

 <p>U.S. Department of Transportation National Highway Traffic Safety Administration</p>		<p>DOT Auto Safety Hotline Vehicle Owner's Questionnaire To Report Vehicle Safety Defects 1-888-DASH-2-DOT (1-888-327-4236) 2003 MAR 19 PM 2:00 INTERNET: www.nhtsa.dot.gov/hotline</p>		<p>FOR AGENCY USE ONLY 100145</p>	
<p>OWNER INFORMATION (Type or Print)</p>		<p>Date Received</p>		<p>Repository <input type="checkbox"/></p>	
<p>Name</p>		<p>Daytime Telephone Number</p>		<p>Reference No. 10005884</p>	
<p>Address</p>		<p>Evening Telephone Number</p>		<p>E-mail Address</p>	
<p>City MT TREMPER</p>		<p>State NY</p>		<p>Zip Code</p>	
<p>Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>					
<p>Signature of Owner _____ Date 1/1</p>					
<p>VEHICLE INFORMATION</p>					
<p>PLEASE FILL IN VINED 28441C</p>		<p>Make NISSAN</p>		<p>Model XTERRA</p>	
<p>Date Purchased 11-27-00</p>		<p>Dealer's Name and Telephone Number</p>		<p>Model Year 2001</p>	
<p>Original Owner <input checked="" type="checkbox"/></p>		<p>Dealer's City KINGSTON</p>		<p>Engine: No: Cylinders 6</p>	
<p>State NY</p>		<p>Zip Code 12401</p>		<p>Fuel Type: GAS</p>	
<p>Transmission Type Auto</p>		<p><input checked="" type="checkbox"/> Antilock Brakes <input checked="" type="checkbox"/> Cruise Control</p>		<p>Powertrain 4x4</p>	
<p>Vehicle Component Code 114100 ELECTRICAL SYSTEM: WIRING: FRONT UNDERHOOD</p>		<p>Multiple Failure: FF Transfer Case Pinion Seal</p>			
<p>FAILED COMPONENT(S)/PART(S) INFORMATION</p>					
<p>Incident Date(s) 2-DEC-2002</p>		<p>Failure Mileage 76,000</p>		<p>Failure Speed 57-74</p>	
<p>Front Differential Failed When Pinion Seal Failed. Design Flaw Possible.</p>					
<p>COMPLETED WHEN REPORTING A TIRE FAILURE</p>					
<p>Tire Make</p>		<p>Tire Number</p>		<p>Tire Size (Example P215/65R15)</p>	
<p>DOT No. (Example: D...)</p>		<p>Failure Location:</p>			
<p>Tire Component Code</p>		<p>Tire Type SEAT FAILURE</p>			
<p>ADDITIONAL ITEM</p>					
<p>Make:</p>		<p>Model No./Name:</p>			
<p>Seat Type:</p>		<p>Inst.:</p>			
<p>Child Seat Component Code:</p>		<p>Failed Part:</p>			
<p>APPLICABLE INCIDENT INFORMATION (Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)</p>					
<p>Crash <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<p>Fire <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Number of Persons Injured</p>	
				<p>Number of Deaths</p>	
				<p>Reported to Police N</p>	
<p>Narrative Description of Incident(s), Crash(es), and Injury(ies). Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).</p>					
<p>WHILE DRIVING, VEHICLE CAUGHT FIRE UNDER THE HOOD. DEALER NOTIFIED. PLEASE PROVIDE ADDITIONAL INFORMATION While Traveling east on I 78 for 1.5 hrs from Harrisburg, PA in Snowy Conditions, in 4x4H at approx. 9:30am Suddenly began to smell smoke, strong odor of burning rubber. No place to pull over & seeing smoke now in rear view mirror, made emergency stop w/ no shoulder, only snowbank. Trucker also stopped when saw fire, used Fire Extinguisher underhood to put out fire. WAS GIVEN ride to next exit where I</p>					
<p>Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY</p>					
<p>The Privacy Act of 1974 (Public Law 93-502) This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.</p>					

Narrative Description of Incident(s), Failure(s), Crash(es), and Injury(ies)

Called for assistance. Nissan roadside assistance Towed Vehicle to Rothrock Nissan, Allentown, PA. Diagnosed front Transfer Case Pinion Seal Failed Causing oil to spill on Exhaust Catalytic Converter and igniting. Front diff. damaged & replaced (see attached invoice). Nissan investigated and found no product defect and no warranty (see attached letters) legal action pending. We were six week without our vehicle and the occupant of the vehicle were put at great risk during the incident on 1-78. Nissan has taken 0 (zero) responsibility for the product or the problems it has caused.

I am in possession of the parts that were replaced.

Also, there are currently 2 standing recalls on this year, make & model, both involve bad seals and both can cause life threatening situations. (see attached recall notices). Thank you.

ATTACH ADDITIONAL SHEETS IF NECESSARY

US Department of Transportation

National Highway Traffic Safety Administration

400 Seventh St., S.W. Washington, D.C. 20590

Official Business Penalty for Private Use



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

US REPLY MAIL

PERMIT NO 73173 WASHINGTON, D.C.

WILL BE PAID BY NATL. HWY. TRAFFIC SAFETY ADMIN.

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NVS-216
400 7th Street, SW
Washington, DC 20590



VEHICLE
OWNER'S

QUESTIONNAIRE

DOT AUTO SAFETY HOTLINE

TO REPORT VEHICLE SAFETY DEFECTS
COMPLETE THIS FORM

OR

DASH2DOT

and dial toll free at

1-888-DASH-2-DOT

1-888-327-4236

DOT Auto Safety Hotline
(DASH) 2 DOT



US Department of Transportation
National Highway Traffic Safety
Administration
<http://www.nhtsa.gov>

To: Nissan North America
P.O. Box 191
Gardena, CA 90248

12-30-02

From:

[REDACTED]

Mount Tremper, NY [REDACTED]
[REDACTED]

Re: VIN 5N1ED28Y41C [REDACTED]

To whom it may concern,

We are writing to inform you that on Thurs. December, 26th while traveling home to New York from Pennsylvania our 2001 Nissan Xterra caught fire in the engine compartment under the hood. The fire was put out with a fire extinguisher and the car, using Nissan Roadside Assistance, was towed to Rothrock Motors in Allentown, PA where it is currently. The SUV was purchased new from Thruway Nissan in Kingston, NY in the fall of 2000 and included Security Plus Gold Preferred coverage. The mileage on the vehicle is currently approximately 76000 miles.

I would request that Nissan determine the cause of this fire and whose responsibility it is to remedy. I do not believe it to be our fault in any way as this vehicle is stock from the factory, has had only routine scheduled maintenance and has no added aftermarket accessories i.e. Alarm, sound, towing system.

Depending on the extent of the damage we are not necessarily comfortable keeping this vehicle and would request a replacement vehicle or rental reimbursement until the time of final determination.

Thank you for your attention in this matter.

[REDACTED]



NISSAN NORTH AMERICA, INC.

Consumer Affairs
18501 S. Figueroa St.
Gardena, CA 90248
Mailing Address: P.O. Box 191
Gardena, CA 90248-0191
Telephone: 1.800.847.7261

January 29, 2003

[REDACTED]
Mount Tremper, NY [REDACTED]

REF: 2001 Nissan Xterra
VIN: 5N1ED28Y41C [REDACTED]

Dear [REDACTED]

Thank you for allowing Nissan North America the opportunity to review the circumstances regarding your unfortunate incident. Please be assured that Nissan North America has taken every step necessary to fully investigate this matter.

A Nissan technical specialist conducted a detailed inspection of the subject vehicle and found no evidence of a product problem, failure or malfunction which may have caused or contributed to your accident. Based on our inspection of the vehicle and the information available, Nissan finds no basis on which to offer financial assistance in this matter. This is a matter, which should be referred to your insurance company.

Thank you for contacting Nissan and allowing us the opportunity to review your concern.

Sincerely,

Ann Y. Sours

Ann Y. Sours
Consumer Relations Representative
Nissan Southeast Region

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **LEHIGH**

**SUBPOENA
CIVIL CASE**

Mag. Dist. No.:	31-2-02
Di Name: Hon.	PATRICIA E. WARMKESSEL
Address:	3404 HAMILTON BLVD. ALLENTOWN, PA
Telephone:	(610) 434-2070 18103

PLAINTIFF: **[REDACTED]**
NAME and ADDRESS
MOUNT TREMPER, NY

VS.
 DEFENDANT: **[REDACTED]**
NAME and ADDRESS
**ROTHROCK NISSAN, ET AL.
 RT. 22 AND 15TH STREET
 ALLENTOWN, PA 18104**

Server

Mount Tremper, NY

Docket No.: **CV-0000068-03**
 Date Filed: **2/10/03**



TO: **DAVID, DANIEL**

(Name of Witness)

1. You are ordered by the court to come to:

Event:	CIVIL ACTION HEARING	
Date:	3/12/03	Place: DISTRICT COURT 31-2-02 3404 HAMILTON BLVD. ALLENTOWN, PA 18103
Time:	2:00 PM	

to testify on behalf of **[REDACTED]**

, in the above case, and to remain until excused.

2. And bring with you the following: (complete if applicable)

Documents, reports, communications and findings of Nissan North America/Rothrock
Nissan relating to Nissan Xterra VIN# 5N1ED28441G [REDACTED] Case# [REDACTED]

This subpoena is issued upon application of **[REDACTED]**

2-11-03 Date: *Patricia E. Warmkessel* District Justice

My commission expires first Monday of January, **2008**.

SEAL

WARNING: Failure to comply with this subpoena may result in a finding of **CRIMINAL CONTEMPT** pursuant to 42 Pa.C.S. § 4137. This offense is punishable by a fine and/or imprisonment.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number.

Nissanhelp.com

All about Nissan Cars

Warranty

New Infinitihelp.com Classified Click Here

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- Glossary

Last Update 01/01/03

2001 XTERRA RECALLS

My Nissan

- Bulletins
- Recalls
- Tips
- Dealers
- FAQ

Models

- 350Z
- SE-R
- Murano
- Sentra
- Altima
- Maxima
- Pathfinder
- Xterra
- Quest
- Regular
- Kingcab
- Crewcab
- Past & Future Models

Classifieds

- Used Cars

Recall Date: 11/19/2002

Potential Number of Units Affected: 143000

Manufactured: 07/2000 - 09/2002

Defect Summary:

ON CERTAIN PICKUP TRUCKS AND SPORT UTILITY VEHICLES, WATER MAY ENTER THE REAR AXLE HOUSING DUE TO INADEQUATE SEALING OF THE ANTI-LOCK BRAKING SYSTEM (ABS) SENSOR.

Consequence Summary:

THIS CAN RESULT IN CORROSION AND EVENTUAL FAILURE OF THE WHEEL BEARING. IF THIS OCCURS, THE WHEEL ASSEMBLY COULD SEPARATE FROM THE VEHICLE INCREASING THE RISK OF A CRASH.

Corrective Summary:

DEALERS WILL INSPECT THE REAR AXLE FOR WATER INTRUSION AND ANY AFFECTED COMPONENTS WILL BE REPLACED. THE ABS SENSOR WILL BE RESEALED TO PREVENT WATER INTRUSION. OWNER NOTIFICATION IS EXPECTED TO BEGIN JANUARY 15, 2003. OWNERS WHO TAKE THEIR VEHICLES TO AN AUTHORIZED DEALER ON AN AGREED UPON SERVICE DATE AND DO NOT RECEIVE THE

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- New Cars
- Used Parts
- News Parts
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- Miscellaneous
 - EBay
- Nissan Ads
 - EBay
- Infiniti Ads

- Helpforcars**
- Car Insurance
 - Credit Reports
 - Auto Parts
 - Car Loans
 - New Infiniti
 - Used Cars
 - Extended Warranty

FREE REMEDY WITHIN A REASONABLE TIME SHOULD CONTACT NISSAN AT 1-800-647-7261.

<p>Recall Date: 11/19/2002</p> <p>Potential Number of Units Affected: 44000</p> <p>Manufactured: 10/2000 - 01/2001</p> <p>Defect Summary:</p> <p>ON CERTAIN PICKUP TRUCKS AND SPORT UTILITY VEHICLES, THE FUEL TANK INLET SHUTTER VALVE DOES NOT MEET THE SEALING PERFORMANCE SPECIFICATION.</p> <p>Consequence Summary:</p> <p>UNDER CERTAIN CONDITIONS SUCH AS HIGH AMBIENT TEMPERATURE AND WHEN WINTER GRADE GASOLINE IS BEING SOLD, FUEL COULD SPILL FROM THE FILLER INLET AS THE TANK IS BEING FILLED. IN THE PRESENCE OF AN IGNITION SOURCE, FUEL LEAKAGE COULD RESULT IN A FIRE.</p> <p>Corrective Summary:</p> <p>DEALERS WILL REPLACE THE FUEL TANK INLET SHUTTER VALVE. OWNER NOTIFICATION IS EXPECTED TO BEGIN JANUARY 15, 2003. OWNERS WHO TAKE THEIR VEHICLES TO AN AUTHORIZED DEALER ON AN AGREED UPON SERVICE DATE AND DO NOT RECEIVE THE FREE REMEDY WITHIN A REASONABLE TIME SHOULD CONTACT NISSAN AT 1-800-647-7261.</p>

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**THE ATTACHMENTS TO THIS
DOCUMENT HAVE BEEN REMOVED
TO PROTECT UNWARRANTED
INVASION OF PERSONAL PRIVACY
PURSUANT TO EXEMPTION 6 OF
THE FREEDOM OF INFORMATION
ACT (FOIA), 5 U.S.C. 552(b)(6).**