



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 1220

Date Received

26-OCT-2004

Repository

Reference No

10097713

OWNER INFORMATION (Type or Print)

Name

Address

City MELBOURNE

State FL

Zip Code

Daytime Telephone Number

E-mail Address

Evening Telephone Number

Do you authorize NHTSA to contact the manufacturer of your vehicle? YES NO
In the absence of a signature, provide your name or address to the vehicle manufacturer.
Signature of Owner _____ Date 11/13/04

VEHICLE INFORMATION

17 digit Vehicle Identification Number located at bottom of windshield on driver's side

WBAGH83411D

Make

BMW

Model

740iLA

Model Year

2001

Date Purchased

8/9/04

Dealer's Name and Telephone Number

THE IMPORTED CAR STORE

Engine:

No. Cylinders

8

Fuel Type:

GAS

Original Owner

Dealer's City

MELBOURNE

State

FL

Zip Code

32901

Transmission Type

AUTO

Antilock Brakes

Cruise Control

Powertrain

Vehicle Component Code

353600 EQUIPMENT:ELECTRICAL:AIR CONDITIONER

Multiple Failure: 2

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s)

09-AUG-2004

Failure Mileage

33400

Failure Speed

All speeds

including IDLE

WINDOWS, AC, CD PLAYER, NAV

MISSING A KEY

SYSTEM

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTM19ABC036)

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

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).

WHILE DRIVING CONSUMER HEARD A SOUND WHICH WAS COMING FROM THE AIR CONDITIONER. ALSO, RADIATOR HAD A CRACK. CHECK COOLANT LIGHT ILLUMINATED ON THE DASH BOARD. VEHICLE WAS BMW CERTIFIED. *AK

WINDOWS Fell OF THE TRACK / CD PLAYER WAS NOT WORKING. NAV SYSTEM WAS NOT WORKING. THIS CAR WAS CERTIFIED PREOWNED, AND SHOULD BE NEUWER BEEN. THIS CAR HAS BEEN IN SERVICE 9 TIMES SINCE DELIVERY 8/9/04.

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)

I HAVE INCLUDED ALL CORRESPONDENCE, INCLUDING BUT NOT LIMITED TO THE LETTER FROM THE IMPORTED CAR STORE STATING THAT THEY WILL BE REPLACING THE CAR. AT TIME OF WRITING THIS COMPLAINT WE STILL HAVE THE 740 IL THAT IS REFERENCED IN THIS COMPLAINT.

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.

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



VEHICLE OWNER'S

QUESTIONNAIRE

DOT AUTO SAFETY HOTLINE

TO REPORT VEHICLE SAFETY DEFECTS COMPLETE THIS FORM OR

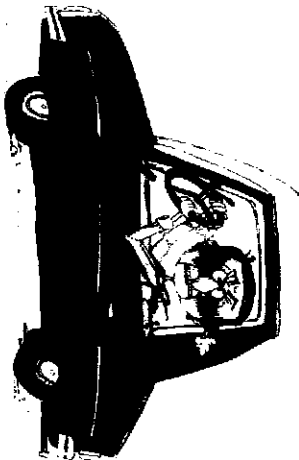
DASH2DOT

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 www.nhtsa.dot.gov/hotline

BUYERS GUIDE

VEHICLE DESCRIPTION

2001 BMW 7 Series 740iL Sedan 4D

VEHICLE IDENTIFICATION NUMBER



W B A G H 8 3 4 1 1 D

DEALER STOCK NUMBER

pt3423

WARRANTIES FOR THIS VEHICLE:



AS IS - NO WARRANTY

Buyer pays all cost for repair. The dealer assumes no responsibility for any repairs regardless of any oral statements about the vehicle.



WARRANTY

Remainder of factory warranty when applicable.



THE BMW CERTIFIED PRE-OWNED LIMITED WARRANTY: This protection plan provides protection for up to 2 years or 50,000 miles, whichever occurs first. This coverage is in addition to whatever time and mileage may be remaining on the original New Vehicle Limited Warranty of 4 years or 50,000 miles.

SYSTEMS COVERED:

Engine: lubricated parts contained within in the engine block; cylinder head; rotary engine housings; also the Water Pump; Fuel Pump; Oil Pump; Timing Chain & Gears & Timing Belt Tensioners. **NOTE:** Engine Block, Rotor Housing, Cylinder Head(s), Oil Pan & External Cover(s) are covered only if damaged by the failure of an internally moving part. Engine Block Plugs, also called Welch Plugs or Freeze Plugs, are not covered.

Transmission: internally lubricated parts within transmission case.

Drive Axle: axle housings and internal parts; axle shafts; drive and output shafts; universal joints; Front wheel drive; Transaxle only.

DURATION:

Duration: 2 years or 50,000 m

WAIVER:

Even though specified as covered, there is **NO WARRANTY PROTECTION** for the following defect(s) or repair problems(s):

If there are any exclusion, YOU MUST CIRCLE THIS ENTIRE WAIVER SECTION AND SIGN BELOW:

CUSTOMER SIGNATURE



SERVICE CONTRACT. A service contract is available at an extra charge on this vehicle. Ask for details as to coverage, deductible, price, and exclusions. If you buy a service contract within 90 days of the time of sale, state law "implied warranties" may give you additional rights.

PRE PURCHASE INSPECTION: ASK THE DEALER IF YOU MAY HAVE THIS VEHICLE INSPECTED BY YOUR MECHANIC EITHER ON OR OFF THE LOT.

SEE THE BACK OF THIS FORM for important additional information, including a list of some major defects that may occur in used motor vehicles.

ALBERT S. LAGANO, P.A.
Attorney At Law
551 S. Apollo Blvd. Suite 103
Post Office Box 897
Melbourne, FL 32901

Telephone: 321-984-8338
Facsimile: 321-984-4322
e-mail asltal@aol.com

October 27, 2004

William Dingman
The Imported Car Store
1432 S. Harbor City Blvd.
Melbourne, FL 32901

Via Hand Delivery

Our Client: [REDACTED]
2001 BMW 740IL

NOTICE OF INTENT TO SUE

Dear Mr. Dingman:

This office represents [REDACTED] and [REDACTED] in connection with the 2001 BMW 740 IL, VIN WBAGH83411D [REDACTED] purchased on August 9, 2004 from your dealership, The Imported Car Store in Melbourne, Florida.

Notice is hereby provided that unless your company complies with the written agreement executed by David Gilburd, Finance Manager and Jerry Clark, General Sales Manager, dated October 12, 2004 to replace the 2001 BMW 740 IL referenced above within 48 hours of receipt of this Notice, we will commence legal action against your company and BMW North America for breach of contract, misrepresentation and fraud, to recoup our clients' full damages, including, but not limited to, the contract price, fair market retail value of their trade-in, a 2000 S80 Volvo, loss of use, punitive damages, costs, fees and other damages.

My clients have attempted to resolve this matter repeatedly. Your company has failed to comply with the terms and conditions of Certified Preowned Warranty. Further, it is my clients' position this vehicle should have never been "certified" and was misrepresented to them as a "certified vehicle." In addition to the breach of contract claim, your company's action constitutes misrepresentation and fraud, for which Ms. [REDACTED] and Mr. [REDACTED] are entitled to compensation and damages.

This is our final demand for relief based upon your company's representations and promises as set forth in the October 12, 2004 letter. A copy is attached for your review. In addition to commencing a civil action against your company for damages, my clients will

likewise pursue all administrative remedies with the state and federal agencies responsible for monitoring compliance. As you are aware, my clients are exercising their constitutional right of Free Speech by picketing your Melbourne dealership and they will not cease pursuing this matter until it is resolved. Be advised they are complying with all local and state laws in exercising their right.

Finally, all correspondence must be directed to this office. [REDACTED] has received harassing telephone calls at her place of business, Mnemonics, Inc., a secured government contractor, which she believes originated from your business. She has filed a complaint and if it is determined such telephone calls did originate from your business or employees, agents or representatives, then she and [REDACTED] will pursue federal criminal charges against the responsible persons. I have no control over my clients' seeking criminal sanctions in this matter but must advise you of their intended actions.

GOVERN YOURSELF ACCORDINGLY.

Sincerely,



Albert S. Lagano

Copies:

Client

BMW North America

BMW Financial Services

Attorney General's Office, State of Florida

Bellsouth Investigative Division

NHTSA, agent #1220

Division of Motor Vehicles, State of Florida

Better Business Bureau

Department of Professional Regulations, State of Florida

Melbourne Police Department

United States Department of Defense

United States District Attorney, Middle District of Florida



The Imported Car Store

10/12/2004

To: [REDACTED]

From: David Gilburd

RE: 01 BMW 740IL # [REDACTED]

This is to confirm that as per your discussion with Jerry Clark, we will be obtaining a different 2001 740IL to replace the one you are having difficulties with.

Sales and Service:
1432 S. Harbor City Blvd. (US 1)
Melbourne, FL 32901

Mailing Address:
P.O. Box 1750
Melbourne, FL 32902-1750

Telephone:
Brevard: (321) 727-3788
Toll Free: (800) 226-7878
FAX: (321) 725-0559

DIVISION OF MOTOR VEHICLES COMPLAINT AFFIDAVIT

FOR OFFICIAL USE ONLY

TYPE OF COMPLAINT		Date Opened _____	Date Changed _____
<input type="checkbox"/> Motor Vehicle Dealer		Closing Code _____	
<input type="checkbox"/> Mobile Home Dealer		Complaint # _____	
<input type="checkbox"/> Mobile Home Manufacturer		Investigator _____	
<input type="checkbox"/> R.V. Dealer/Manufacturer			
<input type="checkbox"/> Odometer Fraud			
<input type="checkbox"/> Inspection Facility			
<input type="checkbox"/> RI/SI			
<input type="checkbox"/> Other			

COMPLAINANT INFORMATION

Name _____		Address _____	
City/County/State/Zip Melbourne FL		Home Telephone _____	Work Telephone _____

DEALERSHIP/INSPECTION FACILITY INFORMATION

Dealership/Insp. Facility Name IMPORTED CAR STORE	Address 1432 S. HARBOUR C. WY BLVD	City/County/State/Zip MELBOURNE FL 32901 BREVARD COUNTY
Owner's Name (if known) Bill Dingman	Telephone (321) 727-3788	Dealer License Number or Lane Inspector ID Number (if known)

VEHICLE/MOBILE HOME/INSPECTION INFORMATION

Make/Model/Year BMW 740iL 2004	Tag Number	Vehicle ID Number WBAG483441D	Date of Purchase/Inspection 8/9/04
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MOBILE HOME, RECREATIONAL VEHICLE, OR PARK TRAILER INFORMATION

(Complete this section only if a mobile home, recreational vehicle, or park trailer is involved in your complaint)

Name of Manufacturer	Manufacturer's Address (including county and state)
HUD Label (red/silver metal tag on rear of unit)	FL Seal # if RV or PT (by HUD Label or front)

NATURE OF YOUR COMPLAINT: In the space provided below, please explain your complaint, listing events in the order in which they occurred. It is important to verify that dates listed are accurate. Enclose copies of any documents you have which are related to your complaint.

HSMV 84901 (Revised 9/14/93)s

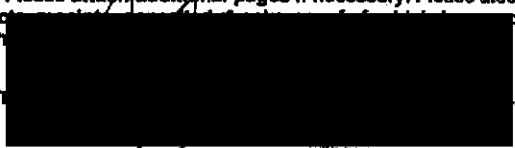
my wife & I ARE STUCK WITH
A LEASE THAT WAS PURCHASED &
IMPORTED CAR STORE ON 8/9/04.
THE CAR HAS BEEN IN SERVICE
NO LESS THEN 8 TIMES FOR THE
SAME PROBLEM.

WHAT ACTION DO YOU FEEL WILL SATISFY YOUR COMPLAINT? _____

Buy the CAR Back. OR Replace
with a comparable CAR

NOTE: Please attach additional pages if necessary. Please also attach copies of ALL supporting documents, including purchase agreement, contract, title, license, registration, inspection reports, warranty documents, repair invoices or any other documents.

SIGNATURE



DATE:

10/26/04



2004 BMW ADDED VALUE SALES SURVEY

10/26/07
FAX ED

055011639439

Melbourne, FL

WBAGH83411D
2001/740IL A US
48600

Corrections?

Address:

E-Mail:

Phone:

H ()

W ()

Using a scale of 1-5 where 5 is the highest, please rate each of the following questions about your experience at The Imported Car Store Inc by circling your selection after each one.

1. How did you first contact the Center (circle one)? Internet <u>Telephone</u> E-Mail Dealership Visit								
How would you rate that experience?	5	4	3	2	<u>1</u>	n/a		
2. Your comfort with the Center's handling of the purchase or lease transaction (establishing the financial terms and conditions)?	5	4	3	2	<u>1</u>	n/a		
3. Your salesperson's explanation of BMW products, including the features and controls of your new BMW?	5	4	3	2	<u>1</u>	n/a		
4. The explanation of ownership benefits such as warranty, full maintenance and roadside assistance?	5	4	3	2	<u>1</u>	n/a		
5. Providing your new BMW clean and trouble free at the time of delivery? ←	5	4	3	2	1	n/a	ABSOLUTELY NOT	
6. Their fulfillment of all commitments made to you during the purchase or lease process of your BMW?	5	4	3	2	-1	n/a		
7. Respectful and courteous treatment?	5	4	3	2	<u>1</u>	n/a		
8. Overall, how would you rate your satisfaction with your purchase or lease experience?	5	4	3	2	1	n/a	AWFUL	
9. How likely would you be to recommend this Center to a friend?	5	4	3	2	1	n/a	NEVER	

Please feel free to share any additional comments with us about your experience in the space provided below:

WORST EXPERIENCE OF BUYING A CAR
IN MY LIFE. WILL NEVER AGAIN
RECOMMEND OWNING A BMW.

Thank you very much for participating in this survey. Kindly return the completed survey in the envelope provided, fax it to 541-312-5647, or call BMW's Survey Center at 800-739-5269.

BMW Survey Center representatives are available between 9 a.m. and 5 p.m. EST Monday through Friday for those customers who find it more convenient to respond by phone or for those whose concerns require immediate attention.

THE CAR SHOULD HAVE NEVER BEEN CERTIFIED
& OUR ATTORNEY IS DRAFTING UP A COMPLAINT
TO FILE IN REPAIR COURT.

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).