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David Rosenthal, Esq.
DEMAS & ROSENTHAL
411 Borrel, Suite 500
San Mateo, CA 94402

Re: Mora vs. Case International Harvester, et al.

Dear Mr. Rosenthal:

I apologize for the delay in sending this preliminary investigation report. To briefly summarize my work through today's date, I have performed the following tasks:

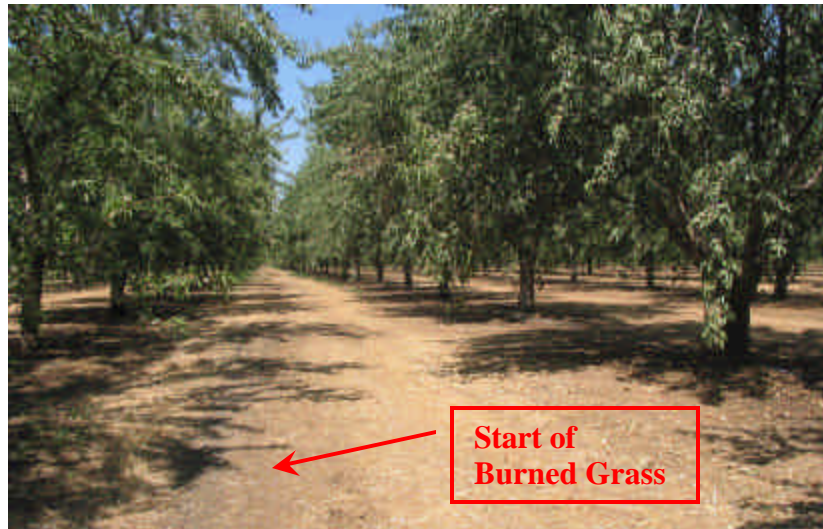
1. Visually inspected & photographed the incident orchard on Evans Road, south of Williams, California, on July 21, 2003.
2. Visually inspected & photographed the incident tractor at Ambac Equipment Company, 1960 Colusa Williams Highway, Colusa, CA 95932, on July 21, 2003.
3. Visually inspected & photographed the incident mower at Verisimo, 2570 Tully Road, Hughson, CA 94326.
4. Discussed the incident with you and with Mr. Mora's brother during the orchard inspection.

Enclosed is a CD with photographs from these three inspections. Also enclosed is an aerial photograph of the incident orchard with the inspection photograph locations annotated; this same map is included on the CD in Adobe Acrobat format. Please be aware that the row location shown on the aerial photograph is approximate and is based on my tree and row count at the time of my inspection which was not the time of the aerial photograph.

As I understand the sequence of events leading to Mr. Mora's injury, he was mowing the grass between the rows of the incident orchard. After mowing one row in an eastward direction, Mr. Mora made a U-turn onto the next row to the south – the incident row – and began to mow in a westward direction (see the following photograph):



After mowing roughly 800 feet, a fire started on the rear of tractor that Mr. Mora was driving. The following photograph shows the start of the burn pattern on the incident row:



Mr. Mora raised the mower and increased his speed in the hope of driving to the water tower at the northwest corner of the orchard and extinguishing the fire; Mr. Mora did not disengage the power take-off from the tractor to the mower; the mower blades continued to turn as Mr. Mora drove. Mr. Mora drove roughly 1200 feet to the end of the row he had been mowing, and turned northwestward on the dirt road adjacent to the water canal. The view of the road and canal from the end of the row is shown in the following photograph:



Mr. Mora drove the tractor another roughly 1400 feet until he was thrown from the tractor (he was driving quickly and was standing to avoid the flames); the tractor drove off the road, through the fence, and into the canal. In the process of wrecking itself, the mower passed over Mr. Mora's body and cut off one of his legs and castrated him.



Based on my inspection of the incident location, the fire was clearly on the mower: tree branches were wilted even though grass was short; the burn pattern was discontinuous in the grass; and fire spread north from the wreck location even though there was no evidence of fire between the incident tree row and the wreck location. I took one sample of grass to test for the presence of hydrocarbons such as diesel fuel, motor oil, or hydraulic fluid.

Fire damage was visible on the right rear of the mower – up to and including the driver's seat, thus reinforcing Mr. Mora's claim that he was standing as he drove the tractor. This is shown in the following photographs:





Fire damage was shown on the corresponding side of the mower. This is shown in the following photographs:





Based on these photographs, the fire appears to have been primarily on the front of the mower to the right side of the drive shaft and secondarily on the tractor on right lift arm, the right fender, and right side of the seat.

Based on my inspection of the mower, it had a transmission (or power transfer case) on its top. Customarily, these are partially filled with gear oil and are not pressurized. Any leakage tends to be slow and limited to less than 1 quart of fluid. A quick review of the preceding photographs of the tractor shows what appears to be a thin coating hydraulic fluid on the right side of the rear of the tractor. Based on these observations, the source of fuel for the fire appears to be a hydraulic fluid leak that was spraying fluid towards and on the mower. However, given the preliminary nature of the investigation, this should be treated as a working hypothesis to be tested further.

At this point in time, the ignition source for the fire could be any of several possibilities:

1. An electrical spark from the tractor's electrical system.
2. A spark from the tractor's exhaust.
3. Heated hydraulic fluid on the tractor's exhaust.
4. A spark from a rock hit by the mower.
5. A currently unidentified possibility

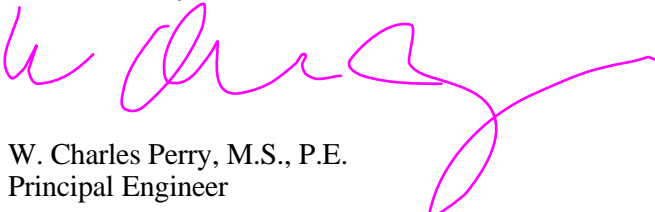
If you are interested in investigating this matter further, I suggest the following tasks:

1. Test the grass sample from the field for the presence and identity of combustible fluid.
2. Inspect & disassemble the mower transfer housing / transmission to locate any leaks.
3. Inspect & disassemble the tractor to locate any leaks in the hydraulic system, fuel system, transmission, or engine.

Once the type and source of fuel is identified, then we can discuss further tasks to determine what caused the leakage. I suggest that these inspections and disassemblies be performed by certified mechanics employed by Ambac for the tractor and Verisimo for the mower. I suggest that these inspections be performed as soon as possible to ensure that the equipment is not altered from its incident condition. Each inspection should be performed with representatives from all involved parties present to monitor the work; I suggest that a general mutually-agreed protocol for this work be prepared prior the start of each inspection and disassembly.

If you have any questions or concerns, or if I may be of further help in any way, please feel free to contact me.

Yours sincerely,


W. Charles Perry, M.S., P.E.
Principal Engineer