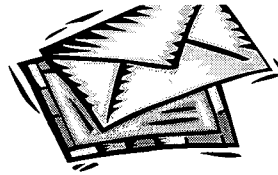


NHTSA ccmMercury Routing Slip



CL-10256676-3579

Printed: 3/6/2009

NHTSA #: NPS09-001297	Rec'd Date: 3/6/2009	Referred By: NPS
XREF #:	Doc Type: LTR	Doc Date:
Delivery: REG	Address To:	Due Date:
S10 #:	DOT/I #:	RMP #:
Subject: Letter from [REDACTED] regarding brakes		
Ack Date:	Ack By:	Signed For:
Sign Office:	Signature:	Cleared For:
Cleared Date:	Cleared By:	Closed Date: 3/6/2009
File Loc:	XREF File:	
Added By: DRADOSAVLJEVIC	Modified By: DAJANA.RADOSAVLJEVIC	
Most Recent Comment:		

Author:

[REDACTED]

[REDACTED]

Chillicothe, OH [REDACTED]

Tel: [REDACTED] Fax: E-mail:

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-110	APPROPRIATE	3/6/2009		
NVS-200				

ET
3/8/09
NJ

Sunday, February 8, 2009

2009 APR -8 PM 3:05

2009 FEB 24 A 11:

FROM:

[REDACTED]
Chillicothe, Ohio [REDACTED]
[REDACTED]

TO:

Monica Baker
Claim Processor
State Farm Insurance Companies
Claim Central Operations
PO Box 3020
Newark, Ohio 43058-3020

RE:

Claim Number

Date of Loss:

[REDACTED]
December 6, 2008

Your Insured:

Dear Monica Baker:

Thank you for your letter dated February 2, 2009. I have received this same information from several other people in Team 6 over the phone. However, it always good to document important details in writing.

Your letter states that "In order for State Farm to pay for these damages you need to have the shop of your choice, complete a diagnostic test of these problems. The cost of the test would be your responsibility until proven loss related. Once this has been completed we can send out an inspector to confirm the damage is loss related."

I am sure that you can understand why I could believe that a frontal impact by a 1999 Ford Ranger truck causing \$5,338.10 of body damage to my parked car also could have damaged the internal and other components of my car in the engine, the dashboard, the electrical system, the drive train, the power train, etc.

I wanted to drive my car myself to Plaza Chevrolet after the body work was completed so that I could feel if there were any differences in the way it handles or if there were any new noises. I told them I felt a slight play in the steering, the brakes were extremely sensitive, and the gear shift was a little hard to shift.

I do not know if Plaza Chevrolet performed the 117-point checklist required for a GM Certified Used Vehicle that I asked them to do. (On August 2, 2007 I bought the 2004 Malibu from them as a GM Certified Used Vehicle.) I am not sure that they attached my car to their diagnostic computer as I asked.

On Thursday, January 8, 2009 I spoke with Brian in the service department. He said I needed an intermediate steering shaft and a shifter. This would cost about \$527.18 plus tax.

He said the brakes linings were thin, about 4-6 mm. They should be 8 - 10 mm, so I had some time. We both agreed the brakes were not accident related.

I asked him to fax a supplemental repair cost to State Farm at your Supplemental Fax number of 1-888-698-7717. If they had any questions, they could call your Claims Department, Team 6 at 1- 888-816-6939.

I do not have the date or time when Amber of State Farm Claims, Team 6, left a message on my answering machine. It was either Thursday, January 8 or Friday, January 9, 2009.

She said the State Farm Inspector was at dealership today. Amber stated the inspector said the intermediate steering shaft is inventoried to go bad prematurely on vehicles like mine and the shifter has same problems. There was no play in the steering.

She said these problems were not related to the claim and not payable by State Farm. If I feel that these problems are accident related, I could have the vehicle torn down and diagnosed. If they can relate this to the claim, State Farm will pay for repairs and tear down fees.

If not related I would have to pay for these costs. If repairs are complete, I have to turn in my rental car.

This is the same message I received in your letter and by phone with several other people in Team 6 over a period of several weeks.

I will now give you in writing the same answer I gave them by phone.

I do not have \$527.18 to pay for the repairs if your inspector cannot see any visible damage to the intermediate steering shaft or the gear shifter directly related to the accident. I do not have the \$220 it would cost for Plaza Chevrolet to tear down the car so that your inspector could look at it, let alone the money to put it back together.

It may seem difficult for you to believe that I can't get this money. Let me give you the facts.

I am 65, retired, living on \$2,101 a month. I have a mortgage payment, a car payment, car insurance, house insurance, utilities, credit card bills, doctor bills, medicines and food that I need to pay each month. There is not enough money to cover all those expenses. I work part-time which helps.

When my 1985 Chevrolet Celebrity (the only new car I have ever bought) had a metal piece break off in the lower part of the engine in July, 2006, I did without a car for 13 months. I could not decide whether to put a \$2,000 reconditioned engine in this excellent car I owned for 22 years and put 256,000 miles on it driving numerous times coast to coast or to use \$2,000 for a down payment of a new car. I sold a piece of property to get the \$2,000 down payment for the 2004 Malibu. I thought I would have piece of mind.

On December 5, 2008 I had a perfectly working 2004 Malibu in excellent condition. I never had trouble with it. On December 6, 2008 I had a greatly damaged car. It now looks good, but it is damaged and will never be the same.

I am not telling you this to make you feel sorry for me, I am telling you the facts. I don't have this money.

Now you understand why I can not have "the shop of your choice, complete a diagnostic test of these problems." I cannot gamble on your inspector or Plaza Chevrolet to make an accurate assessment, especially since your inspector determined that "the intermediate steering shaft is inventoried to go bad prematurely on vehicles like mine and the shifter has same problems."

I have had so much trouble with Plaza Chevrolet doing what I have asked them to do, I almost believe that someone in the service department told him this.

If your inspector had known about these components inventoried to go bad prematurely on December 9, 2008 when he inspected the car at the body shop, he certainly would have informed me that the 2004 Malibu had internal component problems that State Farm might not be able to pay for. That would have been the ethical thing to do.

If he had known and had told me this, I would have asked for the \$5,338.10 to be used to help pay off my car loan. I owe a little less than \$7,000. I could cancel my extended warranty and get back a refund of approximately \$1000 on the balance of the loan, leaving me with a balance of \$661.90. I am sure that I could have sold some body shop the wreck of my car for this amount leaving me with no car payment, no car insurance payment and no car.

Which brings us back to the original questions in my letter that no one at State Farm has answered in writing to document the facts.

1. **How** did the State Farm Inspector determine that the steering and gear shift of a 2004 Chevrolet Malibu were known to wear out prematurely, and therefore, State Farm would not pay for them?
2. **When** did the State Farm Inspector determine that the steering and gear shift of a 2004 Chevrolet Malibu were known to wear out prematurely, and therefore, State Farm would not pay for them?

I can understand why Team 6 does not want to put this information in writing. However, in the long run, it would best for all of us to be straight forward and honest. It is impossible to make a valid decision with inaccurate facts and false information.

Again, in order to keep all parties involved and up-to-date on this continuing State Farm Claim [REDACTED] I am sending a copy of this letter to each of the people and agencies listed below.

I have added several other contacts I have found since I began my research on the Internet January 9, 2009 for a 2004 Malibu and State Farm Insurance. I believe they are appropriate.

Sincerely,

[REDACTED]

encl. (1) Letter to Sandra Dower, District Specialist, General Motors Customer Service Center

cc: Paul Harsh, Claims Officer Team 6, State Farm Insurance
State Farm Insurance Mutual Automobile Insurance
Ohio Department of Insurance, Consumer Services
Plaza Chevrolet
Rick Wagoner, CEO, General Motors Corporation
General Motors Corporation, Parts Department
Sandra Dower, District Specialist, General Motors Customer Service Center
~~GM/SA Headquarters~~

602.6

Sunday, February 8, 2009

FROM:

[REDACTED]
Chillicothe, Ohio [REDACTED]

TO:

Sandra Dower
District Specialist, GM Customer Service Center
PO Box 33170
Detroit, MI 48232-5170

RE:

Service Request File #71-693 808 594
Ref.: 2004 Malibu
Parts: Intermediate Steering Shaft & Gear Shifter

Dear Sandra Dower:

This letter is to confirm the details of our phone conversation of Wednesday, February 4, 2009 at approximately 3:59 PM. As I understand, you have my letter of Wednesday, January 28, 2009 on record and have placed it in my file #71-693 808 594, a service request number. You also said that GM has made the same determination for my request.

We originally spoke by phone on Friday, January 16, 2009 at approximately 12:30 PM. The determination at that time was that since my warranty had run out, GM was not responsible for these repairs.

You told me on January 16, 2009 that you had called Plaza Chevrolet and was told the steering shaft and the brakes needed to be done. You checked on your computer and there was nothing listed as a problem in the official GM site for my VIN number, 1G1ZS52F84F [REDACTED]

I informed you that I had been searching the Internet for "2004 Malibu" and I found numerous complaints about the 2004 Malibu. Most of the complaints mentioned the sudden loss of power steering, the sudden loss of power brakes, replacing the rack and pinion several times on the same car, and other complaints. At that time, you told me that you cannot look up any problems by year and model. You could only act on what was in your computer.

I believe you said that your office depends on local service departments to send you records of repairs. You do not survey local service departments. You only have what they report to you. Once the warranty runs out, your department stops keeping repair records for a GM Vehicle.

I told you that TSBs were mentioned numerous times for the 2004 Malibu and requested the TSBs for the 2004 Malibu. You informed me that TSBs were not for the public but only for the service technicians. I asked to speak to someone in the TSB department. You said there wasn't any. I asked who then wrote the TSBs. You replied that GM relied on the reports the local service departments send them.

You again told me that since my warranty had run out, GM was not responsible for these repairs. You told me that this was the final answer to my question.

After much discussion, I asked to speak to your supervisor and you went to find one. At 12:52 PM, you came back on and said your supervisor was reviewing my file. At 1:08 PM, Marlene Kenny, Supervisor came on the line. She told me she had gone into her computer on my make and model. There were no warranty repairs that cover my VIN number 1G1ZS52F84F [REDACTED]

I told her about the complaints on the Internet about the power steering power, especially the power assist. GM had recalls for seat belt anchorage and power brakes. A campaign was conducted by GM for the power steering assist for certain VIN numbers. She said I did not have power assist on my 2004 Malibu.

She could not give me the phone number of the TSB people at corporate headquarters nor the phone number of corporate headquarters. She did explain what the VIN numbers mean by digit.

Since that time I have found a wealth of information about the 2004 Malibu on the Internet. I am in the process of sifting through them using only official sources of information about complaints, production, recalls, TSBs, insurance records, safety issues, etc. I don't think anyone will be happy with the results.

In order to keep all parties involved up-to-date on this continuing **Service Request File #71-693 808 594**, for the intermediate steering shaft and gear shifter for the 2004 Malibu, I am sending a copy of this letter to each of the people and agencies listed below.

If there is any detail in this letter that is incorrect to your knowledge, please correct them in writing in a letter to me. Relying on quick notes taken during phone calls is not a reliable method of communication or of documenting information.

Sincerely,

[REDACTED]

encl. (1) Letter to Monica Baker, Claims Processor, State Farm Insurance

cc: Paul Harsh, Claims Officer Team 6, State Farm Insurance
Monica Baker, Claims Processor, State Farm Insurance
State Farm Insurance Mutual Automobile Insurance
Ohio Department of Insurance, Consumer Services
Plaza Chevrolet
Rick Wagoner, CEO, General Motors Corporation
General Motors Corporation, Parts Department
~~INELSA Headquarters~~

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