

NHTSA ccmMercury Routing Slip



Printed: 2/13/2006

NHTSA #: ES06-000847

Rec'd Date: 2/9/2006

Referred By: NEC-110

XREF #:

Doc Type: CNG

Doc Date: 1/23/2006

Delivery: REG

Address To: NIA110

Due Date: 2/21/2006

S10 #:

DOTA #:

RMP #:

Subject: LTR FM [REDACTED] (CA) RE A DEFECTIVE PLASTIC TIMING CHAIN TENSIONER
INSTALLED IN THEIR 1999 JAGUAR XJ8, REPLY ATTN LISA PINTO/LOS ANGELES OFC

Ack Date:

Ack By:

Signed For:

Sign Office: EXTERNAL
AFFAIRS

Signature: HARRINGTON

Cleared Date:

Cleared By:

Cleared For:

File Loc:

XREF File:

Closed Date:

Added By: SHARRIS x82534

Modified By: SHARRIS

Most Recent Comment:

2006 FEB 14 AM 9:10

Author:

10150845

HENRY A WAXMAN
U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515

Tel: Fax: E-mail:

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	2/10/2006	2/21/2006	
NVS-010	INFORMATION	2/10/2006		2/10/2006
NIA-110	INFORMATION	2/10/2006		2/10/2006
I10	INFORMATION	2/10/2006		2/10/2006
I20	INFORMATION	2/10/2006		2/10/2006
ODI	REPLY	2/13/2006	2/16/2006	

Sharrisi
2/14/06

2004 RECOVER HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0828
(202) 225-2876

DISTRICT OFFICE
8430 WEST THIRD STREET
SUITE 808
LOS ANGELES, CA 90048-4182
(323) 861-7040
(323) 878-7420
(310) 692-2888

SENIOR DEMOCRATIC MEMBER
COMMITTEE ON
GOVERNMENT REFORM

MEMBER
COMMITTEE ON
ENERGY AND COMMERCE

Congress of the United States
House of Representatives
Washington, DC 20515-0530

HENRY A. WAXMAN
30TH DISTRICT, CALIFORNIA

January 23, 2006

Mr. Michael Harrington
National Highway Traffic Safety Administration
400 Seventh Street, SW, Room 5220
Washington, D.C. 20590-0001

Dear Mr. Harrington:

I am writing on behalf of my constituents, [REDACTED] who reside at [REDACTED]
[REDACTED] Westlake Village, California, [REDACTED]

[REDACTED] contacted my office regarding a pre-owned Jaguar XJ8 that they
purchased on July 15, 2005 from Hamburg Jaguar of Santa Monica, California. [REDACTED]
[REDACTED] believe that the vehicle is defective.

I would appreciate it if you would review this case and provide my office with a status
report. I have enclosed correspondence related to this matter. Please direct your response to
Lisa Pinto in my Los Angeles office at the above address.

Thank you very much for your time and attention to this matter. I look forward to
hearing from you soon.

With kind regards, I am

Sincerely,

Henry A. Waxman

HENRY A. WAXMAN
Member of Congress

HAW:i3
Enclosure

ES06-000847

[REDACTED]
Westlake Village, California [REDACTED]
[REDACTED]

January 3, 2006

Mr. Mike O'Driscoll
President
Jaguar North America
555 MacArthur Boulevard
Mahwah, New Jersey 07430-2327

RECEIVED

JAN 10 2006

Henry A. Waxman, M.C.
District Office

RE: 1999 Jaguar XJ8, VIN#SAJHX1041XC [REDACTED]

Dear Mr. O'Driscoll:

This letter is follow-up on the letter e-mailed to you on December 15, 2005 in which we documented our experience with Jaguar from the purchase of our XJ8 in July, 2005 to its demise on December 8, 2005. I have enclosed a copy of this letter.

During this past month we have discovered a defective plastic timing chain tensioner was installed in our car. This lighter part with a metal mechanism and plastic rails was installed in 1997 to 2000 V8's resulting in many stress fractures and subsequent engine problems. Jaguar's Technical Service Bulletins X303-68 and 303-30 addressed this well-known problem within the Jaguar organization. As confirmed by Jaguar, Thousand Oaks, our car has this faulty part and, our VIN number is referenced as being subject to this problem. Our timing chain tensioner failed, jammed in the timing chain causing the chain to break in half resulting in the valves stuck open and the pistons colliding.

We were not advised of this serious issue when we purchased the car and, to make matters worse, the car was not maintained properly prior to sale. This increased the possibility of the engine ceasing. I do not understand why these automobiles were not recalled since this is a potentially serious issue. Luckily, I happened to be in a supermarket parking lot when the engine died with absolutely no warning. Maybe the next family will not be so lucky.

My previous letter mentioned that Monique O'Neil, service advisor, at Jaguar, Thousand Oaks told us that the "oil is like sludge" in the car. This tells me that no oil change was ever done by Hornburg to maintain this car. And, in my last conversation with Monique, she told me that the oil problem may not have had anything to do with this major problem but, research states that lack of regular oil changes and engine overheating shortens the life of these plastic components.

Yesterday, Paul Radford, Manager of Hornburg Jaguar, gave us a "reasonable offer" of \$8,547 plus possible additional costs for hoses, belts, etc. to repair our useless car.

Jaguar must address this issue. Your customers are the foundation of your business. I have placed many calls to you, William Clay Ford, Jr., Jeffrey Tolerico and other executives with no response. I have only spoken with various customer service representatives and Jillian, your executive contact.

I look forward to an immediate response to this urgent matter.

Thank you.

Sincerely,

/Enclosure

cc: Clarence Ditlow, Executive Director, Center for Auto Safety
William Clay Ford, Jr., Chairman of the Board and CEO, The Ford Motor Co.
Alberto A. Jimenez, Chief, NHTSA
Bill Lockyer, Attorney General, California Attorney General's Office
Connell O'Donnell, Executive Vice President, Marketing and Sales, Jaguar
Paul Radford, General Manager, Hornburg Jaguar
Lea Thompson, Chief Consumer Correspondent, NBC News Dateline
Gary Temple, Vice President, Customer Service, Jaguar
Jeffrey M. Tolerico, Vice President, Retail Operations, Jaguar
Representative Harry Waxman, 30th District of California

[REDACTED]
Westlake Village, California [REDACTED]
[REDACTED]

December 15, 2005

Mr. Mike O'Driscoll
President
Jaguar North America
555 MacArthur Boulevard
Mahwah, New Jersey 07430-2327

RE: Our Recent Jaguar Purchase Experience and Mechanical Problem

Dear Mr. Driscoll,

Due to a major mechanical failure of our Jaguar, the following is documentation of our recent purchase of a 1999 Jaguar XJ8 from Hornburg Jaguar of Santa Monica, California. We have attempted to resolve this difficult issue with them since we believe Jaguar should honorably back their product. Also, we feel that, due to their negligence and misrepresentation, our Jaguar is now worthless and inoperative.

For the past several years, we have purchased and leased pre-owned Mercedes Benz automobiles. The lease on our 1998 Mercedes Benz ML320 commenced in October of 2001 and was scheduled to expire in October of 2005. The vehicle had over 100,000 miles at lease end. This Mercedes was a pre-owned vehicle with 50,909 miles at the beginning of the lease. During our four year lease period, we experienced no major mechanical issues. Prior to leasing this vehicle, we had purchased a pre-owned 1989 Mercedes 190E which we still own today with over 160,000 miles. This automobile never needed any major mechanical repairs over the years and is still in excellent running condition. We performed all normal scheduled maintenance and had repairs done when necessary.

In July of this year we decided to explore purchasing a pre-owned Jaguar XJ8 since our Mercedes lease was due to expire in October, 2005. We decided it was best to purchase from a Jaguar dealership because we were told by other Jaguar owners and members of Jaguar's sales staff that the vehicles were inspected thoroughly with maintenance and repairs performed prior to sale. After learning this, we knew that Jaguar took pride in their automobiles. In our search we went to several Jaguar dealerships. We found Silver Star Jaguar in the Thousand Oaks Auto Mall to be the most professional of all dealerships visited, and, after this experience, our instincts were correct. We test drove different models and told the sales representative exactly what we were looking for, a black XJ8 with black interior and low mileage in excellent condition. We left our contact information but did not hear from Silver Star.

A couple of weeks passed and we found the Jaguar we were looking for, online in the Auto Trader. The ad read "Beautiful black on black! Chrome wheels, extremely clean, immaculate interior!" Priced at \$15,995.00 with 44,883 miles for a 1999, it was a great possibility. We left a message with Alan Feuerstein, Internet Sales Director, at Hornburg Jaguar of Santa Monica which is 30 miles from our house. Our phone call was not returned that day so we made arrangements to drive to Santa Monica and look at the car. Upon arriving, we were approached by the salesman on duty, Steven Brooks. After asking several questions regarding the advertised price and features it was obvious to us that Steven was new and inexperienced. We asked to speak with the Sales Manager, Ray. Ray seemed knowledgeable but was very rude and abrupt. We explained to him that the car was advertised online having chrome wheels and was priced at \$15,995.00. He became upset when shown the copy of the Auto Trader ad we had printed. We brought to his attention the automobile didn't have chrome wheels and was priced \$1000.00 higher than advertised. He replied that this was an Internet price only, not a dealership price and the claim about the chrome wheels was a mistake. We explained to Ray that we were seriously interested in the car but didn't think it was fair to pay more than the advertised price. Also, we requested that Hornburg repair the damaged cup holder and cracked speaker cover in the car. Ray's defensive reply was; "I spent money to service this vehicle and did minor repairs in preparation for sale. I could wholesale the car for the advertised price and not have the headaches of a customer coming back complaining about something later." We found this to be an extremely unprofessional response to our request but, since we truly loved the car, we negotiated the purchase price of \$15,745.00 and bought the vehicle. We were offered a full coverage 100,000 mile warranty for an additional \$6,195.00 or a power-train warranty for \$4,695.00. Since we were about to purchase a quality vehicle with less than 50,000 miles that had been thoroughly inspected, we believed the vehicle would not have any major problems for at least another 50,000-100,000 miles. We therefore declined the exorbitant warranty cost.

To further confirm our thoughts about Hornburg in Santa Monica, we were notified subsequent to our Jaguar purchase that our Mercedes ML320 that we had released to Hornburg for delivery to Mercedes was not returned for weeks. It sat on the lot at Hornburg. We even received a parking ticket from the City of Berkeley for the Mercedes during this time. Also, shortly after our purchase, we received a sales tax rebate check because Hornburg registered our vehicle in Ventura County even though our paperwork clearly states that we live in Los Angeles County.

We purchased the vehicle on July 15, 2005 with 44,912 miles. On December 9, 2005, we drove only two miles from our home to the grocery store, made purchases and tried to start the car. The car would not start and was towed to Silver Star Jaguar in Thousand Oaks since we live close by. We were referred to Monique O'Neil, service advisor, by Pat Kelly who first responded to our telephone call. Both were sympathetic and extremely professional which confirmed our previous feelings about Silver Star. Monique made sure our problem was diagnosed in a timely fashion. We learned that the engine is severely damaged and would cost about \$12,000.00 to repair. She told us that the "the oil is like sludge". The car presently has 48,418 miles. We have driven the car

3,506 miles since our purchase. Obviously, the car had never been inspected since even the most minor oil change was not done to keep the car properly maintained. We believed what we were told by your Jaguar Sales Manager, Ray, at the time of purchase. This, in fact, was not true. Apparently, the car had not been inspected and maintenance had not been done. Now the engine is damaged. If he had told us that this was not done we would have insisted that it was done or taken the car to a mechanic for inspection prior to purchasing it. A simple oil change would have prevented this from happening. When we learned the news of the extent of the engine damage, we went to the Hornburg Santa Monica on Friday, December 9, 2005. Ray was no longer there and there was no General Manager or Sales Manager on duty so we left the information with Steven Brooks who said he would have his new manager, Zach, contact me the following day. Of course, Zach was never given the message so we had to phone him. Even though he did make an attempt, he was extremely unsympathetic and unhelpful. When Zach learned we had left a message with Jaguar's 800 number, he became even more disinterested and suggested that we preferred Jaguar's 800 customer service handle our situation.

We expect that Jaguar will stand behind their product. We expect our vehicle to be repaired without any expense incurred by us and returned in the condition it was originally represented at the time of purchase. Regardless of year, this vehicle has less than 50,000 original miles which would be covered under the standard new car warranty offered by Jaguar today. We still believe that Jaguar is a quality manufacturer of automobiles as advertised. We also realize that this unfortunate mishap could have been avoided if proper representation was offered.

Now, after many phone calls to customer service and visits to Hornburg Jaguar, Santa Monica, California, we have received notification from Paul Radford, General Manager of Hornburg, Santa Monica. As a "good will gesture", Jaguar will carry out necessary repairs at \$96 per hour plus a 10% discount on parts. We find this treatment unacceptable.

Thank you, in advance, for your immediate response to this important matter. Please contact us at [REDACTED]

Sincerely, [REDACTED]

CC/Enclosure