



# Exponent's evidence hasn't always proven persuasive

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By **Jayne O'Donnell, USA TODAY**

Exponent's record of success in aiding automakers is not perfect.

When Jessica Mundy sued Ford Motor, the company hired Exponent to help with its defense, and Robert Lange, Exponent's vehicle engineering group vice president, testified as an expert witness.

Mundy had been left paraplegic after a 2005 incident with her 2004 Ford Explorer. She says it backed into her after she put it in "park" and got out for an errand near her Georgia home.

While Mundy's report was among 750 Ford said it had of transmissions jumping from "park" to "reverse," Lange called the consumer complaints "irrelevant." He now calls that comment "inartful."

But Steve Lowry, Mundy's lawyer, introduced marketing materials from Exponent's website in which it promoted its research faulting drivers for "park-to-reverse" incidents. The promo read: "Our analysis of these accidents points to a human factors explanation: the driver forgets to shift into Park before exiting the vehicle."

Ford Motor lost the case last year and made an undisclosed financial settlement with Mundy.

"Exponent ... already had the conclusion that this is what drivers do," says Lowry. "They are the go-to company for car companies when they're trying to come up with a reason why their cars don't have problems."

In a written response to USA TODAY, Exponent said it "has illuminated issues of driver performance," but that its research has not hindered development of mechanical fixes for the problem.

Last August, NHTSA began a probe of park-to-reverse complaints on 2002-05 Explorers,

involving 200 incidents and 32 injuries. It is ongoing.

**General Motors** hired Exponent in the 1980s, when it then was named Failure Analysis Associates, to investigate complaints of engine fires in 1984-88 **Pontiac** Fiero sports cars. GM cited its research in a December 1989 letter to NHTSA.

The letter said GM and its "outside engineering experts" found the fires were due to "improper owner maintenance and improper service." But under pressure from NHTSA, which found two previous recalls "inadequate" in preventing the fires, GM agreed to a third recall. Two years later, NHTSA records show, GM agreed to a final fourth recall.

Lange, who worked for Exponent on the Fiero problems, says the company both addressed "consumer education" and "helped GM prove out a set of mechanical solutions." GM and NHTSA declined to comment.

GM hired Lange in 1994 after he helped defend GM against allegations that side-positioned fuel tanks in its C/K pickups were more fire-prone than other designs. GM did not have to do a recall and settled with the Transportation Department by paying \$51 million for safety programs.

Lange was GM's safety chief until he returned to Exponent in late 2008.

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