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[Redacted]
San Diego, CA
[Redacted]
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March 5, 2009

Via Facsimile (201-930-8362 and 201-307-4095) & U.S. Mail

BMW of North America LLC
P.O. Box 1227
Westwood, NJ 07675-1227
Phone: 1-800-831-1117

Dear Sir or Madam,

I am the owner of a 2008 BMW 535i, purchased on February 27, 2008 from BMW Concord (California), vehicle identification number WBAN13528C [Redacted] (the "malfunctioning vehicle").

The purpose of this letter is to provide you with written notice of BMW's deficiencies under the California Song-Beverly Consumer Warranty Act, and to request a refund for the malfunctioning vehicle. This is a follow-up to the conversation my wife had earlier today with "Ryan" from customer relations at BMW of North America.

The problems with the malfunctioning vehicle began three months after I purchased the car when I was forced to bring it into service at BMW of San Diego on May 30, 2008 because it was unsafe to drive due to a malfunctioning engine that resulted in very little power to the engine. My car showed an engine malfunction, reduced power message. BMW of San Diego informed me that there was a problem with the fuel valves.

Less than two months after this incident, on July 7, 2008, I was again forced to bring in my BMW for service because it was unsafe due to the engine malfunctioning and the car having very little power. Again the car showed an engine malfunction, reduced power message. BMW again informed me there were problems with the fuel valves.

Then, on February 26, 2009, I was driving home to San Diego from Los Angeles, when once again my car showed an engine malfunction, reduced power message, and I lost virtually all power in my engine. I was forced to drive on Interstate 5 with a malfunctioning engine that had no pick-up / power. This was extremely unsafe and

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hazardous to me and my passenger, and was also extremely nerve-wracking. The very first thing the next morning, on February 27, 2009, I again dropped the malfunctioning vehicle off at BMW of San Diego. As of the writing of this letter, my car is still in the shop at BMW of San Diego. They have been unable to tell me what is wrong with my car other than to say they think possibly there is some sort of "low pressure fuel concern."

I purchased my BMW with very high expectations. Prior to my purchase I did not think that my car would constantly be malfunctioning, and would be unsafe to drive. However, that is exactly the situation now. The car is constantly malfunctioning. And I will not drive my five year old daughter in that car because it is objectively unsafe. My wife and I are both attorneys with experience with Song-Beverly, and there is no question that the car BMW manufactured and sold to us is a lemon.

My contact number is above. I look forward to BMW resolving this matter promptly.

Regards



cc: NHTSA (via U.S. Mail)
Robert Mandgie (via e-mail)