

10/7/11/75

Sunday, September 17, 2006

Associate Administrator for Safety Assurance NSA-10  
NHTSA HQ  
400 7th Street, S.W.  
Washington DC 20590

To: NHTSA

Enclosed please find a copy of a letter to Subaru of America concerning a potential safety defect with my vehicle.

You may contact me at the address and telephone numbers provided below:

[REDACTED]  
Encino, CA  
Home [REDACTED]  
Cell: [REDACTED]

Sincerely,

[REDACTED]

Morgan  
9/28/06

September 17, 2006

*Via Facsimile and Certified US Mail*

Subaru of America, Inc.  
Customer Dealer Services  
Subaru Plaza, P.O. Box 6000  
Cherry Hill, New Jersey, 08034-6000  
Fax: [REDACTED]

Re: Un-resolved Vehicle Defects

Subaru Forester 2004 XT  
VIN: JF1SG69X [REDACTED]  
Ca [REDACTED]

Dear Subaru,

I am writing in regards to ongoing problems and safety concerns with my Subaru 2004 Forester XT.

I am experiencing instances of stalling, loss of power during acceleration, and violent jerking.

I first took the car in to my dealer, Big Valley Subaru, on July 25<sup>th</sup>, 2006, to have this serious defect corrected. Per my repair order for this incident, the Service Advisor wrote the following: Customer reports car stalls when slowing and turning -- when accelerating from stop. Car is jerking on acceleration. Customer reports transmission seemed to slip on acceleration...RPMS increase with loss of power and speed.

The dealer failed to correct the above referenced defect(s) on this **first** repair attempt.

In my frustration and concern for my safety, I contacted Subaru of America, ("SOA"), and was assigned Lisa as my case manager. Lisa informed me that the car should be taken to another dealer to correct the defect(s). Per Lisa's instructions, I then delivered the vehicle to Santa Monica Subaru on August 4, 2006.

The dealer failed to correct the above referenced defect(s) on this **second** repair attempt. Lisa at SOA instructed me to have the vehicle towed to the dealer when the defect(s) occur again.

On September 5, 2006, the vehicle again exhibited the above referenced defect (s), exhibiting loss of power, stalling, and violent jerking.

I became concerned for my safety again. I confirmed with SOA Roadside Assistance that the vehicle was unsafe to drive, and had the vehicle towed to Santa Monica Subaru, where it remains as of the date of this letter.

Thus far, the dealer has failed to diagnose and repair the above referenced defect(s) on this **third** attempt to correct said defect(s).

In my conversation with Lisa on September 13, 2006, I expressed my frustration with the ongoing defect(s) and asked her what the next step was.

Lisa suggested that I speak with the General Manager at the dealership and request that they give me a replacement vehicle.

My car has now been out of service for 22 days with three repair attempts. This letter will serve as notice that SOA is being notified under the California Consumer Warranty Law as per the instructions in your "Warranty and Maintenance Supplement" booklet provided to me upon delivery of my new vehicle. You are also being notified of these defects as they pertain to the Song-Beverly Warranty Act.

In addition, as per the instructions in the SOA Forester Owners manual in regards to reporting safety defects, I am also sending a copy of this letter to the National Highway Traffic Safety Administration.

I am fearful of my vehicle as I believe that driving the car with these defect(s) could cause potential injury or bodily harm to me when the problems occur again.

I am sending you this correspondence in the hopes that you will take swift and effective action to assure my satisfaction with your product. You may correspond with me at the address and phone numbers provided below:

[REDACTED]  
Encino, CA [REDACTED]

Cell: [REDACTED]

Home: [REDACTED]

Very truly yours,  
[REDACTED]

CC: NHTSA/  
Kunio Ishigami