

August 31, 2005

TO: Volvo North Scottsdale

FROM: Denise Nielsen

RE: Volvo S80 malfunction

Volvo Retailer:

As per my Volvo manual, I am contacting you first concerning a malfunction of my Volvo S80.

Last Sunday evening I was leaving a ceremony for a friend. I was driving and was accompanied by a friend.

As I backed out of a dirt and gravel driveway my car would not decelerate, even when I let off the throttle.

My car continued to run in reverse at full speed until I was finally stopped by hitting a cactus.

There was damage done to my car because of this incident.

I don't know if I can trust the car. I have experienced a few other instances where I thought my

car engine was racing or accelerating (I thought perhaps I was imagining it).

Now after this incident

I am greatly concerned. I have genuine concern that something like this could happen in oncoming traffic.

Please help me promptly with this matter.

Sincerely,

cc: Volvo Cars of North America, Inc.

Customer Service

cc: Volvo, Inc.

LAW OFFICES
MOHR, HACKETT, PEDERSON, BLAKLEY & RANDOLPH, P.C.

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THOMAS K. CHENAL
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PHOENIX, ARIZONA 85004-1043
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FACSIMILE: (602) 240-6600

SUITE 188
7047 EAST GREENWAY PARKWAY
SCOTTSDALE, ARIZONA 85264-2107
PHONE: (480) 824-2710
FACSIMILE: (480) 824-2028

WWW.MOHRHACKETT.COM

PLEASE REPLY TO
SCOTTSDALE OFFICE

(480) 824-2710

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ABIGAIL E. HARAN

ALSO ADMITTED IN:
* FLORIDA
** ALASKA, ILLINOIS & MISSOURI

WILLIAM C. BLAKLEY
1968-1997

OF COUNSEL:

DOUGLAS R. CHANDLER
DAVID W. DOW
MICHELE M. FEENEY
E.J. PERKINS**

October 3, 2005

*Spent approxi-
mately \$750.00
in attorneys fees.*

Carefree, Arizona

Re: 2001 Volvo Model S80T6A

Dear [REDACTED]

This letter is our fee agreement, confirming that you have retained this law firm to represent you in connection with a claim for damage sustained by your 2001 Volvo Model S80T6A automobile when certain engine/transmission components apparently malfunctioned causing the engine to accelerate while in reverse gear. We are pleased to represent you in this matter.

1. I will be the attorney primarily responsible for your legal representation, although other firm personnel may assist me, as I deem appropriate. Our fees in this matter will be billed at the rate in effect when the work is performed. My current rate is [REDACTED] per hour and the fee schedule of other attorneys in our firm currently ranges from [REDACTED] to \$350.00 per hour, the current rate for paralegals ranges from \$75.00 to \$110.00 per hour.

Our fees are charged on an hourly basis calculated in minimum units of one-tenth of an hour for all time actually expended on your behalf. From time to time we review our hourly rates and, if appropriate, adjust them to reflect increases in seniority, experience and inflationary factors. We will notify you in writing about any changes. Additional details regarding the firm's billing practices are contained in the enclosed memorandum regarding billings.

We have elected not to request an advance payment from you at the present time. If it becomes necessary to conduct significant discovery or motion practice with respect to this

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PLEASE REPLY TO
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ALSO ADMITTED TO:
 * FLORIDA

** ARIZONA BARREN & MARSHALL

WILLIAM C. BLAKLEY
 (1998-1997)

September 30, 2005

VIA FAX NO [REDACTED]

Pat Sakis
 Customer Service
 Volvo-North America
 7 Volvo Drive
 Building A
 Rockledge, New Jersey 07847

RE: 2001 Volvo Model S80T6A

Dear Ms. Sakis:

I am writing this letter on behalf of [REDACTED] who purchased a used 2001-Volvo Model S80T6A in or about December, 2002, when it had approximately 16,000 miles ("the automobile"). On Sunday evening, August 28, 2005, while backing out of a dirt and gravel driveway at a friend's house, the automobile suddenly accelerated on its own and would not decelerate even when [REDACTED] took her foot off the gas pedal. The automobile continued in reverse until it was finally stopped by hitting a cactus, causing damage to the automobile. Mr. Nielsen indicates that this was not the only occasion on which the engine in the automobile appeared to be racing or accelerating.

[REDACTED] took the automobile to the Volvo dealership in North Scottsdale, located at [REDACTED] Phoenix, Arizona, and was advised by Jeanette Khayall, a service consultant, to leave the automobile with the dealership to have the problem diagnosed. On or about September 15, 2005, Ms. Nielsen received a call from Ms. Khayall who explained that there was a problem with the shift assembly and the electronic throttle control modulator. The automobile presently has approximately 83,000 miles and unintended acceleration should not occur.

LAW OFFICES

MOHR, HACKETT, PEDERSON, BLAKLEY & RANDOLPH, P.C.

VIA FAX NO. 1-800-982-3970

Pat Saks
Customer Service
Volvo North America
September 30, 2005
Page 2

Transmitted herewith is a copy of correspondence from the United States Department of Transportation to Volvo dated July 28, 2005 regarding an investigation of the electronic throttle control module for 1999 Volvo S80 vehicles, among other Volvo vehicles ("the correspondence"). The correspondence notes that some of the vehicle owner questionnaires report vehicle speeds surging, causing an unexpected lurch forward toward other vehicles or into crossing traffic. This obviously appears to be the problem Ms. Nielsen experienced while the automobile was moving in reserve. Category 6 of the documents requested by the correspondence include documents relating to claims paid by Volvo that relate to the alleged defect including claims for good will services and/or made in accordance with a customer satisfaction campaign.

Ms. Nielsen would like to have this issue resolved at the customer service level. In that regard, Ms. Nielsen has asked that I request on her behalf that the electronic throttle control module be repaired or replaced at Volvo's expense which may include, among other repairs, a "3 peck intake cleaning," as well as "ETM and ECM software upgrades." Ms. Nielsen is also requesting that the damage caused by the surging of the automobile into the cactus also be repaired. Presently, Ms. Nielsen has a rental car which she should be allowed to retain while the repairs are being completed.

I would appreciate a response to this request at your earliest convenience. I will be out of my office from October 6 through October 23, 2005. Of course, the matters set forth herein are for purposes of compromise and settlement only and do not constitute any admission against interest by or on behalf of Denise Nielsen. I look forward to a quick resolution of this matter.

Very truly yours, 

TKC:mda
Attachment
CC w/attachment:

VIA FAX NO. 
Jeanette Khayali
Service Consultant
Volvo North Scottsdale
7111 East Chauncey Lane
Phoenix, Arizona 85054

TRANSMISSION VERIFICATION REPORT

TIME : 09/30/2005 13:29
 NAME : MOHR HACKETT
 FAX : 4806242029
 TEL :
 SER. # : BR0E4J589645

DATE, TIME
 FAX NO. / NAME
 DURATION
 PAGE(S)
 RESULT
 MODE

09/30 13:25
 4806242029
 00:03:59
 11
 OK
 STANDARD
 ECM



LAW OFFICES
MOHR, HACKETT, PEDERSON, BLAKLEY & RANDOLPH, P.C.
 7047 East Greenway Parkway, Suite 155
 Scottsdale, Arizona 85254

FACSIMILE REQUEST FORM

PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE:

TO:	FACSIMILE NUMBER:	CONFIRMATION NO.:
Pat Sales, Customer Service	1-800-999-3879	
Volvo North America		
Jennifer Kowalski, Service Consultant	480-538-4408	
Volvo North Scottsdale		
FROM: Thomas K. Chandel	DATE: 09/30/05	
REQUESTOR/ATTY:	USER:	EXT:
NUMBER OF PAGES: 11	(INCLUDING COVER)	CLIENT MATTER NO:

REMARKS:

Re: [REDACTED]
 2001 Volvo Model S80T8A

TRANSMISSION VERIFICATION REPORT

TIME : 09/30/2005 13:39
 NAME : MOHR HACKETT
 FAX : 4805242823
 TEL :
 SER. # : BR0E4J589645

DATE, TIME
 FAX NO./NAME
 DURATION
 PAGE(S)
 RESULT
 MODE

09/30 13:35
 4805242823
 00:00:58
 11
 OK
 STANDARD
 EDI



LAW OFFICES
MOHR, HACKETT, PEDERSON, BLAKLEY & RANDOLPH, P.C.
 7047 East Greenway Parkway, Suite 155
 Scottsdale, Arizona 85254

FACSIMILE REQUEST FORM

PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE:

TO:	FACSIMILE NUMBERS:	CONFIRMATION NO.:
<u>Pat Sehn, Customer Service,</u>	<u>1-800-885-3878</u>	_____
<u>Volvo North America</u>	_____	_____
<u>Jeanette Khayati, Service Consultant</u>	<u>480-438-4405</u>	_____
<u>Volvo North Scottsdale</u>	_____	_____
_____	_____	_____
FROM: <u>Thomas K. Ghent</u>	DATE: <u>9/30/05</u>	
REQUESTOR/ATTY: _____ USER# _____ EXT: _____	RETURN TO: _____	
NUMBER OF PAGES: <u>11</u> (INCLUDING COVER)	CLIENT MATTER NO: _____	

REMARKS:

Re: [REDACTED]
 2001 Volvo Model 88976A

The following form submission was sent.

name: [REDACTED]

email: [REDACTED]

State of Residence: Arizona

Repair date: 10/26/05 & 12/5/05

Cost of Repair: \$4,710.00

Mileage: 63,000

Subject: Volvo

comments: My 2001 S80 Volvo surges and has an unintended acceleration in reverse. I had an accident when my car stuck in reverse and sent me into a sahuaro cactus. My car insurance increased \$900.00 for the year, I have been without my vehicle for approx. 4 months, I have paid personally over \$1,700 for rental cars, and the \$500 deductible to repair the body damage to my car. I had an attny. contact Volvo North America and they refused any help or responsibility.

Fazio/Micheletti LLP Attys.

**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).**