



DPI Investigator

January 2012



Happy New Year!
to all of DPI's friends and customers. We look forward to a productive year working with you and providing quality failure analysis services.

As we kick the year off, please remember that the new price structure mentioned in the October DPI Investigator is now in effect. DPI reserves the right to enact policy and price changes without notice, but we endeavor to publish changes in advance whenever possible.

The updated DPI general claim form for 2012 is now available. It is attached with this newsletter and is also available on our website. Client specific claim forms are also available on our website. *PLEASE* discard older versions and use the most current edition of the claim form; it really does help us.



It's happened again. Another biohazardous, toxic, and very smelly refrigerator has been received for inspection. When a refrigerator full of food has been left to ripen for several weeks, it makes for a few hours of maggot-chasing unpleasantness in the DPI Shipping and Receiving Department.

Extra hourly charges will be incurred for the toxic clean-up, and there is no guarantee that a failure analysis can be performed.

Please inform your insured and/or the recovery and restoration service that refrigerators **must** be cleaned out of all food before sealing up for shipping.



Hear ye! Hear ye! Hear ye!



DPI offers three levels of inspection services. Settlements and arbitration wins are often reported from a Level 1 inspection. However, Level 1 is a basic inspection that should be primarily viewed as a screening analysis. We often advise that if the case seems to have subrogation potential, it needs to be a Level 2 or Level 3. These services will have the DPI resident engineer involved and will be sealed with his signature and Professional Engineer's stamp. DPI's resident engineer has impeccable credentials and has testified as an expert in many depositions, arbitrations, and court cases.

A Level 1 that looks promising should always be upgraded if the case will go to court. Although the DPI inspector who did the work may be extremely qualified and may have seen dozens of similar cases, there is always a chance that a judge will not allow a non-engineer to testify as an expert witness. It is no secret that discrediting a witness, or having he or she disqualified for some technical reason, is a common legal strategy. In a recent case, the DPI inspector was allowed to testify for informational purposes but was not accepted as an expert. In another case, an inspector was not allowed to testify at all although he had more experience on that failed item category than anyone in our company. In both of these cases, DPI attempted to discuss the issues with the attorneys involved but was unsuccessful. In fact, the inspectors did not meet or discuss the cases with the attorneys until arriving in court.



A good liability case will have strong background and claim history (receipts, affidavits, C&O report, on-site photos, etc.). All of the significant ancillary components of a failed product should have been retrieved (it's hard to build a strong case on a failed appliance if all we receive to analyze is a plastic tube or broken screw). When you provide us with all of the facts, the analysis is much more solid. Also, a good case should involve the DPI engineer, who can testify as an expert witness. The attorney(s) involved should be in contact with DPI as soon as possible to discuss the pros and cons of a subrogation case before proceeding with legal actions.

Just because an item busts, bursts, or burns does not mean it has guaranteed merit for a product liability case and subrogation recovery. Many pieces of the puzzle need to be in place for a strong case. Work with us to make sure you don't show up in the courtroom with a key piece of your subro puzzle missing.

NEWS from CPSC

U.S. Consumer Product Safety Commission


FOR IMMEDIATE RELEASE
 December 21, 2011
 Release #12-063

**BatteriesPlus Recalls Replacement Battery Packs
 Used with Cordless Tools Due to Explosion Hazard**

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission, in cooperation with the firm named below, today announced a voluntary recall of the following consumer product. Consumers should stop using recalled products immediately unless otherwise instructed. It is illegal to resell or attempt to resell a recalled consumer product. **Name of Product:** Rayovac NI-CD Cordless Tool Battery Packs **Units:** About 111,800 **Importer:** BatteriesPlus LLC, of Hartland, Wis. **Hazard:** The replacement battery pack can explode unexpectedly, posing a risk of serious injury to consumers. **Incidents/Injuries:** BatteriesPlus has received five reports of exploding batteries. No injuries have been reported. **Description:** This recall involves RAYOVAC-branded replacement battery packs used with cordless power tools. "RAYOVAC," "NI-CD" and a part number beginning with "CTL" are printed in white lettering on the product. The battery packs were sold in voltages ranging between 2.4 and 18 volts in various sizes and shapes. They were sold as replacement batteries to the following brand tools: Black and Decker, Bosch, DeWalt, Makita, Milwaukee, Panasonic, Ryobi and Skil. **Sold exclusively at:** BatteriesPlus retail stores nationwide and online at www.batteriesplus.com between June 2008 and October 2011 for about \$60. **Manufactured in:** China **Remedy:** Consumers should immediately stop using and remove the battery packs from cordless tools. Consumers can contact BatteriesPlus for instructions on how to return the product for a store credit. **Customer contact:** For more information, contact BatteriesPlus toll-free at (877) 856-3232 between 9 a.m. and 4:30 p.m. CT Monday through Friday, or visit the firm's website at www.batteriesplus.com

Picture of recalled CTL10002 battery pack and date code identification

Part Number Identification



CTL10002

Call 1-877-856-3232 for help with the date codes

Date Code Identification
 T = 2008, U = 2009, V = 2010, W = 2011
 (Battery Packs manufactured prior to October, 2010 are affected. Units with a W are not affected.)
 Numbers 1-12 represent the months of the year.

Part Number Identification



CTL10011

Call 1-877-856-3232 for help with the date codes

Date Code Identification
 T = 2008, U = 2009, V = 2010, W = 2011
 (Battery Packs manufactured prior to October, 2010 are affected. Units with a W are not affected.)
 Numbers 1-12 represent the months of the year.

Part Number Identification



CTL10019

Call 1-877-856-3232 for help with the date codes

Date Code Identification
 T = 2008, U = 2009, V = 2010, W = 2011
 (Battery Packs manufactured prior to October, 2010 are affected. Units with a W are not affected.)
 Numbers 1-12 represent the months of the year.

Part Number Identification



CTL10032

Call 1-877-856-3232 for help with the date codes

Date Code Identification
 T = 2008, U = 2009, V = 2010, W = 2011
 (Battery Packs manufactured prior to October, 2010 are affected. Units with a W are not affected.)
 Numbers 1-12 represent the months of the year.

Visit BatteriesPlus.com for a complete list of model numbers included in this recall.



Claim Form

Diversified Product Inspections, LLC

1059 E. Tri-County Blvd, Oliver Springs, TN 37840
(865) 482-8480 - (800) 865-6220

Check Service Requested

Level III As Quoted with base fee of \$5+)
.....7`Uja g` 30,000 and Over

Level II \$4+)
7`Uja g`\$15,000 - \$30,000

Level I \$' \$\$
.....7`Uja g`\$1,500 - \$15,000
 Recommend Level II or III for Fire/Electrical Items

Report ID Only (NO Failure Analysis)
Water \$300 - Fire/Electrical \$475

Research/Statistical Report Only
\$300

Express Report
\$75 additional charge

Do you need DPI to arrange for pickup of item?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Store item after completion of report? <input type="checkbox"/> Return item after completion of report? <input type="checkbox"/>	Item will be returned upon payment of invoice.
How do you want to receive your report?	E-mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Please provide current information below.
Can we contact your policy holder if we need additional information?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Claim Value: \$	(Used in our records for subrogation purposes only. It is not public record and will only be used internally)

BILLING / CLAIM INFORMATION

Adjuster		Claim #	
Insurance Company		Insured's Name	
Claim Office Address (NO PO BOXES)		Insured's Address (NO PO BOXES)	
Adjuster's Phone & Fax #	PH1:	FAX1:	Insured's Phone #
	PH2:	FAX2:	
Adjuster's Email			

INFORMATION PERTAINING TO EVIDENCE INVOLVED IN CLAIM

Please include any on-site photos, cause & origin reports, or other pertinent information to support your claim.

Type of Product		Where was item used?	
Model #		Are there receipts?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Serial #		Replacement item?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Manufacturer		Part of original installation?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Circumstances/details involving claim:

You can return this form with your evidence or by: **E-mail:** claims@dpi-inc.com or **FAX:** (865) 482-8477

If item being sent to DPI is lost en route, DPI only accepts liability for dollar value of inspection. Part of the DPI program provides for secure storage. To control the cost of that storage, should an item be lost, stolen, or destroyed, DPI only accepts liability for the dollar value of the inspection and nothing further. At your request, an insured value can be placed on any given item. This requires a written request sent by e-mail or fax, stating the value you wish to assign, as there would be additional charges based upon that value. Upon completion and mailing of this claim form and evidence to DPI, sender is responsible for payment of the services rendered. Sender agrees to be responsible for all court costs, attorney fees and any other costs of collection hereunder.