



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

DOT Auto Safety Hotline
Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET:www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received

04-MAY-2009

Repository ☐Reference No.
10267661

OWNER INFORMATION (Type or Print)

Name

Address

City

ROCKINGHAM

State

NC

Zip Cod

Daytime Telephone Number

E-mail Address

Evening Telephone Number

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? ☐ YES ☒ NO
In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vehicle manufacturer.

Signature of Owner _____ Date ____/____/____

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side

4C3AU52N2WE

Make

CHRYSLER

Model

SEBRING

Model Year

1998

Date Purchased

Dealer's Name and Telephone Number

Engine:

No: Cylinders

Fuel Type:

Original Owner

☐

Dealer's City

State

Zip Code

Transmission Type

☐ Antilock Brakes

Powertrain

Multiple Failure:

Incident Date(s)

13-JUL-2007

☐ Cruise Control

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Codes: 060000 ENGINE AND ENGINE COOLING, 160000 STRUCTURE, 105000 POWER TRAIN: DRIVELINE, 170000 LATCHES/LOCKS/LINKAGES, 010000 STEERING, 161000 STRUCTURE: FRAME AND MEMBERS, 162300 STRUCTURE: BODY: DOOR

Failure Mileage

89000

Failure Speed

10

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTMAL9ABC036)

☐ Original Equipment
☐ Prior Repair

Failure Location:

Tire Component Code

Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:

Date Manufactured:

Model No./Name:

Seat Type:

Installation System:

Child Seat Component Code:

Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)

Crash

☒ Yes ☐ No

Fire

☐ Yes ☒ No

Number of Persons Injured

0

Number of Deaths

0

Reported to Police

Y

Narrative Description of Incident(S), Crash(es), and Injury(ies).

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

TL*THE CONTACT OWNS A 1998 CHRYSLER SEBRING. WHILE DRIVING 10 MPH IN THE TURN LANE, THE CONTACT'S VEHICLE WAS STRUCK BY ANOTHER VEHICLE CROSSING IN THE WRONG LANE. THE VEHICLE WAS DESTROYED. THE PASSENGER SIDE, FRONT FENDER, AND ALIGNMENT WERE SEVERELY DAMAGED ON THE CONTACT'S VEHICLE. IN ADDITION, THE TRUNK WOULD NOT OPEN, THE DOORS WERE NOT INSTALLED CORRECTLY, AND OIL WAS LEAKING FROM HOLES IN THE ENGINE. THE VEHICLE HAS BEEN INSPECTED BY FIVE BODY SHOPS AND THE DEALER. THERE WERE NO INJURIES, BUT A POLICE REPORT WAS FILED. THE CONTACT HAS PICTURES OF THE DAMAGE. THE FAILURE MILEAGE WAS 89,000 AND CURRENT MILEAGE WAS 100,000. UPDATED 06/07/09 *BF

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

From: Wells, Cynthia <NHTSA>
Sent: Wednesday, May 06, 2009 12:06 PM
To: Fogle, Brenda <NHTSA>
Subject: FW: reprot

Attachments: reprot

UPDATE (INCLUDE ATTACHMENT)

-----Original Message-----
From: Data Quality <NHTSA>
Sent: Wednesday, May 06, 2009 10:27 AM
To: Wells, Cynthia <NHTSA>
Subject: FW: reprot

Mrs. Gina J. Rious
BLF Technologies Inc.
on assignment with NHTSA, DOT
gina.rious@dot.gov
202-366-6287, W48-209
-----Original Message-----

From: [REDACTED]
Sent: Tuesday, May 05, 2009 1:37 PM
To: Data Quality <NHTSA>
Subject: Fwd: reprot

Here is the information you woo need. do not need any other. because Farm bureau and Covingtons body shop are at fault for Demlished value, sterring, privacy -policy, repair act, also check and see ho many clients went to the same body shop due to the fact Covingtons wife worked at the same Insurance Company I went too..Also Farm Bureau to things they do not do...

[REDACTED]

CSI-NC
Collision Service Investigators of North Carolina, LLC.
1917-B South Main Street
Salisbury, N.C. 28144
Phone: 704-216-0081 Fax: 704-216-0082
Email dwyatt@csiofnc.com

5-01-2009

Rockingham, N.C. [REDACTED]

Ref: 1998 Chrysler Sebring 2Dr. Hardtop
VIN: 4C3AU52N2WE [REDACTED]
Insurer: North Carolina Farm Bureau
Body Shop: Covington's Body Shop

[REDACTED] first I would like to inform you that I am not acting as legal counsel or providing legal advice and that you may need to seek legal counsel to further advise you.

Regarding Mr. Kyle Hayman's (district claims manager for North Carolina Farm Bureau) August 18, 2008 letter, to Mr. Tony Vaughn with the NCDOL, stating, "North Carolina Farm Bureau paid for proper repairs to your 1998 Sebring" IS NOT TRUE. As a Licensed Motor Vehicle Damage Appraiser and former body shop owner, I can say that North Carolina Farm Bureau DID NOT pay for proper repairs to your 1998 Sebring. In addition, the *contract between you and your insurer North Carolina Farm Bureau HAS NOT BEEN HONORED*, due to the OMITTING OF NECESSARY REPAIRS, REPAIR PROCEDURES AND MATERIALS needed in repairing your 1998 Sebring. In the Personal Auto Policy, section *Part D-Coverage For Damage To Your Auto*, is the *Limits of Liability*. The *Limits of Liability* state:

Our limit of liability will be the lesser of the:
Actual cash value of the stolen or damaged property; or

2. Amount necessary to repair or replace the property with other property of like kind and quality.

What is the definition of "amount necessary" - "repair or to replace" and "like kind and quality"? In 2007, I began to research these important words. What I came up with was Appellate Court's definitions from "Diminished Value" class action lawsuits. In these lawsuits, the plaintiffs never complained of "inadequate repairs, omitted necessary repairs and repair procedures." The courts gave different opinions on "whether or not" diminished value was due. Following are different court definitions from an Illinois Appellate Court case "Mills v Allstate," where the court defines of "repair or replace" along with "like kind and quality," yet hardly anything on the "amount necessary." The complete text can be found in the Reference section. I have been unable to find any North Carolina cases or law with definitions. See *Siegile v. Progressive Consumers Insurance Company Ref 109-125 Sims v. Allstate Ref. 126- 135 Allgood v. Meridian Security Insurance Company Ref. 136-142 Bailey v. Progressive County Mutual Insurance Co. Ref143-147 Schaefer v. American Manufactures Mutual Insurance Company Ref. 148-159*

Appellate Court definitions of: **Amount necessary to repair or replace the property with other property of like kind and quality, follows.**

Amount Necessary

"The phrase "repair or replace the property with other of the like kind and quality" clearly limited the insurer's liability to a monetary amount necessary to repair the car's function and appearance, not value); O'Brien, 785 A.2d 281."

Repair

("repair" means "to restore by replacing a part or putting together what is torn or broken"); Black's Law Dictionary 1298 (6th ed. 1990) ("repair" means "[t]o mend, remedy, restore, renovate" or "[t]o restore to a sound or good state after decay, injury, dilapidation, or partial destruction"); Webster's Third New International Dictionary 1925 (1993)."

Replace

("replace" means to "restore to a former place, position, or condition"); Black's Law Dictionary 1299 (6th ed. 1990) ("replace" means "to restore to a former condition"). By their definitions and the common understanding of the terms, "repair" and "replace" mean to restore something to its former condition, not to its former value. See Allgood, 836 N.E.2d at 247-48."

Like Kind and Quality

"[L]ike kind and quality' refers to 'replace,' not 'repair[,]'" which encompasses the notion of restoring property to its former condition. Only to the extent parts are replaced does a 'repair' entail 'property of like kind or quality.' To say one would repair an item with goods of like kind or quality is simply not correct English. An item of property (or a part of that item) is 'replaced' with other property, but it is 'repaired' with tools and labor."

"[L]ike kind and quality' unambiguously refers only to replacement, not to repairs, and the verb 'restore' appears nowhere in the policy." Allgood, 836 N.E.2d at 247-48."

Going by the above Appellate Court definitions, I can say that Covington's Body Shop repair estimate WAS NOT WRITTEN so that it would honor the *Limits of Liability*. There were MANY OMITTED RECOGNIZED necessary repairs, repair procedures and materials in Covington's repair estimate. So again, North Carolina Farm Bureau's "claim" of paying for proper repairs is NOT TRUE.

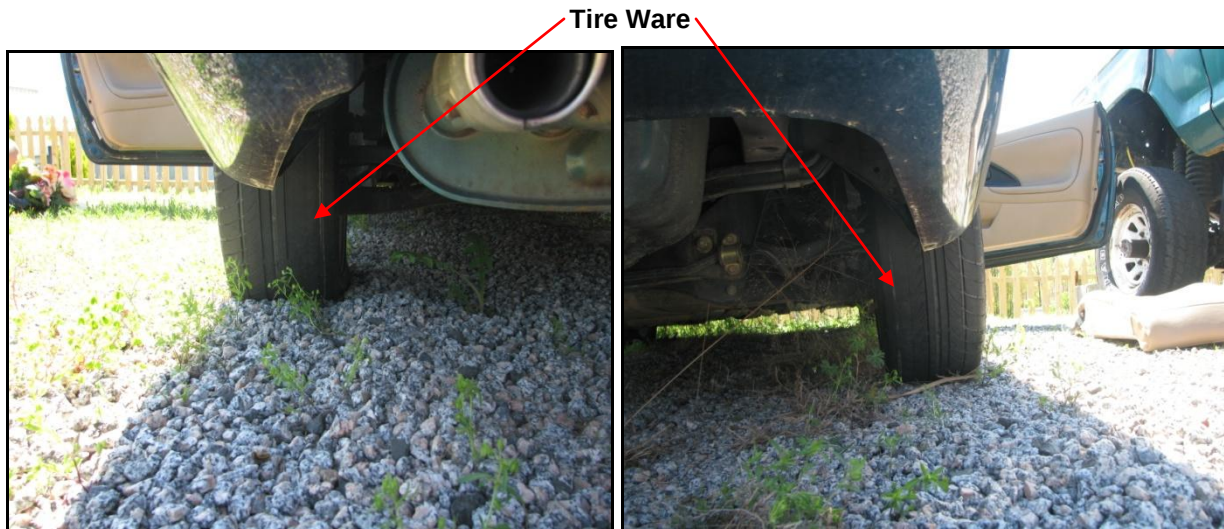
These recognized omitted necessary repairs, repair procedures and materials are, but not limited to:

1. **Four-wheel alignment.** You have extreme tire wear and from the alignment specs that you provided me, you have these problems still existing. According to you and the accident report diagram, the area of impact was in the area of the right-rear wheel and quarter panel.

In the photo below within the area of the black outline is the area that Covington's Body Shop made repairs to your 1998 Sebring. The area of impact is indicated by a bold black line and red arrow.



Both right and left rear tires are wearing in the inside due to several possible reasons. (1) Covington failed to re-align the uni-body frame as stated in the repair estimate. (2) The lower suspension cross-member is damaged and with either or both rear right and left struts, along with other rear suspension parts. (3) Or all the above.



2. **Cost and application of anti-corrosion material(s) generally just stated as “corrosion protection” on estimate.** Anti-corrosion protection consists of more than one type of material used and should be itemized as a separate item. **Anti-corrosion materials are:**

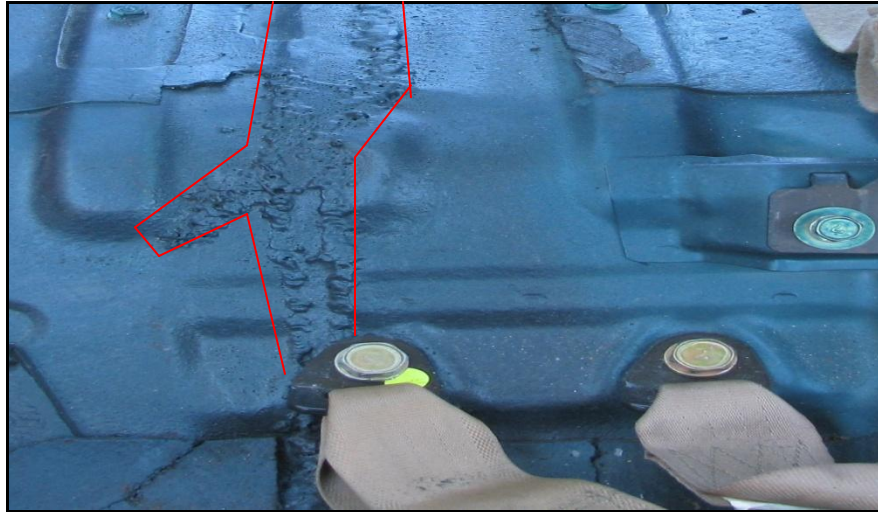
- Epoxy primers;
- Etching primers;
- Metal cleaner;
- Wax-based or petroleum-based spray-able compounds;
- In addition, weld thru-primer.

You have rust developing throughout the welded areas of repairs, due to the omitting of all the required anti-corrosion materials.

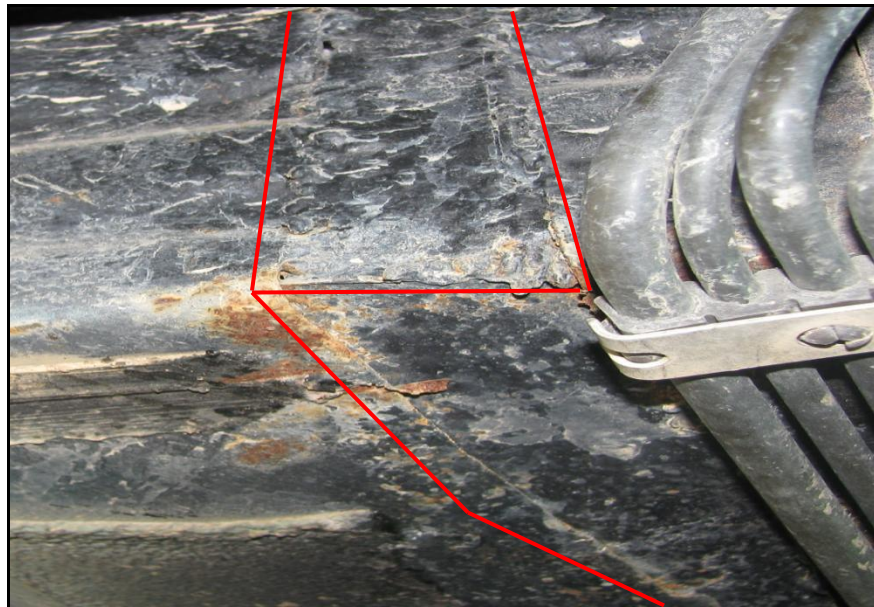
In the photo below, rust is developing where Covington welded your trunk floor-pan together. This one photo is **a small of example of rust in the welded areas** on the underside of your Sebring. I placed a red line above the welded area that is rusting. The rust is the brownish color.



3. **Welded panel adjacent panel repairs.** The welds need to be smooth by grinding for the refinishing process to take place. In the photo below are indicated by a red lines **is one small example of the welds not smooth-out of the floor pan of you Sebring.**



4. **Cost and application of seam sealers.** Seam sealers are used to prevent moisture and corrosion causing contaminants from entering into the areas where parts are joined together by welding. In the photo below is **one small example of seam sealer needing to be applied.** The red lines indicate where the floor-pan was installed needing seam sealer applied to prevent any moisture from entering between the original floor pan and the replacement floor pan.



6. **Color tint and spray out test panel to achieve color match.** Many vehicle manufactures use many different paint products as do body shops. A color test panel should be used to assure a quality paint match.
7. **Mask for priming of body panels after body repairs.**
8. **Blend onto adjacent body panel to assure color match.** Blending into the next adjacent panel is actually needed to assure paint match to the trunk lid, roof and right door.

9. Mask recessed edges / doorjambs / trunk or other openings to prevent paint over-spray.
10. Refinish inside and underside of floor-pan.
11. Wet/dry sand, rub-out and buff.” This repair procedure is to remove any dirt partials that may get into the paint.

Referring to the Limits of Liability

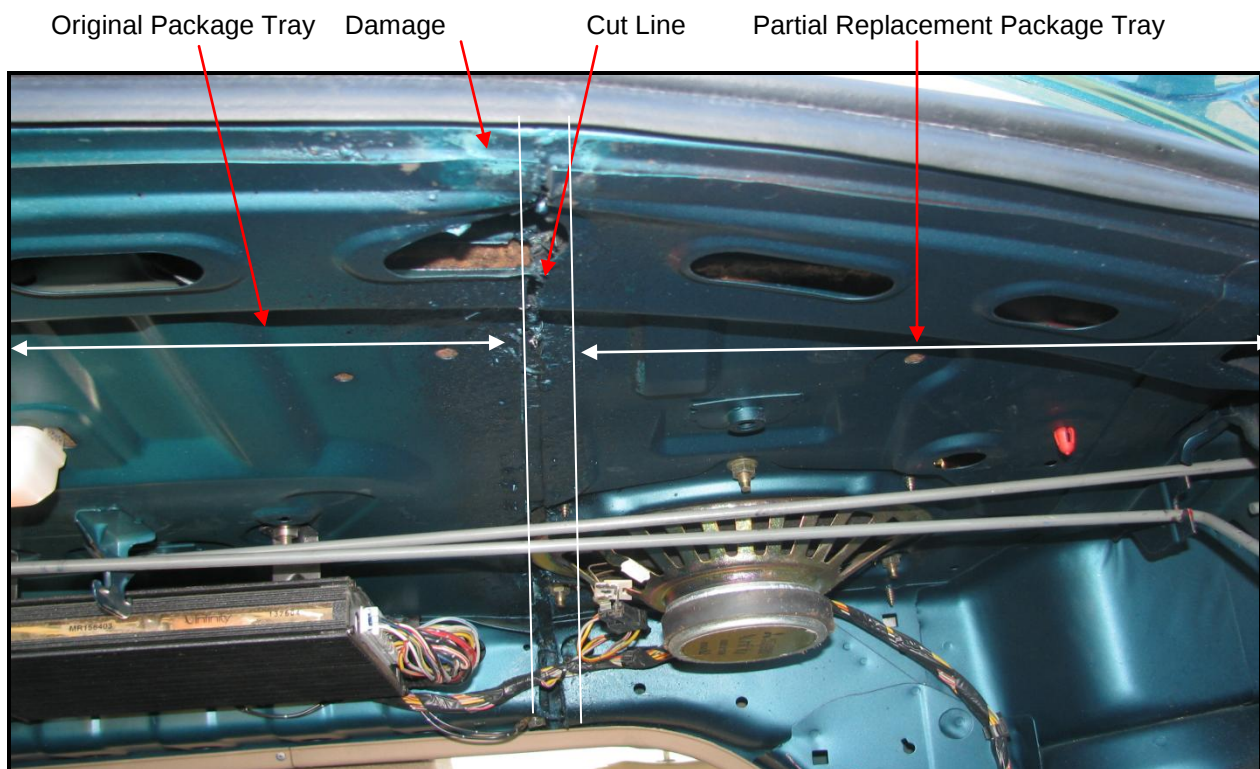
Replace

("replace" means to "restore to a former place, position, or condition"); Black's Law Dictionary 1299 (6th ed. 1990) ("replace" means "to restore to a former condition"). By their definitions and the common understanding of the terms, "repair" and "replace" mean to restore something to its former condition, not to its former value. See Allgood, 836 N.E.2d at 247-48."

Like Kind and Quality

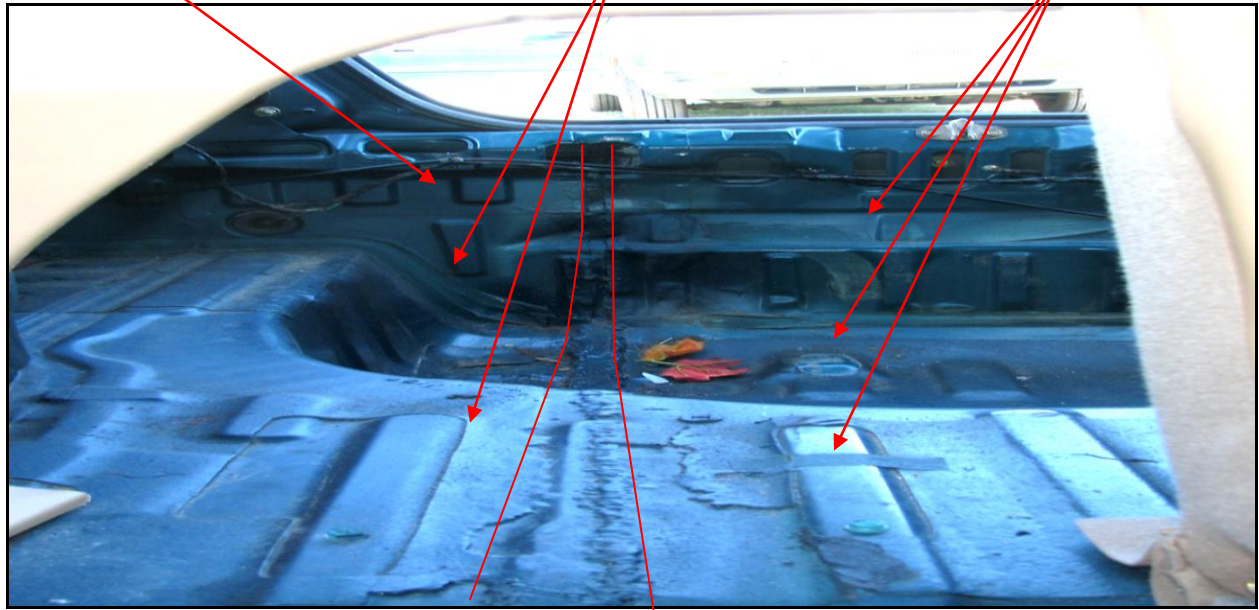
"[L]ike kind and quality' refers to 'replace,' not 'repair[,] which encompasses the notion of restoring property to its former condition. Only to the extent parts are replaced does a 'repair' entail 'property of like kind or quality.' To say one would repair an item with goods of like kind or quality is simply not correct English. An item of property (or a part of that item) is 'replaced' with other property, but it is 'repaired' with tools and labor."

In the photo below is the underside view of the “package-tray.” The package-tray is made-up by multiple layers of stamp-metal welded together and is a structural part of your Sebring. The package tray required a full replacement and North Carolina Farm Bureau knows this. **This package tray IS NOT restored to a former place, position, or condition and IS NOT like kind and quality.**



The rear passenger seats and trunk trim panels were removed, to inspect the repairs made and to photograph. The following photos are of the rear-body panel, trunk floor-pan, rear passenger seat floor-pan section and the floor-pan in front of the rear passenger seat. The rear-body panel and floor-pans are in need of **full replacement**. The floor-pans and rear-body panel are to be replaced as a whole part and/or replace in accordance to Chrysler's repair replacement guidelines and Farm Bureau is aware of this. In between the two red vertical lines was the cut area made by Covington's. The floor-pan and rear-body panel **IS NOT restored to a former place, position, or condition and IS NOT like kind and quality.**

Replaced Section of Rear Body Panel Replaced Section of Trunk Floor Pan Original Parts



The photo below shows the replacement floor-pan under the rear passenger seat was in the area of the seat belt.

Replaced Section of Trunk Floor Pan

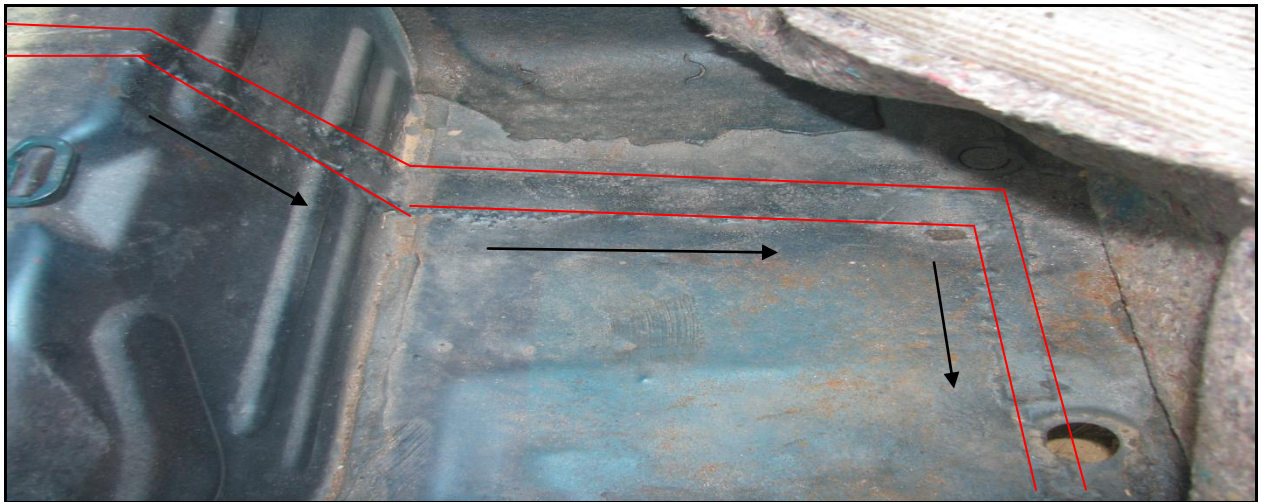
Original Floor Pan



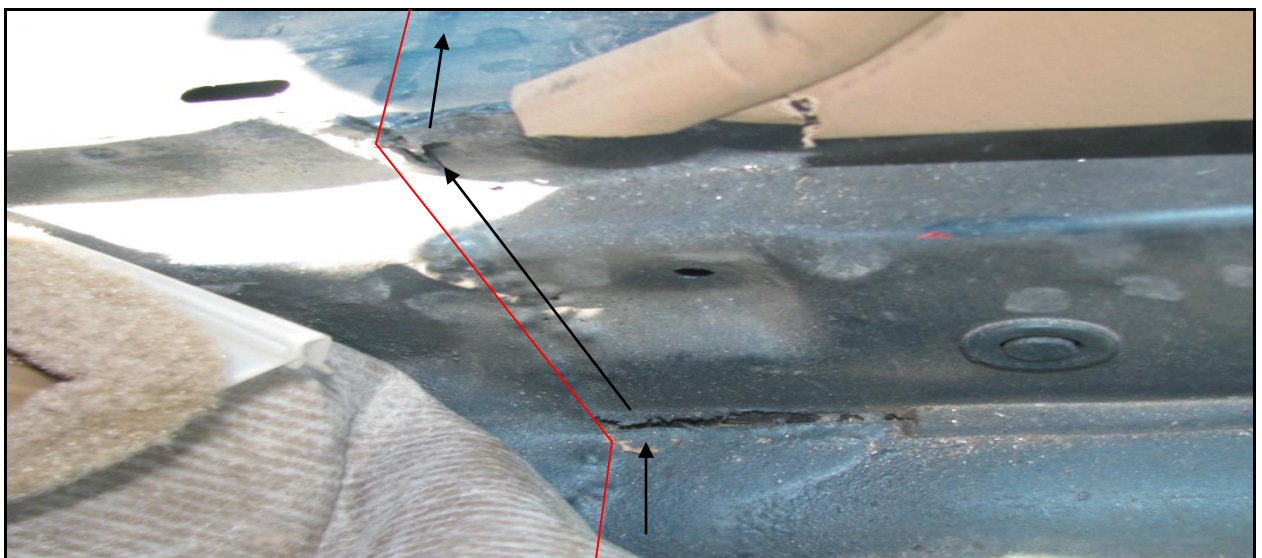
Covington's Body Shop continued the cut for removal and installation of the floor-pan just above the fuel tank. The red arrow is point to fuel tank wiring harness leading to the fuel tank that is directly underneath the cut area.



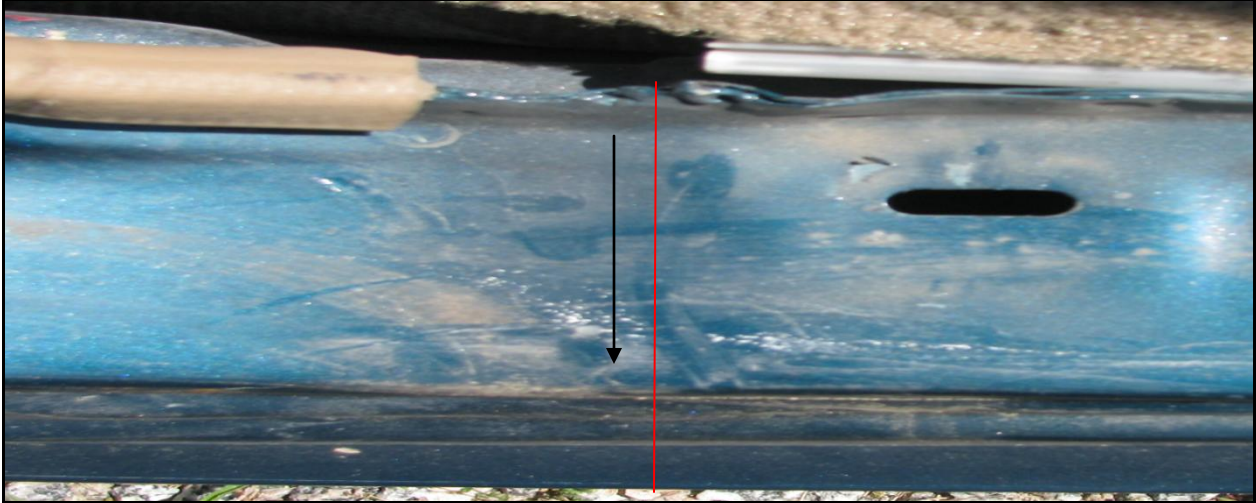
Covington has continued the cut along the floor-pan, then right cut towards the right rocker panel.



The photo below is a view of the inner rocker panel with the red line indicating the area Covington made the cut in the floor-pan and inner rocker panel.

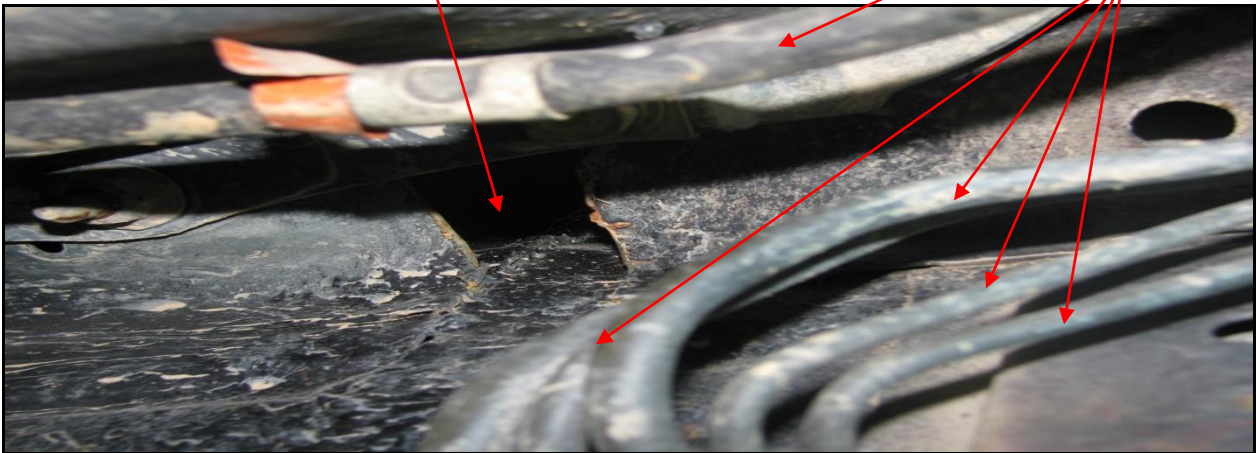


Covington continued the cut through the outside rocker panel.



Covington also cut through a supporting cross-member of the floor-pan, near the fuel tank, fuel lines and brake lines.

In the photo below is a large open area of the floor-pan cross-member, brake lines and fuel lines.



The photo below is that of another floor-pan cross-member cut and left open. The red line indicates the area of cut of the floor-pan and floor-pan cross-member. The area indicated by the black arrow is a cross-member joint section made by Chrysler.



In the photo below is an example of how the trunk floor-pan appears underneath. In between the red lines is the area where Covington cut the floor-pan.



Covington's Repair Estimate

██████████, Covington's repair estimate could not restore your 1998 Sebring to its former condition" and North Carolina Farm Bureau, your insurer is very aware of this. Below is Covington' repair estimate to your 1998 Sebring. You can see that Covington's DID NOT INCLUDE any of the RECOGNIZED NECESSARY repairs, repair procedures and materials, I have mentioned.

Description of Work	Part Number	Price	Labor	Paint	Othe
* Replace right rear complete qt. panel \$350.00 25% +Clearcoat (3.0*)		\$437.50 *	28.0* body*	6.0*	
* Replace rear bumper assy.\$200.00 25% +Clearcoat (1.0*)		\$250.00 *	1.5* body*	2.5*	
* Replace back glass kit		\$28.00 *		1.0	
* Replace right rear wheel \$150.00 25%		\$187.50 *	0.4* body*		
* Replace stripes		\$20.00 *			
* towing		\$130.00 *			
* Setup for Pull			2.0* frame*		
* pull time			5.0* body*		
* Replace right rear tailamp \$45.00 25%		\$56.25 *			
* Repair rear spoiler +Clearcoat (0.8*)			0.3* body*	1.8*	
				0.8	
Sub Totals		\$1,109.25	37.2	15.1	
I BUSINESS SINCE '68*THANK YOU FOR LETTING US SERVE YOU					
			Hours	Rate	Total
			Body Labor	35.2hrs	\$38.00/hr \$1,337.60
			Paint Labor	10.3hrs	\$38.00/hr \$391.40
			Clearcoat Labor	4.8hrs	\$38.00/hr \$182.40
			Frame Labor	2.0hrs	\$38.00/hr \$76.00
			OEM Parts		\$1,109.25
			Paint Supplies	10.3hrs	\$22.00/hr \$226.60
			Clearcoat	4.8hrs	\$22.00/hr \$105.60
			Tax	\$1109.25 @ 6.7500%	\$74.87
			Grand Total		\$3,503.72

Inspect and Appraise

██████████ in your Personal Auto Policy it states, "when you have a claim that you allow your insurer to inspect and appraise the damages before the vehicle is repaired or disposed of." I am very curious if North Carolina Farm Bureau's adjuster appraised the damages or accepted the repair estimate by Covington's Body Shop. If the adjuster did not appraise the damages to your vehicle, I have to wonder why an appraisal was not performed.

NADA Value

██████████, at the time your 1998 Sebring was damaged the NADA value was \$5,075.00 and the 75% total loss threshold is \$3,806.75. The under-valued repair cost \$3,503.72 - \$3,806.75= \$302.43 from reaching the total loss threshold. **Had North Carolina Farm Bureau paid for proper repairs according to the Limits of Liability, the repair cost would greatly exceeded the total loss threshold.**

Vehicle Description: 1998 CHRYSLER Sebring-V6 Coupe 2D LXI		VIN: 4C3AU52N2WE1				
MSRP:	\$20,775	Weight: 3,197				
Mileage:	80,000					
		<u>Rough</u> <u>Trade-In</u>	<u>Average</u> <u>Trade-In</u>	<u>Clean</u> <u>Trade-In</u>	<u>Clean</u> <u>Loan</u>	<u>Clean</u> <u>Retail</u>
Base Value		\$0	\$0	\$2,825	\$2,550	\$4,125
Optional Equipment						
Option Total		\$0	\$0	\$0	\$0	\$0
Mileage Adjustment		\$0	\$0	\$950	\$950	\$950
Total NADA Official Used Car Guide Values		\$0	\$0	\$3,775	\$3,500	\$5,075

North Carolina 11 NCAC Insurance 04.418 TOTAL LOSS RULE

██████████ as a licensed Motor Vehicle Damaged Appraiser I have to follow the NC Total Loss Rule as other adjusters and insurers. Had Covington and North Carolina Farm Bureau's adjuster properly estimated the repairs needed, you would not be having an unsafe car sitting in your driveway. There is no doubt in my mind that North Carolina Farm Bureau adjusters knew you Sebring was actually a total loss, yet they chose to do nothing. One reason is if you under appraise a vehicle from being a total loss, auto insurers save millions in payments to their insured's.

"No insurer, adjuster, appraiser, agent, or any other person shall enter into any oral or written agreement(s), by and between themselves, to limit any original or supplemental claim(s) so as to artificially keep the repair cost of a damaged vehicle below 75% of its preaccident value, if in fact such original and any supplemental claim(s) exceed or would exceed 75% of the vehicle's preaccident value."

Final Analogy

██████ your 1998 Sebring is a total loss and there is great speculation of the conspiring between the North Carolina Farm Bureau adjuster(s) and Covington's Body Shop to suppress any further repair cost.

North Carolina Farm Bureau DID NOT pay for proper repairs and your contract (Limits of Liability) with North Carolina Farm Bureau was not honored.

Covington's Body Shop has now RE-ENGINEERED your 1998 Sebring, jeopardizing the crash worthiness of your car and has placed any occupant riding in your car lives in jeopardy due to the type of improper repairs.

Please let me know if I can be further assistance to you and your attorney. I will be glad to testify as an expert witness how North Carolina Farm Bureau mis-handled your claim and to the repairs made by Covington's Body Shop.

Sincerely



Danny H. Wyatt
Collision Service Investigators of North Carolina, LLC