

1st 2003 Corolla purchased 6-22-02

 U.S. Department of Transportation National Highway Traffic Safety Administration		DOT Auto Safety Hotline		FOR AGENCY USE ONLY 100147	
		Vehicle Owner's Questionnaire To Report Vehicle Safety Defects 1-888-DASH-2-DOT (1-888-327-4236) INTERNET: www.nhtsa.dot.gov/hotline		Date Received <i>03-OCT-2003</i>	
OWNER INFORMATION (Type or Print) Name: [Redacted] Address: [Redacted] City: <i>OSHKOSH</i> State: <i>WI</i> Zip Code: [Redacted]				Repository ☐	Reference No. <i>10042242</i>
				Daytime Telephone Number [Redacted]	E-mail Address
Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? ☒ YES ☐ NO In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer. Signature of Owner: [Redacted] Date: <i>11-21-03</i>				Evening Telephone Number	
				VEHICLE INFORMATION 17 digit Vehicle Identification Number Located at bottom of windshield on driver's side FILL IN: <i>1N4 BR 325 E03 Z066131</i>	
Data Purchased <i>6-22-02</i>		Dealer's Name and Telephone Number <i>Burgess 920-236-1003</i>		Engine: <i>1.8 Ltr</i>	Fuel Type:
Original Owner <i>[Signature]</i>		Dealer's City <i>Oshkosh</i>		No. Cylinders <i>4</i>	
Transmission Type ☐ Antilock Brakes ☐ Cruise Control		Powertrain		Vehicle Component Code <i>063000 ENGINE AND ENGINE COOLING/EXHAUST SYSTEM</i>	
Multiple Failure:					
FAILED COMPONENT(S)/PART(S) INFORMATION					
Incident Date(s) <i>12-JUL-2003</i>		Failure Mileage		Failure Speed	
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE					
Tire Make		Tire Model (Name or Number)		Tire Size (Example P215/55R15)	
DOT No. (Example: DOTM15ABC036)		☐ Original Equipment ☐ Prior Repair		Failure Location:	
Tire Component Code		Tire Failure Type			
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE					
Make:		Date Manufactured:		Model No./Name:	
Seat Type:		Installation System:			
Child Seat Component Code:		Failed Part:			
APPLICABLE INCIDENT INFORMATION (Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)					
Crash ☐ Yes ☒ No		Fire ☐ Yes ☒ No		Number of Persons Injured	
				Number of Deaths	
				Reported to Police <i>N</i>	
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).					
<i>WHILE DRIVING THE VEHICLE THE DRIVER WOULD SMELL A ROTTEN EGG SMELL. THE DEALERSHIP HAS BEEN CONTACTED. PLEASE PROVIDE ANY OTHER DETAILS. *NUM</i> <i>I see enclosed papers on the 1st 2003 purchase and then I see the 2nd Corolla 2003 purchased for same. This terrible smell. However, the 2nd car has the same rotten egg - sulfur over Toyota never to be responsible for the same they manufacture. As well, the 2003 Corolla's and fix the manufacturing, terrible smell.</i> <i>For a person to have the exact same problem with 2 different Corollas should tell you the problem is with Toyota.</i>					
Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY					
The Privacy Act of 1974 (Public Law 93-579) 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.					

The catalytic converter is not working properly. Please contact from where Petroleum Services than they assure said the car should have a computer chip chip on it for the correct fuel mix. I don't believe it.

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

2 different Toyota Corollas (1993). With the exact same problem of not starting, multiple times while driving. This is a daily occurrence. Having two separate cars with the same problem is not a coincidence! However, it is a really annoying defect of the Toyota that the engineers made to correct.

Convinced in the longest correspondence over time concerning this, it took me to buy and deal with Toyota. I will never deal with Toyota again - they don't correct their mistakes. An inferior company. These 1993 Corollas need to be recalled and Toyota should be held accountable.

ATTACH ADDITIONAL SHEETS IF NECESSARY

U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

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

Official Business
Penalty for Private Use \$300

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO 73173 WASHINGTON, D.C.

POSTAGE 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

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



**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



U.S. Department of Transportation
National Highway Traffic Safety
Administration
http://www.dhs.gov/odot/questionnaire



2nd

2003
Corolla

purchased

5-27-03

DOT Auto Safety Hotline Vehicle Owner's Questionnaire To Report Vehicle Safety Defects 1-888-DASH-2-DOT (1-888-327-4235) INTERNET www.nhtsa.dot.gov/hotline				FOR AGENCY USE ONLY 100147 Date Received 03-OCT-2003 Repository ☐ Reference No. 10042242	
OWNER INFORMATION (Type or Print) Name <i>[Redacted]</i> Address <i>[Redacted]</i> City <i>OSHKOSH</i> State <i>WI</i> Zip Code <i>[Redacted]</i>				Daytime Telephone Number <i>[Redacted]</i> Evening Telephone Number <i>[Redacted]</i> E-mail Address <i>[Redacted]</i>	
Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? ☒ YES ☐ NO In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer. Signature of Owner <i>[Redacted]</i> Date <i>11/21/03</i>					
VEHICLE INFORMATION 17 digit Vehicle Identification Number Located at bottom of windshield on driver's side VIN <i>JTODR32E632016592</i>					
Date Purchased <i>5-20-03</i> Original Owner <i>[Redacted]</i>		Dealer's Name and Telephone Number <i>Bergstrom 920-286-1003</i> Dealer's City <i>Channahon, IL</i>		Make <i>TOYOTA</i> Model <i>COROLLA</i> Model Year <i>2003</i>	
Transmission Type: ☐ Automatic ☐ Manual ☐ Anti-lock Brakes ☐ Cruise Control		State <i>WI</i> Zip Code <i>54902</i> Engine: <i>1.8 L-4</i> Fuel Type: <i>[Redacted]</i> No. Cylinders <i>4</i>		Vehicle Component Code 063000 ENGINE AND ENGINE COOLING/EXHAUST SYSTEM Multiple Failure:	
FAILED COMPONENT(S)/PART(S) INFORMATION Incident Date(s) <i>Oct. 3 2003</i> Failure Mileage <i>[Redacted]</i> Failure Speed <i>[Redacted]</i>					

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE



Technical Service BULLETIN

February 24, 2003

Title: **SULFUR ODOR FROM EXHAUST**
 Models: **All Models**

TSE

ENGINE
FG003-03

Introduction

Some owners of Toyota vehicles may experience a sulfur-like or "rotten egg" odor from the exhaust system. Sulfur is a natural component of crude oil from which gasoline is refined and the amount of sulfur can be decreased through the refining process. The amount of sulfur in fuel sold in California is regulated, however gasoline sold in other states can have substantially higher sulfur content. Sulfur content also varies considerably between gasoline brands and locations.

This is not the dealership's hands you when you complain about the sulfur smell.

Available in 48 States

① Customer Service
Candy Ladras

Casey Toyota Rep will call ^{before} as per ^{fewer} ^{harmful} Asst. Hq
New car. many back Wausau
+ for distress Fumes inside
Cars.

Bergstrom told me to be pt. Purchased Sat. 6-22. Purchased new car
6-24-02. Demo called Car won't be in until July. 4th!
July 2nd. - Out to Bergstroms - I can get - Boo!
July 10th. finally picked up new car. Sat.
10-27-02 1000 miles. Got call to Toyota.
11-5-02 Toyota told me to try another Dealer - dumb
12-27 Called Toyota again - the usual they working on it.
1-2-03 - I called John Bergstrom's office - Brad
P. (John's manager) called. Said since I waited 6 mos.
for the day + you still haven't done it they want
the car if cross car. Brad P. called + he will
work on it.

1-22-03 Met E. Brad Ruppert
They will pick up my car next wk. + fix while I'm
in Florida.

1-27-03 Bergstrom picked up my car + kept
until 2-11. supposed to be back by 2-10. 300 + miles on
it.

I heard from Brad. - Had to call him from
Florida - Am sure they forgot all about me.
Brad finally called from Osh. to Florida. Warn the
car up - drive the car until Toyota fixes the engine.

2-18-03 Sharon
Called Toyota. smells the same - nothing
done but lip service - will send you arbitrator
paper work - you'll receive in mail.

3-17-03 Mike Garcia

3-24-03 4 AM David

Finally got a set of arbitration papers on 3-28-03

Had to go
Sail Fide
Dorian
199
Paul

②

Old Case No. 002 10090719

New Case No. 2003 CA 18 0512

4-17-03

Wisc. Clean Air Program

Renee Bostel 1-608-264-6153

3-31-03 Called Wisc. Attorney General's Office

They told me to call Wisc. Dept. of Transportation
to report Bergstrom + Toyota - Wisc. Lemon Law

Case No. 2103047

received 4-2-03

Arbitration Office

called 4-3-03

1-888-300-6237

To explain

Expt. 488 Today

process

Choss oral

hearing at Bergstrom's

4-1-03 Brad Rapier

Called to see Toyota Rep on Fri 4-11-03 at 10:00

Fri 4-11-03 Met w. David Merri Toyota Rep

Master of Time he told me the fuel fault

gave me 2 articles on hydrogen sulfide

I quite upset + spent quite a bit of time

finding mass at the library + many calling various

departments

Talked to Mr. Marvin Thiel at Bureau

of Retail Petroleum Services - he is a lab

inspector in Fondy 920-429-3970. Telephone

920-492-5600

Street Bay office, Petroleum Services

920-492-5600

(the) Fuel smell in interior of car

placed rotten egg smell

I feel a
real
leak
from
engine
service
the
oil
pan

③

Pam Christianson ombudsman
1-608-267-9384 Wisc Dept. Commerce

The Catalytic converter is not doing its job.
Cars today are designed to run on any gas
across the USA.

In the 80's - when carburetors + ignitators
then carburetors were adjusted.

Fuel Injection controlled by a computer so Toyota
should be able to diagnose.

As far as gas being diff in the Midwest v. S.
Calif - bunk. There are 5 countries in Southern
Wisc. that use ^{re} formulated gas. Kenosha, Racine, Milwaukee
+ ethanol. However - that should have no
bearing on my car.

The Catalytic Converter is working too hard or
not working properly.

There is an excess of fuel that the Cat
Converter is not burning.

Gas Additives.

4-14-03 Paul Ernst from Wisc. Petroleum
Services thru Bay office called.

Car should have a computer chip in it for the st.

fuel mix. If it smells in the inside of car
the testing system is pulling the fumes in.

Catalytic Converter. mine is the 1st case to the area.

are are the Corolla's, Camry's, etc. having this problem.

Not the fuel but the car. 2004 new

4-18-03

4-21-03

Wisc.
Clean Air Program

Express
Stations
10% Ethanol

Propane
Leakage

Propane
in Kanawha



(4)

5-5-03 Received a letter from the National
Center for Dispute Settlement

5-6-03 Called Darrell Driscoll - Toyota Service
about catalytic converter. Darrell said he can't discuss
my car - why?

5-6-03. Called General Manager Brad Ruppin - he
did not call back. I left message voice mail

① 5-7-03 Called Brad Ruppin again w/ +. Darrell
Driscoll (Toyota Service) not being able to talk to me.
My car is under warranty!

② 5-7-03 Called John Bergstrom office - very nice
woman listened to my concerns said Mrs. Bergstrom
not in ^{will talk} would refer me to Tim Bergstrom and I
probably get a call by. 5-9-03.

~~As time later to Brad~~

③ 5-7-03. Called Dallas Dispute Center and got a
voice mail for Linda Soliz, Case Administrator

④ 5-7-03 Brad Ruppin called to see if I
would like to try another Corolla or Honda for
the next 3 days. I prefer a car just like
mine in Mineral Green minus the hydrogen
sulfide smell. I should pick her up today. I'm
not exactly sure why.

I got his voice mail (Brad Ruppin) and will
see him around 2:45 PM on 5-8-03.

Vehicle Problems

rotten egg, sewer

gas smell when the accelerator is pressed down.

Called Customer Satisfaction in Calif.

on 2-18-03 - Sharon.

3-17-03 - Mike Garcia.

3-24-03 4PM David.

David asked for maintenance papers from

Toyota since 2-10-03 and one of the

main people assured me I would get

the papers in about a week.

I finally received 1 set of papers

on 3-28-03!

Shame on you, Toyota!!

I buy a car in good faith because

I like my previous Toyota.

Shame on you, Toyota!! Your engineers

~~can~~ build a new car that smells so bad

the occupants are made nauseous by the smell.

Shame on you, Toyota!! I've not

corrected your mistakes in a prompt
manner.

(over)

It can be 80° out or -70° and
the car still gives off this terrible
odor when you step on the gas.



April 2, 2003

National Center for Dispute Settlement

2777 Stemmons Freeway • Suite 1452

Dallas, Texas 75207

(214) 638-2700

Fax: (214) 638-4054

RE: [REDACTED]

Dear [REDACTED]

Your request for arbitration has been received. Your claim appears to meet the Toyota Dispute Settlement Program parameters for eligibility and has been assigned the case number shown above. This process is regulated by the Federal Trade Commission (FTC) under the Magnuson-Moss Warranty Act, which provides for the expedient resolution of Customer complaints. Therefore, under federal law, the National Center for Dispute Settlement (NCDS) is required to close your case within forty (40) days of the date on this letter.

You have the option of having an oral hearing or a "documents only" process. If you choose to make an oral presentation and do not appear at the scheduled hearing, Toyota will still be entitled to make their presentation. If you do not want to make an oral presentation, your dispute will be decided on the basis of documents submitted by all parties. You do not need to be present at a "documents only" decision process. You will receive a call from NCDS to determine which process you have selected.

You may be contacted by NCDS prior to the hearing date in an effort to help you and Toyota reach voluntary agreements to resolve your dispute. If you agree to a mediated settlement, the terms of the agreement will be put in writing and you will be asked to sign the mediation settlement agreement. Your case will then be closed.

If you do not agree to any settlement offer, your dispute will be decided at your scheduled oral hearing or document review. You will receive a written decision by the arbitrator(s) within 10 days after the oral hearing or document review. You may either accept or reject the decision. If you accept the decision, Toyota will comply with the decision within the time stipulated. If you reject the decision, your case will be closed and you may pursue any other legal remedies available to you.

If you have not done so already, please provide us with copies of all relevant service tickets, as well as a copy of your title, current registration or bill of sale or lease contract. Your participation in the Dispute Settlement Program does not relieve you of any obligation you have with the lender or leasing agent.

NCDS will be responsible for monitoring the progress of this case and will be happy to answer any questions you may have about the arbitration process. You may call NCDS, toll free at 888-300-NCDS (6237).

Sincerely, [REDACTED]

cc: Chicago Regional Office

Where interests converge, agreements emerge



National Center for Dispute Settlement

2777 Stemmons Freeway • Suite 1452

Dallas, Texas 75207

(214) 638-2700

Fax: (214) 638-4054

April 2, 2003

Toyota Motor Sales U.S.A., Inc.
Chicago Regional Office
2350 Sequoia Drive
Aurora, IL 60506-6212

[REDACTED]

Dear Manufacturer:

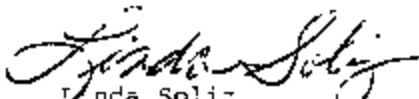
Please complete a Manufacturer's Response Form and forward a copy to the National Center for Dispute Settlement within ten (10) days from the date on this letter in order for it to be considered during the decision making process.

It is essential to the decision making process that all available information concerning each case be provided to the decision maker.

As with any hearing, lack of participation by a concerned party deprives the process of information on which a reasoned decision can be made.

Thank you for your participation in the process.

Sincerely,


Linda Soliz
Case Administrator

cc: [REDACTED]



National Center for Dispute Settlement

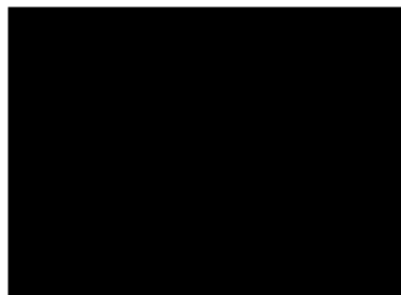
2777 Stemmons Freeway • Suite 1452

Dallas, Texas 75207

(214) 638-2700

Fax: (214) 638-4054

April 14, 2003



Please find enclosed the Manufacturer's Response Form from Toyota, a copy of which has been forwarded to the Arbitrator. This form represents Toyota's position with regard to the above referenced case. It neither constitutes a final decision nor does it necessarily reflect specific findings of fact. Any questions or comments you may have regarding this form should be documented **IN WRITING** and mailed to NCDS.

NCDS is responsible for monitoring the progress of this case and will be happy to answer any questions you may have about the arbitration process. You may call NCDS, toll free, at 888-300-NCDS (6237).

Sincerely,

Linda Soliz
Case Administrator

Enclosure: as noted



RECEIVED

APR 14 2003

N.C.D.S.

TOYOTA MOTOR SALES, U.S.A., INC.
Manufacturer Response Form

Customer Name: [REDACTED]	
VIN: 1NXBR32E032066131 (2003 Corolla)	Start Date: 04/02/2003
Manufacturer Information	
Region: Chicago	Servicing Dealer: BERGSTROM TOYOTA
Can the hearing be held at the servicing dealership? ☒ Yes ☐ No	
R/PD willing to mediate a settlement? ☐ Yes ☒ No	
Settlement Efforts	
List any previous settlement offers made to the customer: None.	
List any settlement offers you would like communicated to the customer: None.	
Manufacturer's Statement	
Are the customer's concerns covered under Toyota's Warranty? If no, please explain: No. Only conditions that are duplicated and verified to be a manufacturing defect are covered under the applicable warranty. Toyota's comprehensive warranty does not warrant any abnormal odor caused by foreign substances (in this case the fuel). This is a fuel related issue which is not covered under Toyota's warranty.	
Is the customer's vehicle currently unrepaired? Does the concern exist? Explain: No. The vehicle has been inspected by Bergstrom Toyota, the District Parts&Service Manager (4/11/03), and the technical hotline was contacted to verify all warrantable conditions have been corrected.	
Is the use, value or safety of this vehicle substantially impaired? Explain: No. The vehicle is not exhibiting any warrantable nonconformity's that substantially impair the use, value or safety of this vehicle.	
Are the number of repair attempts or number of days down accurate? Explain: Yes. The vehicle has endured zero warrantable repairs for the fuel odor concern.	
Please provide your position in regard to the customer's claim(s). The manufacturer seeks to be released from this claim. The dealership advised the customer that smell is from differences in fuel and how much sulphur content is in fuels. The customer was advised that this is not a manufacturing defect. The vehicle was inspected thoroughly and found to meet manufacturer specifications. The manufacturer will continue to repair the vehicle for conditions that are duplicated and verified as a manufacturing defects.	
R/PD will participate ☐ By phone ☒ In Person ☐ In Writing Available Dates: 4/22/03	
Return this form by: 04/11/2003	Toyota Contact: Wendy Lutzow
NCDS: (214) 634-7488	Phone: (630) 907-6213 Fax: (630) 907-6215



May 1, 2003

National Center for Dispute Settlement

2777 Stemmons Freeway • Suite 1452

Dallas, Texas 75207

(214) 638-2700

Fax: (214) 638-4054

[REDACTED]

Toyota Motor Sales U.S.A., Inc.
Wendy Lutzow
Chicago Regional Office
2350 Sequoia Drive
Aurora, IL 60506-6212

[REDACTED]

Dear Parties:

By direction of the Arbitrator, we are enclosing the Decision in the above referenced case.

Enclosed for the vehicle owner is an "Acceptance of Decision" form. The vehicle owner has forty-five (45) days from the date of this letter in which NCDS must receive the "Acceptance of Decision" form. The form should be mailed to:

National Center for Dispute Settlement
P. O. Box 561109
Dallas, Texas 75356-1109

Thank you for your cooperation in resolving this matter through the Expedited Dispute Settlement mechanism. Should you have any questions regarding the Acceptance of Decision, please contact NCDS. Failure to return this form within forty-five (45) days from the date of this letter will be considered a rejection of the Arbitrators Decision and therefore, NCDS will close your case.

Finally, you may obtain, at a reasonable cost, copies of all the case records related to this dispute.

Sincerely,

Linda Soliz ^{EXT 465}

Linda Soliz
Case Administrator

Enclosures as noted:

[REDACTED]

This constitutes my complete DECISION as to all the complaint(s) submitted to me for determination.

Dated: 4/23/03



Doug Schuh

SUMMARY OF PRESENTATION:

The parties presented and I reviewed and considered the following evidence: Customer Claim Form and three (3) pages of handwritten notes, RO #E73540 and the Manufacturer Response Form.

The position of the Customer was the car smells like rotten eggs/sewer gas and it makes her sick. All of her friends noticed the bad smell. It happens in all weather conditions.

The Customer requested Toyota replace the vehicle with one which does not smell or repurchase the vehicle giving all her money back and something for the inconvenience.

The position of the Manufacturer was that the bad smell is not a covered item in the Toyota Warranty and that the odor was due to the quality of gasoline available in Oshkosh, WI. She said she could authorize no remedy for the Customer.

At the request of the Customer, a test drive was conducted as part of the hearing. The Customer drove, the Toyota Representative rode as front passenger, and this Arbitrator as rear passenger. The Customer drove the car about three (3) miles, the condition or bad smell was not demonstrated during the ride.

DECISION:

After reviewing the complaint(s) and hearing the proofs and arguments of the parties and taking into consideration the applicable manufacturer's new vehicle warranty and the applicable warranty law including the applicable State Statute commonly referred to as the "Lemon Law", and after due deliberations, I find and Award as follows:

The Customer's request that Toyota replace or repurchase the vehicle is hereby **DENIED**.

I have reached this conclusion because the complaint is not covered by the Manufacturer's New Car Warranty, the Customer did not demonstrate that the smell exists and the Customer did not establish their claim by a fair preponderance of the credible evidence.

NATIONAL CENTER FOR DISPUTE SETTLEMENT

X-----X
: In the matter of the Arbitration :
: between : DECISION
: [REDACTED] :
: [REDACTED] :
: -and- :
: Toyota Motor Sales, :
: U.S.A., Inc. :
: ("Toyota") :
X-----X

I, Doug Schuh, was appointed pursuant to NCDS rules as Arbitrator to hear and determine disputes which had arisen between the Customer(s), [REDACTED] and Toyota regarding a 2003 Corolla.

By a notice given on April 09, 2003, I advised the parties that a hearing would be conducted at Bergstrom Toyota on April 22, 2003, at 02:00 PM.

Present on that date were:

[REDACTED]
Wendy Lutzow

Customer
Toyota Representative

The complaint(s) existing between the parties were set forth on a "Customer Claim Form" received by NCDS on April 02, 2003, and may be summarized as follows:

The Customer states that the vehicle has a rotten egg/sewer gas type smell. The Customer requested a replacement vehicle.



National Center for Dispute Settlement

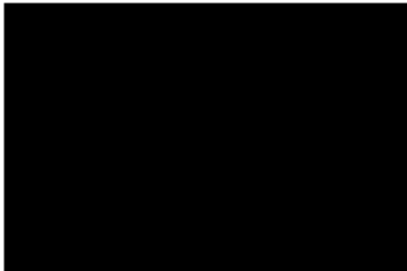
2777 Stemmons Freeway • Suite 1452

Dallas, Texas 75207

(214) 638-2700

Fax: (214) 638-4054

May 29, 2003



We have received your rejection of the Decision. Although Arbitration does not have an appeal process, you retain the right to pursue other legal remedies, including the use of small claims court.

In regards to your additional comments regarding your decision, the National Center for Dispute Settlement (NCDS) is an impartial administrator of various dispute settlement mechanisms and is responsible for the prompt and efficient administration of the arbitration process. The specific decisions, however, are the responsibility of qualified neutral arbitrators on our panel of neutrals who are designated to hear and decide those claims.

In this case, the matter was assigned to Arbitrator Doug Schuh, who provided all parties with an opportunity to be heard. We do not have the legal right to alter the Arbitrator's decision, nor can we substitute our judgement for that of the neutral who actually heard the proofs and arguments of the parties.

We regret your dissatisfaction with the Arbitrator's Decision, but many years of experience in dispute settlement has taught us that there will often be unhappy parties when an expectation is not realized. That does not, however, mean the process was improper.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Soliz".

Linda Soliz
Case Administrator

cc: Chicago Regional Office

NATIONAL CENTER FOR DISPUTE SETTLEMENT

X-----X
: In the matter of the Arbitration :
: between : DECISION
: [REDACTED] :
: CASE # 2103047
: -and- :
: Toyota Motor Sales, :
: U.S.A., Inc. :
: ("Toyota") :
X-----X

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At the request of the Customer, a test drive was conducted as part of the hearing. The Customer drove, the Toyota Representative rode as front passenger, and this Arbitrator as rear passenger. The Customer drove the car about three (3) miles, the condition or bad smell was not demonstrated during the ride.

DECISION:

After reviewing the complaint(s) and hearing the proofs and arguments of the parties and taking into consideration the applicable manufacturer's new vehicle warranty and the applicable warranty law including the applicable State Statute commonly referred to as the "Lemon Law", and after due deliberations, I find and Award as follows:

The Customer's request that Toyota replace or repurchase the vehicle is hereby **DENIED**.

I have reached this conclusion because the complaint is not covered by the Manufacturer's New Car Warranty, the Customer did not demonstrate that the smell exists and the Customer did not establish their claim by a fair preponderance of the credible evidence.

This constitutes my complete DECISION as to all the complaint(s) submitted to me for determination.

Dated: 4/23/03



Doug Schuh