



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 100222

Date Received 2005 FEB 22-DEC-2004
Repository 7
Reference No. 10105241

OWNER INFORMATION (Type or Print)

Name _____
Address _____
City BURLINGAME State CA Zip Code _____
Daytime Telephone Number _____ E-mail Address _____
Evening Telephone Number _____

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 _____ Date 2/10/05

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side
PLEASE PROVIDE JTEZU14R730
Make TOYOTA Model 4 KUNNER Model Year 2003
Date Purchased _____ Dealer's Name and Telephone Number _____ Engine: No. Cylinders 6 Fuel Type: Gas
Original Owner Dealer's City Fremont State CA Zip Code 94579
Transmission Type AUTOMATIC Antilock Brakes Cruise Control Powertrain FRONT WHEEL DRIVE
Vehicle Component Code 180000 VEHICLE SPEED CONTROL
Multiple Failures: 3

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s) 08-JUN-2004 Failure Mileage 11200 Failure Speed 55

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: DOTMALSABC036) 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(es).)

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(es).
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).

THE CONSUMER EXPERIENCED SUDDEN ACCELERATION ON 3 SEPARATE OCCASIONS. *JB

I told them you can have the car for 2 month to checks
every thing and they call me in third day. Nothing in
your car / Arbitration we close the case with out
checks the car or calling any one / ~~there~~

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.

To whom it may concern

From :

09-25-04

Tel

Subject: Defect in

Toyota 4 Runner vehicle

I Massoud Haddad solemnly swear that what I about to tell is the truth.

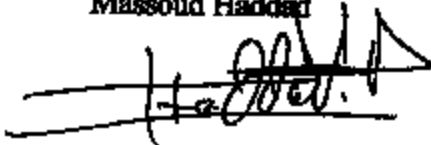
I with in his Toyota 4 Runner vehicle on the free way at night suddenly the car accelerated by itself at a very high speed and he couldn't stop the car. It took some time for the car to get back to normal and he was able to stop it after that.

It was a very scary experience for me and I thought that we will get in an accident due to the sudden acceleration of the car and especially that was panicking for not being able to stop the car.

Please if you have any question fell free to call me.

Sincerely,

Massoud Haddad

A handwritten signature in black ink, appearing to read "Haddad", is written over two horizontal lines. The signature is stylized and somewhat cursive.

September 22, 2004

To whom it may concern,

I n was driving Car Model:

On August 01, 2004 and on the freeway the car lost control and I could not brake, the accelerator was increasing and I was afraid an accident may happens that may even cause injuries or death so I continued driving without brakes and for about 2 miles. I had try everything to make it stop and finally after all this ordeal, the car got back to normal. I had my Daughter and my friend in the car as well and they were very scare of the situation

We were facing at that time. Any questions, do not hesitate to contact me at:

Sincerely,

Customer Claim Form

CASE NUMBER:

Claim # →

200408261292

CUSTOMER NAME AND ADDRESS

 Mr. Mrs. Ms. First name _____

Street address _____

City BurlingameState CA Zip code _____

Daytime phone _____

Evening phone () _____

Fax () _____

VEHICLE INFORMATION

Name(s) that appears on the vehicle title: _____

Is this a leased vehicle?: Yes No Delivery date: _____

If YES, lessor's name and address: _____

Make: Toyota Model: 4Runner Year: 2003 Current mileage: 15,100Vehicle Identification Number: JTE7U14R730Selling dealer and address: Freemont Toyota
44530 Auto Mall Circle, Fremont, CA 94538 (510) 252-5100Dominant servicing dealer: Putman Toyota Burlingame & Fremont Toyota

VEHICLE PROBLEM(S) (Attach legible copies of applicable repair orders or other documents that support your complaint)

Problem	List dealer(s) which have repaired or attempted repair (include city and state)	List the date, mileage, and repair order number for each repair attempt	Does the problem currently exist?
Exampler A/C won't cool properly	Autoworld Inc. Anytown, VA	4/23/02 3,500 miles #873540	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Vehicle accelerates on its own @ freeway	① Putman Toyota Burlingame, CA	8/2/03 13,946 #115618	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does not stop/respond to braking.	② Fremont Toyota Fremont, CA	8/2/04 14,075 #115618	Yes <input type="checkbox"/> No <input type="checkbox"/>
		8/17/04 14,747 #115618	Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

Has the vehicle been involved in an accident? Yes No

If YES, give date of accident: _____ Specify damaged area: _____

Resolution sought: Replacement of the current
vehicle by another one of the
same make, model, year.SIGNATURE(S) _____ DATE 09.08.04Return all copies of this form to:
California Dispute Settlement Program
P.O. Box 861109
Dallas, TX 75206-1109



October 15, 2004

National Center for Dispute Settlement

2777 Stemmons Freeway • Suite 1452

Dallas, Texas 75207

(214) 638-2700

Fax: (214) 638-4054

Burlingame, CA

Toyota Motor Sales U.S.A., Inc.
Maurice Howard
San Francisco Regional Office
2451 Bishop Drive
San Ramon, CA 94583

RE CASE: # 1204144

Dear Parties:

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

Enclosed for the Customer is an "Acceptance of Decision" form. The vehicle owner has thirty (30) days from the date of this letter in which the California Dispute Settlement Program (CDSP) must receive the "Acceptance of Decision" form. The form should be mailed to:


California Dispute Settlement Program
P. O. Box 581109
Dallas, Texas 75358-1109

Thank you for your cooperation in resolving this matter through the California Dispute Settlement Program. Should you have any questions regarding the "Acceptance of Decision," please contact CDSP at 888-300-6237. Failure to return this form within thirty (30) days from the date of this letter will be considered a rejection of the Arbitrator's Decision and therefore, CDSP will close your case.

Enclosed, please find additional information required to be disclosed, in accordance with California Code of Regulations, Title 16, Section 3398.12.

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

Sincerely,


Melissa McDonnell
Case Administrator

Enclosures: as noted

cc: Richard Friedlander

Where interests converge, agreements emerge



National Center for Dispute Settlement

2771 Stearns Freeway • Suite 1452

Dallas, Texas 75207

(214) 638-2700

Fax: (214) 638-4054

DATE: October 15, 2004

CUSTOMER:

CASE #: 1204144

I understand that I am not bound to the Decision of the Arbitrator(s) in my case unless I accept it. If I reject the decision, or am dissatisfied with Toyota Motor Sales, U.S.A., Inc.'s eventual performance, I may pursue other legal remedies, including the use of small claims court. Whether or not I accept the Decision, however, the Decision is admissible in any subsequent legal proceeding concerning the dispute.

I also understand that if I accept the Decision, Toyota Motor Sales, U.S.A., Inc. will be legally bound by the Decision.

You must mark one of the boxes below, otherwise, the California Dispute Settlement Program (CDSP) will consider that no response has been made to the Decision and your case will be closed accordingly.

I ACCEPT THE DECISION

I DO NOT ACCEPT THE DECISION

SIGNED: _____

DATE: 10-21-04

CALIFORNIA DISPUTE SETTLEMENT PROGRAM

In the matter of the
Arbitration between

("Customer(s)")

-and-

Toyota Motor Sales
U.S.A., Inc.
("Toyota")

CASE # 1204144

DECISION

I, Richard Friedlander, was appointed pursuant to CDSP rules as Arbitrator to hear and determine disputes, which had arisen between the Customer, and Toyota regarding a 2003 4Runner.

By a notice given on September 28, 2004, the parties were advised that a hearing would be conducted at Putman Toyota, on October 8, 2004, at 10:00 AM.

Present on that date were:

Mr. Maurice Howard	Customer
Ms. Etta Dotson	Customer's friend
	Toyota Representative
	Toyota Customer Relations
	(attended as a non-Participant)

The complaint(s) existing between the parties were set forth on a "Customer Claim Form" received by CDSP on September 17, 2004, and were confirmed or modified at the time of the hearing. They may be summarized as follows:

The Customer states that the vehicle accelerates on its own and does not respond to braking. The Customer requests a replacement vehicle.

SUMMARY OF PRESENTATION:

The parties presented and I reviewed and considered the following evidence: Customer Claim Form, dated September 17, 2004; Manufacturer's Response Form, dated October 1, 2004; Invoices #'s 84511, 85504, 399520; Letter from Massoud Haddad, dated September 25, 2004; and Letter from Ahmad Quran, dated September 22, 2004.

The position of the Customer was that the vehicle intermittently accelerates "by itself" and is difficult to stop. In three (3) attempts to repair the vehicle, the Dealer and the Manufacturer's Field Technical Specialist's (FTS) were unable to duplicate the problems. He said that the brakes were fixed, but still do not work properly. He is concerned about safety, both his own and others who might be injured by the vehicle.

The Customer requested that the vehicle be replaced.

The position of the Manufacturer was that no code had come up on a computer diagnostic of the vehicle. He said that the vehicle had been substantially road-tested and that it had not been possible to duplicate the problem. He said the brake pads had been replaced as a goodwill gesture. He said the vehicle is operating as designed.

As the vehicle was not present, no road test was conducted.

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 the vehicle be replaced is hereby DENIED.

I have reached this conclusion because the Customer failed to prove, by a fair preponderance of the credible evidence, the existence of a nonconformity that substantially impairs the use, value or safety of the vehicle.

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

October 8, 2004
Date


Richard Friedlander

**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).**