

## Trinity Statement to ABC7 News I-Team's Dan Noyes

Dan -- Thank you for giving us the opportunity to respond. On July 18, 2014, Judge Gilstrap of the U.S. Eastern District of Texas declared a mistrial in the ongoing litigation with plaintiff Joshua Harman in his False Claims Act case against Trinity. A new trial date has been set for October 13, 2014, and Trinity looks forward to re-presenting the facts in this matter. With ongoing litigation and a re-trial taking place, we are not granting any interviews at this time. I have attached some documents that may help you understand the issue and assist with your research. With regards to the recent filings by the Safety Institute and the Center for Auto Safety, our attorneys are reviewing the motions and will respond accordingly.

Please note that the ET-Plus® System continues to be accepted by the Federal Highway Administration for use on U.S. highways. Trinity intends to continue defending itself (and the outstanding reputation of Texas A&M) against Mr. Harman's allegations in court. The attached letter to all state DOT's and the recent re-affirmation of the ET-Plus® System by the FHWA should help with your research.

The facts remain:

- The ET-Plus® System with 4-inch guide channels attached to the extruder head was successfully crash-tested by the Texas A&M Transportation Institute (TTI), pursuant to NCHRP Report 350 test criteria, in May 2005.
- Trinity did not manufacture or sell any ET-Plus® Systems with 4-inch guide channels until the Federal Highway Administration issued its letter of acceptance in September 2005.
- When impacted within the applicable NCHRP Report 350 criteria, the ET-Plus® System has been proven to perform as a "crashworthy" product as characterized by the FHWA.
- The Federal Highway Administration reviewed the claims being made and re-affirmed its acceptance of the ET-Plus® System for use on U.S. Highways in 2012. The FHWA yet again re-affirmed in June 2014, that the ET-Plus® System remains accepted in an "unbroken chain" since 2005.
- The federal government looked into the claims being made by Mr. Harman, investigated the allegations, evaluated them, and declined to participate in a lawsuit.

Of importance to your viewers, Mr. Harman has published pictures of damaged guard rail and end treatments and falsely claims the pictures are evidence that the ET-Plus® System does not function to the NCHRP Report 350 standards. Regarding the pictures, in every instance, the only way to assess the performance of the ET-Plus® System, or any similar system, is to know multiple facts such as, to name a few, the weight of the vehicle involved, the orientation of the vehicle at impact, the angle at which the end terminal was impacted, and the speed of the vehicle at time of impact. Without this and other information pertinent to each incident independently, it is impossible to determine how the end terminal system performed. Any assumption or representation that the pictures show or suggest something more than a damaged guard rail would be erroneous.

Official statement:

"Trinity has a high degree of confidence in the performance and integrity of the ET-Plus® System, which we are proud to manufacture and sell under license from Texas A&M University. The false and misleading allegations being made by Mr. Harman were reviewed by the Federal Highway Administration (FHWA). The FHWA re-affirmed its acceptance of the ET-Plus® System in October 2012 and yet again in June 2014 for its eligibility for use on the National Highway System. The ET-Plus®

System remains accepted by the FHWA in what the FHWA characterizes as an “unbroken chain” of acceptance since 2005.

A lawsuit was brought by Trinity and Texas A&M for infringement of the patents covering the ET-Plus® System. During this patent lawsuit, Mr. Harman filed his own lawsuit against Trinity based on allegations of “false claims” associated with the ET-Plus® System. The U.S. Government reviewed his “false claim” allegations and declined to participate in the lawsuit. Trinity will continue to defend itself against the individual making these allegations in court and is taking the steps necessary to fully protect the intellectual property of Texas A&M and the outstanding reputation of Trinity Highway Products and the ET-Plus® System. On July 18, 2014, Judge Gilstrap of the U.S. Eastern District of Texas declared a mistrial in the ongoing litigation with plaintiff Joshua Harman in his False Claims Act case against Trinity. A new trial is expected on October 13, 2014 and Trinity looks forward to re-presenting the facts in this matter.”

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