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sent via US Mail

April 25, 2005

Ford Motor Company  
Customer Relations Center  
16800 Executive Plaza Drive  
P.O. Box 6248  
Dearborn, MI 48121

RE: 2004 Ford Explorer VIN # 1FMZU63K54

Dear Sir or Madame,

Circumstances with our newly leased 2004 Ford Explorer are such that we are requesting that you provide us with a new vehicle of similar year, make and model.

This vehicle was purchased "new" this past summer and has had numerous mechanical malfunctions that have made it hazardous and dangerous to operate. The 2 very serious malfunctions are not minor, but are of a very serious nature.

**1. Vehicle's Engine Shuts Off**

This has occurred in situations on the highway that have been extremely hazardous to the passengers and those of the general public. When this malfunction occurs, it occurs without warning. There is no consistency to when this happens, but it happens often enough that as operators we have lost confidence in the vehicle. We are reluctant to have children in it or to take it on the highway. It is without question that the defects in our 2004 Ford Explorer are serious.

**2. Difficulty Putting The Vehicle In Gear**

It is becoming increasingly difficult to put the vehicle into gear. In other words, when you put the vehicle into reverse, it goes not engage in the gear. At other times, it will engage the gear after a prolonged delay. This is particularly dangerous when you step on the accelerator and it "unexpectedly" jumps into gear after a

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prolonged delay. This is extremely dangerous for the passengers, but particularly for any pedestrians walking behind the vehicle.

**BOTH OF THESE MALFUNCTIONS PRESENT A DANGER AND A HAZARD AND ARE VERY SERIOUS DEFECTS.**

#### **INACCEPTABLE RESPONSE FROM FORD DEALERSHIP**

When we called the dealership that we purchased the vehicle from and told them of the numerous and consistent mechanical problems we were having with the vehicle, we were told, "We sell them, we don't make them." This answer is unacceptable for a dealership that acts as an agent of the Ford Motor Company and its products and services. When asked when the vehicle could be serviced, we were told that the Service Department was in transition. We spoke with Stacey, Director of Service, and she said that she "was new." That she had a "shortage of staff in the service department" and that she had an "enormous backlog in the service department" particularly in the transmission department. She also mentioned that she had only "one person working on transmissions" and that at a minimum it would take 4 weeks to look at the car.

Previously, we had taken this vehicle twice to the Santa Monica Ford Dealership in Santa Monica, CA. The Santa Monica dealership advised us when we called with the same problems to contact the dealership from which we had purchased it. Apparently, after two attempts to fix 2 significant problems with the vehicle they thought it would be best to be looked at by a new set of eyes.

We have called the Ford Motor Company Customer relationship on Tuesday, April 18, 2005. The operator, who answered the phone, presented no viable solution which would address our concerns about the safety of the vehicle. We asked to speak with a supervisor, and were told that none was available, but one would call within 24 to 48 hours. This did not occur. We called back and spoke again to another operator at the Customer Relationship

Department, but was told that the computer file for our vehicle was not accessible. We were told that we should call back at a later time. When asked if we could receive a return call, the operator said that she was unable to dial out.

In another attempt to call the Ford Motor Company Customer Relationship service we spoke with a supervisor who said they would call the dealership that sold the vehicle to us. Eventually, this supervisor called back saying that the dealership did not want us as a client because we had "threatened" them.

In attempting to work at the dealership level we were unsuccessful after numerous attempts. Another suspicious item was when we had a "phone system" installed in the vehicle. The installation company noted that the wires to connect to the phone system were missing, and that someone had already drilled holes in the vehicle where a phone speaker is typically installed. When I questioned the dealership about whether they had sold us a "new" car that was "used" they said that the holes are typically drilled to install a car alarm. Needless to say, we are not surprised that Midway does not want us to bring the vehicle there for service.

The California Lemon Law covers "new" vehicles that are "purchased or leased primarily for business use." The California Lemon Law further states that if the dealer can't repair a serious warranty defect in your vehicle after a 'reasonable' number of attempts, the manufacturer (Ford) must either: Replace the vehicle or Refund its purchase price." This Law applies to vehicles whose problems occur within 18 months of delivery, or within 18,000 miles." In the case of our 2004 Ford Explorer, we have not reached either of these thresholds.

The Lemon Law states specifically that the "problems must substantially reduce the use, value, or safety of the vehicle" which we believe have been clearly and consistently presented.

Please advise us at your earliest convenience as to the steps we must take to have this vehicle replaced. Please be advised that we require the use of a vehicle and that we would appreciate your immediate attention to this matter. We are anxious to assist you in

anyway, so please contact me should you require any additional information.

Regards, *A* *1*

cc: Mr. Michael Piscal – President & CEO  
Lou Cappadona, Esq. – Nordman, Carmody, Hair & Compton  
Midway Ford  
California Department of Consumer Affairs  
California Department of Motor Vehicles (DMV)  
California New Motor Vehicle Board  
National Highway Traffic Safety Administration  
Center for Auto Safety

