

actions, to develop a persuasive public relations piece and then in violation of the Court's order mailed it to all of the class members in Illinois. Ford Motor Company paid overtime in order to get this brochure mailed when they wanted it mailed and, of course, they mailed it to all class members in Illinois in violation of the Court order. This mailing was at a critical time when class members would soon be deciding if they should opt out of the class or remain in the class. Additionally, the Court finds that the mailing of the brochure entitled "Setting the Record Straight" was deceptive and misleading and the Court will address this in the sanctions imposed.

The Court finds in favor of the plaintiff and against Ford Motor Company.

SANCTIONS

On December 2, 2003, the plaintiff filed a motion seeking a variety of sanctions be ordered against Ford Motor Company.

a) Enter a default judgment in favor of plaintiffs and against defendant Ford Motor Company on actual and punitive damages; and schedule the case for trial on the issues of the amount of such actual and punitive damages only.

DENIED

However, the Court is awarding attorney's fees in the amount of \$62,217.10.

b) Find that the improper contact of class members by Ford Motor Company made by mailing the brochure entitled, "Setting the Record Straight" was deceptive and misleading; that, among other things, the mailing is deceptive by misrepresenting that Ford has successfully crash tested the trunk pack at 75 mph when Ford has admitted it has done no fuel system integrity crash testing loaded with 200 lbs. of equipment in accordance with fuel system integrity test protocols.

GRANTED

c) Order that, due to misrepresentation, Ford shall conduct a 75 mph crash test duplicating the Ford/Exponent August 19th, 2002 crash testing with the addition of a trunk pack, or (at Ford's option) Ford may substitute 200 lbs of police equipment for the sand ballast, as a partial remedy for the deception contained in its brochure. Such testing shall be open to representatives of plaintiffs, law enforcement and the Attorney General's Task Force at every stage in preparation for, conduct and results of the testing, and shall be completed no later than May 15, 2004. (Date changed)

GRANTED

d) Set a hearing after the trunk pack crash testing to review the results and consider whether Ford shall be required to provide trunk packs or other specific safety measures to the Illinois class members, including the cost of a court-approved corrective mailing regarding the trunk pack testing.

GRANTED

NO-SALE THREAT

As to Ford Motor Company "no-sale" threat, the Court finds that the plaintiffs failed to meet their burden that Ford Motor Company did this for retaliatory and/or wrongful purposes. This has had a coercive effect but Ford Motor Company did this for business reasons which they have the right to do.

ENTER:


LLOYD A. CUETO
Circuit Judge