



The Roadrunner

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March 2008 **The Auto Trades Bulletin for Businesses in the Automotive Industry**

Aftermarket Associations Sue CARB Over Extended Warranty

A coalition of 10 state and national aftermarket trade associations filed legal action against the California Air Resources Board (CARB) in the Superior Court of the state of California for Los Angeles County. The lawsuit challenges anti-competitive regulations promulgated by the (CARB) that would require car companies to extend emissions warranties for parts found defective by emissions warranty information reporting requirements. "The action by CARB to extend warranties to the useful life will cause extensive economic damage to independent aftermarket service facilities in the State and is unlikely to provide any real clean air or consumer benefit," said Jackie Miller, executive director, Automotive Service Councils of California, one of the lead plaintiffs in the case. "Because car owners will have no idea whether a needed repair that is indicated by the malfunction indicator light is covered by the extended warranty, motorists will return to the dealer for nearly all repairs. "

The lawsuit charges that CARB produced no proof that the extended emissions warranties are actually effective in providing incentives to the car companies to build more durable emissions systems. Further, CARB has no data that indicates whether warranties are as effective in moving the motorist to obtain needed emissions-related repairs, according to the coalition.

"California's Health and Safety code clearly states that the emissions warranty is three years/50,000 miles on all emissions related components and seven years/70,000 miles for high priced emissions related repairs," said Aaron Lowe, vice president, government affairs, Automotive Aftermarket Industry Association (AAIA). "The state's attempt to extend the warranty to 10 years/120,000 miles for most cars clearly is outside the scope of this statute."

Plaintiffs in the lawsuit are:

- Automotive Aftermarket Industry Association
- Automotive Service Association
- Automotive Parts Remanufacturers Association
- Automotive Service Councils of California
- California Automotive Business Coalition
- California Automotive Wholesalers Association
- California Autobody Association
- California Service Station and Automotive Repair Association
- Car Care Professionals Network

For more information visit:
www.takingthehill.org

ADEQ Excludes Super Warranty Provision in Proposed Clean Car Standards.

In reviewing the proposed Clean Car Standard Rules proposed by ADEQ, members of ASA of Arizona were concerned of the negative economic impact the extended warranties have on independent repairers with no documented evidence of any consumer benefit. This proposed ruling will significantly increase vehicle emissions standards in Arizona and will likely contain similar provisions already adopted by California and several other states.

We have confirmed with ADEQ that the extended warranty provisions are excluded in the proposed regulation. In discussing the issue, ADEQ representatives stated that these regulations are similar to those adopted by Oregon and Washington which have adopted the stricter California vehicle emissions standards but because of strong pressure from the automotive aftermarket industry opted not to include any super or extended warranty requirements.

This ruling is a result of Executive Order by the Governor in 2006 and bypassed the legislative process, where this bill would have been heard at the legislature. This ruling will follow the Arizona Rulemaking process where public input will be requested on Monday, March 3. ASA of Arizona will continue to monitor and participate in the process as necessary. All members of the association are invited to attend and participate. This is your opportunity learn about the rulemaking process and hear testimony from the various sides and how the State Agency goes about approving and implementing a rule. ASA supports clean car programs and programs that improve air quality in our state.

Rulemaking Process: See page 7

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ASA—AZ Board Meetings

Board meetings are open to all members and are held at the State office at 5060 N. 19th Avenue, Suite 218 beginning at 10:30 a.m. Call to RSVP 602-544-2600.

Message from the Executive Director



Luz A. Rubio, CAE

Lots happening at the association office. First of all, I have an assistant! Her name is Lourdes and we call her Lu for short, so don't get confused when you call the office.

If you have visited the website recently, you'll notice that it looks different. We have spent several months working on a new look for the website. We will be updating it with press releases, member benefits, and a list of chapter meetings and training being offered in the state. One of the features we are still working on is the job bank. All in all, I think that you will be pleased with the information accessible online. You can register and pay for meetings online. You can request information on any of our member benefits. We also have a shop locator that you can use to refer clients to ASA member shops as well as if you need to sublet any work. Use this website as a tool to keep informed on what is going on, and if you have any suggestions, contact us and we'll see what we can do.

Grassroots: involving the common people in the political process. A call to action was made to all ASA of Arizona members. Your voice makes a difference in the political process. Thank you to those of you who took the time to send a letter to your local legislator and to ADEQ on the Super Warranty issue. Though this rulemaking did not go

through the normal legislative process and legislators were not aware of this issue, the letters made them aware of the issue and it also made them aware that there is an industry of independent automotive repair facilities that is concerned about the impact that regulation has on their businesses. Please remember that your voice does count and don't wait and hope that someone else speaks on your behalf learn about the issues and voice your opinion. We are happy to learn that ADEQ excluded the Super Warranty provision in this ruling.

More exciting news I have been approached by a gentleman, Mike Marquis who introduced a very interesting program, that I think would be beneficial to many of our members and their employees. We all want to be financially secure, we want to protect ourselves and our families and we want to enjoy ourselves when we retire. Mike has many products, including Key Man Insurance. The goal with this program is to have our members take care of their personal financial future and protect their family so that they can focus on the success and longevity of their business. Mike will be calling you to set up an appointment to present these options to you, please allow him the time to present the program to you, you'll be glad you did.

ASA Newsletter—The Roadrunner

Is owned and published by the Automotive Service Association of Arizona, representing businesses in the automotive industry. This newsletter is published at least 11 times a year and is for information purposes only. The contents of the newsletter including editorials do not necessarily represent the views of the association.



The Automotive Service Association of [Arizona](#) is an affiliate of ASA, the largest not-for-profit trade association of its kind serving automotive service professionals. ASA is dedicated to and governed by independent automotive service and repair professionals. ASA's international membership base includes numerous affiliate, state and chapter groups from both the mechanical and collision repair segments of the automotive service industry.

ASA advances professionalism and excellence in the automotive repair industry through education, representation and member services. ASA's national office is in Bedford, Texas. For additional information about ASA, including past news releases, go to www.asashop.org, or visit ASA's legislative Web site at www.TakingTheHill.com.

Meetings & Events

For details of these meetings, please contact your Chapter President listed on page 2.

- March 12 Phoenix Chapter Meeting
Board of Directors Meeting
11:45 a.m at the ASA offices
RSVP to 602-544-2600
- March 12 Tucson Chapter Meeting
7:00 p.m. Viscount Suites
RSVP to Jacqui at 520-790-6035
- March 16 Automotive Training Institute
“Cash Profits Boot Camp” in Tucson
To register: 866-389-7999
- March 19 Verde Valley Chapter Meeting
7:00 p.m. HEFR in Camp Verde
Details and to RSVP contact
Ann Anderson 928-282-9464
- March 20 MACS Mobile A/C Clinic
Car Repair Company in Scottsdale
RSVP to Jim Atkinson 480-994-9065
ASA members \$45
- April 5 State Board Meeting 10—2 p.m.
ASA AZ State Offices
All Members Invited—RSVP 602-544-2600
- April 24 Prescott Chapter Meeting
6:30 p.m.—Casa Bonita
RSVP to Marissa at 928-778-2231
- May 1-3 ASA National Annual Meeting
Santa Clara, CA
www.asashop.org
- June 7 State Board meeting 10—2 p.m.
ASA AZ State Offices
All members Invited—RSVP 602-544-2600
- July 18, 19, 20 Sunrise 2008—ASA AZ Annual Convention
Quality Inn Prescott
Management/Technical Training
www.asaaz.org
- September 6 State Board Meeting 10—2 p.m.
ASA AZ State Offices
All members Invited—RSVP 602-544-2600
- November 5—8 CARS/NACE
Mandalay Bay, Las Vegas
www.asashop.org

**Check our website www.asaaz.org
For a listing of technical training**

New Associate Members

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www.worldpac.com

CustomerLink 

CustomerLink is the premier provider of customer development services for the independent automotive service and repair industry. CustomerLink's services assist automotive repair shops in developing repeat, full-service customers resulting in more business from existing customers, high quality customer referrals, and the ability to optimize bay scheduling.

Jill Stenson, CustomerLink Systems
1376 Lead Hill Blvd., Suite 150
Roseville, CA 95661
888-942-5448 x 107
www.customerlink.com

Support our Associate Members

See Page 10 for full listing

These associate members not only provide a product/service that you need, but also support the activities of the association. Please contact them and allow them to bid for your services competitively. Tell them you are a member of ASA and help them help you.

Tech Tips



Denny Mandeville, AAM is the owner of Canyon Automotive in Sedona and the Verde Valley Chapter President, he can be reached at 928-282-4424

Most of us are aware of the ruling that states fluid containers must have labels permanently attached to the container identifying the product, especially when the container is not the original container. Marking spray bottles of windshield cleaner, water, etc. are relatively easy with magic marker. Neat and the product doesn't wash the marker off. But, what to do with the pressurized containers for the bulk fluids we are being encouraged to use instead of the individual pressurized cans of (say) brake clean? The spilled/dribbled brake clean, carburetor cleaner, and other strong solvents wash off any pen inked labels. I tried color coded spray bottles (hereafter called "sure-shots"- because that is the most common brand) - but was informed that wouldn't fly in a full inspection. I tried using an engraving tool to etch the product type on the sure-shots in the shop. I also etched the tech's name onto the cans in an attempt to keep the containers on each tool cart and not migrating all around the shop. After etching the product name through the factory placed product label, dirt quickly filled in the etching and made a permanent, black, "Brake Clean" in the correct spot. One problem solved- permanent label that wouldn't wash off. Second problem not as easily solved. I still have to track my sure-shots down.

We often make more work for ourselves inadvertently by taking perceived shortcuts. I made this mistake years ago, and fixed the problem, but didn't catch my tech fast enough to prevent his learning experience. Many times, when replacing a wiper motor, it comes with the drive arm attached to the motor post. And, the drive arm uses a ball joint attachment to the transmission rods. It looks like more work to try to separate the drive arm ball from the socket that to simply remove the drive arm from the new motor and transfer arms. The problem is the drive arm is indexed to the motor for proper park position. Getting it off a couple of splines can mean headaches as the wiper arms now move downwards, don't make full swings, etc.. To prevent the ensuing trial and error procedure to re-index the drive arm, use your engraving tool to scribe a witness mark on both arms and the new post. Transfer the new motor to the old drive arm using the witness marks and you should be good to go the first time.

Do you sell add-on accessories, or would like to? Don't have a huge waiting area to hold POS merchandise? Sprinkle your waiting area magazines with catalogues. Women may not pick up the catalogues, but men gravitate to them faster than to magazines.

You can find an archive of previous tech tips in the ASA of Arizona Website, plus you can submit your own for print in a future issue of our newsletter:

Visit www.asaaz.org

A21630PG ASA of ArizonaAd.qxd 6/21/07 3:15 PM Page 1

●●● What if you could focus
on what matters most?

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Certain things require your full attention. You don't want to be distracted because you're worried about your insurance. At Zurich (formerly Universal Underwriters Group), we understand your business and the unique risks you face. Because of our experience insuring automotive businesses, our customers can focus on other important matters: property & liability • health • life • disability • workers' compensation
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5'S Theory

By Paul Beebe

5'S, Theory of Constraints, Lean, Toyota Production System; what does it all mean? The new "buzzwords" of our industry have been around for a long time. Simply put, become better at what you do and how you do it.

Let's concentrate on the 5's.

Seiri, Seiton, Seiso, Seiketsu, Shitsuke are the Japanese words for the 5's. In English, that is Sort, Set in Order, Shine, Standardize and Sustain. Expose the waste and errors that hinder productivity and create a clean and orderly work environment.

- **Sort** – Walk through your shop with your team members and determine what is needed and what is not. Take "before" photographs to gauge your progress. "Red tag" items not needed. Answer some questions about the item before "red tagging". Is this item needed? How many are needed? How often is it used? Should it be located here? Who is responsible for this item? After "red tagging" items, move them to a safe, out of the way holding area. If the item (s) have not been used after 3 months you can dispose or sell if needed. If the item was used determine how often it was used and move it to an appropriate area. Take "after" photographs.
- **Set in Order (Systemize)** – Make sure unnecessary items are removed, then place items used frequently in work area. If item is used less frequently, place in distant area. Items used frequently should be placed within 30 seconds reach and minimal walking steps. Don't forget to take "before" photographs. Outline locations of equipment and walkways with lines, painted or taped on floor, use arrows if needed, identify safety hazards. Label items and inform everyone where items can be found. Take "after" photographs.
- **Shine** – Clean everything and maintain its cleanliness. Take "before" photographs. Set aside a few minutes each day for cleaning. Assign responsibility to someone for the cleanliness of each workstation or piece of equipment. In addition to daily cleaning, develop weekly and monthly cleaning schedules. Take "after" photographs.
- **Standardize** – Use visual controls for organization. Take "before" photographs. Use colors to help standardize behavior. Establish routines. Keep items in the same place each time. Everyone should know their responsibilities. Take "after" photos.
- **Sustain** – Make it a way of life and the culture of your company. Treat the workplace as you would your home. Everyone should make it a part of their daily life. CELEBRATE THE SUCCESS!

This is one of the first steps or tools to increasing productivity in the workplace. Remember to praise the improvements and progress. It won't happen overnight; this is a journey. People do what you inspect, not what you expect. Follow up is critical to the success of the program. I will be starting my journey in the coming months.



Are you a professional automotive technician with a difficult diagnostic or repair job? Join iATN and take advantage of the TechHelp system. You'll find help from thousands of your peers with just about any kind of repair issue!

The International Automotive Technicians Network is the largest network of automotive repair professionals in the world: a group of 59,781 from 149 countries. The members of this group exchange technical knowledge with their peers around the globe, sharing over one million years of experience. iATN has been proudly serving the automotive industry and the needs of professional automotive technicians around the world for over ten years.

For membership information and more details about the iATN network visit:

www.iatn.net



**Is your shop ready for a
Green Shop Inspection?**

Download the checklist on the ASA AZ website:
www.asaaz.org / Questions 602-544-2600

A "Green" automotive business goes beyond what the minimum requirements are on environmental standards and takes additional measures to protect the environment, save resources, and keep Arizona clean. The good news is that though these "green" measures might cost money to implement initially, ultimately they will save money by recycling materials, reducing repair and maintenance costs, and making your business a safer, healthier place to work.

The checklist is posted on the ASA AZ website, the minimum requirement to qualify is 300 points. Once you've completed the checklist, call the ASA AZ office to schedule an inspection. ASA AZ has several volunteers ready to inspect your facility, the application along with the inspection forms are submitted to ADEQ for certification.

We are very excited to be part of this program and offer this opportunity to our members. To download the checklist, visit www.asaaz.org or call Luz at 602-544-2600.

Automotive Associations Launch Service Information Video

Video Addresses Availability of Service Information

The Automotive Service Association (ASA), the Alliance of Automobile Manufacturers (Alliance) and the Association of International Automobile Manufacturers (AIAM) have produced a video addressing service repair issues in the automotive industry. The purpose of the video is to demonstrate that the same service information is available to dealers and independent automotive repairers. The video was created to address the so-called “right to repair” bills that have been presented in various state legislatures and in the U.S. Congress.

The video contains excerpts from interviews with independent repairers throughout the United States as well as representatives from the Alliance and AIAM. Independent repairers address how they access service information directly from the manufacturer Web sites. For this reason, independent repairers report that there is no reason for legislation regarding this issue.

Independent repairers and manufacturers outline the history behind this issue and the voluntary agreement that was reached in 2002 to address gaps in service information. Five years ago, these associations pledged to address discrepancies in service information through the National Automotive Service Task Force (NASTF). This task force responds to problems a repairer may have in locating service information, allowing that automotive shop to complete the repair. This agreement, along with the existence of automaker service information Web sites and third-party service information providers, precludes the need for such legislation.

The video concludes by addressing questions that should be asked of a shop in which technicians claim they cannot find the information necessary to repair vehicles.

ASA, AIAM and the Alliance encourage stakeholders to view this video and contact these associations with further questions. The video can be viewed by visiting the links at ASA’s legislative Web site, www.TakingTheHill.com – on its home page and the “Information Availability” section.



For latest training schedule go to:
www.i-caraz.com



www.nastf.org

NASTF Releases Secure Data Release Model (SDRM)

The National Automotive Service Task Force (NASTF) has announced that the Secure Data Release Model (SDRM), which allows properly vetted technicians and security professionals to access key codes, immobilizers PINs and other security-related information, has been released to the industry. “The NASTF Vehicle Security Committee has been working on the SDRM model for over three years and we are pleased to have achieved this historic agreement. Until now, there has never been general access to the security-related information available directly from the vehicle manufacturers,” said Charlie Gorman, NASTF Chairman.

Details about the SDRM are now available on the NASTF website at www.nastf.org. This information covers the registration process and the requirements necessary for a repairer or other security professional to access the security-related information. The website also provides a link to download the necessary forms to apply for inclusion in the national registry, which prequalifies participants who will then be able to access the security-related information directly from automaker websites.

“The NASTF Board of Directors is extremely proud of the Vehicle Security Committee members whose hard work and dedication helped develop the answer to one of the most difficult and important questions regarding information access,” added Gorman. “In addition, I’d like to acknowledge the roles of the Automotive Service Association (ASA), the Associated Locksmiths of America (ALOA) and the National Insurance Crime Bureau (NICB), whose help was invaluable in devising a system which will meet consumer needs while protecting the consumers and the insurability of vehicles at affordable rates.

ASA AZ Credit Card Program



To find out how much you can save through the ASA AZ Credit Card Program

Contact: Kevin Holladay
480-332-9272
First Data Merchant Services

General Motors Class Action Lawsuit may be settled!

TENTATIVE CLASS SETTLEMENT REACHED

A tentative nationwide settlement has been reached with General Motors in the Dex-Cool/ Intake Manifold Gasket class action lawsuits. The lawsuits were filed on behalf of owners of General Motors vehicles, which were factory-filled with "Dex-Cool" coolant. In summary, the lawsuits alleged that Dex-Cool degraded certain vehicles' intake manifold gaskets and other engine sealability components, and that in certain other vehicles, Dex-Cool formed a rusty sludge, clogging the vehicles' cooling systems and causing vehicles to overheat.

Terms of the Settlement:

GM automobile owners and lessees will have the option to be included in this class action settlement if they incurred out-of-pocket expenses for any of the following repairs:

1. A replacement of the nylon/silicone lower intake manifold gasket, made within the earlier of 7 years or 150,000 miles of the date of initial delivery for 1995-2003.5 Model Year vehicles with 3.1-liter V6 and 3.4-liter V6 engines that were originally equipped with Dex-Cool coolant.
2. A coolant sealability repair (including, but not limited to, throttle body gasket, upper intake manifold gasket, lower intake manifold gasket, etc.), made within the earlier of 7 years or 150,000 miles of the date of initial delivery for 1995 - 2004 model year 3.8-liter V6 engines (RPO L36) that were originally equipped with Dex-Cool coolant.
3. A Dex-Cool sludge repair, made within the earlier of 7 years or 150,000 miles for 1995 - 2000 model year S/T light trucks and sport utility vehicles with 4.3-liter V6 engines that were originally equipped with Dex-Cool coolant.

The precise terms of the proposed settlement remain confidential while the settlement papers are being prepared for court approval. We hope to obtain court approval and provide formal notice of the settlement beginning in February. At that time we will be able to answer inquiries regarding the specifics of the settlement and how to file a claim. In the meantime, anyone who believes they incurred an expense in connection with a repair or replacement described above should retain all receipts they have for the repairs or replacement.

You may keep checking back on the webpage for further settlement documents and updates as they become available www.girardgibbs.com/dexcool.html

Labor Law Posters

ASA gives members easy access to state and federal labor law posters. This benefit simplifies the task of locating the necessary information employers are legally mandated to post in the workplace.

1-800-272-7467

THE ARIZONA RULEMAKING PROCESS IN A NUT SHELL

AGENCY:


- Opens a docket and files notice with the [Secretary of State in the Arizona Administrative Register](#)
- Drafts proposed rules
- Files proposed rules and notice with the [Secretary of State in the Arizona Administrative Register](#)
- Receives written and oral comments from the public
- Holds oral proceeding
- Reviews public comments and makes necessary changes to the proposed rules
- Submits rules to the Governor's Regulatory Review Council for approval
- Appears before the Council to answer questions regarding the rules

COUNCIL STAFF:

- Reviews rules for compliance with statutory criteria
- Works with agency personnel to make changes and corrections to rules
- Prepares a memorandum for Council regarding whether the rules comply with statutory criteria and recommending that the rules be approved, in whole or in part, with or without changes, or be returned to the agency, in whole or in part
- Submits approved rule packages to the Secretary of State for publication in the [Arizona Administrative Register](#) and the Arizona Administrative Code

GOVERNOR'S REGULATORY REVIEW COUNCIL:

- Reviews rule packages
- Considers staff comments
- Receives public testimony at the Council meeting
- Decides whether the rules should be approved, in whole or in part, with or without changes, or be returned to the agency, in whole or in part, or tabled until a later meeting



At SCF Arizona,

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We Team Up for Safety.

Is the Temperature Compensation Controversy full of Hot Air?

By Peter H. Gunst, Esquire

It is no secret that heat causes gasoline to expand and cold causes it to contract. In the past two years, this elementary scientific fact has ensnared the courts, legislators and The National Conference of Weights and Measures in a major controversy – the “hot fuel” dispute.

In the United States, a gallon of gasoline contains 231 cubic inches based upon a standard temperature measure of 60 degrees Fahrenheit. As the temperature increases, however, that same 231 cubic inches of gasoline no longer amounts to a full gallon, although it is sold as such at the pump. That’s the problem.

According to a 2002-2004 study conducted by the National Institute of Standards and Technology, the average dispensed temperature of a gallon of gasoline throughout the United States was 64.7 degrees Fahrenheit, almost 5 degrees above 60 degrees standard.

According to a series of articles printed by the *Kansas City Star* in 2006, this temperature disparity translated into a \$2.3 billion loss to consumers, assuming an average sale price of \$3.00 per gallon. This caused consumer activists, lawyers and legislators to leap into action.

Presently, there are dozens of lawsuits that have been transferred by the Juridical Panel on Multi-District Litigation to the United States District Court for the District of Kansas. Those lawsuits claim that the sale of “hot fuel” constitutes a misleading

New benefit includes AutoShop LifeLine and other online programs



The Automotive Service Association (ASA) has announced a new member benefit agreement with Automotive Service Leaders, an industry-focused company that offers the AutoShop LifeLine program,

TourAroundTour seminars and other events, as well as Web-based products to help independent automotive repair professionals stay successful.

The primary benefit for ASA members through this agreement is the 50 percent savings off the published price of the LifeLine program, a multi-faceted program designed to assist shop owners in creating a “how to” manual for their business via webinar classes. The benefit also allows subscribers access to online libraries and audio files; Payoff Tool templates that include numerous documents to assist shop owners and managers; as well as Showcase access, live or archived Web-based presentations that include tips from a variety of successful shop owners. The benefit also includes access to one SelectGroup meeting, which are on-site group networking and education sessions.

Effective Feb. 25, 2008, the LifeLine informational webinars will be available at 10 a.m., 2 p.m. and 4 p.m. CST Monday through Thursday each week. To register, visit www.turnaroundtour/lifeline.html or call (270) 782-6455.

and fraudulent practice in violation of the consumer and protection laws enacted by various states. Class action treatment has been sought against numerous defendants, which include the major oil companies, independent suppliers and large retailers like Costco, 7-11, Wal-Mart and WaWa.

Legislators have also weighed in. Senator McCaskill of Missouri introduced a Senate bill that would require all new and upgraded fuel pumps to be equipped with automatic temperature compensation equipment.

Industry participants generally oppose any attempt to require the installation of automatic temperature compensation equipment. They argue that the equipment is very expensive, its effectiveness is unproven and that, in any event, the temperature changes roughly even out between winter and summer.

Typical is the critique given by the Missouri Petroleum Marketers and Convenience Store Association to the proposed federal statute. Its statesperson said, “Senator McCaskill’s bill while wellintentioned, is a solution in search of problem.”

The Association’s statement emphasized that consumers may be hurt in the long run because the cost of installing the expensive equipment will be passed on to them in the form of higher fuel prices.

Another forum for the dispute is the National Conference of Weights and Measures. In July 2007, it rejected by a close vote a resolution that would have allowed states to permit retailers to install and operate automatic temperature compensation equipment to compensate for pump temperature. The National Conference is presently reconsidering the issue.

A coalition of trade associations called the “Partnership for Uniform Marketing Practices” (“P.U.M.P.”), of which SSDA is a member, raises some interesting arguments against precipitate action requiring installation without careful study.

P.U.M.P. suggests that any product shrinkage occurring in cold weather may have no real competitive impact. Independent dealers will continue to compete aggressively against each other, with the result that consumers will be charged a competitive price, regardless of how the volume of product may be measured.

Even so, P.U.M.P. appears to agree that comprehensive scientific and economic studies should be undertaken to study the real impact, if any, of temperature change in the marketplace.

Obviously, this issue will not go away quickly, at least not as long as the proposed class action suits continue. We will try to keep abreast of further developments in the courts, in the legislature and elsewhere that could impact the consumer or the independent dealer.

MACS Mobile A/C Update Clinic 2008

Car Repair Company
2918 N. Scottsdale Road
Scottsdale, Arizona 480/994-9065

Thursday, March 20, 2008
6:30-9:30PM MACS Update Clinic

\$45 MACS Members / ASA members

To Register: e-mail info@macsw.org

Ford faces lengthy lawsuits

Carmaker wins merger of cases in Texas over faulty switches, but it still has other court fights.

David Shepardson / Detroit News Washington Bureau

Ford Motor Co. won a legal battle last week to merge 77 lawsuits filed in Texas over a series of fires linked to a faulty cruise control deactivation switch.

But the Dearborn automaker still faces many other court fights stemming from a series of engine fires linked to a faulty switch in 10 million vehicles that Ford has recalled in seven campaigns since 1999.

Combined, the campaigns represent one of the largest recalls in U.S. history. The \$21 Texas Instruments switches were installed in 16 million Ford vehicles over a decade before the automaker stopped using them in 2002. The switches have been linked to nearly 550 vehicle fires and 1,500 complaints. And now Ford faces more than 125 lawsuits around the country.

The switch is used to deactivate a vehicle's cruise control when a driver taps the brake pedal. Most of the suits allege fires began well after the vehicles were turned off.

At least four of the 77 Texas lawsuits were set for trial between now and May. But the Texas Supreme Court ruling last week may delay those trials.

Last November Ford asked the court to consolidate the 77 cases so that a single judge can be appointed to oversee pre-trial matters, including the taking of depositions and the turning over of evidence before trial.

The court agreed. Without consolidating the cases, "there would be duplicative discovery as to the design, manufacture, testing, installation, recall and performance of the switches," Justice Douglas Lang wrote.

Mark Chalos, a Nashville, Tenn., lawyer whose firm represents about 20 of the lawsuit plaintiffs throughout the country, said Ford's position that all of the cases were related was an important admission. "For the first time, Ford has acknowledged that the large number of vehicle fires -- some of which have resulted in fatalities -- are related to the same defect," Chalos said Friday.

In addition to the 77 Texas suits, another 50 lawsuits from around the country have been transferred to U.S. District Court in Detroit since 2005, and about a half-dozen of those have been settled since then.

In many cases, insurance companies initially paid for damage to homes in fires that the owners claim were sparked by Ford vehicles, and then the insurers sued Ford to try to recoup their losses.

Only a few cases involving the faulty switches have gone to trial, among them one in South Carolina. A jury there in March 2007 awarded a couple \$3.5 million, including \$3 million in punitive damages over a house fire allegedly set by a 2000 Ford Expedition. That case is under appeal.

1 lawsuit involves death

In March 2007, The Detroit News first reported on a death linked by government investigators to the Ford switch. The case involved Al Gavegan Jr., a 76-year-old who died Aug. 14 in a blaze that started when a late-night fire spread from his 1994 Mercury Grand Marquis parked in his attached garage in San Antonio, investigators found. A police report listed the fire's

probable cause as "an electrical malfunction in the engine compartment of the vehicle."

In 1999, Ford recalled the 1992 and 1993 Mercury Grand Marquis models to replace the switch, but not the 1994 model that Gavegan drove. At the time, Ford said a specific batch of switches were to blame. Then in August 2007, Ford expanded the recall to include 1994 Mercury Marquis models.

The Gavegan suit is set for trial in November. Chalos, the attorney, plans to ask the judge overseeing the Texas cases to separate his case, since it involves a death.

Ford spokeswoman Kristin Kinley said the company's investigation was "inconclusive" as to whether the Gavegan house fire was caused by the vehicle.

She cautioned that even though the company faces more than 125 suits, "a lot of them will not end up being legitimate" because the fires weren't linked to the vehicles.

Ford recalls a recall

Earlier this month, Ford found itself in the position of recalling the recall. On Feb. 1, Ford issued a recall for 225,000 vehicles because of defective wiring harnesses that were used in the first fix. More than 200,000 of the vehicles recalled were vans and trucks for which Ford still does not have the replacement part.

Letters to those owners went out starting last week, notifying them that the replacement part won't be ready until June, spokesman Wes Sherwood said.

Sherwood noted that any owner of a recalled truck or van can take a vehicle into a dealership for an interim fix -- the dealer will deactivate the cruise control. When the parts are ready, an owner can return to the dealership to get the fix installed and the cruise control reactivated.

"There is a solution to eliminate the risk for fire for everyone right now," Sherwood said.

You can reach David Shepardson at (202) 662-8735.

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