



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

July 10, 2008

CL-10236052-7279

2008 JUL 22 AM 9:34
COPY

[REDACTED]
WATERBURY, CT [REDACTED]

File #: 2008-5400
Re: FORD MOTOR COMPANY

Dear [REDACTED]

I wish to acknowledge receipt of your correspondence concerning the above referenced company and to thank you for thinking of this office in connection with this matter. However, the nature of your complaint appears to fall under the jurisdiction of:

**National Highway Traffic Safety Administration
Office of Public Affairs and Consumer Services
400 Seventh Street, S.W.
Washington, DC 20590
(800) 424-9393**

By copy of this letter, I have taken the liberty of forwarding your correspondence to the above agency. Please contact that agency directly if you have any questions or concerns regarding your complaint, and again, thank you for contacting this office.

Sincerely,

Sonia Stewart

Sonia Stewart
Consumer Information Representative
Trade Practices Division

CC: Ref.
File

MC
G1122108
9:34
KB

2008-5400

Please find enclosed Copy
of Complaint regarding Ford
Motor Company and a Known
Paint defect filed with the
Attorney General's Office dated
today - June 18, 2008

2008 JUN 20 11 21 25
RECEIVED
STATE OF NEW YORK
ATTORNEY GENERAL'S DIV.

June 18, 2008

Attorney General's Office
Richard Blumenthal
55 Elm Street
Hartford, CT 06106

Attorney General Blumenthal:

I have a situation I would like to bring to your attention.

I purchased a 2005 Ford Five Hundred approximately one year ago and found, while I was waxing it, a small section of the hood with cracked paint. In researching the problem on the internet I found indication that this is a known problem to Ford as far back as the mid ninety's. There was a class action lawsuit filed back then because there had been a recall on the paint for Ford products which was quickly stopped due to the fact that it was going to cost Ford too much to rectify. This can be found at the autosafety.org website.

With further research I also found that there is a known paint problem that generated a Technical Service Bulletin with 2000 to 2005 Ford models. The problem is an auto maker's fault due to "iron contamination of the aluminum panel". This one can be found on the lemonlaw.com website dated December 11, 2006.

I called Ford Customer Relations on Friday, June 13th and spoke to Fred to whom I explained the situation. He indicated to me that my warranty expired in November of 2007, therefore a repair was not covered. His only suggestion was to go back to the dealer.

I took the car to the dealer on June 17th and spoke directly to the service manager, John D'Anata. He came out to look at the car and immediately claimed it was caused by bird droppings. I've owned many vehicles in my day and have never seen that kind of damage due to bird droppings. I am very particular about the appearance of my vehicles and bird droppings do not linger on my paint.

From there I took the car to a reputable paint shop, Maaco, and upon inspection the manager of Maaco found many tiny cracks starting on the hood of my Ford.

I contacted Ford's Customer Relations again indicating what was relayed to me by the service manager at the dealership as well as what was found while at Maaco. Again, their response was that the car was out of warranty and I should possibly go back to the dealer. The only thing they recommended was to have the dealer put the paint through diagnostics which would most likely be at my expense.

I feel that if Ford knows there is an issue with their paint and the iron contamination they should not cut off all recourse after the three year warranty. The car should be painted properly and a loaner car provided while the car is tied up.

During my research I also found out that it is a law in Connecticut that auto makers are to reveal "secret warranties" when inquired. I was wondering if you can assist in getting that information as well. The literature I read said to contact your Attorney General for additional information regarding the "secret warranties". I have attached copies of the literature I found on the internet.

Your assistance in getting this matter resolved is greatly appreciated.

[REDACTED]

Watertown, CT [REDACTED]

[REDACTED]

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January 2001

Dear Ford Owner:

Thank you for contacting the Center for Auto Safety (CAS) concerning peeling paint on your Ford vehicle. In 1992, CAS petitioned the Federal Trade Commission (FTC) and every state attorney general regarding paint peel on 1985-92 F-series trucks. In 1993, Ford set up Owner Dialogue Programs (ODP) on its vehicles with the worst peeling paint problems (F-series trucks, Bronco and Mustang) but, once the regulators looked the other way, Ford dropped the ODPs in 1994 because they cost the company **over \$1.5 billion** according to The Wall Street Journal. Since 1994, Ford has covered up paint problems by buying off aggressive consumers under a secret warranty and ignoring consumers who don't complain loudly.

Two class action lawsuits have been filed on behalf of Ford owners--one in Texas by Mithoff & Jacks, 111 Congress, Austin TX 78701 & one for the other 49 states in Louisiana by Becnel, Landry & Becnel, P.O. Drawer H, Reserve LA 70084. One need not contact these firms to be a part of the class action as the court will order notification of all owners covered by the class if a settlement is reached. "Dateline NBC" did a program on peeling paint on Nov. 2, 1997, and has an Internet website, www.dateline.msnbc.com, from which further information can be obtained.

CAS is aware of paint peel on the following Ford vehicles: Aerostar, Bronco, Bronco II, Econoline, Escort, EXP, F-series trucks, LTD, Mustang, Probe, Ranger, Sable, Taurus, Tempo, Thunderbird and Tracer. Ford owners assert that the condition exists on additional models. To force Ford to take full responsibility for this most costly secret warranty ever, CAS met with the FTC and contacted state attorney generals about Ford's reversion to stonewall tactics.

It is important to distinguish paint peel from other paint conditions. **Paint peel** and **severe flaking**, as addressed in CAS' 1992 petition to the FTC, are conditions in which a vehicle's colorcoat (i.e. blue, gray, red, etc.) lifts away from the underlying anti-corrosion primer coat which is generally a dull gray color. On vehicles suffering paint peel, the colorcoat peels off of the horizontal surfaces, such as the hood, cowl and roof, first. On severely affected vehicles, the vertical surfaces, such as the quarter panels, will also peel. The best analogy for the Ford paint peel condition is the after effects of a bad sunburn. Following a bad sunburn, the skin, like the colorcoat, often blisters and then peels away in large patches.

If your vehicle suffers from the condition described above, CAS suggests you take the following action to obtain financial

assistance from Ford outside of the express warranty period.

- Contact the **service manager** at your local Ford-Lincoln-Mercury dealership. Maintain a cordial relationship with the dealer personnel as they can actively help you obtain assistance from the Ford Motor Company. The service manager has direct access to the Ford field representative and should submit your request for financial assistance to the field representative.
- If the field representative's offer of financial assistance is unsatisfactory, write to Ford directly at the following address: Ford Customer Assistance Center, PO Box 43360, Detroit MI 48243. While it is unlikely Ford's written response will differ from the field representative's offer, it is important to have proof in writing of your demand for financial assistance from Ford. Written documentation will be necessary in the event you later file a small claims court lawsuit against Ford.
- Once you have secured Ford's response to your paint peel concern, it will be necessary to decide whether or not to accept any offer of financial assistance. Often, Ford will offer to pay between 50-75% of the estimated cost to repaint a vehicle affected by paint peel. You may consider accepting this offer, and hope that the class action forces Ford to reimburse all owners who have paid any amount towards repainting a vehicle due to paint peel.
- If you find Ford's response to be unacceptable, you can sue Ford in small claims court. As a practical matter, try to get your case scheduled to be heard on a **Friday afternoon** or early **Monday morning**. Because most Ford field representatives have "travel zones" requiring them to drive or fly out to their zones on Monday and return home on Friday, cases heard on a Monday morning or Friday afternoon gives the factory representative additional incentive to settle with you out-of-court. Furthermore, Ford representatives hate spending half a day in small claims court so many will settle with you upon receipt of the small claims court documents. Be sure to list your phone number on the court papers so the factory representative can contact you more readily.

If your case does not settle before the court hearing, it is important to know a couple legal terms. One term is "**statute of limitations (SoL)**" which means, in general, that a given number of years, usually four, have elapsed since the purchase date of the vehicle and this passage of time precludes one from suing. If SoL is mentioned, respond by claiming that the "**discovery rule**" should apply in your case. The discovery rule is a legal concept that "**tolls**" (suspends) the SoL as it was impossible to discover the matter being sued over within the statute of limitations time period. As a consumer, you could not have known of Ford's latent paint defect until the paint started peeling/flaking off of your vehicle. Arguably, even if the paint started peeling/flaking years ago, you did not learn of the paint defect until June 1992 when the media publicized CAS' action regarding the Ford paint peel defect. Some judges may decide that the statute of limitations did not commence running until you actually learned that the paint condition on your vehicle was the result of a **concealed, latent manufacturing defect**.

If you go to court, we recommend that you obtain a copy of CAS' petitions to the FTC. The "Ford FTC Paint Petition" costs \$25 and includes several internal Ford Motor Company documents which indicate that Ford has been well aware of the deficiencies in its paint process for a number of years. From these documents, it

can readily be inferred that Ford also knew that the problem affected vehicles other than the F-series Trucks. Ask the judge to order Ford to reimburse the \$25 cost as part of the cost of filing suit. Also ask the court to order Ford to produce records on how many vehicles by model and year it repainted for free. Be sure to take along to court photos of your vehicle and estimates from local, reputable repair shops of the cost to repaint your vehicle.

You should also write letters to help make state and federal officials aware of the widespread nature of the Ford paint peel defect. Include information regarding the make, model, year and color of your vehicle as well as a brief overview of your experiences to date in your attempt to get Ford to pay for the cost to repaint your vehicle. Include photos since a picture of your peeling Ford says it all. Be sure to send CAS copies of your letters. The individuals to write are as follows:

- Your state attorney general. His/her address can be found in a phone book under the listing of state agencies.
- Federal Trade Commission. Address your letter to: Robert Pitofsky, Chairman; Federal Trade Commission; 6th & Pennsylvania Avenue NW; Washington DC 20580.

You'll find more information on what you can do about peeling paint and other Ford defects plus a complaint box. Your information will help us build a strong case against Ford as we fight for action on Ford defects.

We need you to support the Center for Auto Safety in our fight for consumer rights and against poorly designed and unsafe cars. Your contribution is tax-deductible which entitles you to our quarterly newsletter, **Lemon Times**. Please submit the membership form along with your contribution and complaint. If you contribute \$35 or more, we will send you the current edition of **The Ultimate Car Book**, by Jack Gillis.

Sincerely,

Clarence M. Ditlow
Executive Director

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Lemon Law Blog

Information and discussions about the Lemon Law, the Magnuson Moss statute, and Dealer Fraud.
Provided by Kimmel and Silverman.



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Archive for the 'Paint Defect'

More problems for Ford—Paint Defects in 2000-2005 models

December 11, 2006 By: [LemonLaw](#) Category: [Ford](#), [Paint Defect](#) [36 Comments](#) →

Ford Service Bulletin Shows Paint Defect on Many 2000-05 Models

Ford has issued a Technical Service Bulletin that shows a **major paint defect** in many large 2000-05 Ford, Lincoln and Mercury cars, trucks and SUVs that used aluminum body parts (hoods and fenders) to reduce vehicle weight. Affected models are the 2000-04 Crown Victoria, Taurus, Expedition, F-150, Ranger; Mercury Grand Marquis, Sable; Lincoln LS, Town Car Navigator and the 2000-05 Explorer, Mercury Mountaineer.

According to the TSB, "Some vehicles may exhibit a **bubbling or blistering under the paint on aluminum body parts**. This is due to iron contamination of the aluminum panel. . . . Ford's Scientific Research Laboratory has performed a number of tests on vehicle body parts returned for corrosion related concerns. Testing has revealed that the aluminum corrosion was caused by iron particles working their way into the aluminum body part, prior to it being painted."

CAS Executive Director Clarence Ditlow said:

"This is a very expensive defect to remedy. The TSB requires "extreme care to be taken" including special tools and segregated work areas to remove the corrosion by blasting, repriming and repainting. This repair is so difficult that CAS recommends the best fix is to replace the corroded part with a primed steel part and paint it. Ford cannot guarantee this repair will eliminate all the iron corrosion or prevent other areas from bubbling or blistering in the future."

Popularity: 60% [2]

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submit comments and records to the board by mail. In most cases, the board will not hear a complaint outside the express warranty - the length of which varies for the powertrain, emissions & other components. Important: The consumer is allowed to rebutt Ford's comments. This can improve your chances and you should take advantage. If you have not received a Dispute Settlement Board arbitration package from Ford Customer Assistance Center, write to Dispute Settlement Board, PO Box 5120, Southfield MI 48086-5120.

Secret Warranty Disclosure Laws: Four states (CA, CT, VA, WI) have laws requiring automakers to disclose any secret warranties on their cars. Contact your state attorney general for information or to support such laws. ***Little Secrets of the Auto Industry*** (Moyer-Bell 1994) by CAS is devoted to secret warranties, how to find them & use them. ***Little Secrets*** is available for \$17.50 from CAS Publications.

6/13
leaving 9:00
Steve Hennessy