

**EDWARD D. LOSCH**

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Palm City, Florida 34990  
772-336-4725

2006 MAR 27 PM 3:44

March 9, 2006

Wallace Automotive Group  
Attn: Mr. Lee Smith, President  
3801 SE Federal Highway  
Stuart, FL 34997

Dear Mr. Smith,

10154135  
Re: Lincoln Town Car - 2006  
1LNHMS

The "in flight recorder" your Service Manager had installed in my Lincoln Town Car on February 15, 2006 was turned in on February 28 after two weeks and 155 miles of no incidents of sudden acceleration. Since Wallace Lincoln Mercury and Ford Motor Co. have taken the position that they will not attempt to solve a problem they cannot duplicate, I am presenting my claim for a safe operating vehicle to BBB Autoline, the organization that handles lemon law claims for Ford.

This is the fourth Lincoln Town Car I have owned or leased beginning in 1989 and including the 2000, 2003 and 2006 models, the last three of which are very similar in appearance and configuration. I have driven over 100,000 miles collectively in Town Cars under all types of driving conditions and have never experienced this sudden acceleration or lack of braking response that I have with this car.

As I explained to you in the attachment to my letter of February 7 (copy of which is attached), three episodes have occurred beginning on September 6, 2005 at milage 470 and last noted on January 31, at milage 2928.

Your Service Department was unable to duplicate the problem and speculated on two causes; one that the computer had to learn how I drive a car (which is ridiculous) and two, that I must have hit the brake and accelerator simultaneously. If the latter was the cause of this malfunction, why have not myself, the driver; your Servie Department; or two different "Ford Engineers" who were asked to evaluate the problem, been able to duplicate it by using either one or both feet to hit the accelerator and brake at the same time? I tried with my right foot which I used to operate the 2000 and 2003 Town Car braking and acceleration and was unable to operate both simultaneously. I then tried with both feet and was able to operate both but got no reaction similar to the unsafe incidents I encountered. In fact, I could not get the car to go over 2000RPM while trying this. Larry admitted that he had a similar experience when he tried to induce the high RPM acceleration.

There is obviously some random, electronic or computer controlled defect that is causing this malfunction since it only happened 3 times in 3000 miles, equivalent to possibly 1000 cold starts. It has never occurred in open highway driving. All three incidents were either from a cold start or within a hundred yards of starting the car from

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a parked position. Enclosed is a picture of the rubber burns on my garage floor from the second incident described.

When Wallace Lincoln Mercury and Ford Motor Co. refused to do anything to correct this unsafe condition, I did some research on the internet and found that I am not alone in this problem. Unfortunately most of the incidents that I have learned about from the Center for Auto Safety and National Highway Traffic Safety Administration and it offshoot, Office of Defect Investigation, seem to deal with reports of incidents of sudden acceleration after accidents that have resulted in death or injuries.

I do not feel that I should have to wait until an accident proves my case! All I want is a vehicle that is safe to operate - an implied warranty when I purchased my 2006 Lincoln Town Car from you Last August.

Very Truly Yours  
  
  


cc. Mr. Bill Ford, CEO Ford Motor Co.  
Ford Consumer Intervention, Attn: Julie Cohoe  
Center for Auto Safety  
National Highway Traffic Safety Administration  
BBB Autoline

Attachment to letter of February 7, 2006 (EDL to Lee Smith).

I purchased a 2006 Lincoln Town Car from Wallace Lincoln Mercury on August 26, 2005 and picked up the vehicle of September 2, 2005. Price was \$41855; VIN #1LNRM8[REDACTED].

There have been three major episodes and several minor ones where the car accelerated to over 3000 RPM when it should not and failed to brake properly when in this mode.

The first episode occurred on September 6 as I left the Office Depot parking lot. After starting the car and proceeding a hundred yards or so, the car suddenly accelerated from the 1000 RPM range to the 3500 RPM range. Application of the brake failed to slow down the car until I stepped down hard and the car eventually stopped - probably 100 feet or more from where I intended to stop. I passed this off as a fluke and did nothing about it since the car operated normally when I again started it.

The second incident occurred a week later as my wife and I backed the car out of our garage. When I put the car in reverse with my foot on the brake pedal, the engine began racing and the traction on the rear wheels overcame the pressure I had on the brake pedal so that again I had to bear down on the brake to stop the high acceleration. This left patches of burned rubber on the garage floor and convinced me that the car had a serious problem. The following morning, September 15, I called the Wallace Service Center and was told to bring the car in Monday, the 19th, which I did.

When I turned the car over to Allan Urbanik, it had 470 miles on the speedometer, some 240 miles more than was on the car when it was delivered to me. During the period of 17 days, several small incidents similar to the ones described occurred. I brought the car in at 8:00AM and after describing the problem was told to bring it back at 4:30PM, leave it and get a loan car, which I did. The next morning at 8:00AM Allan called to say the car was ready. I called him back at 1:25PM asking for an explanation. He quoted from a service bulletin which apparently stated that it was normal for new Lincolns to over accelerate for up to 50 starts. He could not explain why this was so except to say that it was computer driven and was normal. I asked him if anyone actually talked with Lincoln engineers and described the circumstances I experienced. He said he assumed Larry, the Service Manager, did and he would have him call me.

Twenty minutes later Larry called and repeated the service sheet story which said the excessive acceleration was normal for up to 50 starts. I asked him "why" and he said the computer had to "learn the customer's driving habits". I pointed out that if this was a break in problem, it should be done in a no risk environment at the plant or sales center rather than putting the customer at risk. I asked him how rental cars were broken in where different drivers use the car every day. I insisted that he call the company and ask if my specific experience is normal, i.e. burn marks on the garage floor, etc. He said he would and would call back.

At 3:30PM I called Larry who said he just got off the phone with technical assistance. They are unaware of this exact problem and said

the bulletin Larry had previously quoted to me would not cover this situation. They suggested that it might be caused by a reconfiguration of the brake pedal and/or the accelerator causing foot to hit both simultaneously. I told Larry that was the first thing I thought and ruled out after the first episode. I had tried this and was unable to hit both without doing a contortionist act. Larry said he would keep the car and try again to duplicate the malfunction.

The next day I picked up the car at 10:50AM after calling Larry to see what he found. He said car was OK. They could not find any malfunction and could not duplicate the episode. He repeated that the factory rep thought the reconfiguration between the brake and the accelerator must have caused me to hit the accelerator when I braked. I tried this again after picking up the car. There is no way this is the problem.

The third major episode occurred on January 31, 2006. After starting the car and driving about 100 yards from the Blake Library in Stuart the revolutions suddenly jumped from the 1000RPM range to the 3500RPM range. As I tried to apply the brake, once again it did not slow the car down immediately nor did the RPMs decrease to a normal range. I finally got the car to stop and had to turn off the engine to stop the rapid RPMs. I had to stop and stop the car several times before the RPM range reverted to normal. I drove home without further incident and called Allan Urbanik at Wallace Lincoln Mercury at 2:45PM

Allan remembered the problem, checked it on the computer and asked me to call the Lincoln customer service line. At 2:50PM I called 1-800-392-3673 and spoke with Bridgett who reviewed the computer file on the car and the Service Bulletins and said she had nothing to offer. She said I should call back the Service Department at Wallace and try once again to get them to solve the problem. At 3:10 I spoke with Allan again and made an appointment to bring my car in on Thursday February 2. At 3:15 I had a call back from "Bridgett" who said my complaint was "fully documented" I pointed out to her that that would be small consolation if I became involved in an injury accident because of this defect in the car.

On February 2, 2006 took the car to Wallace and reiterated the history of the problems to Allan and "Tom" who was going to try to resolve it. The car now has approximately 3000 miles and is 5 months old. On Friday at 2:30 PM Allan called to say the car was "ready". I asked him if they had corrected the problem and he said no, they were unable to duplicate it. I asked him what Wallace expected me to do, Drive the car in an unsafe condition until I had an accident, wrecked the car or hit someone? He said he would talk with the Service Manager again and have him call me back. At this point I called the Lincoln customer service line again and spoke with Tracy. She said Lincoln would not do anything if they could not find the problem. I told Tracy I wanted

a vehicle that was safe to operate and would prefer that some, <sup>ONE</sup> at Lincoln fixed mine but would take a replacement vehicle if mine could not be repaired. Tracy asked for the Wallace number and apparently talked with someone at Wallace. She said she had no solution to offer and said I had to work out the problem with Wallace. I asked her if there was any technical person at customer relations I could talk with and she said no. I also asked about Lincoln's warranty responsibility and she that was between me and Wallace.

At 5:30PM not having heard from the Service Manager, I called and was informed that everyone in the Service Department was gone and would not be available until 7:30 Monday, February 6.

On Monday at 7:35 talked with Allan. He said Larry tried to call Friday but line was busy. He would have Larry call. After several calls to Larry (not having heard from him) I called Allan again at 10:00AM. He got Larry to call me. Larry said they were unable to duplicate the problem therefore could not start replacing any parts in an effort to correct the defect. I repeated the incidents that had occurred and the safety implications of each and asked Larry to contact someone in Ford's Engineering Department who could analyse the possible causes of the problem and specify possible solutions to the problem. He called back later and said Ford Engineers will not authorize replacing any parts unless they can duplicate the problem. They will take no action on warranty unless they can duplicate the problem.

If this is Lincoln's final position they leave me with two alternatives:

- 1) Drive an unsafe vehicle
- 2) Find a lawyer who will pursue a claim under the Florida lemon law or some or a provision of Lincoln's warranty.

2/7/06 At the suggestion of Lee Smith, the tech rep from Orlando, Mike Vinglion (407-875-7522) called me. He apparently tried to duplicate the problem by starting the car from a cold start where it reached 1800 RPM and quickly settled back to the 800RPM range. He said there was no code in the computer that indicated a problem occurred, therefore Ford would not replace any parts since they could not duplicate the problem. I pointed out that it was obviously random since I only had 3 serious incidents out of 3,000 miles or about one out of 100 or more cold starts. All in all I do not think Mike expected to find any problem in one cold start!