

9/27/2005

2005 OCT -6 AM 4:37

Marketing Manager  
Jaguar Cars  
555 MacArthur Blvd  
Mahwah, NJ 07430

10139910

Reference: Case No. 6193129  
1995 Jaguar XJ6  
VIN: 736299

**To Whom It May Concern:**

On September 19, 2005 my wife, driving her 1995 XJ6 (ref. above) was nearly rear ended had it not been for the quick reaction of the drivers behind her. This potentially catastrophic event took place at a traffic light on busy Woodward Avenue in Birmingham, Michigan. She had been stopped at a traffic light and, as the light changed to green, she attempted to accelerate to the speed of traffic coming up behind her. Unfortunately, the throttle plate was stuck at idle RPM allowing the vehicle to creep forward at idle speed only. Because there was no obvious external reason for her lack of acceleration, the rush hour traffic behind her continued to bear down on her vehicle at 50 miles per hour. Only the quick thinking of the drivers behind her, sensing that something was amiss, allowed a potentially serious accident to be avoided.

This is not the first incident of a sticking throttle on this vehicle. The following table is a reconstruction of these events and the odometer reading at which they occurred:

| <u>Date of Incident</u> | <u>Odometer Reading</u> | <u>Interval since last Event</u> |
|-------------------------|-------------------------|----------------------------------|
| 11/20/1996              | 25,667 miles            |                                  |
|                         |                         | 4,885 miles                      |
| 9/24/1997               | 30,552 miles            |                                  |
|                         |                         | 7,034 miles                      |
| 10/13/1998              | 37,586 miles            |                                  |
|                         |                         | 13,323 miles                     |
| 8/7/2000                | 50,909 miles            |                                  |
|                         |                         | 10,379 miles                     |
| 6/24/2002               | 61,288 miles            |                                  |
|                         |                         | 16,454 miles                     |
| 9/19/2005               | 77,742 miles            |                                  |

Each time the corrective action consisted of cleaning the throttle assembly by Jaguar of Troy, Michigan. After the 6/24/2002 event, the Dealership no longer accepted financial responsibility on behalf of Jaguar, and tried to convince me that a sticking throttle is a normal condition that requires periodic maintenance by way of cleaning every 10,000 miles. Having been associated with the auto industry for over 40 years,

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Jaguar Cars  
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I did not accept this rationale and, in fact, promised to pursue it further. I always believed this to be a safety related problem, possibly even covered by one or more Federal Motor Vehicle Safety Standards (FMVSS). As such, not only should the cost of repairs, but also the implementation of a permanent solution, be the responsibility of the manufacturer.

It was at this time that I contacted Jaguar Cars Customer Relations Center (Peter Briskin). According to Peter Briskin, Jaguar Cars Customer Relations Center (8/27/2002) "Service adjustments like this are covered by the New Vehicle Limited Warranty for the first 12 months or 12,500 miles, whichever comes first". His initial refusal for reimbursement (8/27/2002) was followed by another letter (9/11/2002) in which he confirmed that Jaguar Cars, in deed, would reimburse me for the repairs. A check in the amount of \$302.76 was issued on 11/07/2002. At about the same time, I received a telephone message from Andrew Barlow's office indicating that he would "call me with information regarding a permanent fix".

After waiting for several months, I followed up on this message with three letters addressed to Andrew Barlow, Marketing Manager, Jaguar Cars. These letters were dated 1/13/2003, 5/15/2003, and 9/4/2003. To date, Mr. Barlow chose not to respond to my letters sent via certified mail.

Given the first opportunity, subject vehicle will again be taken to Jaguar of Troy for repairs. Whether Jaguar will accept financial responsibility for this event remains yet to be seen. My position continues to be that responsibility for the necessary repairs belong to the manufacturer, Jaguar Cars. I would hate to even consider the ramifications of the throttle sticking in the wide open position.

Sincerely,

[REDACTED]

[REDACTED]

Bloomfield Hills, MI [REDACTED]

Attachments

Cc: National Highway Transport Safety Administration  
Jaguar SAAB Aston Martin of Troy

457627

REF: 6193129

August 27, 2002

[REDACTED]  
Bloomfield Hills, MI [REDACTED]RE: 1995 XJ6  
VIN: 736299

Dear [REDACTED]

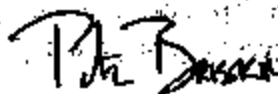
Thank you for your for your August 22, 2002 phone call. I was very sorry to learn of your dissatisfaction with the service charges you incurred at Jaguar of Troy.

The Service Advisor at Jaguar of Troy, Jim Mudge, informed me that the throttle on your Jaguar needed to be cleaned and adjusted. Normal driving conditions can cause deposits to build up on the throttle, resulting in a sticking condition. This necessitates the cleaning and adjustment of the throttle mechanism. Service adjustments such as this, are covered under the New Vehicle Limited Warranty for the first 12 months or 12,500 miles, whichever comes first. This is explained in your Passport to Service Booklet, in the Service Parts and Adjustments section. Because your vehicle is beyond the adjustment period, this situation would not fall within the warranty parameters.

Jaguar Cars, considers the satisfaction of our owners to be one of our most important objectives. Sincere efforts are made to resolve all of our customers' concerns. Please understand that there must be limits to those efforts. We regret not being able to meet with your expectations in this matter.

Thank you again, for taking the time to bring your concerns to our attention.

Regards,

Peter Briskin  
Customer Relationship Center

cc: Jim Mudge

REF: 6193129

September 11, 2002

[REDACTED]  
Bloomfield Hills, MI [REDACTED]

RE : 1995 XJ6

VIN: 736299

Dear [REDACTED]:

I was sorry to learn of the problems that you have incurred with your Jaguar.

I have reviewed your situation with Jaguar of Troy and have agreed that our participation is appropriate in this case. Consequently, I have arranged for our Accounting Department to send you a check in the amount of \$302.76 as our contribution.

Thank you for allowing us the opportunity to be of assistance.

Sincerely,

Peter Briskin  
Customer Relationship Representative

January 13, 2003

Andrew Barlow  
Marketing Manager  
Jaguar Cars  
555 MacArthur Blvd.  
Mahwah, NJ 07430

Reference: 6193129  
1995 XJ6  
VIN: 736299

Dear Mr. Barlow:

The purpose of this correspondence is twofold: first, acknowledgement of receipt of Check No 000161599 from Ford Motor Company in the amount of \$302.76, and second, to go on record stating that, in my opinion, a potentially serious safety defect exists with the referenced vehicle, and potentially all vehicles using throttle bodies of this design.

Upon examination of referenced case number you will find that this vehicle had been subject to a sticking throttle condition at random intervals. In all instances, the condition was corrected, albeit temporarily, by the local Jaguar Dealership. The last incident resulted in Jaguar's payment referenced above. Subsequent to our last conversation I received a message indicating that you would call me with information about a permanent fix. I have yet to receive such a call.

My concern, of course, is that this condition provides no advance warning. Based on the odometer readings, it is not necessarily mileage related; hence a periodic inspection or action would not satisfactorily relieve my concern. I believe you stated "should the condition recur, we will deal with it at that time". Unfortunately, this could potentially expose my wife, the customary driver of this vehicle, to injury. Anytime the throttle does not do what the driver expects it to do, in my opinion, is a potentially serious safety defect. And unfortunately the recurrence of this condition cannot be predicted.

I am, therefore, requesting that Jaguar provide me with a permanent fix for this condition. Your response will determine what action I will be forced to take next.

Sincerely,

[Redacted Signature]

[Redacted Address]

**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).**