

CL-10200299-1077

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2007 AUG 16 Belmont MA

August 7, 2007

Your ref:  
NVS-216aae  
Ref # 10195853

Kathleen C. DeMeter, Director  
Office of Defects Investigation  
Enforcement  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

Dear Ms DeMeter:

Re: MY 2003 Jaguar S Type VIN# SAJEA01T13F [REDACTED]  
Unsafe Unintended Acceleration incidents

Thank you for your letter of July 20, 2007. I finally filed the reports on our Jaguar S Type because, with the third incident which I personally experienced, I now know that the Unintended Acceleration incidents affecting the Jaguar S Type are not isolated events, but a serious design deficiency and safety hazard with this model. Another reason for filing the reports is that Jaguar refuses to acknowledge the problem or to correct a deficiency that puts everyone at risk. There is a continuing and serious safety hazard with these Jaguar S Types.

Continuing and concurrent issues with the MY 2003 Jaguar S Type's new six speed transmission, its new electronic brake system and other problems with this model have obscured the real problem--Unintended Acceleration. I have been unable to identify the source or cause of the Unintended Acceleration. Since the engine accelerates for only a second or so (albeit at full power) it is easy to attribute these incidents of Unintended Acceleration to operator error. It is definitely not an operator problem. It is definitely not the old Audi acceleration problem (the S Type's brakes will eventually stop the car). It would appear to be a software design problem somewhere in the computer controls. It is not a problem that the local Jaguar dealers can solve or fix or even know what to do. Jaguar claims that they can not duplicate the defect although it is a deficiency that Jaguar seems to have corrected in later model years of this Jaguar S Type.

ET  
8/16/07  
CC

Numerous incidents of **Unintended Acceleration** of Jaguar S Type models which have been reported to NHTSA are described as sudden acceleration, accelerated on its own, continued to move forward as if brake not applied, screeched and shot out of garage, continuing to move forward, propelling me forward and lunging forward. All of these incidents have common features:

- i) Engine racing to full power resulting in rapid acceleration of the car (with the automatic transmission in a low or reverse gear),
- ii) occurring at a stand still or upon commencing slow movement either forward or backward,
- iii) the engine returning to idle or normal within a second or so, and
- iv) the car coming to a stop or being stopped within a few car lengths by either heavy braking (after normal driver reaction time) or, for those not so lucky, by hitting objects or other cars.
- v)

In my case as with some others, Jaguar reports that they can not duplicate the incidents or malfunction and that the car "is operating in accordance with manufacture's specifications at this time".

You state in your letter that you checked your data base "relative to problems associated with sudden acceleration and DSC (Dynamic Stability Control) light illumination...." The DSC light illumination only indicates that the DSC system was automatically disabled as a result of my heavy braking with both feet on the brake pedal at the same time that the engine was running at full power. Jaguar makes no connection with the DSC and I have no reason to believe that the DSC is the cause of the incident. You report that you have listed my four incidents of **Unintended Acceleration** under Vehicle Speed Control. I have no reason to believe or suspect that the cruise control is in anyway involved, especially since all incidents occurred at a standstill or while barely moving. The NHTSA website does not have an adequate category for this type of **Unintended Acceleration** incident so it gets reported as a problem attributed to various sources such as vehicle speed control, or the power train, or the automatic transmission, or the automatic electronic parking brake or the engine controls or the Dynamic Stability Control system.

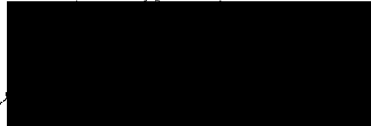
Many other Jaguar S Type owners of MY 2002-2004 have had the same identical problem. They too have not been able to identify the cause of the **Unintended Acceleration**. On your website there are thirteen similar incidents reported for 2002-2004 with nine reported for the MY 2003. I have attached a list of these thirteen with their ODI ID Number. These 13 reported **Unintended Acceleration** incidents are attributed to a variety of causes because the owners

do not know what caused the **Unintended Acceleration**. The events have been reported as inadequate braking or brake failure, too much accelerator pressure, accelerator sticking, transmission shifting problems or speed control. One owner reported it occurring on five separate occasions. Four owners, including me, have experienced it at least twice. I believe that if NHTSA Office of Defects Investigation quickly researched the number of accidents that have been reported to insurance companies for such Jaguar S Types they would find that this **Unintended Acceleration** safety defect is not an isolated incident but has affected numerous cars.

This design defect is a danger to the public as well as to the drivers and passengers of such Jaguar S Types models. This safety hazard will not go away with time. There are a sizeable number of these cars on the road and they will be around for a long time. Only Jaguar knows whether it is the design, the software, the computer controls or the mechanical equipment. Many people are at risk because Jaguar refuses to acknowledge the problem or to fix the problem. This **Unintended Acceleration** occurs randomly and infrequently. It can not be predicted. It is a hidden defect that no future buyer or driver of such a Jaguar S Type could ever be aware of or be adequately prepared for.

I would respectfully submit that an investigation is in order.

Yours truly,

A black rectangular redaction box covering the signature of the sender.

Enclosure

**UNINTENDED ACCELERATION INCIDENTS  
JAGUAR S TYPE**

Complaints filed with Office of Defects Investigation-NHTSA with indications of  
unintended acceleration

ODI ID Number

*2002*

**10009572**

**567522**

**8014096**

*2003*

**10051779**

**10078761**

**10136190**

**10159164**

**10171279**

**10122672**

**10061084**

**10158116**

**10160928**

*2004*

**10187237**

[REDACTED]  
Belmont, MA [REDACTED]  
[REDACTED]  
[REDACTED]  
Fax [REDACTED]  
[REDACTED]

June 22, 2007

Ref # 10195853

NHTSA  
400 7<sup>th</sup> Street SW  
Washington, DC 20590

Dear Sirs:

RE: Unintended and Uncontrolled Acceleration  
Safety Hazard and Defect -Complaint ODI #10191253  
2003 JAGUAR S Type VIN# SAJEA01T13F [REDACTED]

On May 7, I experienced a serious incident of Unintended and Uncontrolled Acceleration with the above car which I reported to the NHTSA.

After a superficial examination by Jaguar Field Service Engineer with no review or contact with any party experiencing or observing the Unintended Acceleration, Jaguar claims that they can not duplicate the Unintended Acceleration. This is the same response Jaguar made to a prior incident and exactly the same response given to other owners who experienced this same Unintended and Uncontrolled Acceleration. Jaguar concludes that the Unintended Acceleration results from "USER ERROR."

**This 2003 Jaguar S Type is unsafe and dangerous.**

This is a serious and dangerous safety hazard. Copies of the Jaguar service record and letter to Jaguar dated June 7, 2007 are enclosed.

Yours truly, [REDACTED]

[REDACTED]

[REDACTED]  
Belmont, MA [REDACTED]  
[REDACTED]  
[REDACTED]

June 7, 2007

Jaguar Cars  
555 MacArthur Boulevard  
Mahwah, NJ 07430

Dear Sirs:

Re: Safety Defect-Unintended Rapid Acceleration  
2003 Jaguar S Type VIN# SAJEA01T13F [REDACTED]

I have not received a reply to my letter of May 7, 2007 detailing an unintended rapid acceleration safety defect and the unintended rapid acceleration incident occurring on May 7, 2007 with my 2003 Jaguar S Type. On my return to Boston I delivered the car to Lee Jaguar on May 16, 2007 for correction of this unintended rapid acceleration defect. I called your Customer Service Representative to advise Jaguar Cars (NJ) of the delivery of the car to Lee Jaguar.

I have not been contacted by Jaguar Cars (NJ) about the particulars of either the incident on May 7, 2007 or the unintended rapid acceleration safety defect. For that matter I have never been contacted by anyone from Jaguar Cars (NJ) about this or the two prior incidents of unintended rapid acceleration with this car which I had previously reported to Jaguar Cars (NJ).

In addition to advising me in a call on May 29 that I would be charged storage for my 2003 Jaguar S Type at Lee Jaguar, I was also advised by your Customer Service Representative that the Jaguar Cars (NJ) field technical representative could not duplicate the problem and that the car meets all of the manufacturer's specifications. I do not understand how any attempt to reproduce the incident or the malfunction could be possibly be achieved without discussing the particulars of the incident with those present when it occurred.

Jaguar Cars (NJ) has not contacted anyone who has first hand knowledge of the May 7, 2007 incident. I can only conclude that there was no valid or even good faith attempt on the part of Jaguar Cars (NJ) or the Jaguar Cars (NJ) field technical representative to reproduce the problem or to find the source or the cause of this unintended rapid acceleration malfunction and that the Jaguar Cars (NJ) field technical representative is not competent to undertake such an investigation or reach any such conclusion.

Yours truly,

A large black rectangular redaction box covers the signature area. There are some faint handwritten marks above and below the box, including a checkmark-like mark below and a curved mark to the right.

JAGUAR

JAGUAR CARS

555 MacArthur Boulevard

Mahwah, NJ 07430 USA

T 1.800.4 JAGUAR

www.jaguarusa.com

June 28, 2007

[REDACTED]  
Belmont, MA [REDACTED]

REF: 6837223

VIN: [REDACTED]

Dear [REDACTED]:

Thank you for your communication with Jaguar Cars. We are sorry for your continued dissatisfaction.

We have reviewed your situation and inspected your vehicle, with Jaguar Wellesley, our After Sales Market Manager, and our Field Service Engineer. It is our understanding that your vehicle is operating in accordance with manufacturer's specifications at this time.

Again, we regret not being able to meet with your expectations, however; our position in this matter remains as stated in our previous telephone conversations and correspondence.

I am sorry we cannot assist you in this matter.

Sincerely,

  
Andrea Kelly  
Customer Service Representative



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).