



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

120 Broadway, New York, NY 10271

ELIOT SPITZER
Attorney General

2006 MAR -9 PM 2:16

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

212-416-8294

February 28, 2006

10153038

[REDACTED]
Fairport, NY [REDACTED]

Our File Number: [REDACTED]
Company: 1998 Pontiac Transport

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

*Amman
3/10/06*



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.og.state.ny.us>
RECEIVED BY
CONSUMER FRAUD BUREAU

FEB 23 2006

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 THE OFFICE.
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
Fairport	NY	Moravia
COMPLAINT		
NAME OF SELLER OR PROVIDER OF SERVICES		NAME OF OTHER SELLER OR PROVIDER OF SERVICES
General Motors Corporation		1998 Pontiac
STREET ADDRESS		STREET ADDRESS
CITY/TOWN		CITY/TOWN
STATE		STATE
ZIP		ZIP
TELEPHONE NUMBER		TELEPHONE NUMBER
DATE OF TRANSACTION	COST OF PRODUCT OR SERVICE	HOW PAID (Check those which apply)
	\$ 705	☐ 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)		
Design flaw in engine of car.		
DATE YOU COMPLAINED TO THE COMPANY OR INDIVIDUAL	PERSON CONTACTED	JOB TITLE
1/2006 ☐ By Mail ☒ By Telephone ☐ In Person	John O'toole	cust. assistance
NATURE OF RESPONSE		DATE OF RESPONSE
The problem belongs to me!		
HAS MATTER BEEN SUBMITTED TO ANOTHER AGENCY OR ATTORNEY? (If "Yes," give name and address)		
☐ Yes ☒ No		
IS COURT ACTION PENDING? (Please describe as necessary)		
☐ Yes ☒ No		
ADDITIONAL INFORMATION		
MANUFACTURER OF PRODUCT		PRODUCT MODEL OR SERIAL NUMBER
General Motors, Pontiac division		Transport
ADDRESS		WARRANTY EXPIRATION DATE
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 sheet please.

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

Recall

Refund and

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:

2/6/2006

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 10271-0332

[REDACTED]
Fairport, NY [REDACTED]

Description of Complaint

I own a 1998 Pontiac Transport, Montana model. It has a 3.4 liter V6 engine. This engine has been plagued with failing Intake Manifold Gaskets causing leaking of engine coolant. My engine has been repaired twice. The first time was at 59k miles and then again at 117k miles. The problem is bad enough that in March of 2003, GM issued a service bulletin announcing a "new" gasket. Performing a Google search on "GM Intake Manifold Gasket" or "GM 3.4 liter engine" will display overwhelming evidence that there is a design problem. The problem is inherent on a number of GM engines that use the same basic components. The size of the engine can be 3.4 or 3.8 liters. The number of engines, therefore consumers that are affected is huge. The repair costs between \$600 and \$1000 depending on what components have been contaminated by the gasket failure. If the gasket fails causing the coolant to leak into the engine, sensors and other internal components may have to be replaced. If the gasket fails causing a leak outside the engine, the repair is usually limited to replacing the gasket and an oil change. To be sure, this is not related to a user maintenance issue. There is nothing the consumer does to induce the problem, like not changing the oil or not performing the recommended maintenance. Likewise, there is nothing the consumer can do to avoid it. It just happens. It is related to the type of use the vehicle is exposed to. For example, an engine that is run primarily on long trips may not see the problem until 80k miles or more, while an engine that is used primarily for short trips will probably see the problem as soon as 40k miles. It has everything to do with how often the engine heats up and cools down. So, how come there are hundreds of other engines on the planet, including some GM engines that can handle the heating/cooling cycles and never have a gasket failure? Because those engines were designed correctly! I have no doubt that you will find plenty of evidence to validate my allegations.

I contacted the Pontiac Customer Assistance Center and spoke to John O'Toole. He can be reached at 866-932-4368 ext. 38849. I told him I thought that GM should pay for the repair. He told me to take the car to a GM dealer to have the Intake Manifold Gasket diagnosis confirmed. He said he would discuss the repair with the service manager. After I called him back to confirm the diagnosis, he told me I was totally responsible for the cost of the repair. I asked that a local zone manager contact me to discuss the problem. I was told a zone manager would not contact me and that GM felt they had no responsibility for this repair. I re-iterated that the repair was not the result of my failure to maintain the vehicle and that it was the result of a well documented design flaw. Obviously, he didn't agree with me.

I would like to be reimbursed for the cost of the second repair. The first repair was covered under the extended warranty I purchased. I would also like to see a recall on this gasket problem. I don't think it's OK for GM to walk away from their obvious responsibility in this matter.

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gm 3.4 liter engine

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Message 1 of 1 in conversation

[Reply](#) | [Reply to All](#) | [Forward](#) | [Compose](#) | [View in Outlook](#) **FW: 1-6EAQWL**

From: cac@pontiac.com
To: [REDACTED]
Reply-To: cac@pontiac.com
Date: Jan 13 2006 - 10:39am

Dear [REDACTED]

Thank you again for contacting the Pontiac Customer Assistance Center. I appreciate your recent email expressing the concern you are experiencing with intake manifold gasket on your 1998 Montana and sincerely apologize for any inconvenience this may have caused.

I have reviewed your file and noticed you have previously contact the Customer Assistance Center and are currently being assisted by Mr. John O'toole. I have added your email message to your file and sent a notification to Mr. O'toole on your behalf. He shall follow-up with you soon.

In the mean time, if you should need to contact us, simply reply to this message or call our Pontiac Customer Assistance Center at 1-800-762-2737. Customer Relationship Managers are available Monday through Friday from 8:00 a.m. to 11:00 p.m., Eastern Time.

Again, thank you for contacting Pontiac.

Sincerely,

Ed Theodore
Customer Relationship Manager
Pontiac Customer Assistance Center

Pontiac supports Buckle UP America, encouraging you and your family to be safe and Buckle UP, every time on every trip.

Originating Email Address: [REDACTED]
#Subject=I am a current owner

---Original Message---

From: [REDACTED]
Sent: 1/12/06 12:15:21 PM
To: cac@pontiac.com
Subject: I am a current owner

Name : [REDACTED]
Address: [REDACTED]

: Fairport, NY [REDACTED]

Daytime Phone Number : [REDACTED]

ex.

Evening Phone Number : () -

ex.

Model : Montana>

Year : 1998

Comments : Hello, the above referenced vehicle (3.4 liter engine) needs an intake manifold gasket replacement for the second time. The first time was at approx. 80k miles and now it needs it again at 117k miles. That works out to about every 80k miles. The Pontiac owner hotline told me you expect cars to last no more than 10 years or 100k miles. I wonder why the sales rep didn't point that out when I purchased the vehicle. Is there going to be a recall on this very well documented problem? In 3/03 GM issued a bulletin announcing new gasket material, thus acknowledging the problem. Mean while, there are thousands of vehicles out there with this problem. My vehicle has been serviced regularly by a GM dealer. Please help. Regards,

[REDACTED]

Email Address : [REDACTED]

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gm 3.4 liter engine

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Service Bulletin

File in Section: 08 - Engine/Propulsion System

Bulletin No.: 08-08-01-010

Date: March, 2008



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Subject: Engine Oil or Coolant Leak (Install New Intake Manifold Gasket)

Models: 2000-2003 Buick Century
2002-2003 Buick Rendezvous
1996 Chevrolet Lumina APV
1997-2003 Chevrolet Venture
1999-2001 Chevrolet Lumina
1999-2003 Chevrolet Malibu, Monte Carlo
2000-2003 Chevrolet Impala
1996-2003 Oldsmobile Silhouette
1999 Oldsmobile Cutlass
1999-2003 Oldsmobile Alero
1999-1999 Pontiac Trans Sport
1999-2003 Pontiac Grand Am
2000-2003 Pontiac Grand Prix, Montana
2001-2003 Pontiac Aztek
with 3.1L or 3.4L V-6 Engine (VINs J, E - RPOs LG8, LA1)

Condition

Some owners may comment on an apparent oil or coolant leak. Additionally, the comments may range from spots on the driveway to having to add fluids.

Cause

Intake manifold may be leaking allowing coolant, oil or both to leak from the engine.

Correction

Install a new design intake manifold gasket. The material used in the gasket has been changed in order to improve the sealing qualities of the gasket. When replacing the gasket, the intake manifold bolts must also be cleaned, coated with threadlocker and torqued to a revised specification.

Clean all of the intake bolts of any debris or oils.

Be sure to apply threadlocker, GM P/N 12345382 (in Canada, P/N 10903480), to the bottom 3-4 threads of each of the intake bolts before installation.

**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).**