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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PUBLIC CITIZEN, INC., )  
)  
CONSUMERS FOR AUTO RELIABILITY )  
AND SAFETY, and )  
)  
CONSUMER ACTION, )  
)  
*Plaintiffs,* )  
)  
v. )  
)  
MICHAEL MUKASEY, )  
Attorney General of the United States, )  
)  
*Defendant.* )  
\_\_\_\_\_ )

Case No. CV 08-0833 (MHP)

**DECLARATION OF MARY AND  
ROBERT ELLSWORTH**

**DECLARATION OF MARY AND ROBERT ELLSWORTH**

We, Mary Ellsworth and Robert Ellsworth, hereby declare as follows:

1. We live at 997 Kukuau Street, Hilo, Hawaii 96720.
2. We are both members of Consumers for Auto Reliability and Safety (CARS). We are making this declaration in support of CARS' lawsuit, on behalf of its consumer members, to compel the federal government to implement the National Motor Vehicle Title Information System.
3. We are planning to purchase a used car. Before we purchase our next car, we want to know as much as possible about the car's history, particularly whether the car has ever been stolen or deemed a "junk" or "salvage" vehicle. We believe that

1 whether a vehicle was totaled in a wreck or flood is the single most important piece of  
2 information for any used car buyer, or anyone who may ride in such a vehicle, to  
3 know. Prior damage can have an enormous impact on whether a vehicle is as safe as  
4 the crash tests results indicate, or is a ticking timebomb.

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6 4. We know from a personal tragedy that struck our family that a vehicle's  
7 total loss history is vitally essential to know, even if it is not your own car. In June,  
8 2003, our son Bobby graduated from high school and began working as a  
9 groundskeeper at a local golf course near San Diego. In July, he was riding as a  
10 passenger in the front seat of his friend's pickup truck. The truck ended up in a head-  
11 on collision with a BMW. All the other people involved in the crash, including the  
12 driver of the truck and the driver and passengers in the BMW, survived, but Bobby  
13 was killed.  
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16 5. We were informed afterwards that the truck Bobby was riding in had  
17 already been in a severe frontal crash, and the air bags had deployed. We were told  
18 that the insurer for the truck totaled it, and then it was sold at an auction. We were  
19 also informed that when the truck was rebuilt, the air bags were not replaced. An  
20 expert has opined that he believes Bobby would have lived if the airbags had been  
21 properly replaced.  
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24 6. After our son's death, *Reader's Digest* interviewed us and published a  
25 front-page report warning the public about the hazards of air bag frauds. The article  
26 reported that "although there aren't reliable statistics on how often this deadly scam  
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1 occurs, 'it's bad and it's getting worse.'" Mandy Matson, "Dashboard Danger,"  
2 *Reader's Digest*, February 2008.

3 7. We firmly believe that easy access to a complete, reliable, up-to-date,  
4 readily affordable national database is essential for car buyers to know if a vehicle was  
5 totaled and needs to be given extra-careful scrutiny before purchase, or avoided  
6 altogether. Better yet, that vital information from the database should be fully  
7 disclosed up front, in advertising and right on each used car.  
8

9 8. We have another son. Before we purchase a vehicle for him, we want to  
10 know its complete history and particularly whether it was ever totaled in a crash,  
11 flood, or other incident. We strongly urge our government to do its job to prevent  
12 tragedies like the one we have suffered from happening to other families by issuing  
13 the long-overdue rules for timely disclosure about totaled vehicles, without further  
14 delay.  
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17 We declare under penalty of perjury that the foregoing is true and correct.

18 Executed at Hilo, Hawaii, on August 29, 2008.  
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21 \_\_\_\_\_  
22 Robert Ellsworth

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24 Mary Ellsworth  
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