

2005 AUG -3 AM 4:51

April 22, 2005

Kirkpatrick & Lockhart, Nicholson, Graham
75 State Street
Boston, Ma 02109-1808

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10/21/12

Re: 2001 Lexus RX 300 Vin JTJHF10U110 [REDACTED]

Dear Attorney King:

I am in receipt of your letter of April 14, 2005 and appreciate you responding to my letter dated March 25, 2005. In your letter you indicate that my concerns are based upon TMS not offering assistance with the current oxygen sensor, which is apparently in need of replacement. Please be advised that my letter citing unfair business practices relative to Chapter 93A involves TMS's refusal to supply me with information pertaining to oxygen sensors on their RX 300 product.

As I indicate in my initial letter, this situation goes beyond TMS's refusal to offer assistance regarding the oxygen sensor. I am resigned to the fact that TMS has taken their position on this matter. My focus at this time is to educate myself and potentially others regarding the purpose or need for the oxygen sensor in my vehicle and whether these items are manipulating the general public into spending unnecessary amounts of money on repairs.

Your letter indicates that I have failed to satisfy the requirements of Chapter 93A and I must disagree with this comment. My original request over the phone to Mr. Marrero was quite clear and my subsequent request in my letter was also clear. In the event you are still unclear as to my request, I am requesting the following information from TMS:

Please forward me official or manufacturer's documentation regarding the purpose of the various oxygen sensors on the Lexus RX 300 vehicle. Please include what government requirements exist mandating that TMS utilize these sensors in the manufacturing of this vehicle. Please include the typical life expectancy of each sensor per the manufacturer. Also, I am requesting the repair/reliability history of the RX 300 since its inception into the market.

With regard to legal right to request this information, obviously you can respond by providing the information voluntarily. If you choose to withhold this information, I will then take the appropriate legal action and request this data via subpoena. Your response that this request is voluminous is not credible as any vehicle manufacturer who wishes to stay competitive must possess reliability records and possess information increasing the

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cost of owning and maintaining one of their vehicles. Again, I am asking for this information voluntarily and if you wish to insist that it does not exist I will pursue it legally.

With regard to my inquiries via the Lemon Law, I should be advised that I am reserving my right to proceed with a Lemon Law claim in the future. As for your letter indicating I have not supplied the appropriate maintenance records, as I indicated in my previous letter, my father owns his own garage. I have had all routine maintenance work at that location. I have only utilized the dealer for warranty items. If there are any concerns about the maintenance of my vehicle, I will be more than happy to make it available to an independent party for their inspection of the overall condition of the vehicle.

Attorney King, I believe my request for the documentation on three different occasions remains very clear. This is no longer about an oxygen sensor that needs replacing and TMS's refusal to pay for this item. This is about an inquiry into whether today's vehicle has been designed to make repairs more frequent, more costly and potentially unnecessary. If the information provided by TMS refutes this then I will not persist with my inquiry. However, I will continue my pursuit of this until I have reached a resolution.

You have indicated that TMS endeavors to maintain customer loyalty and hopes to do so through customer satisfaction. With that said, I am interested in seeing if they will satisfy my request for this documentation voluntarily. I am of the opinion that if there are no concerns on TMS's part then they should have no reluctance to provide the information requested.

I believe the actions to date by TMS are a violation of the consumer protection statutes found in Chapter 93A. I also believe my initial requests were clear and your response was a façade to mask TMS's reluctance to provide this information which I would be extremely surprised if not readily available.

Please provide the information requested. If you have any questions, please feel free to contact me at [REDACTED]

Very truly yours,

[REDACTED]

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