



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

2006 FEB 14 AM 10:05

Tel: 301-504-7921
Fax: 301-504-0475
Email: rtmitchell@cpsc.gov

Randolph E. Mitchell
Technical Information Specialist
National Injury Information Clearinghouse
Division of Information Management

February 1, 2006

National Highway Traffic Safety Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

Dear Sirs:

The enclosed letter or complaint/inquiry cannot be processed by the U.S. Consumer Product Safety Commission. The products or matters that are the subject of the correspondence do not fall within our jurisdiction.

We are forwarding the letter or complaint/inquiry to you for whatever action your agency deems appropriate.

If you have any questions, or concerns, please feel free to call us.

Sincerely,

Randolph E. Mitchell

Enclosure(s)

Handwritten note:
Randy Mitchell
2/14/06

2006020137

1/31



State of Utah
Department of Commerce
Division of Consumer Protection

JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

FRANCINE A. GIANI
Executive Director

JASON P. PERRY
Deputy Director

January 20, 2005

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON DC 20207
ATT: CLEARANCE HOUSE

RE: Complaint #53241

Dear Sir or Madam:

The enclosed correspondence was received by our office as a consumer complaint. After considering the nature of the complaint, we believe that it more appropriately lies within the jurisdiction of your office.

We are advising the complainant by copy of this letter that the matter has been referred to your office.

As always, we appreciate your cooperation and assistance. Please feel free to contact our office for information or clarification on this matter.

Sincerely,

Ao Pauga-Investigator
Division of Consumer Protection.

cc: [Redacted]

DAIMLERCHRYSLER

RECEIVED

DaimlerChrysler
Motors Company LLC

JAN 17 2006

Division of
Consumer Protection

January 10, 2006

Mr. Ao Panga
Utah-Dept. of Commerce
P.O. Box 146704
Salt Lake City, UT 84114

RE: Your Constituent: [REDACTED]
Your Complaint No.: 53241
Our File No.: 14246828
V.I.N.: 2B4FP2 [REDACTED]

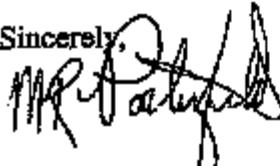
Dear Mr. Panga:

This letter is in response to your correspondence of December 28, 2005, regarding the above referenced complaint number.

I have had the opportunity to review the information contained in [REDACTED] file in its entirety, and I must inform you that I have gleaned no additional information that would cause us to alter our previous decision. [REDACTED] vehicle sustained severe damage to the transmission oil pan, exhaust pipe and muffler system, severe enough to cause the air bag to deploy. When the inspector asked [REDACTED] when the muffler became loud, he stated when the air bag deployed. Air bags can deploy when a vehicle is bottoming out on a stationary surface, causing the air bag sensor to send a signal to the module to deploy the air bag.

Thank you for the opportunity to review this matter with you.

Sincerely,



M. R. Porterfield
Special Investigations
(248) 944-7134

MRP/kat



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
Department of Commerce
Division of Consumer Protection

FRANCINE A. GIANI
Executive Director

JASON P. PERRY
Deputy Director

MR. PORTERFIELD
DAIMLER CHRYSLER MOTORS COMPANY
P.O. BOX 21-8004

RE: COMPLAINT 53241

Dear Mr. Porterfield:

In accordance with the provisions of the Utah Code Annotated and the Rules and Regulations of the Division of Consumer Protection, you are hereby notified that:

1. A complaint has been filed against you by: [REDACTED]. A copy of the complaint is enclosed.
2. If the facts are as stated, the act or acts complained of may be in violation of the Utah Consumer Sales Practices Act Section 13-11-4 or any other statutes we enforce.
3. So that we may determine the complete facts of the complaint, please send us a written response within ten (10) days from the date of this notice. You may also fax your response to me at 801-530-6001.
4. Failure to file an answer to the complaint shall result in further actions being taken as prescribed by law.

Your cooperation in this matter will be appreciated.

Dated this 27th of December 2005 at Salt Lake City, Utah.

Sincerely,


AOPAUGA - Investigator
Utah Division of Consumer Protection

Enclosure

December 9, 2005

M. R. Porterfield
Special Investigations
Daimler Chrysler Motors Company
P. O. Box 21-8004
Auburn Hills, MI 48321-8004

RE: Your Rejection Letter of November 16, 2005

File No.: 14246828 V.I.N. # 2B4FP2 [REDACTED]

Dear M. R. Porterfield:

I am in receipt of your letter disavowing manufacturing responsibility for the airbag deployment. In 2000 I was rear-ended by a driver going 35 mph and the bag did not deploy. It was explained that the bags are designed to deploy in front end collisions to protect the passengers. I was with your examiner when he put the van on the rack, and we both saw the contact to the transmission pan. That contact was not even felt by my wife and me, and in no way threatened our safety in the vehicle. The deployment should not have happened, period.

I'm a pragmatist. Frankly, I don't care if Chrysler admits fault or not, but we both know that the airbags should not have deployed. I have discussed the matter with my insurance agent and he agrees that the equipment operated inappropriately, but they have no desire to take Chrysler to task.

Had you offered to provide repairs, I would have asked you to put that money as a credit toward another Chrysler vehicle. As it is, my van is unsafe and has \$0 trade-in value. I am willing to settle with Chrysler for a substantial discount on a car from a local dealer and Chrysler preferred financing. If that is satisfactory, please respond within the next 15 days.

Should you choose not to settle my dispute at this juncture, I will not be going through my insurance. Instead, I have discussed the case with two law firms (one in Florida and one from Washington) who specialize in automotive manufacturing defects and have staff with access to govt. records. Both are willing to take the case on a contingency, which would cost Chrysler a lot more than I am proposing.

Both firms know about the pictures and the computer codes, which I received copies of, and both contend that the undercarriage damage was a factor, but that the deployment should never have happened. This is not the direction I want to go. Please have your loss mitigation people take a close look at this so that we can settle amicably.

Respectfully yours,

[REDACTED]
[REDACTED]
West Jordan, UT [REDACTED]

cc: Kim Oliverson, American Family Insurance

DAIMLERCHRYSLER

DaimlerChrysler
Motors Company LLC

November 16, 2005

[REDACTED]
West Jordan, UT [REDACTED]

Re: File No.: 14246828
V.I.N.: 2B4FP2[REDACTED]

Dear [REDACTED]

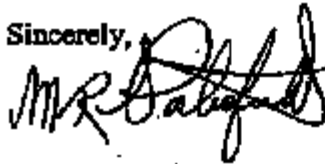
This letter is in response to your contact to DaimlerChrysler Motors Corporation, regarding your 1999 Dodge Grand Caravan.

Naturally, we were sorry to learn of the incident described to us during the initial contact. However, I have had the opportunity to review the inspection report, and I must inform you that I am unable to associate this incident with any manufacturing responsibility. Our inspection revealed severe enough undercarriage damage to cause the air bag to deploy. Based on this information, I must respectfully decline any responsibility associated with this incident.

We can only suggest that you refer this matter to your insurance carrier. Should they feel a manufacturing responsibility exists, they have full subrogation rights under the terms of your policy.

Thank you for allowing us the opportunity to review this matter with you.

Sincerely,



M. R. Porterfield
Special Investigations

(248) 944-7134

MRP/es