

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

BRIAN OEDEKOVEN,

*

LAW NO. CVCV170280

*

Plaintiff,

*

v.

*

MOTION TO STRIKE

*

EXPERT WITNESS

*

FORD MOTOR COMPANY,

*

Defendant.

*

COMES NOW the Plaintiff, Brian Oedekoven, and moves to strike for daubert purposes, Jeffrey Boales, Ford Customer Service Division Expert. In support thereof, Plaintiff states to the Court as follows:

1. On October 14, 2016, Defendant filed their expert disclosure documents, which are attached hereto marked Exhibit F and by this reference made apart hereof. Mr. Boales refers to himself as a Field Service Engineer for Ford Motor Company. His education however, is contrary to his title. As reflected in his educational background, he has a Bachelor of Arts with a major of Political Science from Rutgers University. He also appears to have taken some automotive technology classes at a technical college. He has a Bachelor of Science in Management and is now currently seeking a Bachelor of Science in Electrical Engineering.

2. While Mr. Boales may have a wide, broad, range of knowledge and information, he is not an engineer and he is not an expert in engineering. He is not a professor in physics, mathematics, or statistics who could testify as to the "normal" weight of vehicles, the "normal" payload of vehicles, the "normal" weight of drivers, the calculations for tongue weight, and/or the reason for vibrations above or below a certain range or percentage.

3. To allow Mr. Boales to appear before the jury and testify as an engineer would mislead the jury into believing that he actually has an engineering degree or that he actually has knowledge about standard levels of deviation or that he could testify as to the purported cause of the vibration that would be contrary to the testimony of the Plaintiff or Plaintiff's experts. Mr. Boales could presumably testify as to his experience at Ford and if he were truthful, he would testify that the 2015 Ford F150 has had a defect which has been well documented throughout the automotive industry with vibration problems.

4. Nevertheless, Mr. Boales lacks the actual educational background, training, or experience to testify as an engineer or to testify with certainty as to mathematical calculations, statistical analysis or to testify as to causes of specific defects, the repairs of those defects, or what a standard payload capacity might be.

5. Defendant accurately sets forth the Iowa law on expert testimony in her recently filed Motion in Limine. That will not be repeated here.

WHEREFORE, Plaintiff prays the Court strike Defendant's expert witness, Jeffrey Boales, for the reasons stated above or limit his testimony to areas he has an expertise. Plaintiff seeks a daubert hearing on this issue before Jeffrey Boales can testify in this case.

Dated this 26th day of January, 2017.

RHINEHART LAW, P.C.

By /s/ R. Scott Rhinehart

R. Scott Rhinehart, #AT0006666
2000 Leech Avenue
Sioux City, IA 51106
(712) 258-8706
(712) 233-3417 (fax)
courts@rhinehartlaw.com
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleading on January 26, 2017.

By: ☐ U.S. Mail ☐ Facsimile
☐ Hand delivered ☐ Overnight courier
☒ E-file
☐ Other- _____

Signature /s/ Tara Osterholt

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

BRIAN OEDEKOVEN,)	
)	
Plaintiff,)	
)	No. CVCV170280
v.)	
)	
FORD MOTOR COMPANY,)	
)	
Defendant.)	

DEFENDANT FORD MOTOR COMPANY'S EXPERT DISCLOSURE

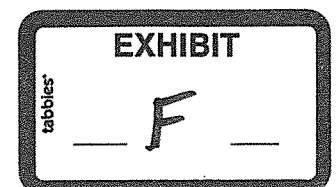
COMES NOW defendant, Ford Motor Company, by and through counsel of record, Grefe & Sidney, P.L.C., and submits its expert witness disclosure.

Defendant may call the following expert to give testimony on the following issues and subjects.

1. Identity of Expert Witness to be Called at Trial

Jeffrey Boales
Ford Customer Service Division
Twin Cities Region

Mr. Boales will testify concerning his knowledge, understanding and experience in the automotive field. Mr. Boales will offer his opinions concerning the alleged problems and repairs provided to Plaintiff with respect to his 2015 Ford F-150 vehicle. Mr. Boales' opinions are based upon his extensive experience in the automotive field, his review of the service records, his inspection of the vehicle and his knowledge of the New Vehicle Express Limited Warranty provisions, along with the Complaint and Answer.



GREFE & SIDNEY, P.L.C.,

/s/ Laura N. Martino

Laura N. Martino, AT0005043
500 East Court Avenue, Suite 200
Des Moines, IA 50309
Telephone: (515) 245-4300
Fax: (515) 245-4452
lmartino@grefesidney.com
ATTORNEY FOR DEFENDANT
FORD MOTOR COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2016, I electronically filed the foregoing with the Clerk of Court using the Iowa Courts E-file system which will send notification of such filing to the following:

R Scott Rhinehart
2000 Leach Ave
Sioux City, IA 51106

/s/ Laura N. Martino

724 Cobblestone Way
Shakopee, MN 55379
612-213-6200 (cell)
jboales@ford.com

Jeffrey Boales Jr.

EXPERIENCE

FIELD SERVICE ENGINEER, FORD MOTOR COMPANY

April 2013 - Present

Work with dealerships to ensure they maintain a good FIRTFT score and adequate technician training. Keep dealerships informed of recommended service equipment to increase service capacity and customer satisfaction, as well as profit. Assist dealership technicians in diagnosis of difficult concerns.

SERVICE ENGINEER, ADVANTAGE TECHNICAL RESOURCING (UNDER CONTRACT WITH FORD MOTOR COMPANY)

September 2011 – April 2013

Worked as a member of the Body, Chassis, Electrical, Sync/MyTouch, Module Programming, and Lincoln teams, providing technical assistance for technicians. Assisted as a member of the Escalated Handling Team. Held the role of Fiesta Subject Matter Expert.

AUTOMOTIVE TECHNICIAN, HOLMAN TOYOTA SCION

February 2011 – September 2011

Worked as a line technician performing diagnosis and repair in all areas including gas drivability, chassis, and driveline.

AUTOMOTIVE TECHNICIAN, SUNNYSIDE ACURA

September 2010 – February 2011

Worked as a line technician performing diagnosis and repair in all areas including gas drivability, chassis, and driveline.

AUTOMOTIVE TECHNICIAN, LOVERING VOLVO

January 2010 – September 2010

Worked as a line technician performing diagnosis and repair in all areas including gas drivability, chassis, and driveline.

AUTOMOTIVE TECHNICIAN, TURNERSVILLE HONDA

August 2009 – January 2010

Worked as a line technician performing diagnosis and repair in all areas including gas drivability, chassis, and driveline.

AUTOMOTIVE TECHNICIAN, BURNS HONDA

May 2008 – August 2009

Worked as a line technician performing diagnosis and repair in all areas including gas drivability, chassis, and driveline.

HEAD CASHIER, CVS/PHARMACY

April 2005 – August 2006

Provided assistance to store customers. Managed cash registers during use by other store employees. Completed any necessary tasks on sales floor.

EDUCATION

ARIZONA STATE UNIVERSITY

Bachelor of Science, Electrical Engineering

Fall 2014 – Present (Currently Enrolled)

CALIFORNIA COAST UNIVERSITY

Bachelor of Science, Management

Spring 2012 – Spring 2013 (Graduated)

PENNSYLVANIA COLLEGE OF TECHNOLOGY

Associate of Applied Science, Automotive Technology - Honda PACT

Fall 2007 – Spring 2009 (Graduated)

Phi Theta Kappa

RUTGERS UNIVERSITY

Bachelor of Arts, Political Science

Fall 2006 – Spring 2007



Vehicle Inspection Report

Customer Name: Brian Oedekoven

Dealer where inspected: Sioux City Ford Lincoln

Location of dealer: Sioux City, IA

Inspected by: Jeffrey Boales Jr.

Inspection date: 9/28/2016

VIN: 1FTFW1EGOFFC53670

Vehicle: 2015 Ford F-150

Start mileage: 19,330

End mileage: 19,369

Customer Concern:

- Concern 1: The customer complains of a vibration while fifth-wheel towing their RV.
- Concern 2: The customer complains of a clunk noise in 4x4 Mode when making a turn, then driving straight for a short distance.

Inspection process/results:

- Concern 1
 - o Reviewed customer concern with Service Management and previously spoke to customer during a prior visit regarding the concern.
 - o Test drove vehicle 35 miles to verify if any abnormal vibration was present. The customer provided an open trailer with a Ford Taurus on it, rather than the RV the customer has complained of a fifth-wheel towing vibration with. Test drive included operation in 4x2 Mode and 4x4 Mode, with the truck unloaded (no trailer attached) and loaded (trailer attached). Vibration readings were taken using MTS4100 Vibration Analyzer. The Workshop Manual for this vehicle indicates any reading at or below 0.060g is within specification. The test drive included acceleration to highway speed while entering highway, acceleration from 60 to 70 MPH, and cruising between 55 and 65 MPH. The highest vibration readings were:
 - 4x2 Unloaded (no trailer attached): 0.025g Driveline Vibration
 - 4x2 Loaded (trailer attached): 0.029g Driveline Vibration
 - 4x4 Unloaded (no trailer attached): 0.027g Driveline Vibration
 - 4x4 Loaded (trailer attached): 0.032g Driveline Vibration

609765669.1

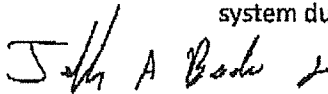
- The vehicle was weighed at a local weigh station. The weight included a half tank of fuel and one passenger, weighing 190 pounds. The customer removed the fifth-wheel hitch that they were using to tow the RV prior to arrival, so that weight was not present during weighing.
 - Gross Vehicle Weight Rating (GVWR): 7,050 Pounds
 - Gross Weight: 5,480 Pounds
 - Payload: 1,570 Pounds
- Concern 2
 - Test drove the vehicle 5 miles making multiple turns at low speeds. The customer has indicated to the dealership Service Management that he only drives the vehicle in 4x4 Mode. The noise was duplicated in 4x4 Mode, but did not occur in 4x2 Mode.

Repairs:

- No repairs were made.

Conclusion:

-
- Concern 1
 - The vibration readings obtained were well below the maximum allowable reading of 0.060g, indicating no abnormal vibration was present when towing and not towing.
 - The weight of the vehicle indicates that with a 190 pound driver, there is a payload capacity of 1,570 pounds. The 1,570 pounds includes any additional weight of the driver (if over 190 pounds), additional passengers, cargo, fluids, and the weight of any trailer hitch attached to the vehicle. The customer supplied a fifth-wheel pin weight of 1,700 pounds, which is typical as it is 20.4% of the total RV's weight. The customer's fifth-wheel hitch was not installed on the vehicle during weighing. A fifth-wheel hitch generally weighs between 75 and 100 pounds.
 - The 1,700 pounds of fifth-wheel pin weight already exceeds the maximum payload of 1,570 pounds by 130 pounds even before the addition of the fifth-wheel hitch, cargo, fluids, or additional passengers. Based on these calculations, a vibration occurring when towing the customer's RV is due to the vehicle being overloaded beyond its' given maximum payload capacity. Also, see the attached Affidavit with supporting exhibits that confirm the vehicle was being overloaded.
 - Concern 2
 - The clunk noise that occurs after making a turn in 4x4 Mode is normal due to the conditions the vehicle is being operated in. The noise is the result of driveline windup, which is a normal characteristic that occurs when 4x4 Mode is used on dry pavement. This information is in the vehicle Owner's Guide, which states that noise and vibration that occur while using 4x4 Mode on dry pavement are normal and that the use of 4x4 in this condition may result in driveline damage over time. Therefore, the clunk noise being experienced is a normal characteristic of the system due to using the 4x4 Mode outside of the way Ford recommends it be used.



Field Service Engineer – Twin Cities
Service Engineering Operations – FC5D

609732516.1
609765669.1

STARS

STANDARDIZED TRAINING AND RESOURCE SYSTEM

[Home](#) » Certification Summary

Certification Summary

All Certifications are listed below. You may use the filter options to narrow your choices. Some Certifications use special processing. Please read Certification Description to understand requirements

Dealer/Fleet/CBU Code: 00008
Dealer/Fleet/CBU Name: Midwest Market Technical Support Team
Employee Name: Boales, Jeffrey
STARS ID: 001939992

[Show Filter Options](#)

[Manage Certifications](#)

13 records found, displaying all records

1

Actions	Certification Title	Flow Requirement	Status	Status Date	Evaluation Required
Actions	SEO New Model Training - 30		Certified	06-Jan-2015	
Actions	SEO Electrical Systems - 34		Certified	10-Apr-2013	
Actions	SEO Steering And Suspension - 33	Yes	Certified	31-May-2014	
Actions	SEO Gasoline Engine Repair - 32		Certified	15-Nov-2013	
Actions	SEO Gasoline Engine Performance - 31		Certified	21-Mar-2015	
Actions	SEO Diesel Engine Repair - 52		Certified	15-Nov-2013	
Actions	SEO Diesel Engine Performance - 51		Certified	24-Oct-2014	
Actions	SEO Technician Fundamental Courses - 40		Certified	16-Jan-2014	
Actions	SEO Electronic Systems - 39		Certified	31-Mar-2013	
Actions	SEO Brakes - 38		Certified	23-Nov-2013	
Actions	SEO Automatic Transmission - 37	Yes	Certified	05-Jun-2014	
Actions	SEO Manual Transmission And Drivetrain - 36		Certified	02-Aug-2013	
Actions	SEO Climate Control - 35		Certified	18-Jul-2014	

13 records found, displaying all records

1

[Export to Excel](#)

Show Results per page: [10](#) | [20](#) | [50](#) | [All](#)

Copyright © 2010 - 2016 Ford Motor Company,
Application Information

IN THE DISTRICT COURT FOR THE STATE OF IOWA
WITHIN AND FOR WOODBURY COUNTY

BRIAN OEDEKOVEN,

Plaintiff,

v.

FORD MOTOR COMPANY,

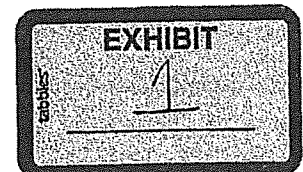
Defendant.

No. CVCV170280

AFFIDAVIT OF JEFFREY BOALES

I, Jeffrey Boales, after being duly sworn and under oath, state as follows:

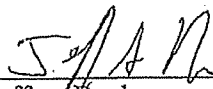
1. This affidavit is based on my personal knowledge, and the opinions set forth herein are based on a reasonable degree of mechanical certainty.
2. I am a Field Service Engineer with Ford Motor Company.
3. On or about November 25, 2015 I inspected Plaintiff's Ford F-150, bearing VIN 1FTFW1EG0FFC53670, which is the subject of this lawsuit. The purpose of the inspection was to determine whether the vehicle contained any of the defects of which Plaintiff complained, including the vehicle having a vibration issue.
4. Upon my information and belief, Plaintiff Oedekoven provided the attached weight slips to Sioux City Ford Dealership. The truck weighed 5,800 lbs. See Weight Slips attached hereto as **Exhibit A**.
5. The Gross Vehicle Weight Rating (GVWR) on this truck is 7,050 lbs. This number is the maximum weight the truck can have including passengers, cargo and the weight of a trailer hitch. See Certificate of Origin for the truck and Window Sticker, attached hereto as **Exhibit B**.
6. The pin weight (the weight the trailer places on the truck) ranges anywhere from 15% to 25% of the trailer's total weight. This is the number that needs to be compared to the GVWR.
7. The Unloaded Vehicle Weight for this trailer (this is the weight before adding any options, passengers, liquids, cargo, etc.) is 8,356 pounds as per the manufacturer's specifications. See trailer hitch specification chart, attached hereto as **Exhibit C**.
8. Based on this number, the pin weight would range from 1,253 pounds at (15%) to 2,089



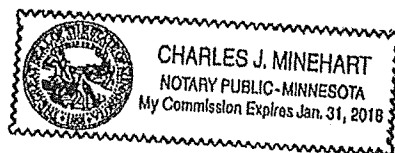
pounds (at 25%).

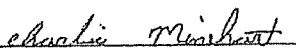
9. On the customer's weight slip, they put a 5th wheel load of 80%, which would give around a 20% pin weight which is within normal operating conditions. They marked that at 1,700 pounds (20.4% pin weight of the UVW provided by the manufacturer).
10. When taking into account options/accessories and cargo, the pin weight will greatly exceed the max payload (GVWR) of the vehicle, by at least 450 pounds. This is calculated by subtracting the GVWR (7,050) from the weight of the truck (5,800), which leaves 1,250 pounds available for the weight of the trailer hitch. The pin weight for the trailer is 1,700 pounds. When subtracting the remaining 1,250 pounds of available weight of the trailer hitch from the pin weight for the trailer of 1,700 pounds, the truck is overloaded by 450 pounds, which puts extra stress on the rear axle and the towing capability of the truck.
11. Another way of calculating the total weight is based upon the GVWR(7,050) and the weight of the truck (5,800). The remaining available payload is 1,250 (7,050-5,800).
12. The hitch weight specification for 29RS is 1,476 pounds when the trailer is unloaded (no liquids). See **Exhibit C**.
13. Therefore, when adding the hitch weight (1,476 lbs) to the truck it causes it to exceed the GVWR of the truck by 226 lbs (1,476 lbs – 1,250 lbs), even before cargo or additional passengers are included.
14. In my expert opinion as a Field Service Engineer, based upon my calculations and to a reasonable degree of mechanical certainty, the truck is being overloaded beyond its GVWR when the trailer is added to the hitch. With the GVWR being exceeded, it is the cause of the vibration experienced by the plaintiff. This is not a Ford defect that requires repair under the warranty.

Further affiant sayeth naught.


Jeffrey Boales

Sworn to before me and subscribed in my presence this 15 day of August, 2016.




Notary Public



NO. 446205

DATE: _____

CUSTOMER: _____

FARM: _____

ACRES: _____

PRODUCT: _____

NOTES: _____

RIVER: _____ ON ☐ OFF ☐

PS2013 (ASB 8/11)

Truck
with
Camper

5:57 PM 11 19 15

7360 lb GROSS

= 1,560

Gross 14,940



NO. 4462

DATE: _____

CUSTOMER: _____

FARM: _____

ACRES: _____

PRODUCT: _____

NOTES: _____

DRIVER: _____ ON ☐ OFF ☐

CP52013 (ASB 8/11)

Truck with
Camper

5:49 PM 11 24 15

8140 lb GROSS

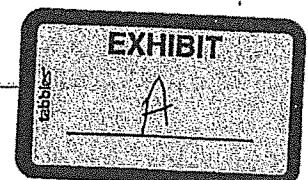
3:50 PM 11 24 15

15640 lb GROSS

2014
F150

pay load 3120
wheel Base 145"

Spring load 5





NO. 446197

DATE: _____

DRIVER: Brian O.

FARM: _____

ACRES: _____

PRODUCT: _____

NOTES: _____

2015
F150

DRIVER: _____
CPS2013 (ASB B/11)

ON ☐ OFF ☐

11:22 AM 11 19 15
Truck Alpha 5800 lb GROSS

payload 3,275
spring load C
Wheel Base 157"
5th Wheel Load 1,700 80%



NO. 446222

DATE: _____

CUSTOMER: _____

FARM: _____

ACRES: _____

PRODUCT: _____

NOTES: _____

Truck 5,800

10:06 AM 11 25 15

6500 lb GROSS

Truck &
Trailer
Tongue

760

10:07 AM 11 25 15

11320 lb GROSS

DRIVER: _____
CPS2013 (ASB B/11)

ON ☐ OFF ☐

CERTIFICATE OF ORIGIN FOR A VEHICLE



DATE
AUGUST 07, 2015

INVOICE NO.
FC53670 0

VEHICLE IDENTIFICATION NO.
1FTEW1EGOFFC53670

YEAR
2015

MAKE
FORD

BODY TYPE
157 F150 CREW CAB 4X4 SS

SHIPPING WEIGHT
4923 LBS.

H.P.(S.A.E.)
31.83

G.V.W.R.
7050 LBS

NO. CYLS.
6

SERIES OR MODEL
W1EM

NOMINAL TONNAGE

1/2

I, the undersigned authorized representative of the company, firm or corporation named below, hereby certify that the new vehicle described above is the property of the said company, firm or corporation and is transferred on the above date and under the Invoice Number indicated to the following distributor or dealer.

NAME OF DISTRIBUTOR, DEALER, ETC.

Lithia Ford Lincoln of Grand F
2273 32nd Avenue S.
Grand Forks ND 58201

58V582

It is further certified that this was the first transfer of such new motor vehicle in ordinary trade and commerce.

MEMO DATA

6000000000

FINANCE SOURCE 240022

FORD MOTOR COMPANY

U. S. BANK, N.A.

P O Box 4689

Portland

OR

97208

BY

BRADLEY M. GAYTON, SECRETARY

(AGENT)

DEARBORN, MICHIGAN




CITY - STATE



EXHIBIT

B

2201508157105

Super-Lite Fifth Wheels			
	27RL	29RS	30RH
			
GVW (Lbs.)*	8,013 lbs	8,356 lbs	9,105 lbs
GAWR (Lbs.) ***	8,800 lbs	8,800 lbs	10,400 lbs
Hitch Weight (Lbs.) [†]	1,516 lbs	1,476 lbs	1,625 lbs
Height	12' 0"	12' 0"	12' 0"
Length**	29' 11"	30' 11"	33' 5"
Fresh Tank	60	60	60
Gray Water	75	75	86
Black Tank	43	43	43
Water Heater	6 (17.8 GPH Recovery)	6 (17.8 GPH Recovery)	6 (17.8 GPH Recovery)
Furnace / Fireplace (BTU)	35,000 / 5,000	35,000 / 5,000	35,000 / 5,000
LP Capacity	60	60	60
R-Value (Walls)	R-9	R-9	R-9
R-Value (Floor)	R-30	R-30	R-30
R-Value (Roof)	R-40	R-40	R-40
Construction	Aluminum Cage	Aluminum Cage	Aluminum Cage
Awning Length	13'	13'	21'
Std. Bed Dim.	60" X 80" Queen	60" X 80" Queen	60" X 80" Queen
* Based on average ** Hitch to rear *** GVWR = GAWR - Hitch Weight			

EXHIBIT

C