

From:

[REDACTED]
[REDACTED]
New York, NY [REDACTED]

EXHIBIT SECRETARIAT

Date: 8/20/06

2006 SEP -5 P 4:07

7/20/06 10:14:14

To: Nicole Nason, Esq.
Director NHTSA
400 Seventh Street, SW
Washington. D. C. 20590

*Added to
10164727*

I appreciate your response to my letter of inquiry. FYI the file number appears to be NVS-216 aae; Ref # 10164727.

I would be interested to understand if there were no reports or knowledge of problems related to injuries with the MY 1997-1998 Subaru Legacy by Subaru Company or National Safety Organizations, why that model head rest can only be replaced with a new improved headrest. My questions to you, also, included the rigid frame construction (few and or appropriate crumple zones) and seat in terms of back and leg injuries.

What reports led to your Agency's caution on the seat of the MY 1997-1998 Subaru Legacy? What cautions do consumers need to be aware of in regard to the MY 1997-1998 Subaru Legacy? Your web site is not clear exactly what consumers should be aware of, as a caution in purchasing a MY 1997-1998 Subaru Legacy. Please clarify for me, as my son's still favor the MY 1997-1998 Subaru Legacy.

Thank-you very much in considering these questions posed to you via this letter.

Sincerely,

[REDACTED]
[REDACTED]

*anomal
9/18/06*

Exec Sec



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

AUG - 9 2006

NVS-216 aae
Ref. # 10164727

[REDACTED]
[REDACTED]
New York, NY [REDACTED]

Dear [REDACTED]

Thank you for your correspondence dated July 10, concerning your model year (MY) 1998 Subaru Legacy vehicle. Your correspondence was received on July 25.

The National Highway Traffic Safety Administration (NHTSA) is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain serious safety defects in their design, construction, or performance. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the reports you provided on March 6 and April 28. Reports from motorists are a very important source of information for us. Each report is analyzed and entered into a database to determine whether an investigation into a possible safety defect or safety defect recall inadequacy is warranted.

A review of consumer complaints involving MY 1997 through MY 1999 Subaru Legacy vehicles revealed no other similar complaints with regard to seat headrest assemblies. Additionally, a review of Subaru of America, Inc. (Subaru) field reports and technical service bulletins for headrest restraints in MY 1997 through MY 1999 Subaru Legacy vehicles revealed no similar or related reports. Therefore, there is insufficient evidence to warrant opening a safety defect investigation at this time. The information you provided has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention.



NHTSA
People Saving People
www.nhtsa.dot.gov

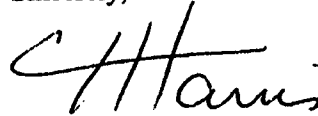
DOT AUTO SAFETY HOTLINE
888-DASH-2-DOT
888-327-4236

ES06-004574

Page 2
[REDACTED]

For your information we are enclosing a booklet, "Motor Vehicle Defects and Recall Campaigns," that describes NHTSA's investigation process. If further information is needed, please contact Ms. Kathleen C. DeMeter, Director of NHTSA's Office of Defects Investigation, at (202) 366-2850.

Sincerely,



for

Daniel Smith
Associate Administrator
for Enforcement

Enclosure

7/10/2006

From: [REDACTED]
[REDACTED]
New York, NY [REDACTED]

To: **Nicole Nason, Esq.**
Director NHTSA
400 Seventh Street, SW
Washington, D. C. 20590

I was quite hurt in a rear end collision in a 1998 SUBARU Legacy Wagon. In trying to recover the original head rest of this car I learned it is no longer available and can only be replaced with a much safer model. In doing a recent crash analysis, I realized the significant differences and how much safer the new head rest is.

I learned on your car safety web site of the national caution on the whole seat of this model seats and head rest. I have had numerous orthopedic (Left arm, all/whole back, right leg, both knees, posture) and brain injury problems from a car accident in this car model.

I have recently learned that Subaru started unofficially replacing the seats and head rest of this mid-model year 1999, whenever possible, as really an 'unofficial recall'.

I keep thinking how easy a recall for a 2 and a half year's model car is, compared to not having an official recall for these model year parts. Thus, causing greater cost to society through chronic medical conditions from car accidents with these types of seats/headrest parts (Subaru Legacy 64261AC090MU, 64106A, 64111E, 64111B...).

I had a stalling problem with a GM car I had that was recalled and I was impressed with how smoothly it went.

I would like to know what statistics went into the 1997, 1998, 1999 caution on the Subaru Legacy. I know you take deaths more seriously, but people have to live with their chronic health care problems from MVA's the rest of their lives, from this model seat/headrest, caused in an accident their whole lives.

I am glad the USA Insurance Institute is doing rear end safety collision testing for the first time 2005, 2006. I commend your agency on finally taking on this type of testing, which previously only Volvo did.

I do not know the manufacture of parts, but have some numbers. I want to know how a government initiated recall to either recall the model year of this car or replace parts works.

Attached is my confirmed email # 101156391 which received no response. I would appreciate a relevant response to my questions via snail mail.

Thank you very much.

Date: 7/10/06

Signed: [REDACTED]

01:31 PM 25 JUL 2006

U.S. MAIL

ESD6-004574

Below is my 2nd email to

My confirmation # is 101156391.

Body of email to

I was quite hurt (to the degree of having to go on SSD) in a rear end collision in a 1998 SUBARU Legacy Wagon. In trying to recover the original head rest of this car I learned it is no longer available and can only be replaced with a much safer model. In doing a recent crash analysis with this new head rest I realized the significant differences and how much safer the new head rest is.

I learned on your car safety web site of the national caution on the whole seat of this model seats and head rest. I have had numerous orthopedic (Left arm, all/whole back, right leg, both knees, posture) and brain injury problems from my car accident.

I recently learned (3/06), that Subaru started unofficially replacing the seat and head rest of this model Legacy 1998 thru 1999 whenever possible. Meaning whenever these models requested new parts, there is an 'unofficial recall' in that it is impossible to get the original part only the safer new parts.

I keep thinking about how easy a recall for approximately a 2 and a half years model car is (I have experienced a GM recall of a part that went very smoothly). There is a great cost to society and myself of there not being an official recall.

Please respond to this email with a letter or I will send another letter by signed receipt email.

Sincerely,



 U.S. Department of Transportation National Highway Traffic Safety Administration		DOT Auto Safety Hotline Vehicle Owner's Questionnaire To Report Vehicle Safety Defects 1-888-DASH-2-DOT (1-888-327-4236) INTERNET: www.nhtsa.dot.gov/hotline		FOR AGENCY USE ONLY 100148	
		Date Received 28-APR-2006		Repository ☐ Reference No. 10156391 <i>INVO</i>	
OWNER INFORMATION (Type or Print)					
Name		Daytime Telephone Number		E-mail Address	
Address		Evening Telephone Number			
City	NY	State	NY	Zip Code	
Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? ☒ YES ☐ NO In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer. Signature of Owner _____ Date ____/____/____					
VEHICLE INFORMATION					
17 digit Vehicle Identification Number Located at bottom of windshield on driver's side 4S3BG6857W7		Make SUBARU		Model OUTBACK	
Date Purchased 02-AUG-01		Dealer's Name and Telephone Number RYE FORD SUBARU (800) 747-9162		Model Year 1999	
Original Owner ☐		Dealer's City RYE		Engine: No: Cylinders	
		State NY		Zip Code 10580	
Transmission Type AUTOMATIC		☒ Antilock Brakes ☐ Cruise Control		Powertrain 4 WHEEL DRIVE	
				Vehicle Component Code 220000 SEATS	
				Multiple Failure: 4	
FAILED COMPONENT(S)/PART(S) INFORMATION					
Incident Date(s) 20-AUG-2001		Failure Mileage		Failure Speed 0	
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE					
Tire Make		Tire Model (Name or Number)		Tire Size (Example P215/65R15)	
DOT No. (Example: DOTM9ABC036)		☐ Original Equipment ☐ Prior Repair		Failure Location:	
Tire Component Code		Tire Failure Type			
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE					
Make:		Date Manufactured:		Model No./Name:	
Seat Type:		Installation System:			
Child Seat Component Code:		Failed Part:			
APPLICABLE INCIDENT INFORMATION					
(Please describe in detail the incident(s), Failure(s), Crash(es), and injury (ies).)					
Crash ☒ Yes ☐ No		Fire ☐ Yes ☒ No		Number of Persons Injured 1	
				Number of Deaths 0	
				Reported to Police Y	
Narrative Description of Incident(S), Crash(es), and Injury(ies). Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available). I WAS QUITE HURT (TO THE DEGREE OF HAVING TO GO ON SSD) IN A REAR END COLLISION IN A 1998 SUBARU LEGACY WAGON. IN TRYING TO RECOVER THE ORIGINAL HEAD REST OF THIS CAR I LEARNED IT IS NO LONGER AVAILABLE AND CAN ONLY BE REPLACED WITH A MUCH SAFER MODEL. IN DOING A RECENT CRASH ANALYSIS WITH THIS NEW HEAD REST I REALIZED THE SIGNIFICANT DIFFERENCES AND HOW MUCH SAFER THE NEW HEAD REST IS. I LEARNED ON YOUR CAR SAFETY WEB SITE OF THE NATIONAL CAUTION ON THE WHOLE SEAT OF THIS MODEL SEATS AND HEAD REST. I HAVE HAD NUMEROUS ORTHOPEDIC (LEFT ARM, ALL/WHOLE BACK, RIGHT LEG, BOTH KNEES, POSTURE) AND BRAIN INJURY PROBLEMS FROM MY CAR ACCIDENT. I RECENTLY LEARNED (3/06), THAT SUBARU STARTED UNOFFICIALLY REPLACING THE SEAT AND HEAD REST OF THIS MODEL LEGACY 1998 THRU 1999 WHENEVER POSSIBLE. MEANING WHENEVER THESE MODELS REQUESTED NEW PARTS, THERE IS AN UNOFFICIAL RECALL IN THAT IT IS IMPOSSIBLE TO GET THE ORIGINAL PART ONLY THE SAFER NEW PARTS. I KEEP THINKING ABOUT HOW EASY A RECALL FOR APPROXIMATELY A 2 AND A HALF YEARS MODEL CAR IS (I HAVE EXPERIENCED A GM RECALL OF A PART THAT WENT VERY SMOOTHLY). THERE IS A GREAT COST TO SOCIETY AND MYSELF OF THERE NOT BEING AN OFFICIAL RECALL.					
Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.					



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

DOT Auto Safety Hotline
Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received

06-MAR-2006

Repository ☒Reference No.
10151997

IVOR

OWNER INFORMATION (Type or Print)

Name

Address

City

NEW YORK

State

NY

Zip Code

Daytime Telephone Number

E-mail Address

Evening Telephone Number

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? ☐ YES ☒ NO
In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer.

Signature of Owner _____ Date ____/____/____

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side

4S3BG6857W7

Make

SUBARU

Model

LEGACY

Model Year

1998

Date Purchased

Dealer's Name and Telephone Number
RYE FORD

Engine:

No: Cylinders 3

Fuel Type:

Gas

Original Owner

☐

Dealer's City

RYE

State

NY

Zip Code

10428

Transmission Type

AUTOMATIC

☒ Antilock Brakes☐ Cruise Control

Powertrain

4 WHEEL DRIVE

Vehicle Component Code

221300 SEATS:FRONT ASSEMBLY:HEAD RESTRAINT

Multiple Failure: 4

FAILED COMPONENT(S)/PART(S) INFORMATIONIncident Date(s)
20-AUG-2001

Failure Mileage

Failure Speed
0**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE**

Tire Make

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTM19ABC036)

☐ Original Equipment
☐ Prior Repair

Failure Location:

Tire Component Code

Tire Failure Type

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:

Date Manufactured:

Model No./Name:

Seat Type:

Installation System:

Child Seat Component Code:

Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)

Crash

☒ Yes ☐ No

Fire

☐ Yes ☒ No

Number of Persons Injured

1

Number of Deaths

0

Reported to Police

Y

Narrative Description of Incident(s), Crash(es), and Injury(ies).

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

MY CAR (SUBARU LEGACY LIMITED) WAS STOPPED AND HIT FROM BEHIND. *JB

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.