



U.S. Department of Transportation
National Highway Traffic Safety Administration

DOT Auto Safety Hotline

Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 252

Date Received: 2004 FEB 19 AM 10:48
09-JAN-2004
Repository
Reference No.: 10053735

OWNER INFORMATION (Type or Print)

Name: [Redacted]
Address: [Redacted]
City: WEST HEMPSTEAD State: NY Zip Code: [Redacted]
Daytime Telephone Number: [Redacted] E-mail Address: [Redacted]
Evening Telephone Number: [Redacted]

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? YES NO
In the absence of an address to the vehicle manufacturer.
Signature of Owner: [Redacted] Date: 02/07/04

VEHICLE INFORMATION

17 digit Vehicle Identification Number located at bottom of windshield on driver's side: 4A3AE75H83E091522
Make: MITSUBISHI Model: ECLIPSE Sponder Model Year: 2003
Date Purchased: 10/25/03 Dealer's Name and Telephone Number: Sunrise Mitsubishi 631-589-0047
Original Owner: NO Dealer's City: Oakdale State: NY Zip Code: 11769
Engine: No. Cylinders: 6 Fuel Type: [Redacted]
Transmission Type: Automatic
 Antilock Brakes Powertrain: [Redacted]
 Cruise Control
Vehicle Component Code: 1S9000 VISIBILITY: POWER WINDOW DEVICES AND CONTROLS
Multiple Failure: 1 12 Times

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s): 09-JAN-2004 10
Failure Mileage: 8200
Failure Speed: [Redacted]
Date: 15.19 2004

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make: [Redacted] Tire Model (Name or Number): [Redacted] Tire Size (Example P215/65R15): [Redacted]
DOT No. (Example: DOTM19ABC036): [Redacted] Original Equipment Prior Repair
Failure Location: [Redacted]
Tire Component Code: [Redacted] Tire Failure Type: [Redacted]

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make: [Redacted] Date Manufactured: [Redacted] Model No./Name: [Redacted]
Seat Type: [Redacted] Installation System: [Redacted]
Child Seat Component Code: [Redacted] Failed Part: [Redacted]

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: 0 Number of Deaths: 0 Reported to Police: N

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).

CONSUMER COULD NOT ROLL THE ELECTRICAL WINDOWS UP OR DOWN. CONSUMER INSISTED THAT THE WINDOWS WERE A DESIGN FLAW. TOOK VEHICLE TO THE DEALER FOR ANALYSIS, AND MECHANIC NOTICED THAT A WORN PART IN THE REMOTE NEEDED TO BE REPLACED. *AK - Mitsubishi has said that due to "tighter specifications" of windows and doors the windows will not work below 32° They acknowledge the problem claim it is an "characteristic of the car" no repair is necessary or available. I claimed it is a safety hazard if my car door is jammed and I can't use my windows to exit vehicle. They said - use other door" It has happened numerous times.

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.

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

Due to a design flaw the Spider Elipse windows will not work in weather below 32° F moisture is in the air. They built the car with "fighter specifications" to reduce noise and possible leakage. These "fighter specifications" prevent the windows from opening if the temperature drops below 32°. It has taken me anywhere from 1 hour to 3 days to have the windows function properly.

When I complained about the safety hazard of being trapped in my car if there is an accident and my door is jammed, they claim it is a "characteristic of the car" line with it. I told them it could kill me, they said it is a characteristic of the car. To refuse to drive my car if the windows don't work due to frost fear.

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



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO 73173 WASHINGTON, D.C.

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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
ON

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.nhtsa.gov>

Dear To Whom It May Concern

February 10th 2004

I purchased a 2003 Mitsubishi Eclipse Spyder convertible on October 25th, 2003 at the Sunrise Mitsubishi dealership. I am having a serious problem with this car and am writing to solicit assistance in resolving the issue. I have tried to work with Mitsubishi Motor Corporation, but representatives at all levels of management have been unresponsive, uncooperative and at times highly unprofessional.

My two front windows are inoperable in cold weather. This creates a serious safety hazard and does not allow for standard driving operations. I am fearful that were I to be involved in an accident that resulted in a door jam, I would be unable to free myself from my vehicle. In addition to the blatant safety issues, the inoperability of the windows renders me incapable of performing normal everyday driving tasks. I cannot pay a toll, waive on drivers, give directions, use the proper procedure if I am stopped by a police officer or simply use a drive thru. Finally, it prevents me from opening windows for air or putting down my convertible rooftop.

Through considerable research and conversations with Mitsubishi representatives, I have learned that the inoperability of my windows is caused by a known design flaw, i.e. "known" to Mitsubishi and not disclosed to the consumer.

Mitsubishi representatives described the problem as being relatively simple. A serious error was made in the redesign of the 2003 model windows. The purpose of the redesign was to eliminate noise and possible leakage. The new windows were built with what they call "tighter specifications" than the earlier models. The increased tightness of the specifications traps moisture in the door and when the temperature drops, the mechanism freezes. Therefore, if there is moisture in the air, e.g. rain, and the temperature is below 32 degrees the windows simply do not function. The nonfunctionality is guaranteed when such weather conditions exist. Restoration of operability has taken from one hour to three days in my case. The mechanism must defrost to ensure proper function of the windows.

My window has failed to operate 15 times since December 15th. I was unable to drive my car from January 6th through the 10th because the temperature remained below 32 degrees and my windows were inoperable.

I find it very disturbing that Mitsubishi representatives were not only completely aware of the design flaw, but have described it to me as "characteristic of the car" that I had to "live with." District manager Vic Ciose went as far as telling me that I must accept this "trade off" for reduced noise levels in warmer weather.

If this is the case, if this is truly a "characteristic of the car," then that fact should have been properly disclosed to me so that I may make an informed buying decision. I chose not to buy a Ford Mustang convertible due to its lack of front wheel drive, a disclosed characteristic of the car.

As a responsible consumer I followed the proper protocol to rectify this problem. Unfortunately to my dismay, I was met with ridiculous and outrageous comments from Mitsubishi representatives including: "why do you want to open your windows in the winter anyway," "if you are in an accident sufficient to damage your doors, then your windows will be broken anyway," and "you have another door." Their callous attitude toward my safety, as a driver, is horrific.

I am outraged at Mitsubishi Motors Cooperation, owners Bill Gray and Gary Farley of Sunrise Mitsubishi for their complete indifference. They have indicated that they will neither repair nor replace my door/windows. They have additionally refused to refund my money. They openly acknowledge the design flaw issue, but refuse to act responsibly, ethically and perhaps legally.

I feel as though my safety is compromised and I was duped into buying a faulty product. Please see attached letter for a chronology of events. I am hoping that in some way you can help to resolve my issue.

Very Truly Yours,

A large black rectangular redaction box covers the signature and name of the sender.

Mitsubishi Spyder Eclipse
AA3AE75H83B091522
File # 342620

Following chain of events:

First occurrence - November - Front car windows would not go down. Took approximately 15 minutes to work

Second occurrence - November - Front car windows would not go down. It took me approximately 20 minutes to get the window down. In that time I had to constantly press the window button.

Third occurrence - December 15th Front windows would not go down took approximately 25 minutes to work 35 degrees (30-39)

Rain Dec. 17th

Fourth occurrence - December 18th Initial Contact to Mitsubishi Front windows would not go down took 52 minutes to work. I warmed up car for 20 minutes in driveway - Then 32 minute ride to work. Once again I had to continuously push the button for the window to work.

Spoke with Larry first, referred me to the manager Bob Johnson. I was told to bring the car to the service department in Oakdale. I explained how difficult that would be for me considering the distance from my home. I asked if I could get a loaner car. He called district Mgr Vic Ciose to investigate and to see if I could get a loaner. Spoke with Bob later on told me that Vic Ciose said that it is a "characteristic of the car" therefore no repair is necessary or available, it is Mother Nature and it will happen. I continued to explain to Bob that this is unacceptable quality, and a HUGE safety issues. Although he agreed with me his hands were tied and he could not do anything.

5th Occurrence December 19th Windows froze again, called Bob back. He told me he called Vic Ciose and his position was the same. There was no reason to bring the car in the car was designed to stop rattling, so an extra tight seal is in and nothing can be done.

Dec 19th Initial Contact with National Office had to call twice. Finally spoke with Brett after 23min of waiting for him to come out of his meeting. Explained the problem and the safety concern of not being able to get out of my car if my door was jammed, he said he never of any such thing. He will contact Vic Ciose and they will contact me regarding this matter. He said he would expedite it because the office closes for the holidays. I did not hear form anyone until I initiated the next call on January 6th

From Dec. 20th until Jan. 5th we experienced excellent weather in NY.

6th Occurrence January 6th (Tuesday) both front windows would not open until a lengthy call to National office again and Bob Johnson, 31 degrees was the average temp. National office I spoke with a very nasty man named Mike Eriandson. I once explained the problem. He told me Bob Johnson was supposed to get in touch with me, I informed that didn't happen. I asked him my next step, he told me to talk with Vic Ciose. I tried explaining that it wouldn't help; he already stated it was a characteristic of the car and I had to live with it. He said I would have to "reproduce the condition" in front of the service manager to basically prove the problem in the course of the conversation he literally asked me "why would I want to put down my windows any way in the winter. I thought that this question was ridiculous and antagonistic but I answered anyway. I explained the huge safety concern of being trapped in my car, going through tolls, waving drivers on, getting air. I asked once again who I could speak with and he said "he was chuckling at me "that there is no one. I immediately asked to speak with his supervisor. He said there were no supervisors, he was a manger and I could not speak with anyone else. I continued asking to speak with his manager and he hung up on me (On Jan.15th I found out that he has 2 managers)

I called the office again and spoke with Edith and asked for her supervisor because she did not know who the Customer relations manager was. I spoke with her supervisor Rita who told me to call the President of the company Mr. Finbar O'Niell at 1 714 -799 4765

I called Mr. O'Niell and left a detailed message.

I also called Bob Johnson who said he would try and contact Vic Ciose again.

7th Occurrence January 7th Both windows froze three times during the course on the day. I drove to Wantagh Mitsubishi to "reproduce the condition" The service rep Mark Basso came out and confirmed the problem. He asked me to bring the car back on Wednesday because they were to busy. I explained the whole story and he and the other manager Richard found it absurd and my windows should go down. I asked he what happens if the work on Wednesday, he told me he would rip the door apart and work on it anyway. (32 degrees)

I left the car there overnight so he could work on it in the morning.

Vic Ciose called me to discuss the problem. He once again stated that this was "mother nature". He went onto to state that it was a "trade off" in the summer my windows don't rattle and that these windows were of high quality. He thought that having the car looked at by Wantagh Mitsubishi was an excellent idea.

January 8th I called Mark Basso at approximately 2: 00 o'clock to check the status of the vehicle. Mr. Basso told me he brought my car in the garage overnight, this morning it worked flawlessly, no repair was required. I reminder him that he told me he would service the car that day even if the windows worked, he replied Mitsubishi would not pay for it. He told me he would call his manager to get permission. He then called me back and said no repairs are necessary it is due to icing.

Vic Ciose left a message on my machine that the problem was from "mother nature" and no repair is necessary.

Tina Morales from the national office called, left a message on my machine, saying she read my file and spoke with Vic Ciose and supports his decision. She then left a number to speak with her. She said she would be sending a letter stating that. When I called it turned out to be the same number as the national office. Unfortunately, Mike Erainson picked up the call. I immediately asked to be switched to Tina, he refused to switch me. I said to him, that he does not seem to comprehend the seriousness of this matter. I told him it frightens me to be in a car, that if there is an accident and my door gets jammed, I won't be able to get out of my car. He said "If your in an accident that had your windows will probably be broken anyway" I could not believe his response and said I no longer want to speak with him.

I then left another message for Tina Morales, outlining my fears driving the car with windows that don't go down, the awful customer service I have received and pleaded with her to leave me a number that I could speak with her directly.

8th Occurrence January 14th My passenger side window would not go down. I drove to Wantagh service to "reproduce the condition" and document it. The service manager Richard told me there is no repair, Mitsubishi gave me my answer. After an argument, he agreed to document the problem. He told me about the dispute process, gave me a brochure and suggested I go through that process. He said he will not document this for me anymore since Mitsubishi has already made their decision regarding this matter.

January 15th I spoke with several people regarding my car. Phyllis Green from the dispute company for Mitsubishi, Tina Morales, and Gary Farley one of the dealership owners. I also called ACAP to file a complaint form regarding the safety condition of my car.

Tina called basically told me she understands my concerns and agrees with me. She said she will escalate this complaint to the dispute department. She will personally contact Greg Kiernan. She asked if I would accept a repair on the vehicle. I explained that they are saying they CAN'T repairs it, so I don't see how that is possible. She asked if I would accept a replacement car. I told her if the car has the same problem it doesn't help me. I said I want a full refund, for the car, the extended warranty, and the automatic starter and alarm Mitsubishi installed.

She said she will start the dispute process and for me to send in a dispute form. She also said that she sent out the letter on January 8th stating they are supporting Vic Ciose decision and I should receive shortly.

She also said she will speak with Mike Erainson supervisor and he will call me back.

I spoke with Mitch for Sunrise Mitsubishi who I bought the car from and explained the problem. He said he would contact Bill Gray the owner of the dealership.

Either owner of the dealership returned a call.

I then spoke to Gary Farley who said he is one of the owners. He told me he would investigate and call me Saturday. I left both my home and cell number.

January 15th Greg Kiernan called. Gave him complete history of car problems and case manager Mike Brankson abusive manor. He said he would investigate and does not understand why the problem can not be fixed. He agreed that my windows should work. He apologized for his employee behavior and acknowledges that he has heard him handle problems extremely unprofessionally. He told me that he will escalate the problem to the next level. He said I should be hearing from someone in a couple of days.

January 22nd Mike Palikan called. I asked him his position. He said he has the authority to reimburse me and/or repurchase the car. He asked for the history on the car. At first I had to correct his data base, it was still with the old owner. I told him the entire case history, dates times and occurrences. I told him that Mitsubishi has said that the door has been redesigned to stop a past mildew problem and created and a tight seal that it retains moisture and freezes in inclement weather. He asked me where I received that information. I told him Vic Ciose, Bob Johnson, National Office, Tina Morales, Mark Basso and Richard from the service department. Vic Ciose claims it is a "characteristic of the car" He calls it high quality and in the summer the trade off is windows that don't rattle. He claims it is mother natures fault.

Mr. Palikan said in his preliminary investigation he called a friend in Michigan who claims "yeah it's a problem what's the big deal" When I told him I am not safe in the car because if my car door gets jammed in an accident I can't get out. He said I have another door. He did not respond to questions such as how do I go through tolls, waive drivers on, ask for directions, speak to a police officer, or simply go through a drive through. He simply kept saying "why are you the only one having trouble". He acknowledges that I fail to receive proper investigation of the problem at Wantagh Mitsubishi. He basically said he would investigate and get back to me within a few days.

January 27th, I had to call Mike Palikan. He said after investigating the problem he agrees with Vic Ciose assessment and no further action will be taken. He claims every car windows stick in cold weather and cars vary on how much. I asked him to send me a letter stating that it seems to be acceptable that my car window sticks for 3 days. He said he will only send a letter stating that it is not a manufactures defect and for me to pursue legal action.

On February 4th on received his letter.



January 28, 2004

SALIM DARRON
5300 KATELLA AVENUE
CYPRESS, CALIFORNIA 90630-8278
(714) 872-8200
TELEFAX (714) 872-9020
mna.darron@com.com

MAILING ADDRESS:
P.O. BOX 8420
CYPRESS, CALIFORNIA 90630-0024

[REDACTED]
West Hempstead, NY [REDACTED]

File #: [REDACTED]

Dear [REDACTED]

As per your request, I am writing you this letter to reflect our conversation of today which was the formal response of Mitsubishi Motors North America, Inc. ("MMNA") to your request for a repurchase based on your concerns about the front windows not lowering on your 2003 Mitsubishi Eclipse Spyder during freezing temperatures. By now you should also have received the letter MMNA previously sent you on January 8, 2004 indicating that our District Parts and Service Manager, Mr. Victor Cioco found no manufacturer's defects.

We have carefully reviewed the vehicle history, and gathered information from the dealership, as well as from numerous persons associated with our company. Mr. Cioco assisted us in our investigation by presenting information which he gained from his personal observations and discussions, including his inspection of your vehicle and conversation with you.

The concern which you have contacted us about is not caused by any manufacturing or design defect. Vehicle windows frequently stick shut during freezing weather because the ambient moisture turns into ice and acts as an adhesive between the window and the other surfaces.

In fact, not only do vehicle windows stick shut during freezing weather, but doors, sunroofs, trunk lids, and hood lids will also stick shut, which is a normal consequence of operating a vehicle in temperatures in below freezing weather. Of course, since different makes and models of vehicles are not designed or styled exactly the same, the way that their components will be affected by freezing temperatures will vary.

Consequently, again we respectfully decline your request for a repurchase. Nevertheless, we do regret that you are not pleased with some of the experiences you have had with your vehicle, and we sincerely apologize for any inconveniences you may have suffered. Should you have concerns in the future, you may visit any authorized Mitsubishi dealership. If any of your concerns are covered by your New Vehicle Limited Warranty, MMNA will continue to honor the terms of that warranty.

And as I had stated, since we have declined to repurchase your vehicle, you may take an alternative course of action by contacting our third party dispute resolution administrator, the National Center for Dispute Settlement ("NCDS"). NCDS offers an arbitration hearing process



in which a neutral arbitrator (or panel of arbitrators) resolves your dispute with MMNA. An award is made, and although not binding on you, is binding on MMNA. There is no cost to you to utilize this process. The telephone number for NCDS is (866) 937-3765.

Sincerely,



J. Michael Palikan
Mediation Manager



SALES DIVISION
8400 KATELLA AVENUE
CYPRESS, CALIFORNIA 92625-0208
(714) 572-8300
TELEFAX (714) 575-1050
WWW.MITSUBISHI.COM

MAILING ADDRESS:
P.O. BOX 8400
CYPRESS, CALIFORNIA 92625-0208

January 8, 2004

[REDACTED]
West Hempstead

MMSA FILE # [REDACTED]

Dear [REDACTED]

Please be advised that we have reviewed the situation you have presented with our District Parts and Service Manager, Victor Ciocco. Mr. Ciocco has advised this office that your vehicle was inspected and no manufacturers defects were found with the windows.

Sincerely,

Tina Merola
Case Manager, Customer Relations
Mitsubishi Motor Sales of America Inc



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INVASION OF PERSONAL PRIVACY
PURSUANT TO EXEMPTION 6 OF
THE FREEDOM OF INFORMATION
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