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OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER
Attorney General

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DIVISION OF PUBLIC ADVOCACY
CONSUMER FRAUDS & PROTECTION BUREAU

July 8, 2005

National Highway Traffic and Safety Administration
400 7th Street SW
Washington, DC 20590

Our File Number: 2005-495743
Consumer: Anonymous

Dear Sir or Madam:

The enclosed material, which appears to involve matters of possible interest to your agency, was filed anonymously with our office.

We are forwarding the materials to you for whatever action you deem appropriate.

I trust this information is helpful.

Very truly yours,

Maurice Padula

Maurice Padula
BUREAU OF CONSUMER FRAUDS
AND PROTECTION

*Edinson
7/20/05*

RECEIVED BY

JUN 20 2005

**CONSUMER FRAUDS
ALBANY OFFICE**

June 12, 2005

Office of the New York State Attorney General Eliot Spitzer

It would not take one of your investigators very long to confirm the contents of the attached memorandum- try "Durango, stalling" on Google for a start- keep up the good work!

I would have included my contact information, but I don't want this to be about me or my vehicle- what is far more relevant for you is the number of vehicles with the same defect being driven on the roads of New York and being sold in the state.

June 11, 2005

To

Re: 2004 Dodge Durango -Stalling while driving at highway speed

The purpose of this memorandum is to document in writing my previous oral complaints dealing with the sudden and complete engine shutdown (i.e. stalling) while driving at 95-100 km. per hour (i.e. 60 mph) on expressways and to express my profound dissatisfaction with the manner in which this matter has been handled to date. The latter is truly unfortunate because I have held the dealership involved in the highest regard and have given it glowing references to others- the best reference of all is that I have purchased three new vehicles from the dealership and same sales associate in the past few years.

Vehicle identification

2004 Dodge Durango with Hemi Magnum 5.7L engine

Date of purchase- May, 2004

Problem

On three separate occasions commencing in August 2004, the vehicle has stalled while driving on expressways at 95-100 km. per hour- a truly frightening and unnerving experience. Fortunately, I was able to extricate myself during the incidents without further mishap but it does not require much imagination to realize how deadly and serious this could be. The likelihood of myself and family being crushed by a following transport truck or bus or causing a major multi-car pile-up is simply unacceptable. Dismissing this

problem or not treating it with the urgency required is truly morally reprehensible – people are going to die from this defect. It must be dealt with now.

Perhaps coincidental, perhaps not, all three incidents involved essentially the same circumstances – the weather was sunny and hot, I had been at highway speed for approximately 3 hours, I stopped for lunch and gas, and recommenced the journey about 40-60 minutes later, with engine failure occurring within the next 30 minutes. There was no warning of any kind – one second the engine was running, the next it was not and the vehicle rapidly slowing down- in the first incident I was on an incline and the rate of slowdown was a cause of significant concern, not just to me but every other vehicle around me. The vehicle re-started by turning the key as if nothing was amiss. Since I acquired the vehicle, I have been in similar circumstances less than 15 times (i.e. driving at that speed for that length of time in hot weather) so the defect incident rate is very high.

Response

Shortly after the first incident, I reported it to the dealership and it was treated in the same manner as an irritating but persistent squeak that never happened when brought into the dealership- in short, if it didn't happen while a mechanic was in the vehicle, it didn't happen. The dealership did "flash" it but found nothing wrong. I continued to pursue the matter and in October 2004 the vehicle was further tested- the temperature at the time was approximately 12 degrees centigrade (i.e. far from hot) and, I understand, the vehicle was allowed to run for an hour or so in the shop under no load and because it didn't stall in that time, nothing seemed to be wrong. This test had about as much validity and credibility as proving water doesn't freeze because a glass of water was left out at room temperature for an hour. I was informed that DaimlerChrysler had been contacted and that there were no other similar incidents reported. An offer was made to allow the mechanic testing it to drive it home and see if it stalled- as the distance and circumstances were so unlike those at the time of the previous incidents, I declined given it would have proven nothing. Each time I had the vehicle serviced after that, I raised the issue and was informed no one else had reported a similar problem- in other words, it was just me.

In the past week, the temperatures in my area became very hot and I decided to pursue the matter again- before calling the dealership to set up an appointment, I thought I would check the internet to see if this problem was as non-existent as I was being led to believe. To my dismay, I found out that I was probably one of the few people in the known universe that didn't know how widespread this problem was and this is why I am so profoundly disappointed in my dealership and the manufacturer. Surely, given the gravity of the defect and the potential to cause death and serious bodily injury, someone would have contacted me and other owners. No one did. Adding further insult was finding out that DaimlerChrysler was aware of this problem as early as September 2004.

Recommendations

DaimlerChrysler must immediately address the issue and notify owners, it must uncover the cause and correct it.

As the manufacturer has been far from responsible in dealing with the problem, the regulatory authorities should commence a mandatory recall of all vehicles that could possibly be affected.

I would like my vehicle fixed and I would like it to be safe to drive.

Update

As a matter of courtesy, I delivered by hand a copy of this memorandum to the dealership and asked for their comments before distribution. They were as surprised as I was that this problem affected more than just my vehicle. The sales associate checked with their service department and was told that no service bulletins or any other correspondence had been received on the matter and they were not aware a problem existed. It appears that DaimlerChrysler's position in dealing on an individual basis is - problem? What problem? However, according to an Associated Press release dated May 20, 2005 headed "Gov't Investigating Dodge Engine Stalling" (Ken Thomas AP writer), DaimlerChrysler is quoted as saying that "a review of calls from customers, warranty claims and other internal cases will give us a better handle of what population of vehicles may be affected" and that the preliminary estimate by the government of 506,000 vehicles "probably involves a more limited number". I find these statements appallingly dishonest given my experience that absolutely no effort is actually being made to find out what the problem is or what vehicles are affected, no contact is being made with the dealerships and no follow-up is being made on complaints. The only way to force the issue is to mandate a recall of every 2004 and 2005 Durango and other affected vehicles and to see how quickly DaimlerChrysler "discovers" what specific vehicles and engines are really at risk- I suspect it already knows and is stalling on the issue to avoid the cost of a recall. This defect is going to cause injury and death and this will not be the result of an accident but criminal negligence.