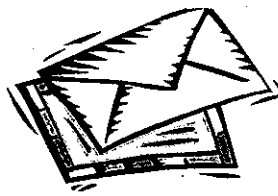


NHTSA ccmMercury Routing Slip



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Due Date: 1/14/2011

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RMP #:

Subject: LETTER TO SENATOR STABENOW ON BEHALF OF CONSTITUENTS
RE THE DEATH OF THEIR MOTHER AS A RESULT OF A SHIFT SELECTOR
DEFECT ON CHRYSLER VEHICLES

Ack Date:
Sign Office: DIR. GOVT. AFFAIRS
Cleared Date:
File Loc:
Added By: BMILLINGS x65470

Ack By:
Signature: CHAN LIEU
Cleared By:
XREF File:
Modified By:
BERNADETTE.MILLINGS

Signed For:
Cleared For:
Closed Date:

Most Recent Comment:

Author:

The Honorable DEBBIE STABENOW
UNITED STATES SENATE

WASHINGTON, DC 20510
Tel: Fax: E-mail:

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	12/16/2010	1/14/2011	
NVS-010	INFORMATION	12/16/2010		12/16/2010
NIA-110	INFORMATION	12/16/2010		12/16/2010

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DEBBIE STABENOW
MICHIGANCOMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
BUDGET
ENERGY AND NATURAL RESOURCES
FINANCE

United States Senate

133 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2204

December 13, 2010

National Highway Traffic Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

I am writing . . .

. . . on behalf of my constituents, [REDACTED] who contacted me about their mother's tragic death as a result of a shift selector defect on Chrysler vehicles.

I have enclosed the letter the family wrote to Secretary LaHood about their attempts to get a recall on this defect. The same letter was sent to my attention with enclosures attached. I would appreciate your review of the information and being advised of your findings.

If you have questions or need additional information, please contact Melissa Kaltenbach in my Mid-Michigan office at 517-203-1760. Any written materials can be sent to 221 West Lake Lansing Road Ste 100, East Lansing, MI 48823 or by fax at 517-203-1778.

Thank you for your assistance. I look forward to hearing from you.

Sincerely,

Debbie Stabenow
United States Senator

DS:mk

221 W. LAKE LANSING ROAD
SUITE 100
EAST LANSING, MI 48823
(517) 203-1760243 W. CONGRESS STREET
SUITE 660
DETROIT, MI 48226
(313) 961-4330452 N. SAGINAW STREET
SUITE 301
FLINT, MI 48902
(810) 720-41723335 S. AIRPORT ROAD W.
SUITE 68
TRAVERSE CITY, MI 49684
(231) 928-10313280 BELTLINE COURT
SUITE 400
GRAND RAPIDS, MI 49525
(616) 975-00521901 W. RIDGE
SUITE 7
MARQUETTE, MI 49855
(800) 228-8756

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ES10-007776

NOV 23 2010

November 6, 2010

Secretary of Transportation
Raymond LaHood
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

On August 3, 2008, our mother, [REDACTED] finished a yard sale at her house and was leaving to pick up signs along the road. She was driving a 1997 Chrysler Town & Country Mini-Van equipped with a 41TE automatic transmission. She stopped briefly to pick up yard sale signs along the road, placed the van into park and got out of the van with the engine running. Once she was fully out of the van, it self-shifted into reverse knocking her to the ground and pinning her underneath the left front tire. It was there that our beloved mother died.

It wasn't until later that we found out about the defect known to Chrysler and the National Highway Traffic Safety Administration (NHTSA) as "park-to reverse, false park or inadvertent rearward movement." In a vehicle with the park-to-reverse defect, an operator of the vehicle in normal use can inadvertently place the shift selector (also referred to as the "Rooster Comb") between the intended park and reverse gear positions. The shift selector will remain for a period of time between the intended gear position and from this position it may (or may not) have a delayed engagement of powered reverse. Upon having an engineer inspect and test our mother's Chrysler Town & Country Mini-Van, he indicated the van did in fact have the defect. The vehicle would go into false park (the cues indicate that the van is in park but seconds later it will self-shift into reverse,) four out of ten times when tested.

As early as the 1960's, Chrysler had notice of the park-to-reverse defect in its vehicles. Prior to our mother's untimely death, Chrysler was the subject of no less than four NHTSA investigations regarding the park-to-reverse defect in its vehicles. Additionally, Chrysler and NHTSA have received thousands of complaints regarding park-to-reverse accidents involving serious personal injuries and fatalities, well prior to the accident that took the life of our mother. Despite its superior knowledge of this unreasonably dangerous defect, Chrysler and NHTSA have both failed to take the proper corrective action to fix, recall or redesign the defective shift selector. Chrysler is still using the defective shift selector in their vehicles to this day.

Due to the number of years this defect has been known to Chrysler, the number of complaints, injuries and deaths is hard for us to accurately calculate because of the number of makes, models and decades this defect encompasses. However, solely based on the four NHTSA reports we've included in this packet, we've configured the numbers to be: **Complaints 1717; Accidents 994; Injuries from Accidents 358; Fatalities; 19** (including our mother.) The numbers will be substantially higher once all the makes, models and years of vehicles that contain the defective shift selector are included.

Here is some of the documentation that my family has compiled over the last two years that support our allegations:

1. Our Summons and Complaint that was filed against Chrysler before the bankruptcy, which provides details and some history regarding the park-to-reverse defect.
2. Sworn testimony during the trial of the Estate of [REDACTED] vs. Daimler Chrysler where Chrysler employees' Neil Laymon and Antonius Brenders admit the existence of the defect. This case was a park-to-reverse accident where [REDACTED] was killed and the jury ruled in favor of the [REDACTED] family.
3. A memo from Chrysler employee, Antonius Brenders, whose testimony was given during the [REDACTED] trial. On page 5 of the memo in the paragraph titled "Decision on Conducting the Survey" under "Significant Risks" he says "Product Liability credence to a concept we have long ignored."

4. Pictures of the shift selector also referred to as the "Rooster Comb," being left on the flat land between park and reverse.

5. An informal list obtained from Wikipedia that shows the years, makes, models and different transmissions of the Chrysler vehicles that have the propensity to have the park-to-reverse defect. The transmission in my mother's van was the 41TE but Chrysler has changed the name of the transmission numerous times.

<http://en.wikipedia.org/wiki/Ultradrive>

6. The NHTSA campaign ID number's to the 4 investigations regarding park-to-reverse: 02V053000; 05V462000; 00V106000. The fourth ID is not available on the NHTSA website.

7. The Office of Defect Investigations (ODI) four action numbers for the proposed "fix" and/or recalls regarding the park-to-reverse defect: EA04025; EA96006; EA01017; EA91010. **None of the four recalls that Chrysler and NHTSA have proposed have fixed the actual defect in the shift selector of the transmission.** It is apparent when reading the investigations that NHTSA is aware that the shift selector in the transmission can be shifted to a position between park and reverse (detent roller below the peak on the rooster comb or the flat land,) however on four separate occasions Chrysler recalls something entirely different that does not fix the problem.

8. The Final Report from the Vehicle Research and Test Center concerning the "Unintended Powered Roll-Away in Reverse after Parking – Jeep Grand Cherokee (2003.)

9. The website address to a video that was caught in a parking garage where Farbod Nourian suffered injuries after his defective Chrysler Jeep Cherokee shifted from park to reverse. Notice once the Jeep is in park, the brake lights come off, he exits the vehicle, then seconds later it self-shifts into reverse. The link can be found on the website under the title Detroit TV News Reports on Product Defect Victims in Chrysler Bankruptcy.

<http://www.lieffcabraser.com/news2009.htm>

Chrysler and NHTSA both failed to warn consumers of this deadly defect, which is why we have turned to you. We are asking for you to personally take ownership of this issue. Since our mother's passing, it has become our mission to warn the public and expose Chrysler so they will recall and stop producing this defective shift selector. We are asking you for a full investigation regarding this defect. We want to know how Chrysler has gotten away with this for so many years and why NHTSA, the government agency whose mission is to "save lives and prevent injuries," has failed to do their job. We would like to obtain the following information from Chrysler and NHTSA:

1. A complete list of makes, models and years of the vehicles with the park-to-reverse defect
2. The number of known deaths, injuries and complaints associated with the park-to-reverse defect
3. All Chrysler and NHTSA documents related to the park to reverse defect

It is no less than criminal that Chrysler can walk away from the tragedies they alone have engineered and the lives they have shattered with no repercussions or accountability. Chrysler's professed desire to honor warranties rings hollow, when its cars kill the very consumers that their warranties are designed to protect. As consumers and union members whose livelihood depends on the success of Chrysler, we are also victims who want to make sure that another family does not have to go through the devastation that our family has suffered.

Mr. LaHood, not a day goes by that we don't think about our mother. We have to live everyday for the rest of our lives knowing that our mother's untimely death could have been prevented and we have only Chrysler to blame for that. Chrysler's gross negligence is what killed our mother and my family needs to know why Chrysler has gotten away with this for so long with no repercussions. Hopefully by reaching out to you we can get answers to our questions and save the lives of others driving vehicles with this defect. Please do not allow Chrysler and NHTSA to get away with this injustice any longer. We would like to further discuss with you as soon as possible what steps are going to be taken by you to resolve this matter. We look forward to hearing from you. Thank you for your time.

Sincerely,

[REDACTED]
Sterling Heights, MI [REDACTED]
[REDACTED]

[REDACTED]
Wales, MI. [REDACTED]
[REDACTED]

[REDACTED]
Flat Rock, MI [REDACTED]

CC:

Vice President & Associate General Counsel
Louann Van Der Wiele
Chrysler Group LLC
CIMS 485-13-62
1000 Chrysler Drive
Auburn Hills, MI 48326

Sergio Marchionne, CEO
Chrysler Group LLC
1000 Chrysler Drive
Auburn Hills, MI 48326

Hand delivered to
UAW President, Bob King

NHTSA Headquarters
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590

Office of Defects Investigations/CRD
NVS-216
1200 New Jersey Ave SE
Washington, DC 20590

Senator Debbie Stabenow
133 Hart Senate Office Building
Washington, DC 20510

Senator Carl Levin
269 Russell Office Building
Washington, DC 20510

Committee on Energy & Commerce
Rep. Bart Stupak
2268 Rayburn House Office Building
Washington, DC 20515

Committee on Energy & Commerce
Rep. Henry Waxman
2125 Rayburn House Office Building
Washington, DC 20515

Consumers for Auto Reliability and Safety
Rosemary Shahan
1303 J. Street, Suite 270
Sacramento, CA 95814

Safety Research & Strategies, Inc.
Sean Kane
340 Anawan Street, Suite 200
Rehoboth, MA 02769

Public Citizen
[REDACTED]
Washington, DC [REDACTED]

FAX**DEBBIE STABENOW**
UNITED STATES SENATOR
MICHIGAN**To:** NHTSA Congressional**From:** Melissa Kaltenbach

ATTN: Susan Kirinich

Fax: 202-366-2106**Title:** Constituent Services Director**Phone:****Date:** December 13, 2010**Re:** Constituent Case**Pages:** 6, including cover**● Comments**

Per our conversation last week, I am sending a letter from Senator Stabenow regarding our constituents, the [REDACTED] family.

Thank you for your assistance. Please let me know if you need any additional information.