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ANDREW M. CUOMO
ATTORNEY GENERAL

DIVISION OF REGIONAL OFFICES
ROCHESTER REGIONAL OFFICE

July 27, 2007

██████████
██████████
Webster, NY ██████████

Re: Our File Number: **2007-640150**
Company: General Chevrolet

Dear ██████████:

On behalf of Attorney General Andrew M. Cuomo, we are 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. We 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,

Robert W. O'Connor

Robert W. O'Connor, Mediator
Consumer Frauds and Protection Bureau

Enclosures

cc: National Highway Traffic and Safety Administration
400 7th Street SW
Washington, DC 20590

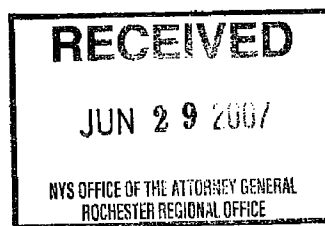
NM
8/3/07
CC

Webster, NY [REDACTED]

Phone # [REDACTED]

June 27, 2007

New York Office of the Attorney General
Rochester Regional Office
144 Exchange Blvd.
Rochester, NY 14614



Dear Sir:

I am writing to file a complaint against General Motors Corp. and their handling of the repairs I was twice forced to make to the anti lock brake system (ABS) of my 1999 Suburban. I believe my Suburban, VIN number 3 G N F K 1 6 R 6 X G [REDACTED] should have been included in the recall that GM issued for SUV's and pick up trucks in GM Recall #630-2438.

On February 26, 2003, I took my Suburban to Hoselton Auto Mall for service. I was having problems with the ABS brakes activating at low speeds. The ABS sensor was removed and corrosion was cleaned from the knuckles. The R/F caliper bolt was replaced. I have included copies of articles that show this was the type of repair done when the recall was issued several years later. Other repairs were also done. I have included a copy of the invoice. I took my vehicle to Hoselton because that was where I purchased it. I was hoping all the repairs would be covered under the GM warranty, but I was told they were due to normal wear and tear and not due to a part defect. I accepted that explanation and paid the bill.

Move forward several years and - On June 18, 2007, my husband took our Suburban to our local garage, Mertz Brothers because the brakes were soft and the ABS was kicking in at low speeds. The mechanics told my husband that GM had issued a recall involving the ABS. They advised him to take the vehicle to a GM repair shop where the work would be covered by GM through the recall. We were surprised because GM hadn't been notified us about the recall.

When he brought the vehicle to the closest GM dealer, Doyle Chevrolet, Subaru, Inc. my husband was told that while it was true that GM had issued a recall concerning the ABS for certain vehicles for years from 1999 through 2002, our vehicle's VIN number was not among those included. My husband was told that instead of recalling all SUV's and trucks for those years, only those vehicles with certain VIN numbers were recalled. My husband was told by the repair advisor that their records showed that the vehicle had been in once before for repairs to the ABS but not at Doyle. My husband was asked why he didn't take the vehicle back there for repairs. My husband was given also a number for the GM Customer and Relationship Services so he could call to discuss whether or not our vehicle should be included in the recall.

My husband called GM several times. (Service Request: 71-527495327) The first time he was told GM had records showing we brought the vehicle in once before for repairs on the ABS, but that our VIN number wasn't included in the recall. The GM representative said he would look into the situation and get back to my husband. My husband called Doyle back and talked to them to tell them that GM wasn't sure if our vehicle would be covered by the recall but that we wanted the work done. We felt the vehicle wasn't safe to drive.

My husband received a call from another representative from GM who said now they had no record of the previous repair. (At that point we hadn't located our receipt.) The representative again repeated that our vehicle's VIN number was not included in the recall. My husband replied that it should be – the same type of repair was being done. My husband also pointed out that this was our third Suburban, we have always owned GM cars, wasn't customer loyalty worth something? Apparently not! We were told that they we sorry, they couldn't help us but we would receive another call concerning this.

We received another call from a GM representative who said they were very sorry but the vehicle's VIN number was not included in the recall. They checked their records and could find no record of the previous service done to the vehicle. My husband said we could help them out there; we had found our receipt from Hoselton's. Again the representative said that because the part wasn't classified as defective it wasn't part of the recall. He was also stated that due to the age and number of miles on the vehicle it wasn't eligible for the recall. Because we were loyal customers, GM was sending us a voucher \$200.00 for future repairs. (I am enclosing a copy of this.)My husband told him we were not satisfied with this.

Our bill from Doyle came to \$1,110.03 and we paid it. (I am enclosing a copy of that receipt.) That bill shows that the hubs were replaced; the sensors were rusted to the hubs.

We believe that GM is engaged in a deliberate attempt to flee from its responsibilities to cover defective parts by limiting its recalls first to certain states and then to certain VIN numbers. Our local mechanic reports that many of the vehicles covered by the recall have the exact same parts with the same parts numbers replaced that our vehicle did. I have enclosed articles I found on the internet to support this premise. We believe this problem affects thousands of GM SUV and truck owners.

Thank you for your consideration.

Sincerely,

[REDACTED]

Cc: General Chevrolet
PO Box 33170
Detroit, MI 48832-5170



General Motors Corporation
Customer and Relationship Services
PO Box 33170
Detroit, MI 48232-5170

June 20, 2007

[REDACTED]
[REDACTED]

Webster, NY [REDACTED]

Service Request: 71-527495327
Customer Relationship Specialist: Jose Garfias

Dear [REDACTED]

We are sorry you have experienced concerns with your 1999 Chevrolet Suburban. Customer satisfaction is a top priority for us at Chevrolet.

Because you are a loyal Chevrolet customer, we are providing you with a complimentary Maintenance letter not to exceed \$200.00. Present this letter to any Chevrolet dealership for redemption.

If you have any future questions, feel free to contact our Chevrolet Customer Assistance Center at 1-800-222-1020 Monday through Friday between 8:00 a.m. and 11:00 p.m., Eastern Time. Please refer to your service request number above and any of our Customer Relationship Specialists will be happy to assist you.

Sincerely,

Chevrolet Customer Assistance Center

ATTENTION: DEALERSHIP SERVICE MANAGER
Complimentary Maintenance letter not to exceed \$200.00.

Submit the claim for the reasonable/customary price using labor operation number 27410, failure code 98, authorization code "G" and insert the amount in the net item column. This original letter should be retained in the customer's file.

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News

GM Regional Truck Recall Stops Short

North or South, Trucks Don't Stop

By Joe Benton

ConsumerAffairs.Com

February 14, 2006

Owners of General Motors trucks and SUVs in 30 states not covered by the GM regional recall continue to struggle with malfunctioning anti-lock brakes. Owners in the 20 states and the District of Columbia covered by the recall are struggling with GM dealers reluctant to fix the brakes as part of the recall.

Because of the well-documented problem, the anti-lock brake system in some of GM pickups and SUVs sometimes does not work properly causing increased stopping distances during low-speed braking.

GM, in December, expanded its recall of sport utility vehicles and pickup trucks to include another 553,000 vehicles because of potential problems with the anti-lock braking system and raising the number of states covered by the regional recall to 20.

The automaker had recalled 804,000 full-size pickup trucks and SUVs in August in 14 states because of the brake problem.

In all, 1,357,000 pickups and SUVs are now part of the massive

Regional Recalls



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• [Consumer Advocates Challenge Regional Auto Recalls](#)

• [Consumer Groups Challenge Regional Motor Vehicle Recalls](#)

• [GM Expands Recall to Fix Truck, SUV Brakes](#)

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GM recall and things are not going well for truck owners or the automaker.

GM continues to insist that the problem with its anti-lock system is regionally based, stemming from road salt in cold-weather states. Corrosion from salt gets in between the surface of the wheel hub and the anti-lock brake sensor, pushing the sensor farther away from the bearings, according to the GM explanation.

The vehicle computer then receives a false reading of speed, causing the anti-lock brakes to engage at the wrong time.

Danny in Greenville, North Carolina, disagrees that it is a regional problem. He told ConsumerAffairs.Com: "I've had many close calls due to ABS engaging and pedal going to floor. It happens when hitting road bumps while depressing the brake pedal to slow vehicle."

The anti-lock brake malfunctions have nothing to do with weather conditions or geography Danny insists.

"I've seen the recalls on northern trucks allegedly relating to snow and salt but this is a more serious issue relating to all of their 1999 trucks," Danny writes. "I have learned how to compensate for its faulty brakes but it's only a matter of time before the right situation arises and I'll be at the auto body shop like many others who've encountered the same situation."

For those covered by the recall, Chevrolet and GMC dealers remove the anti-lock brake sensors and clean the wheel-bearing casings. The casings are then coated with a rust-proofing compound.

Dealer Roadblocks

Despite new GM promises to fix the brake problem regardless of where a vehicle is registered, some owners say they face dealer roadblocks when they bring their trucks in for repair.

Sandy in Midland, Virginia, paid for new brakes in her 2001 Silverado herself, notwithstanding the GM promise to fix the problem. "I had to have all 4 rotors and brakes replaced. I don't think this is acceptable."

Kevin, who also lives in Virginia, faced a similar situation when his truck became too difficult to drive because he needed extra distance to stop.

The bill from GM to repair his brakes that would be covered by

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the recall in 20 other states reached almost \$900.

"I'm beside myself," he said "If I was two miles away in Maryland, I'd be covered by the recall."

Silverado owners in states included in the recall are reporting dealership problems and unwilling service managers to ConsumerAffairs.Com.

Joe in Howell, New Jersey owns a 2002 Silverado with 11,560 miles on the truck. "I took the truck into the dealer on January 10 for a brake issue recall. Some hours later the dealer called me and informed me that I needed 4 brake rotors. He stated that it wasn't covered under the warranty or the recall," Joe wrote.

A number of truck owners have removed a fuse to deactivate their anti-lock brakes, preferring conventional brakes to a system that was unreliable.

Donnie in Troy, Alabama has owned five Silverado trucks.

"The 2003 that I have now has the least response when the brake pedal is engaged than any I have owned. I must leave several car lengths between me and the vehicle in front of me in order to avoid accidents," Donnie wrote.

"The dealer assured there is nothing 'wrong' with my brakes," Donnie told us.

Federal regulators with the National Highway Traffic Safety Administration (NHTSA) are uncertain that problems generated by the GM recall are a result of regional nature of the recall. NHTSA insists, however that the agency is listening to consumers.

"We encourage people to call our hotline and make us aware of their problems. We also encourage them to call their dealers," a NHTSA spokesman said.

Joan Claybrook, a former head of NHTSA and president of Public Citizen was more pointed in her criticism of regional recalls. "It's a financial issue. Recalls are expensive, and automakers don't want to do them."

Silverado owners say the real issue is simply the stopping distance of their trucks: the brakes don't work properly and GM has not taken adequate steps to fix the problem.

Report Your Experience

If you've had a bad experience with a consumer product or service, we'd like to hear about it. All complaints are reviewed by class action attorneys and are considered for publication on our site. Knowledge is power! Help spread the word. [File your consumer report now.](#)

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GM Finally Recalls Trucks, SUVs for ABS Problem

August 30, 2005

General Motors Corp. is recalling 804,000 full-size pickup trucks and sport utility vehicles because of potential problems with the anti-lock braking system.

Problems with the antilock brake system are behind the GM decision to recall vehicles in 14 northern states. Corrosion in the braking system is blamed for more than 200 low-speed crashes.

A GM spokesman says the problem occurs when salt and other road grime gets into the area covering the antilock braking system sensor near the wheel hub. The problem activates the ABS at speeds much lower than normal, requiring a longer stopping distance.

The National Highway Traffic Safety Administration (NHTSA) describes the problem as an unwanted application of the antilock brake system. NHTSA opened an investigation in late April of more than 1.2 million GM pickups and SUVs in 20 states because of questions about the antilock brakes. The investigation is still underway.

Vehicles involved in the recall include the Chevrolet Avalanche and Silverado pickups and the Chevrolet Suburban and Tahoe

Regional Recalls



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SUVs. The GMC Sierra pickup and Yukon and Yukon XL SUVs are also affected. All 804,000 vehicles trucks are from the 1999-2002 model years, NHTSA said.

GM says there have been 228 crashes reported through the end of May, including 10 minor injuries.

ConsumerAffairs.Com has received complaints about the problems with GM antilock brakes since 2002.

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News

Consumer Advocates Challenge Regional Auto Recalls

By Joe Benton
ConsumerAffairs.Com

December 13, 2005

Public Citizen has asked a federal appeals court to throw out a policy that allows the National Highway Traffic Safety Administration (NHTSA) to limit some vehicle recalls by region.

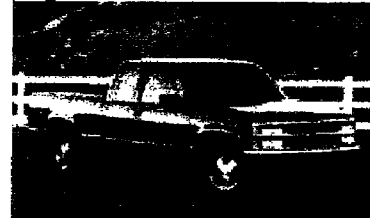
Public Citizen and the Center for Auto Safety are questioning the NHTSA policy that allows automakers to conduct recalls involving defects related to regional conditions such as snow or heat.

The policy was outlined by NHTSA in a letter to automakers in 1998. The two consumer groups claim that the letter clarifying NHTSA policies should be considered a rule change requiring public comment.

The groups also charge that the policy violates a federal law requiring that all owners be notified of vehicle recalls regardless of where they live or where the vehicle is registered.

In the most recent example of a NHTSA regional recall, General Motors Corp. in August recalled 804,000 full-size pickup trucks and sport utility vehicles in 14 northern states.

Regional Recalls



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GM said that corrosion in the braking system causing a problem with the ABS system that was responsible for more than 200 low-speed crashes. The problem would activate the ABS at speeds much lower than normal, requiring a longer stopping distance.

ConsumerAffairs.Com received hundreds complaints about the problems with the system on full size GM pickups brakes since 2002 and continues to receive complaints from all over the country, not just northern states that are impacted by the regional recall.

Lawyers for the Bush administration insist the regional recalls, such as the August GM truck recall, involve only about 1 percent of all NHTSA recalls and regional recalls have been used since the mid-1980s. The government contends that NHTSA uses its technical expertise, experience and judgment in each particular case.

The government also contends that the NHTSA letter does not provide any real binding criteria forcing manufacturers to follow the recommendations

A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit questioned the significance of the letter and the role of its author, the agency's associate administrator. The judges tried to learn if the letter represented a final policy rule or if it offered automakers general guidance.

In September 2004, the U.S. District Court for the District of Columbia dismissed the group's lawsuit, leading to this appeal. At the time, the lower court said the letter was not a rule change but simply gave guidelines for regional recalls.

The court also said that regional recalls do not violate the Motor Vehicle Safety Act because the act does not say that recalls must be nationwide.

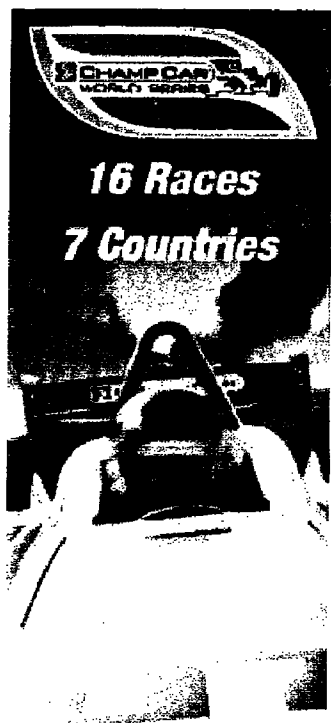
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GM Expands Recall to Fix Truck, SUV Brakes

December 23, 2005

General Motors is expanding a recall of sport utility vehicles and pickup trucks to include another 553,000 vehicles because of potential problems with brakes.

In August the automaker recalled 804,000 full-size pickup trucks and SUVs in 14 states for the brake problem.

In all 1,357,000 pickups and SUVs are now part of the GM recall.

The anti-lock brake system in some vehicles can malfunction and cause an increased stopping distances during low-speed braking.

The expanded recall includes pickup truck and SUVs in Delaware, Iowa, Maryland, Minnesota, Missouri, Wisconsin and the District of Columbia.

GM vehicles affected by the recall include the Chevrolet Avalanche and Silverado pickups and the Chevrolet Suburban and Tahoe SUVs. The GMC Sierra pickup and Yukon and Yukon XL SUVs are also affected. All the vehicles are from the 1999-2002 model years.

GM and the National Highway Traffic Safety Administration

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received reports of more than 200 crashes, some minor injuries,
involving vehicles linked to the recall.

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News

Consumer Groups Challenge Regional Motor Vehicle Recalls

March 10, 2004

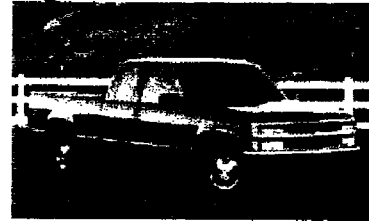
The Center for Auto Safety and Public Citizen filed a lawsuit today that challenges the National Highway Traffic Safety Administration's (NHTSA) policy of allowing vehicle manufacturers to limit certain recalls of defective vehicles to select states.

"Regional recalls make no sense, particularly in a mobile society where people often drive from one region to the next," said Public Citizen President Joan Claybrook. "If a vehicle has a defect that makes it unsafe, the defect needs to be fixed on all similar vehicles."

The complaint, filed in the U.S. District Court for the District of Columbia, charges that regional recalls violate the National Traffic and Motor Vehicle Safety Act, because the Act requires that all owners of defective motor vehicles receive notice and a free remedy; that NHTSA's policy of permitting regional recalls has been applied arbitrarily; and in any event, that NHTSA illegally implemented the policy by failing to provide notice and solicit public comment before allowing the regional recalls.

As required by federal law, when either NHTSA or a manufacturer discovers a defect in a class of cars, the manufacturer notifies owners of affected vehicles nationwide that

Regional Recalls



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they are entitled to a free repair or replacement.

However, since at least the mid-1980s, NHTSA has been quietly allowing manufacturers to conduct regional recalls by providing notice and a guaranteed free repair only to those owners whose cars are registered in selected states, usually covering less than half of the country.

Over the past 10 years, there have been nearly 40 regional recalls, with two announced in the past year. Manufacturers conduct regional recalls when a particular defect is more likely to manifest itself when exposed to regional weather conditions, like snow or heat.

For example, in 1999, Ford recalled Windstar minivans to correct a fuel tank defect that caused cracks in hot weather. These cracks could leak fuel and vapor, creating a serious fire hazard. With NHTSA's blessing, Ford conducted a recall in 11 states, the 10 southernmost counties in California, and Clark County in Nevada. This left consumers in some of the hottest parts of the country ? including California's Death Valley, Tennessee, and New Mexico ? without a guaranteed free repair.

Similarly, numerous recalls arising from defects attributed to corrosion caused by road salt have included Washington, D.C., and Maryland, but not Virginia, so commuters who drive from Virginia to Washington, D.C., every day for work are not guaranteed the same notice and free repair that their neighbors will get.

Added Clarence Ditlow, director of the Center for Auto Safety, "NHTSA's actions suggest that it doesn't snow in Buffalo and it's not hot in Death Valley. For years, NHTSA required manufacturers to conduct nationwide recalls. But the agency eventually gave in to automakers. Geographic recalls reduce auto company recall costs at the expense of public safety."

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