



Dec 30, 2005

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

120 Broadway, New York, NY 10271

ELIOT SPITZER
Attorney General

THOMAS G. CONWAY
Assistant Attorney General In Charge
Consumer Frauds and Protection Bureau

10147549

212-416-8294

December 21, 2005

[REDACTED]
Delmar, NY [REDACTED]

Our File Number: [REDACTED]
Company: Daimler Chrysler LLC

Dear [REDACTED]

On behalf of Attorney General Eliot Spitzer, I am writing to notify you that we have received your correspondence.

We appreciate your alerting us to this matter. We believe the organization shown below may be able to assist you and we are forwarding your correspondence there.

If you do not receive a response in the near future, please follow up directly with that organization. I suggest you attach a copy of this letter or, if appropriate, mention that you are adding new information.

Thank you for contacting us.

Very truly yours,

Philip Gamma/cl

Philip Gamma
Bureau of Consumer Frauds
And Protection

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

*Answered
1-5-06*



ATTORNEY GENERAL ELIOT SPITZER
STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
BUREAU OF CONSUMER FRAUDS AND PROTECTION
120 Broadway, 3rd Floor
New York, NY 10271-0332
Tel. (212) 416-8345 Fax (212) 416-8787

COMPLAINT FORM

Consumer Hotline For Hearing Impaired
1 (800) 771-7755 TDD (800) 788-9898
<http://www.oag.state.ny.us>

RECEIVED BY
CONSUMER FRAUDS BUREAU
DEC 8 2005
THE ATTORNEY GENERAL'S OFFICE
NEW YORK CITY OFFICE

1. PLEASE BE SURE TO COMPLAIN TO THE COMPANY OR INDIVIDUAL BEFORE FILING.
2. PLEASE TYPE OR PRINT CLEARLY IN DARK INK.
3. YOU MUST COMPLETE THE ENTIRE FORM. INCOMPLETE OR UNCLEAR FORMS WILL BE RETURNED TO YOU.
4. MAKE SURE YOU ENCLOSE COPIES OF IMPORTANT PAPERS CONCERNING YOUR TRANSACTION.

CONSUMER		
YOUR NAME		HOME TELEPHONE NUMBER
STREET ADDRESS		BUSINESS TELEPHONE NUMBER
CITY/TOWN	COUNTY	STATE
DELMAR	ALBANY	NY
COMPLAINT		
NAME OF SELLER OR PROVIDER OF SERVICES		NAME OF OTHER SELLER OR PROVIDER OF SERVICES
DIAMLER CHRYSLER, LLC		L & M MOTORS
STREET ADDRESS		STREET ADDRESS
PO BOX 21-8004		1573 COLUMBIA TURNPIKE
CITY/TOWN	STATE	CITY/TOWN
AUBURN HILLS	MI	CASTLETON
ZIP	ZIP	STATE
48321-8004		NY
TELEPHONE NUMBER	TELEPHONE NUMBER	
800-992-1997	518-477-9933	
DATE OF TRANSACTION	COST OF PRODUCT OR SERVICE	HOW PAID (Check those which apply)
DEC 8, 2005	\$	☐ Cash ☐ Check ☒ Credit Card ☐ Other
DID YOU SIGN A CONTRACT?	WHERE DID YOU SIGN THE CONTRACT?	DATE SIGNED
☐ Yes ☒ No		
WAS PRODUCT OR SERVICE ADVERTISED?	WHERE WAS IT ADVERTISED?	DATE ADVERTISED
☐ Yes ☒ No		
TYPE OF COMPLAINT (e.g. car, mail order, etc. Use the reverse side of this form to provide details)		
CAR REPAIR VEHICLE MALFUNCTION		
DATE YOU COMPLAINED TO THE COMPANY OR INDIVIDUAL	PERSON CONTACTED	JOB TITLE
☒ By Mail ☒ By Telephone ☐ In Person	VARIANS	CUSTOMER SERVICE
NATURE OF RESPONSE	DATE OF RESPONSE	
PHONE AND WRITTEN (enclosed)	NOV 18, 2005	
HAS MATTER BEEN SUBMITTED TO ANOTHER AGENCY OR ATTORNEY? (If "Yes," give name and address)	DEC 8, 2005	
☐ Yes ☒ No		
IS COURT ACTION PENDING? (Please describe in summary)		
☐ Yes ☒ No		
ADDITIONAL INFORMATION		
MANUFACTURER OF PRODUCT	PRODUCT MODEL OR SERIAL NUMBER	
DIAMLER-CHRYSLER	187HFI3	
ADDRESS	WARRANTY EXPIRATION DATE	
PO BOX 21-8004, AUBURN HILLS MI 48321-8004	(unlabeled)	
DID BUSINESS ARRANGE FINANCING? (If "Yes," give name and address of bank or finance company)		
☐ Yes ☒ No		

PLEASE DESCRIBE COMPLAINT ON REVERSE SIDE

BRIEFLY DESCRIBE YOUR COMPLAINT

See attached

WHAT FORM OF RELIEF ARE YOU SEEKING? (e.g., exchange, repair or money back, etc.)

reimbursement
of repair costs

WHO REFERRED YOU TO THIS OFFICE?

READ THE FOLLOWING BEFORE SIGNING BELOW

PLEASE ATTACH TO THIS FORM PHOTOCOPIES of any papers involved (contracts, warranties, bills received, canceled checks, correspondence, etc.). DO NOT SEND ORIGINALS.

NOTE: In order to resolve your complaint, we may send a copy of this form to the person or firm about whom you are complaining.

In filing this complaint, I understand that the Attorney General is not my private attorney, but represents the public in enforcing laws designed to protect the public from misleading or unlawful business practices. I also understand that if I have any questions concerning my legal rights or responsibilities, I should contact a private attorney. I have no objection to the contents of this complaint being forwarded to the business or person the complaint is directed against. The above complaint is true and accurate to the best of my knowledge.

I also understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.

Signature: _____

Date: _____

12-13-05

HAVE YOU ENCLOSED COPIES OF IMPORTANT PAPERS?

Return to: Office of the Attorney General
Bureau of Consumer Frauds and Protection
120 Broadway, 3rd Floor
New York, NY 10271-8332

28 Center Lane
Delmar, NY 12054

December 13, 2005

Office of the Attorney General
Bureau of Consumer Frauds and Protection
120 Broadway, 3rd floor
New York, NY 120271-0332

Re: Dodge Ram 2001
VIN# 1B7HF132 [REDACTED]
Hood Safety Latch malfunction
DiamlerChrysler reference numbers 14266703 and 14338342

Dear Sir or Madam:

The hood safety latch on my Dodge Ram 2001 malfunctioned on August 21, 2005 as described in the attached letters and I have reported this malfunction both to the National Highway Transportation Safety Authority and to DiamlerChrysler. DiamlerChrysler refuses to take responsibility for the malfunction and refuses to pay for any part of the repair. At the same time, they verbally informed me that if I had taken the damaged vehicle to a DiamlerChrysler dealer, the repairs would have been covered in their entirety. DiamlerChrysler refuses to render a written decision defending their decision not to offer reimbursement of repairs taken to an independent repair shop.

I wrote to DiamlerChrysler on October 21, 2005 and requested reimbursement. They contacted me by phone and I spoke to a representative on November 18, 2005. She informed me that DiamlerChrysler would not pay for any part of the repair, but had I brought it to an authorized dealer, they would have paid for the entire repair.

I wrote back to DiamlerChrysler on November 21, 2005 asking for an explanation of their decision in writing and their response of December 8, 2005 was cryptic, vague, and elusive.

I have enclosed a copy of all correspondence as well as a copy of the repair bills. I respectfully request reimbursement for repair costs for the hood safety latch malfunction.

Sincerely,
[REDACTED]

Encl/ Letters to DiamlerChrysler 10/21/05, 11/21/05
Reply from DiamlerChrysler 12/08/05
Calculation of repair bills with a copy of the receipts

Calculation of repair bill -- Inhaber, Dodge Ram 2001
12/13/05

Bill dated 8-25-05 L&M Motors, Castleton, NY

Parts and labor to fix the windshield and reattach the dented hood so that the car
could be driven safely until the hood had arrived to be painted and prepared:

[REDACTED]

Bill dated 9-23-05

Parts and labor to paint and reattach the hood [REDACTED]
This represents the total minus other unrelated repairs [REDACTED] done at the same
time.

[REDACTED]

Thus the total claimed related to the hood safety latch malfunction is [REDACTED]

DAIMLERCHRYSLER

December 8, 2005

DaimlerChrysler
Motors Company LLC

[REDACTED]
[REDACTED]
Delmar, NY [REDACTED]

Reference [REDACTED]

Dear [REDACTED]

We have received your letter and fully appreciate the concerns you have raised.

After thoroughly reviewing your request and our files on this matter, we respectfully concur with our previous decision.

We appreciate you taking the time to write to DaimlerChrysler Motors Corporation. Regretfully, we cannot provide a more favorable reply.

Sincerely,
[REDACTED]
[REDACTED]

[REDACTED]
Delmar, NY [REDACTED]

October 21, 2005

DaimlerChrysler
P.O. Box 610207
Port Huron, MI 48061-0207

Re: Dodge Ram 2001
VIN# 1B7HF13 [REDACTED]
Hood Safety Latch malfunction

Dear Sir:

I am writing to report a malfunction of the hood safety latch of my Dodge truck on August 21, 2005.

After checking the oil level on the vehicle, I closed the hood. I then tried to lift the hood to ensure adequate closure and I could not lift it. I proceeded to leave the parking lot and entered the street at no more than 30-40 miles per hour. After exiting the parking lot and driving approximately 300-400 feet, the hood popped up, bent backwards, and shattered the front windshield. This occurred in front of the East Greenbush Walmart in East Greenbush, NY.

I have reported this apparent malfunction to the National Highway Transportation Safety Authority and researched recall information for the Dodge truck. I note that the hood safety latch had been recalled on the Dodge Ram 1994-1999. The Dodge Ram 2001 has the same body. Is the latch assembly still defective?

Fortunately, no one was hurt in the accident. The repairs were performed by L & M Motors, Castleton, NY (518-477-9933). The repairs (parts and labor) totaled \$1700. I would appreciate if you could look into the safety latch assembly on my vehicle and get back to me regarding reimbursement of my expenses. This is not a malfunction that is expected, especially not at 40 miles per hour.

Thank you in advance.

[REDACTED]
[REDACTED]
Delmar, NY [REDACTED]
[REDACTED]

[REDACTED]
Delmar, NY [REDACTED]

November 21, 2005

DiamlerChrysler
PO Box 610207
Port Huron, MI 48061-0207

Re: Dodge Ram 2001
VIN# 1B7HF13 [REDACTED]
Hood safety Latch Malfunction
Complaint ref. no. 14266703

Dear Sir or Madam:

Thank you for getting back to me regarding my letter of October 21, 2005.

As you know, I believe the hood safety latch malfunctioned on August 21, 2005 resulting in the front hood popping backward during operation of the vehicle at 35 miles per hour. The resulting damage required replacement of the windshield and the front hood. Fortunately, no one was hurt in the accident.

I spoke with one of your representatives on November 18, 2005 who informed me that DiamlerChrysler could not reimburse any of the repair costs, including parts, since I did not bring the vehicle to an authorized dealer. I was further informed that if I had brought the vehicle to an authorized dealer for repair, the repair costs would have been covered by DiamlerChrysler.

I had no way of knowing that this accident would have been covered by DiamlerChrysler when it occurred, and thus chose to bring the car to an independent repair shop. Had I known the repair costs would have been covered, I would have brought it to an authorized dealer for repair.

Would you kindly put your final decision in writing? I enclose a copy of my original letter for your perusal.

Thank you in advance.

[REDACTED]
Delmar, NY [REDACTED]

**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).**