



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 100248

Date Received 24-JAN-2005
Repository
Reference No. 10108693

OWNER INFORMATION (Type or Print)

Name _____
Address _____
City EVANSVILLE State IN Zip Code _____

Daytime Telephone Number _____
Evening Telephone Number _____
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 _____ Date 2/9/05

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side: 1FTWW33S _____
Make: FORD Model: F-350 Model Year: 2004
Date Purchased: _____ Dealer's Name and Telephone Number: D-PATRICK FORD, 500 WALNUT
Original Owner: Dealer's City: EVANSVILLE State: IN Zip Code: 47732
Transmission Type: AUTOMATIC Antilock Brakes Cruise Control Powertrain: 4 WHEEL DRIVE
Vehicle Component Code: 180000 VEHICLE SPEED CONTROL
Multiple Failure: 2

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s): 24-DEC-2004 Failure Mileage: 35000 Failure Speed: at startup

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), Fatality(ies), Crash(es), and Injury(ies).)

Crash: Yes No Fire: Yes No
Number of Persons Injured: 0 Number of Deaths: 0 Reported to Police:

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).

THE CONSUMER EXPERIENCED SUDDEN ACCELERATION WHILE THE VEHICLE WAS IN REVERSE CAUSING THE VEHICLE TO CRASH INTO ANOTHER VEHICLE. *1B

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY

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.

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



U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NHTSA-218
400 7th Street, SW
Washington, DC 20590

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

BUSINESS REPLY MAIL
FIRST CLASS PERMIT NO 73173 WASHINGTON, D.C.

Penalty for Private Use \$300

Official Business

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

National Highway
Traffic Safety
Administration

U.S. Department
of Transportation



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



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

ATTACH ADDITIONAL SHEETS IF NECESSARY

January 28, 2005

Ford Motor Company

D-Patrick Ford
500 Walnut
P.O. Box 3286
Evansville, IN 47732

Re: [REDACTED]
Vehicle: 2004 Ford F350
Date of Purchase: August 23, 2004
VIN: 1FTWW33S[REDACTED]

Ladies and Gentlemen:

Please be advised that this office represents [REDACTED] regarding claims against Ford Motor Company pursuant to the Federal Magnuson-Moss Warranty Act and/or Indiana Lemon Law with regard to the above listed vehicle (the "Vehicle"). Please direct all future contacts and correspondence to the address listed above.

My clients' Vehicle intermittently and without warning suddenly accelerates on its own, and cannot be stopped or slowed. This defect causes a substantial risk to my clients' safety and to the safety of the public. The defect is described in detail in the Affidavit of [REDACTED] and in the Affidavit of Aleksandr Kazakov, each of which is attached hereto and incorporated herein by reference.

This defect constitutes a substantial impairment of the use, value, and safety of my clients' Vehicle. Accordingly, my clients have justifiably lost confidence in the Vehicle, and, in fact, are afraid to drive the Vehicle. My clients are unwilling to await a third incident that may cause serious injury or death to themselves and others.

AS A RESULT, MY CLIENTS HEREBY REVOKE THEIR ACCEPTANCE OF THE VEHICLE. The Vehicle is currently located at D-Patrick Ford in Evansville, Indiana, where it has been since January 20, 2005.

To avoid litigation, my clients request the return of all funds paid toward the Vehicle, the cancellation of the contracts, and compensation for their damages. Our attorney's fees are minimal at this stage, and we would prefer to resolve this matter without the need for any more time spent on our part or on the part of your attorneys.

Accordingly, if you wish to resolve this matter amicably, please feel free to contact my office within fourteen (14) days. If the matter has not been resolved within that time, we will file a formal claim.

I look forward to hearing from you.

Very truly yours,

Erin L. Berger

Enclosures

Cc: [REDACTED]

AFFIDAVIT OF [REDACTED]

I, [REDACTED] being duly sworn upon my oath state as follows:

1. I am over the age of eighteen (18) and am competent to testify if called to do so at trial.
2. My wife and I purchased a new 2004 Ford F350 Pick-up truck (the "Vehicle") on August 23, 2004, from D-Patrick Ford in Evansville, Indiana.
3. The Vehicle odometer currently shows approximately Four Thousand (4,000) miles.
4. On December 24, 2004, I was with Aleksandr Kazakov ("Kazakov") in the Motel 6 parking lot in Evansville, Indiana.
5. Kazakov and I had been traveling in the Vehicle.
6. Kazakov stepped out of the Vehicle and was talking with two truck drivers while I backed the Vehicle up.
7. I put the Vehicle in reverse and the Vehicle's engine suddenly revved and the Vehicle launched backward at a high rate of speed.
8. I immediately put both feet on the brake pedal and pushed it to the floor, but the brakes did nothing to slow the Vehicle.
9. I observed that the tachometer showed over 6,000 RPM.
10. Despite my efforts to control the Vehicle, it traveled backwards approximately twenty-five (25) feet and collided with a semi truck belonging to the two truck drivers with whom Kazakov was speaking.
11. The Vehicle's engine continued to rev and the tires continued to turn even after the Vehicle made contact with the semi.
12. After several seconds I put the Vehicle's transmission into neutral.
13. I then heard the Vehicle's engine drop back to idle speed, the tachometer returned to an idle RPM and the tires stopped spinning.
14. I was very afraid that the Vehicle may have struck Kazakov, one of the truck drivers, and/or another onlooker.
15. Thereafter, on January 15, 2005, I was traveling in the Vehicle in the parking lot of University Shopping Center in Evansville, Indiana, having just dropped my wife off for an appointment.
16. I was approaching a small patch of ice, so I let off the gas.
17. When I let off the gas, the Vehicle again went full throttle and accelerated very quickly, spinning and chirping the tires.
18. I was again unable to slow the Vehicle by applying full force to the brakes.
19. A few seconds after the Vehicle crossed the ice and hit dry pavement, the engine dropped back to idle speed.
20. I still had both feet on the brakes, and was then able to stop the Vehicle.
21. I called D-Patrick Ford and made an appointment for service on January 20, 2005.
22. I took the Vehicle in for service on January 20, 2005.

23. I also called the Ford help line on January 20, 2005.
24. Michelle Graham from Ford returned my call and left a message on Friday, January 21, 2005.
25. I returned the call to Michelle Graham on Monday, January 22, 2005, and also called on January 23, 24, and 28. My calls have not yet been returned.
26. On January ____, 2005, I was informed that no codes appeared on the diagnostic computer, but that the district representative wanted to look at the Vehicle.
27. On January ____, 2005, I was informed by D-Patrick that it had determined that there was no problem with the Vehicle and that D-Patrick and Ford would not be responsible for the damage done to the Vehicle when the Vehicle struck the semi on December 24, 2004.
28. On January 28, 2005, after D-Patrick's service department had had the Vehicle for over a week, I was first informed by D-Patrick that I needed to come and pick up the Vehicle, but that no repairs had been made.
29. On January 28, 2005, I requested to speak with the Field service engineer, and was told that he was unavailable.
30. I currently hold a CDL, and worked for ____ years as an over the road truck driver.
31. It is my opinion that the Vehicle is a danger to its occupants and to the general public.
32. I am afraid, for my own safety and the safety of my passengers, to drive the Vehicle.
33. I am afraid, for the safety of myself and others, to have the Vehicle on the roadways.
34. I revoke my acceptance of the Vehicle.

Further the affiant sayeth not.

Dated this _____ day of January, 2005.

I hereby affirm under the penalties for perjury that the foregoing representations are true to the best of my knowledge and belief.

Prepared by:
Erin L. Berger #22275-82
123 N.W. 4th Street, Ste. 310
Evansville, IN 47708
(812) 434-6744

AFFIDAVIT OF ALEKSANDR KAZAKOV

I, Aleksandr Kazakov, being duly sworn upon my oath state as follows:

1. I am seventeen (17) years of age and am competent to testify if called to do so at trial.
2. On December 24, 2004, I was with [REDACTED] in the Motel 6 parking lot in Evansville, Indiana.
3. [REDACTED] and I had been traveling in [REDACTED]'s 2004 Ford F-350 pick-up truck ("Vehicle").
4. I stepped out of the Vehicle and was talking with two truck drivers while [REDACTED] backed the Vehicle up.
5. I heard the Vehicle's engine suddenly rev and observed the Vehicle travel backward at a high rate of speed.
6. The Vehicle traveled backward approximately twenty-five (25) feet and collided with a semi truck belonging to the two truck drivers with whom I was speaking.
7. The Vehicle's engine continued to rev and the tires continued to turn even after the Vehicle made contact with the semi.
8. It appeared to me as though the Vehicle was attempting to push the semi truck.
9. I then heard the Vehicle's engine drop back to idle speed and observed the tires stop spinning.
10. Wortman exited the Vehicle and seemed upset.
11. I asked if Wortman was ok and he explained that the Vehicle just "went full throttle all on its own" and that he "could not control" the Vehicle.
12. Less than one minute before the Vehicle collided with the semi, the two truck drivers and I had been standing directly behind the Vehicle, in its path, and between the Vehicle and the semi truck that the Vehicle collided with.

Further the affiant sayeth not.

Dated this _____ day of January, 2005.

Aleksandr Kazakov

I hereby affirm under the penalties for perjury that the foregoing representations are true to the best of my knowledge and belief.

Aleksandr Kazakov

Prepared by:
Erin L. Berger #22275-82
123 N.W. 4th Street, Ste. 310
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