

*Dodson v. Ford*  
**OPENING STATEMENT**

*It is like walking through the gates of hell.*

A police officer escorts Carol Dodson as she enters her parents' home on a cold morning in October 1995. The morning after the fire. She steadies herself, as she steps through the doorway. Swallows hard. Stares in stunned silence at the dark, foul-smelling cavern around her. The den and garage are charred. The walls are cracked and peeled. Sheetrock is ripped away to the joints. A sharp chemical smell assaults her.

*This is my parents' den, Carol thinks. This is not possible.*

Hesitantly, she climbs the shadowy staircase. Upstairs, a thick blanket of pitch-black soot cloaks everything. On the floor at the top of the stairs, she encounters a ghostly human shape. In the midst of the filth and destruction—the pale outline of a body, now removed.

*This is where my father collapsed.*

Tears welling, stomach knotting, Carol wills herself toward the bedroom. There, her eyes fall on the cruelest apparition of all—a ghastly tracing of her mother's body. The image so perfect, it looks as if it might rise from the ashes. A small, colorless female form, lying backward across the bed...right arm outstretched, fingers traced clearly in the soot.

*This is where my mother died.*

Just a few months ago, we were all so happy in this house. We celebrated our parents' 50<sup>th</sup> Wedding Anniversary together. Laughter rang throughout the hallways. Mom and Dad beamed.

Now, that family life is destroyed. Dad is on a respirator in the ICU unit at Roger Williams Hospital. Mom is dead.

*How could this have happened? How?*

...

Doris Dodson died because Ford Motor Company hid—from the government and the public—the fire danger that they *knew* existed in the "Fox" ignition switch they installed in Mrs. Dodson's 1982 Crown Victoria.

*This is a story about corporate negligence and deception.* It's the story of how a big car manufacturer, Ford Motor Company, put corporate profits ahead of customer safety. About the

deliberate choices that Ford made over the course of 18 years in order to avoid fixing a dangerous defect in the “Fox” ignition switch. *Choices that cost 70-year-old Doris Dodson her life.*

*More importantly, this is a story about trust.* At what point do you stop trusting an individual or a company? At what point, when the evidence shows, time and again, that they have deceived you? At some point, doesn't the wise person start looking at what they *did*—not what they *said*?

Ford's own internal documents tell the tale. They show that, in 1981, Ford stopped using a perfectly safe ignition switch that they had used for years. And that Ford stopped using this safe, reliable switch for *design* reasons, not *safety* reasons. The documents show that Ford ignored its own engineer's warnings that the new Fox switch caused fires. That Ford rejected its own engineer's advice about how to fix defect in the new switches. That Ford continued to install the Fox switches in their cars, even after receiving a growing number of customer complaints about fires. That Ford hid those complaints and information about the Fox ignition switch fires from federal government investigators and the public.

*Ford knew the Fox ignition switch was dangerous.*

*They knew how to fix it.*

*They knew how to save lives.*

*Ford knew.*

Ford could have gone back to the older, reliable ignition switch. It could have redesigned the new “Fox” switch to make it safer. But, instead, Ford chose to put its Fox ignition switch program into overdrive. From 1981 to 1992, Ford installed the Fox switch in 25 million cars—including the 1982 Ford Crown Victoria owned by Doris and Cecil Dodson.

This lawsuit alleges that Ford Motor Company is responsible for the wrongful death of Doris Dodson. Mrs. Dodson's husband, Cecil Dodson, originally filed this lawsuit in (year). In the (##) years since, Ford has used legal maneuvers to hide the truth, put the blame on others, and delay and prevent this case from making it to court.

It saddens me to tell you that Ford stonewalled for so long that Mr. Dodson did not live to have his day in court. It was extremely important to him to hold Ford responsible for causing his beloved wife's death. Even more, he wanted to stop Ford from doing the same thing to anyone else. But, that kind, old gentleman will never know the outcome of this case. He will never know if justice was found for his Doris. Ultimately, Ford out-manuevered him. On Valentine's Day, 2004—more than eight years after his wife's death—Mr. Dodson died. He was 80.

## The Story

### **This story takes place in three settings:**

The first setting is Ford Motor Company's headquarters in Detroit. That's where the story began to unfold almost 30 years ago.

The second setting is the headquarters of the National Highway Traffic Safety Administration in Washington, D.C.—NHTSA, for short. NHTSA is a division of the United States Department of Transportation. It is the federal government agency that investigates complaints from consumers and other entities regarding the safety of automobiles.

And, the third setting is Smithfield, Rhode Island, where Doris and Cecil Dodson lived.

**The story starts in Detroit in 1978.** Ford was designing and testing a type of ignition switch called the "Fox" ignition switch for a number of its cars. There was nothing wrong with the ignition switch they had been using. It was safe. It was reliable. It had stood the test of time.

So, why was Ford taking away an ignition switch that was perfectly safe? Why were they fixing something that wasn't "broke?" Ford was shelving the old switch because they needed a new ignition switch *to fit a design objective*.

You see, car manufacturers design their vehicles based on what's called a "platform." The platform is the basic body structure of the car. The carmaker takes that one basic platform and designs a number of car models to fit it. The outward appearance and features of each model are different. But, they all start with the same basic platform.

Automakers do this because it is the most cost-efficient way to build a line of cars. Designing and producing a new platform—or changing the design of a platform once it is complete—costs a huge amount of money. Hundreds of millions of dollars. So, car manufacturers want to avoid changing any part of that design, at all costs.

By 1978, Ford had designed a new platform called the "Fox" platform for a number of its cars, including the Crown Victoria, Escort, Lincoln and Tempo, to name a few.

Now, remember back in the late 70s and early 80s, how the ignition switch was in the dashboard of cars? And remember how big and boxy the dashboards were back then? That's because the ignition components were hidden in the dashes of those old cars.

In the late 70s and early 80s, most American carmakers were moving away from those old boxy dashboards. They were starting to streamline their cars, inside and out, including the dashes. So, Ford came up with its own sleek dashboard design for its future models. It wasn't a safety decision; it was a marketing decision.

The problem was that Ford's old, reliable, safe ignition switch was just too big to fit in their new, slimmed-down dashboard design. To make the new dash design work, Ford decided to put the ignition switch in the steering column, instead of in the dashboard. That required squeezing the ignition switch and its hidden components into only *half* the space allowed for them in previous Ford models.

By 1978, Ford had come up with a new, compact ignition switch design that was tucked away inside the steering column of many of its models, including the Crown Victoria. They called this design the "Fox" ignition switch because it was compatible with Ford's new Fox platform.

From Ford's testing of the very first production samples, Ford's own documents show that the Fox ignition switch smoked and burned "at very early numbers of [ignition] cycles." This led the Ford engineer who tested them, Eugene Cuneo, to give the ignition switches a failure "*severity rating*" of 10—the highest failure rating possible. According to Mr. Cuneo's testimony, this was an "attention-getter" failure rating. Because of the obvious danger that a burning ignition switch posed, Mr. Cuneo has said that it ought to have made the "hair on the back of [any engineer's] neck stand up."

At his manager's direction, Mr. Cuneo recorded the Fox switch's red-flag failure rating in an internal Ford document called a "Known Failure Mode Effects Analysis." In that same document, Mr. Cuneo explained that the Fox ignition switch fires were caused by insufficient "gap width" between component parts of the switch. This simply means that some of the parts inside the Fox ignition switch were squeezed too close together.

During trial, we'll explain the Fox switch's defect to you in detail. We'll show you diagrams and even an animation to make it perfectly clear. For now, though, let me just give you an overview of what you will hear.

When you turn the key in your car, the ignition switch creates an electrical connection between two pieces of metal—a ground terminal and a battery terminal. This connection draws current from the battery and starts the engine. In *Ford's old, safe ignition switch*—and in those made by most other car manufacturers—the two pieces of metal are either separated by other components or are simply spaced far enough apart so as not to present a problem.

But, remember—Ford designed the new Fox switch to fit into only *half* the space in the new steering column location as it had allowed for the old, safe switch in the dashboard. To try to compensate for how close the metal components were, Ford separated them with a chunk of plastic.

Ford's engineers tested the Fox switch by turning the engine on repeatedly, simulating normal wear and tear. With normal wear and tear, the gap width inside any ignition switch gets even smaller. But, Ford designed and manufactured the Fox switch with too small a gap width in the first place. With repeated use, the parts that were too close together created a short circuit. The short circuit created a slow draw of electricity that overheated plastic parts inside the ignition switch. Over time, these plastic parts began to melt, smoke and flame.

In many cases, fires occurred in the Fox ignition switch *even after the engine was turned off*. How could that happen? The short circuit created such intense heat inside the switch while the engine was running...that it continued to melt plastic components inside the switch, even after the engine was turned off—eventually resulting in fire.

To correct this problem, Mr. Cuneo, the engineer, cautioned Ford that the gap width between critical points in the Fox ignition switch *must* be a minimum of 1/30,000<sup>th</sup> of an inch.

At that point, in 1978—four years before the fire that killed Doris Dodson—Ford could have made any one of several choices that would have made its cars safe for their customers:

1. Ford could have fixed the Fox switch to maintain the critical 1/30,000<sup>th</sup> of an inch gap width recommended by its own engineer.
2. Ford could have designed a completely new ignition switch that would be safe for its customers.
3. Or, Ford could have gone back to using its old, safe ignition switch that had proved safe for many years.

*Ford knew the Fox ignition switch was dangerous.*

*They knew how to fix it.*

*They knew how to save lives.*

*Ford knew.*

Instead, Ford chose to ignore the warnings and advice of its own engineers. Ford chose to install the Fox ignition switch in more than 25 million Ford model cars that they manufactured between 1981 and 1992. The same Fox switch that had scored a maximum failure severity rating of 10. The same Fox switch that had overheated, smoked and flamed in production tests. The same Fox switch that could cause a fire even when the engine was turned off.

*Meanwhile, a few hundred miles to the east, in Smithfield, Rhode Island, Doris and Cecil Dodson purchased a 1982 Crown Victoria. Doris and Cecil had no way of knowing what's going on with Ford in Detroit. Neither did the dealer who sold it to them. That's because Ford was keeping the information about fire hazards with the Fox ignition switch under wraps. At that point, no one knew about the ignition switch danger except Ford and its engineers.*

*All Doris and Cecil knew was that they liked the car. They trusted Ford to make sure its cars were safe. So, they bought it.*

**Now, the story shifts back to Detroit.** After the Ford cars with the Fox ignition switches had been in service for a few years, Ford's internal documents show that they began seeing a dramatic increase in steering column and ignition switch fires. By 1988, they had received numerous complaints, including reports of fires in Crown Victorias.

Most of those early complaints came from fleet owners, like FedEx, UPS and other companies that had bought large numbers of cars from Ford. These vehicles were used heavily for commercial purposes. Their engines were switched on and off many times per day. So, naturally, the Fox switches in these vehicles began to wear out faster than the ones in passenger cars.

For example: On June 6, 1988, a fleet manager wrote a letter to Ford reporting a steering column fire in a 1984 E-series light truck that was equipped with a Fox ignition switch. The letter said that a “shorted ignition switch” caused the fire. The fire was so intense that firefighters had to be called to extinguish it. The letter also reported that fleet mechanics had found several ignition switches shorting out and melting the switch, with a least two causing minor fires.

***Over in Smithfield, Doris and Cecil were driving around in their Crown Victoria around, feeling safe and secure.***

In November 1988, a government fleet leasing manager informed Ford that five of its Aero Star vans—which also had Fox ignition switches—had “caught fire around the steering column.” Between 1988 and 1992, Federal Express, postal and police fleet vehicle managers reported numerous ignition switch fires to Ford.

Ford’s documents show that the automaker investigated those fires and “narrowed the problem down to the ignition switch.” As early as May 1990, Ford had its engineers meet with its ignition switch supplier, UTA, to discuss possible new switch designs.

By at least 1990, Ford was replacing the switches at no cost in thousands of fleet vehicles. In a letter dated November 28, 1990, to Federal Express, Ford agreed to replace the switches in 12,800 vehicles, model 1987 and older. A few months later, Ford agreed to replace the switches in another 14,900 FedEx vehicles, models 1988 and later.

By 1992, Ford had replaced Fox switches in 300 postal vehicles in Florida and 200 in California. About 120 steering column fires were being reported in Ford models every year. The majority of them were in passenger cars.

***Back in Rhode Island, Doris and Cecil were blissfully unaware of the clear and present danger that their 1982 Crown Vic represented.***

### **NHTSA Investigates**

**The storyline shifts southwest, to Washington, D.C.** In 1992, the police department in the nation’s capital reported having problems with fires in the steering columns of its police vehicles, which were equipped with the Fox ignitions.

Washington, D.C. is the site of the National Highway Traffic Safety Administration. NHTSA also had been getting reports of ignition fires in Ford vehicles

In August 1992, NHTSA opened an investigation into vehicle fires originating in the steering columns of Crown Victoria model cars. That was *more than three years before the ignition switch fire in Doris and Cecil Dodson's Crown Victoria.*

NHTSA asked Ford: "What do you know about ignition switch fires in Crown Victorias and in any other vehicle you make that has the same kind of switch?" "Have you identified any common cause or trend?" Ford told NHTSA: "*We are unaware of any common cause for the steering column fires.*"

NHTSA asked for all "studies, surveys or investigations" regarding the fires; they asked Ford to identify "all accidents, fires, subrogation claims or lawsuits" known to Ford pertaining to the defect. *Ford produced none.*

NHTSA asked Ford for information regarding Ford's replacement of ignition switches in police vehicles in Washington, D.C. *Ford produced none.*

Shortly after receiving NHTSA's information request, a high-ranking Ford official, John Kunz, convinced the NHTSA official in charge of the investigation to narrow the scope of the investigation. Instead of including all vehicles using the same ignition switch as the 1989 Crown Victoria—which encompassed virtually all Ford models manufactured between 1979 and 1992—the Ford official persuaded the NHTSA investigator to limit the investigation to only 1983-1989 Crown Vics.

Mr. Kunz's handwritten own notes show his request was intended to reduce the number of vehicles involved in the investigation from more than 25 million to fewer than 1 million.

That narrowing of the investigation eliminated the 1978-1982-model year Crown Victorias from the investigation. These cars had the same defective ignition switch as the 1989 model.

***Back east, in Rhode Island, Doris and Cecil Dodson were driving a 1982 Crown Vic. Ford didn't tell them about the danger their car posed. Doris and Cecil never had a chance to decide whether they wanted keep the car and take the risk. But, Ford knew. Ford made that decision for them.***

On November 30, 1992, NHTSA closed the investigation.

At that point, in 1992, Ford had already replaced nearly 30,000 Fox ignition switches in fleet vehicles at no charge. In memo after memo, Ford had documented that, not only did they know that the common cause was ignition components that were too close together—they also knew how to fix it. Indeed, Ford already had a new switch in production to replace the Fox in some cars.

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*They knew how to fix it.*

*They knew how to save lives.*

*Ford knew.*

NHTSA continued to receive complaints. Between 1991 and 1995, the federal government agency opened (##) investigations of ignition switch fires in Ford vehicles. Throughout each of those investigations, Ford maintained its know-nothing position, insisting that the Fox ignition switch posed no safety risk. NHTSA closed each investigation without calling on Ford to recall the switches.

Meanwhile, in 1993, Ford started installing a new ignition switch design in many of its new car models. In this switch, the had increased the gap width between the components, as their engineers had pushed them to do 15 years earlier, in 1978, when they first started testing the Fox switch.

Nevertheless, as late as February 1995, Ford continued to tell NHTSA that it could not “identify a causal factor or trend of alleged fires in the area of the steering column on the subject vehicles, and believe that no unreasonable risk to vehicle safety exists.” When NHTSA asked why Ford had introduced a new ignition switch design in its 1993 model cars, Ford told NHTSA that the switch was designed as part of the “next generation” in ignition switch design.

***And, up in Rhode Island, Cecil and Doris Dodson still didn’t know there was any problem whatsoever with their car.***

In 1995, Transport Canada—the Canadian government’s version of NHTSA—contacted Ford with complaints of Fox ignition fires in Ford Escorts. Ford voluntarily recalled ##/year/model vehicles in Canada. Now, why would Ford do that? Because Ford’s Canadian market was not nearly as big or lucrative. Ford didn’t have as much to lose.

Also in 1995, NHTSA opened its final investigation of Ford ignition switch fires. This time, NHTSA had gotten wind of Ford’s recall in Canada. They said to Ford, “You’re doing it up there—why not down here?”

Ford had backed itself into a corner. At that point, Ford’s internal memorandums shift into damage control mode. They begin to discuss a “defendable defense” to limit the scope of any recall.

***In Smithfield, Rhode Island, Doris and Cecil Dodson never heard about the recall.***

Ford successfully excluded 1982-model Crown Victorias like theirs from the lot. So, Doris and Cecil never received a letter from Ford. They never got a notice from NHTSA. Even though their car had the same dangerous, defective Fox ignition switch that Ford replaced in well over a million other vehicles.

### **Doris and Cecil’s Story**



*And this is where we pick up on Doris and Cecil's story.* It's October \_\_, 1995. The Dodsons have been having problems with their Crown Vic for months. Mysteriously, the battery keeps losing its charge. They've taken it in to have it checked, jump-started it several times, and even called Triple A to come by the house. Frustrated, they buy a new battery, only to have it run out of juice, too. They're at a loss.

But, Doris and Cecil aren't worried about car problems on this day. They are too excited. All day, they've been getting ready for a visit from their oldest son, John, who is coming home from Myrtle Beach, Florida, the next morning. It will be his first visit since their 50<sup>th</sup> wedding anniversary celebration six months earlier. They've been busy all day, running errands, buying groceries, taking Doris to the hairdresser. She's been cooking all day, making all her boy's favorite dishes.

Doris' and Cecil's 1982 Crown Victoria has been parked in the driveway all afternoon. The engine has not been started in hours. At about 10 o'clock that night. Cecil remembers that he left the car outside. He goes downstairs, drives the car into the garage, which is directly below their bedroom. Leaves the back passenger window open for the cat to crawl inside the car and sleep. Then, he goes back upstairs, and they turn the light out and go to bed.

Around midnight, Doris wakes Cecil to tell him the cat is freaking out downstairs. They look out their bedroom window and see flames coming from the garage. Cecil tells Doris to go outside on the balcony, just off the bedroom, and stay there until he returns. He goes downstairs, carefully opens the garage door, and sees smoke and flames coming from the car.

He goes over to the car, thinking he might be able to put it in neutral and push it out of the garage. But, flames are coming from the steering column. There's no way he can put the key in.

Cecil stops in the downstairs den for only a few seconds to call 911. He opens the front door to let some of the smoke escape. Then, with help on the way, he rushes upstairs to get Doris.

Cecil keeps a cool head. He tries to think clearly. Tries to do all the right things to protect his wife. To protect himself. But, Cecil doesn't have as much time as he thinks he has. He doesn't know that burning plastic parts in the car's ignition switch are emitting highly toxic smoke and gases. At the top of the stairs—just a few feet away from rescuing his Doris—Cecil collapses.

Meanwhile, Doris apparently has realized that they have to get out of the house. She comes back into the bedroom from the balcony and starts to get dressed. Sits down on the bed and begins pulling on her clothes. Doris isn't even halfway dressed when the smoke and fumes overcome her. She falls over backward, right arm extended above her head.

Firefighters arrive. The house is filled with dense black smoke. The heat is intense. Visibility is zero. Using air tanks and hand lines to find their way, they find Cecil lying face

down, unconscious, on the upstairs landing. He has a pulse, but no respiration. A few steps away, in the bedroom, Doris is unconscious and not breathing.

Firefighters try valiantly to save her, but Doris is pronounced “dead on arrival” at Rhode Island Hospital. They revive Cecil, but the toxic fumes have burned his lungs badly. He remains in the ICU unit of Roger Williams Medical Center, aided in breathing by a respirator, for **three** weeks. Cecil doesn’t know his wife is dead. His condition is so serious that he cannot even tell his shocked, grief-stricken children what happened.

...

At that time, Carol Dodson lived in Coventry, Rhode Island, about 20 miles away from her parents. In the early hours of the morning of October \_\_, she is startled out of sleep by a phone call from a cousin who lives three doors down from her parents. *The house is on fire*, he tells her. *They’ve taken your parents to two different hospitals—I’m not sure which ones. Carol staggers out of bed, calls the police and locates her mother and father.*

It’s 2:00 a.m. Carol calls her brother and sister—John in South Carolina and Kathy in Dallas. “There’s been a fire. Dad’s in an ambulance on his way to Roger Williams. They say Mom’s in much worse shape, so I’m going to Rhode Island Hospital with her.”

John’s car is packed for the trip home he had planned for later in the morning. As he rushes toward the airport, he calls Rhode Island Hospital’s emergency room. The doctor says, “Your mother’s in cardiac arrest.” “*What are you saying?*” *John says.* “I’m telling you that your mother’s dead.” He can hear his sister Carol screaming in the background.

Kathy is already en route to Rhode Island from Texas, sick with fear and anticipation.

Gripped by fear, Carol has rushes to the hospital. She doesn’t know how serious a fire it is. She prays that it is only minor. When she arrives at the hospital, the doctor meets her at the door and shepherds her into a small, private room. He confirms what she already knows. Her mother is dead.

The doctor asks if she wants to see her mother’s body. Maybe take her mother’s rings off her fingers before attendants take the body to the morgue. Shocked, disbelieving that this is even happening, Carol agrees. She is unprepared for what she sees when she walks into the room.

Carol’s mother lies face up on a gurney, uncovered. She is black with soot. Wet. Her blouse remains open from paramedics’ attempts to revive her with CPR.

Carol cannot speak. She cannot move. She cannot take her mother’s rings. Backing out of the room, a slow, guttural wail begins deep in her throat. *I wanted to believe you didn’t feel pain. I wanted to believe you didn’t suffer. God, how can it be that my mother died this way?*

She gets to Roger Williams Hospital around three in the morning. Doctors meet her at the door there, and she thinks, *Oh, my God, Dad’s dead, too.*

But, her father isn't dead. He, too, is black with soot. Doctors are intubating him. But, he's alive. *Thank God, he's alive.*

Carol stays with her dad until sunrise. By that time, John and Kathy are there. Carol leaves. She is drawn to her parents' house. Policemen and firefighters are still there...still trying to sort out what happened. At first, they won't let her in. Until one officer says, "She has a right—it's was her parents." Gently, he escorts her into the house.

...

Cecil Dodson remains on a respirator in the Intensive Care Unit of Roger Williams Hospital for three weeks. He is conscious, but cannot talk. His condition is so critical that the hospital's grief counselors strongly advise Carol, Kathy and John against telling him that Doris is dead.

Every day, Cecil writes on a pad, "How's Mom?" Every day, they dodge the question. Eventually, they are forced to tell their father that the woman he has loved for 50-plus years is gone. It nearly kills him. Doctors increase Cecil's meds in an effort to calm him.

The children put their mother's funeral plans on hold for a week. Every day, they hope their father's condition will improve enough for him to attend. But, each time doctors cut back on Cecil's medications, he becomes so distressed that they have to increase the dosage again. Finally, the three children are forced to bury their mother without him.

After three weeks, Cecil leaves the hospital. For six months, he undergoes intensive rehabilitation therapy and takes vast amounts of medications. The children have the house cleaned up and restored in preparation for his homecoming. At first, Carol cares for him at her house in Coventry until, finally, Cecil goes home...to a house without Doris.

The next nine years are grueling for Cecil and his children. Cecil is diagnosed with Parkinson's disease. He lives alone for a year or so, but his health deteriorates, as his children struggle to care for him. Carol moves into the house with her Dad and attends to him for several years. Kathy takes her father into her Dallas home for four years. Eventually, Cecil needs a level of care that demands full-time professionals. He spends the last three years of his life in an assisted living facility. On Valentine's Day 2004, at the age of 80, Cecil Dodson dies.

Before he dies, though, Cecil learns about Ford's recall. He finds out about the fires in the ignition switches of cars like his and Doris' Crown Victoria. Though gravely ill, Cecil vows to hold Ford responsible for their negligence. He pledges to do it for Doris...and for others like her who may be in danger. In (YEAR), Cecil files suit against Ford Motor Company for the wrongful death of his wife.

### **Ford Agrees to Recall**

Eventually, in 1996—18 years after their first production tests revealed that the Fox switch smoked and flamed—Ford agreed to a recall. But, they convinced NHTSA that the recall should include only the 1988-1992 year models, saying they had no ignition fire incidents reported before that year.

And that's correct. No incidents were reported before 1988. But, the Ford vehicles that reported incidents were 1986-model fleet vehicles. They were cars and light trucks that already had more wear and tear on their ignition switches than much older model passenger cars in normal use. The fires in those passenger cars—cars like Doris and Cecil Dodson's 1982 Crown Victoria—would not occur until much, much later. After thousands more turns of the ignition switch finally caused the internal components to wear down and overheat.

So, Ford agreed to a very limited recall—only 7 million cars in the U.S. and Canada, instead of the 25 million cars they had manufactured with the Fox ignition switch.

The Ford recall did not help the Dodsons. Ford issued the recall *after* the fire that killed Doris. But, even if Ford *had* issued the recall before the fire in the Dodson home, with 1982 model Crown Victorias excluded, Doris and Cecil would have gotten no letter warning them of the hidden danger in the steering column of their car. *Ford's action was too little, too late.*

Ford called it a *voluntary* recall. Now, I ask you: What is *voluntary* about doing the right thing—only when your back's against the wall?

For nearly 20 years, Ford had *many* opportunities to do the right thing. The *right thing* would have been to redesign the Fox ignition switch back in 1978 when it scored a failure severity rate of 10 in production tests. The *right thing* would have been not to put the defective switch in Ford cars in the first place. The *right thing* would have been to either fix the switch to make it safe, or go back to the old, safe ignition switch that Ford knew would produce no fires. The *right thing* would have been to recall *all* its vehicles with the Fox ignition switch back in 1988, when they first started receiving complaints.

But, Ford wasn't interested in doing the right thing. They were interested in controlling their damages. Limiting the amount of money that a recall would cost them. With no regard for customer safety.

*Ford knew it was dangerous.*  
*They knew how to fix it.*  
*They knew how to save lives.*  
*Ford knew.*

## **Inoculations**

### **Why Should We Take Action Against Ford When NHTSA Didn't?**

Now, you may be wondering, “Why should we take action against Ford when the federal government didn't? NHTSA investigated the Fox ignition fires several times; wouldn't they have ordered a recall if Ford was at fault?”

*And that's exactly what Ford wants you to think.* In this trial, you will hear expert testimony about NHTSA and how it operates. Our expert will testify that Ford has long had a pattern and practice of avoiding in-depth investigations of safety defects in their vehicles by withholding information from NHTSA investigators.

“The National Highway Traffic Safety Administration”—Just by the name, it sounds like a big, sprawling government agency, doesn't it? Names can be deceiving. NHTSA actually is a relatively small agency, with only about 600 employees. Within NHTSA, the Office of Defects Investigation—“ODI,” for short—is responsible for investigating alleged defects in motor vehicles and equipment. ODI has only about 50-60 employees, and only about 20 or so of those are engineers or investigators who directly run safety defect investigations.

*Those 20 or so individuals are the only NHTSA employees who are available to investigate the 40,000 to 50,000 vehicle safety complaints that NHTSA receives every year.* Obviously, ODI has to allocate its scarce resources very carefully.

ODI uses a screening process to sift through the vast amount of information it receives. This screening process is aimed at identifying vehicle problems that may indicate a safety-related trend. When ODI identifies such a trend, they conduct an “initial evaluation” which, basically, is an internal record-keeping process to help ODI track the progress of its investigation.

The first phase of ODI's formal investigation process is a “preliminary evaluation.” Ordinarily, only *one* investigator staffs each preliminary evaluation. At the same time, that investigator is conducting several other preliminary evaluations, plus several second-phase investigations.

The preliminary evaluation phase is not meant to be a particularly intensive or thorough investigation. In this first phase, ODI typically sends only one “information request” to the auto manufacturer they are investigating. This information request is limited to minimum number of questions necessary to help ODI decide whether to close the investigation or move it to the next phase.

During this first phase, the information request usually is sent *only to the auto manufacturer*. The investigator relies very heavily on the accuracy of the manufacturers answers to the information request. Those answers are the basis on which the investigator decides whether to recommend closing the preliminary evaluation, or upgrading it to the second investigative phase.

That is extremely important to understanding why NHTSA didn't take action against Ford. No one else had an opportunity to give anyone any information about the Fox switches

except Ford. And Ford's own internal documents show that they held back great amounts of information—information that very likely would have caused NHTSA to expand its investigation.

*Ford was in control.*  
*Ford knew how NHTSA operated.*  
*Ford knew.*

### **No Other Deaths or Injuries**

Ford will tell you that there have been no other deaths or injuries reported as a result of fires in Fox ignition switches. Therefore, it couldn't have been the Fox switch in the Dodson car that caused Doris' death.

It's true that there haven't been any other deaths or injuries. But, there's a very logical reason for that: Most of the vehicles in which these fires occurred weren't parked in a garage. They were sitting on a driveway, on the side of the road or somewhere else *outside*. When the cars caught fire, they were in plain sight for firefighters to get to them and put them out.

The Dodsons' Crown Vic was in an enclosed structure. Inside their garage, it smoldered and flamed—out of sight, while they slept—until the flame turned into a toxic blaze.

### **No Pre-1983 Fires**

(NOTE: I decided not to get into the phenolic and other type of plastic because I felt it was just too complex at this point and better saved for trial. I think the section below gets the point across. Will re-work, of course, if you disagree.)

Ford will suggest that the Fox switch is not responsible for the fire that killed Doris Dodson because no Fox ignition switch fires were reported in its 1980- through 1982-model vehicles. They will imply that the reason the fires started occurring in 1983 models is because they changed suppliers that year. And the new supplier used a different kind of plastic inside the ignition switch. I'm talking about the plastic base that was supposed to separate the two metal pieces that ended up short-circuiting, overheating and causing the fires.

Ford's scheme is actually pretty shrewd: They want to blame the new supplier for the fires in its vehicles 1983 through 1992—the ones in which no one was injured or killed. At the same time, they are trying to use the change in suppliers to avoid responsibility in the death of Doris Dodson. They're saying, "Hey—all the fires occurred *after* we changed suppliers in 1983. It had to be that new plastic. It had to be the supplier's fault."

But, we have evidence that—at the very least—Ford was investigating Fox ignition switch fires in its pre-1983 vehicles. Considering that we can prove that Ford withheld large amounts of information about ignition switch fires in its 1983-1992 vehicles—well, it isn't much

of a stretch to believe that Ford also withheld information about fires in 1982 and prior-model cars.

I suppose you just have to ask yourself: *Can I believe what Ford says?* To answer that question, you only have to look at whether Ford has been straightforward and trustworthy in answering other questions regarding the Fox switches. You will hear the NHTSA expert's testimony. Then, you will decide: *Can I trust Ford?*

Ford can point fingers and try to pass the blame to its supplier. But, the evidence—and common sense—tell you: *Ford knew.*

## **Damages**

Doris Dodson was a gentle, sweet woman of faith. She met Cecil—a World War II veteran—at an Army-Navy dance in Newport, Rhode Island. They fell in love, got married and settled in Rhode Island.

Doris and Cecil brought their children up right. They always gave to their children before themselves. But, they didn't spoil them. Having grown up during the Great Depression, both Doris and Cecil knew the value of hard work. First and foremost, they valued family—not things. They passed those values on to their three children.

Doris was the classic Mom. She had many friends and spent time in church activities. But, Doris lived for her family. She loved cooking and keeping her house. She worked by Cecil's side in the yard. Her flower garden was the envy of the neighborhood.

One by one, the children grew up and left home. John pursued a career in real estate, one of his Dad's hobbies. Kathy moved to Rockwall, a little town 20 minutes east of Dallas, Texas, and became a schoolteacher. Carol stayed behind in RI and became a new product development specialist for a jeweler.

That's pretty spread out, but the miles didn't keep this close family apart. They seized on any excuse to be together. Holidays. Vacations. Just because they missed each other. The Dodsons were a *very* close family.

Carol, Kathy and John have made it a point to stay close since their parents' death. They take turns visiting each other in Rhode Island, Florida and Texas. They get together at least twice a year at a condominium in Myrtle Beach—no special occasion, just to be with one another. That's what their parents taught them.

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Now, you may think, “Carol, Kathy and John aren’t children. They’re grown! Self-sufficient. They don’t need money to live.

And, I’m not going to stand here and tell you that this lawsuit isn’t about money. It *is*. In a civil lawsuit, judges and juries don’t hand out jail time. In a civil lawsuit, money is the only way a jury can compensate the Plaintiffs for what they’ve lost. It’s the only way a jury can hold the Defendants responsible for what they’ve done wrong.

The surviving children of Doris Dodson aren’t here because they’re greedy or vindictive. They’re here to prove that Ford is responsible for their mother’s death. That she would be alive today, if it weren’t for Ford’s negligence. To hold Ford responsible so they don’t hurt anyone else.

It doesn’t matter if Doris’ children are kindergarten-age or middle-aged. *They lost their mother*. Regardless of our age or station in life, losing our mother is one of the most profound losses any of us will ever experience. Nothing can prepare us for the depth of the grief we feel; nothing can ever fill the void she leaves.

It’s not just the holidays. It’s not just the big things. Until you lose your mother, you can’t fathom the luxury of a casual phone call. You want to call her for advice, when you have a problem; for sympathy, when you’re sick; for an encouraging word, when you’re down; for a pat on the back, when you’ve done well; for a recipe, when you’re cooking dinner; for encouragement, when you’re facing a challenge; or *just to hear her voice*. For a million and one other reasons, you want to call your mother.

And, she’s not there. She’s simply...not...there. The finality of losing your mother is crushing.

All three of Doris’ children have their special, private memories of time spent with their mother. Talk to them, and each one of them will tell you that they were her favorite. That’s the mark of a special mother. Right now, they’re probably each thinking: *Well, I was her favorite!*

Carol, Kathy and John have accepted that they lost their mother. But, they still can’t believe their mother died the way she did. They still can’t accept that.

...

Yes, this trial is about money. That’s the only way you can compensate Doris Dodson’s children for losing their mother in such a sudden, horrifying way. You can’t bring their mother back, that’s true. But, you can award them a verdict that recognizes the profound value of what each of them lost. *You can give them that much.*



But, Carol, Kathy and John agree that there's something more important, still. It's the goal that their father pursued for 8-1/2 years. The reason they picked up the gauntlet that Cecil laid down when he died. By far, the most important goal of this lawsuit is to save lives.

They aren't here to punish Ford. They're here to keep Ford from thumbing its nose at the rules again. To save the life of some other person who is driving around in a Ford vehicle thinking it's safe. *Trusting Ford*.

After all the evidence in this trial has been presented—if you agree with us that Ford has been negligent—you still may think, “What will it matter to a huge corporation like Ford if we award a big verdict to the Dodsons?”

*I'll tell you:* That's the way we make a lasting difference in anything we do in this world. By standing up for what's right—one person at a time, one jury at a time. You may think that companies like Ford don't listen, but they do: *You are their public*. You twelve people are representative of Ford's buying public. If you strongly reject their behavior, they will listen. They will think about it, in their inner offices and corporate boardrooms. They will think twice before they do thumb their noses at the rules again.

## Close

Eleven years have passed since Doris Dodson's horrific death. After Mr. Dodson died in 2004, Ford continued its duck-and-dodge tactics for two and a half more years. Today, Cecil Dodson finally gets his day in court. Today, you have the power to hold Ford responsible. Today, you are the law.

Ford's own documents tell the story. Over the next few days, as we lay those documents out for you, they will create a paper trail that stretches from Detroit...to Washington, D.C...to Rhode Island...and leads directly back to Ford. *Ford knew*.

Ford knew the new Fox switch caused fires. They knew the old switch was safe. But, Ford needed the new switch to fit its new design. They needed it to sell more cars and make more money. So, Ford chose to ignore the dangers. They took away the old, safe ignition switch, and gave the green light to install the new, dangerous Fox switch. Ford chose profits over customer safety. *Ford knew*.

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For decades, Ford's marketing people have come up with a series of good taglines that have been effective in boosting Ford's sales. “Ford Has A Better Idea.” “Safety Is Job One.” “Built For The Road Ahead.” “Built Ford Tough.”

In 2006, Ford reportedly is spending in the range of \$50 million for an online documentary series to launch a new tagline—“Bold Moves.” They debuted the new gimmick in

a 60-second commercial in which “American Idol” singer Kelly Clarkson sings over a visual image of a woman running for a cure for breast cancer. *Inspiring.*

And, Ford is also looking at doing a reality TV show depicting behind-the-scenes stories of vehicle design and development.

Yes, Ford is excellent at coming up with advertising gimmicks. But, what’s really going on behind the scenes at Ford isn’t so inspiring. The *reality* that Ford’s own documents reveal is that Ford left “Better Ideas” and “Safety as Job One” in the rearview mirror long ago.

Ford’s desire is to make money. They’re obligation is to build safe cars.

...

The resilience of people in grief is amazing. Carol, Kathy and John experienced the full range of human emotion—denial, anger, frustration, sorrow, despair, acceptance. They wondered if things would ever be normal again. For a long time, the painful story of their mother’s death replayed daily in their minds.

As each year passed, the gap between horror and healing widened. The heavy burden of grief began to lift, and they moved on. But, each of Doris and Cecil’s children retained a steely resolve to make things right—for their mother, who lost her life; for their father, who never stopped mourning her; and for all the other people like them who innocently trust Ford to do the right thing.

Carol, Kathy and John are here today to complete their father’s quest for justice. They come here *filled with hope*—hope that you will hold Ford responsible for their mother’s death.

Even a victory in this case will be bittersweet for these three. They still won’t have their mother. They will be perpetually haunted by the image of how she died. And how hard their father tried to save her. It didn’t have to happen. *Ford knew.*

They keep thinking: *Ford was in control. Mom and Dad weren’t. Ford knew. Mom and Dad didn’t. Ford could have stopped this.*

*Ford knew the Fox ignition switch was dangerous.*

*They knew how to fix it.*

*They knew how to save lives.*

*Ford knew.*

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