



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 100148

Date Received

Repository

15-AUG-2005

Reference No.
10132854

OWNER INFORMATION (Type or Print)

Name [REDACTED]
Address [REDACTED]
City KINGWOOD State TX Zip Code [REDACTED]

Daytime Telephone Number [REDACTED]

E-mail Address

Evening Telephone Number [REDACTED]

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle?
In the absence of an owner's name or address to the vehicle manufacturer, YES NO
Signature of Owner [REDACTED] Date 9/1/2005

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side: 1N4BA41E45C [REDACTED]
Make: NISSAN Model: MAXIMA Model Year: 2005
Date Purchased: 15-NOV-04 Dealer's Name and Telephone Number: TOM PEACOCK NISSAN 281-821-4000 Engine: No. Cylinders 6 Fuel Type: Gas
Original Owner: Dealer's City: HOUSTON State: TX Zip Code: 77290
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): 25-MAY-2005 Failure Mileage: 5542 Failure Speed:

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: DOTM9ABC036): 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(ies).)

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(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).

DT: THE CONTACT STATES BOUGHT A 2005 NISSAN MAXIM 3.5 EL ON NOVEMBER 15, 04. TOWARDS THE END OF MAY SHE TOOK TO DEALER FOR A ROUTINE SERVICE AND SHE COMPLAINED THAT CAR WAS EXPERIENCING ACCELERATION PROBLEMS. WHEN SHE STOPPED AT A STOP LIGHT AND PUT FOOT ON THE ACCELERATOR IT WILL COAST INTO EIGHT LANES OF TRAFFIC, IT WILL LURCH OR JUMP, AND THEN IT WILL START TO RUN NORMALLY. THERE WAS A SUBSTANTIAL AMOUNT OF TIME THAT PASSES BEFORE THE CAR WILL RUN NORMALLY. THIS HAPPENED SEVEN TIMES BY MAY 25, 2005. IT OCCURRED RANDOMLY. ONCE IT HAPPENED THREE TIMES WITHIN ONE HALF HOUR. APPROXIMATELY 4 WEEKS AGO THE DEALER CALLED THE CONTACT AND TOLD HER A TROUBLESHOOTER WOULD MEET HER HALF-WAY OR AT HER HOUSE OR AT THE DEALERSHIP. SHE TURNED HIM DOWN THE REQUEST BECAUSE SHE WAS AFRAID TO DRIVE THE CAR. SHE SAID THIS WAS WHEN THE DEALER STOPPED TALKING TO HER. CURRENTLY, SHE WAS TRYING TO GET THE LEMON LAW ENFORCED, AND SOMEONE WAS SUPPOSE TO CALL HER WHEN THE APPOINTMENT WAS TO BE SET UP. THE CONSUMER WAS TO DRIVE THE CAR WHILE THEY INVESTIGATE IT WITH SOME SOPHISTICATED MACHINERY. THE CONSUMER STATED THAT ON MAY 25, 2005 THE CAR HAD ONLY 5542 MILES ON IT. *AK

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 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.

1. October 2005

2005 OCT 13 PM 1:10

Dear Mrs. Jordan, There were 2 more incidents the end of July, and I told Nissan North America that I would not drive the car any more. — I leased a car from the 26. July to the 5. September 2005. We received a new 2005 MAXIMA 3.5 SL ON that day, and I feel that Nissan knew that there was indeed a problem, and finally decided to give us an new car, same make, same model Maxima 3.5 SL. — I feel that they had no laughs a car after we had invoked the Texas Lemon Law, and Nissan North America also knew that I had filed a complaint with your agency. —

It was a tough 3½ months fight, and it took a lot out of us, my husband is 82 years old, blind, but I hung in there, and stubbornly stayed on top of this mess. —

Thank you for keeping an eye out for the consumer. —

REFERENCE #

10132854



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

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

NVS-216 aaj

Dear Consumer:

As a result of your recent report to the DOT Auto Safety Hotline (DOT Hotline), we have recorded that report on the enclosed Vehicle Owner's Questionnaire (VOQ) form. Please review the form and make changes, additions and corrections as necessary. Additionally, please provide a more detailed description of the failure(s) you reported that you believe is(are) relevant to safety. Also, if available, include copies of repair invoices, letters to the manufacturer, or any other document related to the problem(s) you reported. If a crash or fire occurred, include a copy of the police or fire department report.

It is helpful to be as thorough as possible in your report so that our ability to use your report will be maximized. If you do not have the information, it is not necessary to complete all the boxes. However, it is very difficult to identify the scope of a vehicle problem unless the vehicle identification number (VIN) is known. The VIN is located inside the vehicle on the dashboard adjacent to the left (driver's side) of the windshield pillar and on the driver's door or the driver's door jam. It may also be listed on the dealer's repair invoices. When reporting a tire problem, the brand name, tire name and complete tire size should be included. If possible also provide the DOT tire identification number. It is usually located near the rim flange of the tire on either side of the tire.

The Privacy Act prohibits our agency from identifying you to the manufacturer without your permission. If you wish to give us that permission, please mark the appropriate authorization box and sign the form to allow us to provide your name to the manufacturer. The information you provide may assist the manufacturer and NHTSA in determining if a safety-related defect exists.

Any information provided is entirely voluntary. There is no consequence or penalty of any kind if you do not wish to provide it. We seek this information to develop both statistical and investigative evidence that will help identify potential safety related problems in vehicle or vehicle equipment, e.g., tires, child safety seats, jacks, etc.

When completed, please fold and staple or tape the form so that the pre-address portion of the form is on the outside. If a larger envelope is used, tape the VOQ form to the larger envelope so that the pre-address portion of the form is showing.

If further assistance is needed, please contact Mr. Michael J. Jordan, Safety Defects Program Assistant, Correspondence Research Division, Office of Defects Investigation, at (202) 493-0576.

Thank you for your cooperation.

*ATIS
MR. MICHAEL
J. JORDAN*

Sincerely,

Alberto A. Jimenez
Alberto A. Jimenez, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement

Enclosures: VOQ
DOT Hotline Pamphlet



DOT AUTO SAFETY HOTLINE
888-DASH-2-DOT
888-327-4236



LEMON LAW COMPLAINT FORM

1

MVD-140 Rev. 1/04
Page 1 of 4

OWNER: [REDACTED]

MAILING ADDRESS: [REDACTED]

CITY: KINGWOOD STATE: TEXAS ZIP: [REDACTED]

WORK PHONE: NA HOME PHONE: [REDACTED] FAX: NA

CHECK ALL THAT APPLY: NEW USED DEMO PROGRAM LEASE CONVERSION

YEAR: 2005 MFG/MAKE: NISSAN/MAXIMA MODEL: 3.5 SL

VIN: 1N4BA47E45C [REDACTED] DATE PURCHASED: 11/15/04

MILEAGE: CURRENT 7097 AT DELIVERY: 145 DATE 24,000 MILES REACHED: _____
NOT APPLICABLE TO TOWABLE RECREATIONAL VEHICLES

CONVERSION CO: _____

LEASE CO: _____

SELLING DEALER: TOM PEACOCK NISSAN CITY: HOUSTON, TEXAS

SERVICING DEALERS 1) TOM PEACOCK NISSAN CITY: HOUSTON, TEXAS

2) _____ CITY: _____

3) _____ CITY: _____

DEALER ADDED OPTIONS: _____

WHAT REMEDY ARE YOU SEEKING?: REPURCHASE/REPLACEMENT OR REPAIRS

EXISTING PROBLEMS LOG: You MUST complete this section on this form or the form will be returned as incomplete. "See Attached" or equivalent is NOT a substitute for completion.

Description of problem that <u>CONTINUES TO EXIST:</u> list only one problem	Repair Visits	Date In	Date Out	Mileage
ON random occasions, the car will NOT accelerate after having come to a complete stop. this can last anywhere from a few seconds to as long as it takes to coast across 6 lanes of traffic. After this period of coasting, the car resumes normal acceleration. Sometimes preceded with a jolt.	1 st visit	5/24/05	5/25/05	5542
	2 nd visit	6/1/05	6/1/05	5804
	3 rd visit	6/20/05	6/28/05	6294
	4 th visit	6/30/05	7/15/05	6752

LL \$35

TEXAS MOTOR VEHICLE BOARD
Warranty Performance obligations

107.2. Filing of Complaints

c. Complaints should provide the following information:

1. [REDACTED]
[REDACTED]
Kingwood, Texas [REDACTED]
[REDACTED]
2. VIN# 1N4BA41E45C [REDACTED]
2005 Nissan Maxima 3.5 SL
3. Basic Warranty – Extended Warranty [Attachment A]
11/16/04 – 11/16/10
4. Tom Peacock Nissan [mailing address]
14300 North Freeway PO Box 90300
Houston, Texas Houston, Texas 77290
5. Date of Purchase 11/15/04
Date of Delivery 11/16/04
6. Vehicle Mileage
At purchase: 145 miles
When problems occurred: 5542 miles
Current: 7097 miles
7. On random occasions, the car will not accelerate after having come to a complete stop. This can last anywhere from a few seconds to as long as it takes to coast across 6 lanes of traffic. After this period of coasting, the car resumes normal acceleration, sometimes preceded with a jolt.
 - a. 5/24-5/25/05 5542 miles [Attachment B]
Problem occurred 5 times over previous weekend.
“CUST STATES WHEN SITTING AT RED LIGHT SHE ACCELERATES AND VEH BOGGS DOWN”
“NO PROBLEM FOUND”
 - b. 6/1/05 5804 miles [Attachment C]
Problem continued to occur.
“CUST STATES WHEN SITTING AT RED LIGHT SHE ACCELERATES AND VEH BOGGS DOWN”
“COULD NOT DUPLICATE”
 - c. 6/20-6/28/05 6294 miles [Attachment D]
Problem continued to occur.
“CUST STATES VEH WILL NOT GO AFTER STOPPING”

107.3. Filing of Complaints (cont)

“TEST DROVE TO PRESENT MILEAGE OF 6625
DUPLICATED ONCE...”

“CAUSE: INTERNAL FAULT”

I was told the problem was FIXED.

- d. 6/30-7/15/05 6752 miles [Attachment E]

The day after the car was “FIXED”, the same problem occurred with the car coasting across 6 lanes of traffic before resuming normal acceleration.

“CUST STATES VEH BOGGS OUT AT TIMES”

“CAUSE: REPLACED METER AMP ASSY PER TECH LINE
– DUE TO INTERNAL SHORT”

I was told the problem was FIXED.

8. Written notification of complaint mailed to Nissan North America, Inc., Consumer Affairs Department, P. O. Box 191, Gardena, CA 90248-0191, Attention: Kurt von Zumwald (copies to David Peacock, Randy R. Rowney) on 7/30/05 [Attachment F].

Vehicle inspected during repair order [invoice 6/30] by Neal Bernes, Nissan factory representative/“troubleshooter”. Date and results of his inspection are unknown.

9. This has been an ongoing complaint since it was documented at the 5/24/05 repair order/service visit. The car has been evaluated during 4 different repair orders, the problem duplicated [invoice 6/20] AND the problem “FIXED” twice [invoices 6/20 and 6/30/05].

I have contacted several individuals [Attachment G] at various intervals over the last 2 months to inform them of the problem and to determine where to go to next to correct the problem. As this list indicates, I have made every attempt to have the problem corrected.

However, after 4 repair orders and 2 “FIXES” the problem occurred again on 7/25/05, 10 days after it was last “FIXED”. It occurred 3 times in ½ hour with my daughter and 2-½ year old granddaughter in the car! The car has been parked in my garage since that incident.

I notified the following people [Attachment G] immediately: Morris Potts, David Peacock and Kurt von Zumwald. I reviewed the details of the incidents and voiced my concern over the reoccurrence of the problem.

107.4. Filing of Complaints (cont)

I also requested a rental car until a mutual agreement as to the next step was made

Mr. Peacock [as conveyed through Morris Potts and Jerry Deal - Mr. Peacock did not return my call] and Mr. von Zumwald both stated they wanted me to drive the car to Tom Peacock Nissan. I believe the intent with this request was for me to drive with Mr. Bernes with the hopes of duplicating the problem. I have refused to drive the car anywhere as I feel driving the car is posing a risk to my life.

Currently, I am without a vehicle and there has NOT been an offer to retrieve the car to fix it by anyone involved in this situation.

To say the least, this has been a very emotional and frustrating two months. I experience fear each time I sit behind the wheel of my car. This fear has escalated after each repair and subsequent reoccurrence of the problem. I never know if this will be the time that my car doesn't accelerate and the car coming at me doesn't realize I am barely moving and crash into me.

I am sad and angry each time I see my new car sitting in the garage and knowing I cannot drive it.

July 30, 2005

[REDACTED]
[REDACTED]
Kingwood, Texas [REDACTED]

Nissan North America, Inc.
Consumer Affairs Department
P. O. Box 191
Gardena, CA 90248-0191
ATTN: Kurt von Zumwald

Dear Mr. von Zumwald,

I am writing to notify you of the problems I am experiencing with my 2005 Nissan Maxima [VIN# 1N4BA41E45C [REDACTED]] and to request that you correct this problem within thirty (30) days of your receipt of this letter.

I purchased my vehicle from Tom Peacock Nissan in Houston, Texas on November 15, 2004. Approximately 6 months after purchase, I began experiencing a problem with the vehicle. On random occasions the vehicle will not accelerate after having come to a complete stop. This can last anywhere from a few seconds to as long as it takes to coast across 6 lanes of traffic. After this period of coasting, the vehicle resumes normal acceleration, sometimes preceded with a jolt.

I took the vehicle back to Tom Peacock Nissan for repairs on 5/24/05, 6/1/05, 6/20/05 and 6/30/05 but, to date, they has been unable to correct the problem. In fact, the last occurrence was on 7/25/05, 10 days after the vehicle was last "fixed". Attached are copies of the repair orders, which document the dealership's attempt to repair my vehicle.

This problem substantially impairs the use of my vehicle as well as creates a serious safety hazard. Therefore, if you and/or Tom Peacock Nissan are unable to correct this problem, I will expect you to repurchase the vehicle pursuant to Chapter 2301, Subchapter M of the Texas Occupations Code Annotated.

Please contact me on receipt of this letter at the above address to arrange a mutually convenient date and time for you to have an opportunity to inspect my vehicle and make any necessary repairs.

Sincerely,
[REDACTED]
[REDACTED]

cc: David Peacock, Owner Tom Peacock Nissan; Randy R. Rowney, Attorney at Law;
Texas Motor Vehicle Board

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).