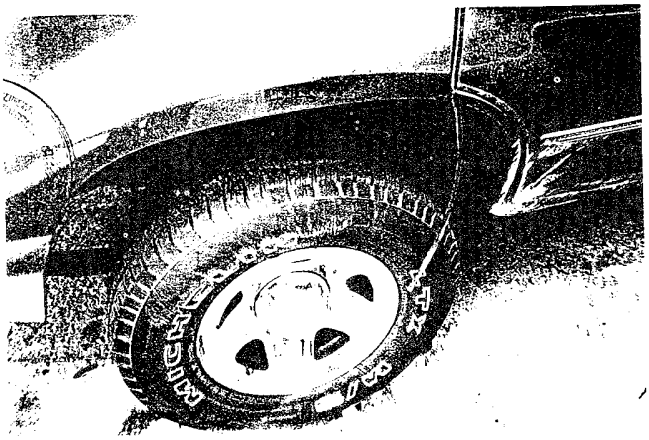
LA SECRETARIA,

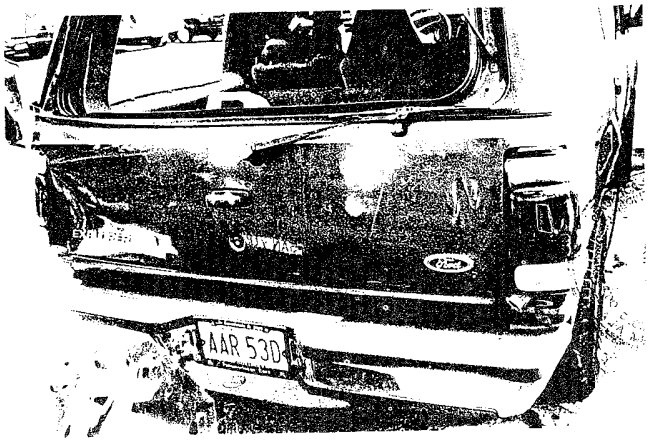
EL DILIGENCIANTE,

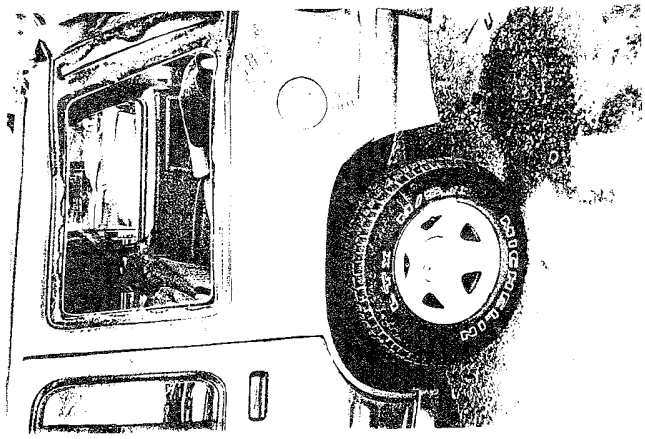


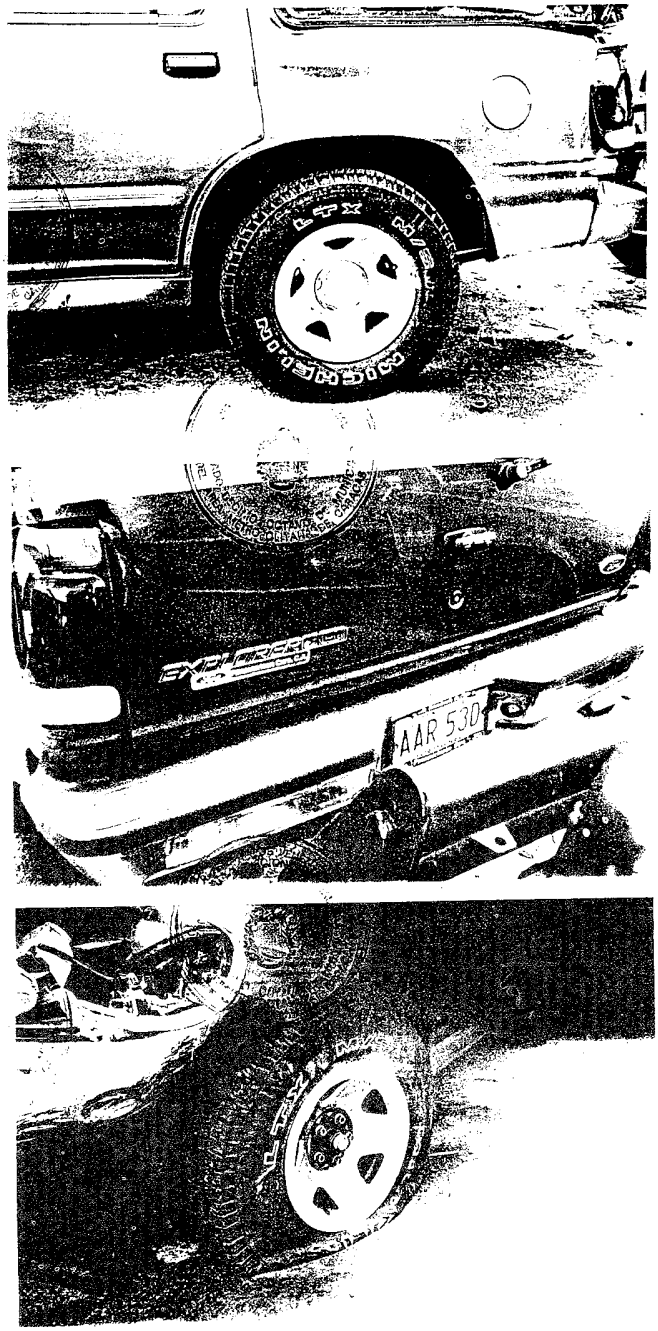






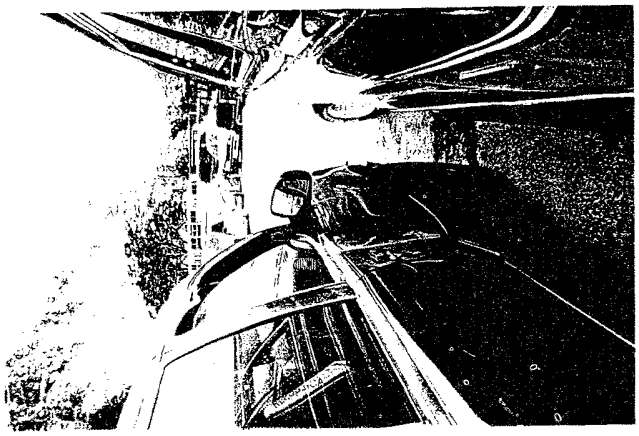

AAR 530



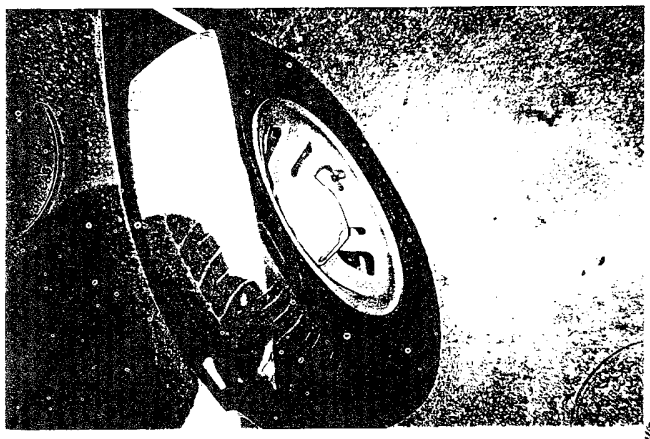

AAR 530

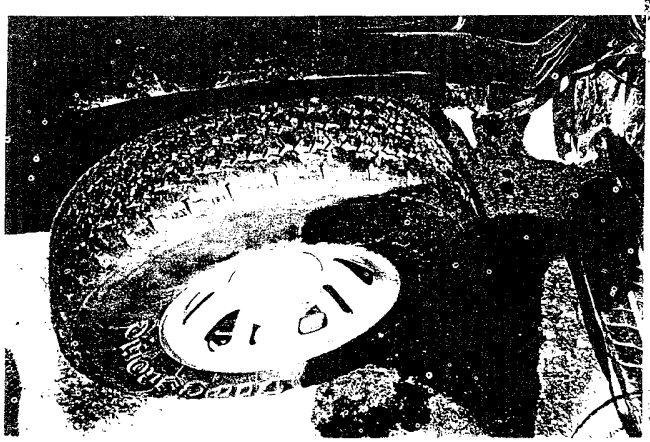













EXPLORER
MRA 704

