



State of Wisconsin
Jim Doyle, Governor

10313176-9735

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

October 6, 2009

[REDACTED]
SAUK CITY WI [REDACTED]

RE: **File 514514** (Refer to this number when contacting our agency)
GENERAL MOTORS CORP
PO BOX 33170 CUSTOMER ASST CEN
DETROIT MI 48232-5170

ESIS GM CENTRAL CLAIMS UNIT
MAIL CODE 482C20D71
300 RENAISSANCE CENTER
DETROIT MI 48265-3000

Dear [REDACTED]

I have tried to mediate your complaint but the complaint has not been resolved. Therefore, I am referring your complaint to the agency listed below for assistance or possible enforcement action:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
US DEPARTMENT OF TRANSPORTATION
400 7TH ST SW
WASHINGTON DC 20950

Telephone: 800 424-9393 or 202 366-0123
Website: www.nhtsa.dot.gov

Please direct all future inquiries directly to the agency listed above.

I have recorded your complaint in our computer database, and it will be included in information provided to consumers who inquire about the business for a three-year period. It also will assist us in monitoring the business community for unfair practices.

Thank you for bringing your complaint to our attention.

Sincerely,

Bobbi K. Erb
Consumer Specialist
Bureau of Consumer Protection
FAX: 608 224-4939
E-mail: Bobbi.Erb@wisconsin.gov

Agriculture generates \$59 billion for Wisconsin

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N McKnight
2/20/10
DT

[REDACTED]

From: [REDACTED]
Sent: Thursday, June 04, 2009 1:00 PM
To: DATCP Hotline
Subject: DATCP Hotline E-mail

Complaint or inquiry received via email, internet by the Wisconsin Department of Agriculture, Trade, and Consumer Protection. This complaint and the information provided will be used in efforts to resolve the problem and will typically be shared with the party complained against. It may also be used to enforce applicable state laws. Under Wisconsin's Open Records Law, Wis. Stats. § 19.31, this complaint will be available for public review upon request, after this department's action is completed.

Date Sent: 6-4-2009

Your Information

Name: [REDACTED]
Email Address: [REDACTED]
Address: [REDACTED]
Address2: [REDACTED]
P.O. Box: [REDACTED]
City/State: SAUK CITY, WI
Zip Code: [REDACTED]
County: SAUK
Home Phone: [REDACTED]
Work Phone: [REDACTED]
Phone me between 8:00 a.m. and 4:00 p.m. at: Work
Best time to call: BETWEEN 8 AM AND 2:30 P.M.

Information about the business your complaint is against:

Business Name: GM MOTORS
Business Address: PO BOX 300
Address Line 2: MAIL CODE 482 C19 B61
City/State: DETROIT, MI
Zip Code: 48265-3000
County:
Phone: 800-888-0164
Name of the person you talked to: JOSHUA PREISTER AND DEBBIE ROCHE
Title of the person you talked to: CLAIMS ADMINISTRATOR
What product or service did you buy?: 1999 PONT. 4 DR GRAND PRIX GT

Information About Your Complaint:

Which of the following best describes your first contact with the business?: I telephoned the business
When did your first contact with the business occur?: 4-14-2009
How old is the person who had contact with the business?: 18-61
Was the item advertised?: Advertised
When:
Where:
Did you sign a contract?: Contract
Contract Number:
Amount paid by: Financed
Where were you when you signed the contract?: AT BALLWEG CHEV IN SAUK CITY WI
Amount paid by: Financed
Where did you pay the business?: Select one
Did you contact the business about your complaint?: no

Please describe your complaint: I FILED A CLAIM WITH GM. THEY NEVER SENT ME A RECALL I HAD FOUND THIS ON THE INTRANET. THEY HAD ME FILL OUT A LOT OF PAPERWORK AND TOLD ME THAT IF I DID NOT HAVE THE CAR THAT WAS NOT A PROBLEM. SO I FOLLOWED ALL OF THE RULES THAT THEY

GAVE ME AND SENT EVERYTHING TO THEM. IT TOOK THEM 1 1/2 MONTHES TO CALL ME AND TELL ME THAT THE PHOTOS ARE NO GOOD AND THAT THEY DENIED MY CLAIM. THEN ABOUT 1 WEEK LATER I GET A NOTE IN THE MAIL TELLING ME THAT THERE IS A BREACH OF WARRANTY. HOW CAN THEY GET AWAY WITH THIS. MY CAR WAS NOT EVEN RUNNING WHEN IT CAUGHT ON FIRE. CARS DONT JUST CATCH ON FIRE FOR NO REASON.

SO I FEEL THAT THEY ARE REALLY MESSING WITH PEOPLE. I KNOW OF 4 OTHER PEOPLE THAT ARE DIVING THE SAME VEHICLE AS ME AND THEY HAVE NOT EVEN RECIEVED A RECALL YET IN THE MAIL. WELL WHY EVEN SEND A RECALL IF THEY ARE NOT GOING TO DEAL WITH THE PROBLEM.

THIS IS NO WAY TO RUN A BUSINESS.

I FEEL THEY SHOULD TAKE RESPONSIBILITY FOR MY VEHICLE CATCHING ON FIRE AND ME HAVING TO GO INTO DEBT EVEN MORE TO GET A DIFFERENT MODE OF TRANSPORTATION. IF I KNEW THAT THEY WERE GOING TO TREAT THEIR CUSTOMERS LIKE THIS I NEVER WOULD HAVE WENT AND PURCHASED ANOTHER GM VEHICLE.

THERE SHOULD BE SOME KIND OF COMPENSATION FOR THIS ERROR ON THEIR END. I HAD NO INTENTIONS AT THAT TIME OF PURCHASING ANOTHER VEHICLE AT THAT TIME. HOWEVER BECAUSE OF MY CAR STARTING ON FIRE THAT LEFT ME WITH NO CHOICE.

I HAD PROOF OF ALL OF THE SERVICES THAT TOOK PLACE WITH THIS CAR. IT WAS IN EXCELLENT CONDITION AND THIS NEVER SHOULD HAVE HAPPENED.

How do you feel this complaint should be resolved?; FIRST THEY NEED TO STAND BEHIND THEIR RECALLS AND NOT USE OTHER REASONS (BREACH OF WARRANTY) FOR EXCUSES. THEY KNEW THIS BEFORE THEY HAD ME SEND IN PHOTOS AND EVERYTHING. THEN WHEN THEY CALL ME THEY TELL ME IT IS BECAUSE OF BAD PHOTOS THAT THEY COULD NOT TELL WHERE THE FIRE STARTED. I FEEL THAT THEY ARE JUST MESSING WITH PEOPLE AND SHOULD TAKE RESPONSIBILITY AND FIX THE PROBLEM RATHER THAN TELLING ME OH WELL.

ALSO IF THIS IS A SAFETY ISSUE THEY SHOULD HAVE A PRIORITY IN SENDING OUT THE RECALLS TO CURRENT OWNERS. IF I WOULD HAVE KNOWN ABOUT THIS EARLIER I WOULD HAVE TAKEN MY VEHICLE IN AND HAD IT SERVICED.

I AM ALSO E-MAILING THIS FORM WITH ALL THE PROOF I HAVE FROM GM.

By submitting this form, I state that the information contained is true and accurate to the best of my knowledge.

CUST-ASSISTANCE - 1-800-222-1020

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GM recalling 1.5M vehicles over potential fires

No reports of fires or injuries reported in models with 3.8-liter V6 engine

AP Associated Press
 updated 6:10 p.m. CT, Mon., April 13, 2009

WASHINGTON - General Motors Corp. is recalling 1.5 million vehicles because of potential engine fires.

GM says there have been no reports of any fires or injuries.

Some of the recalled vehicles are no longer in production. The recall includes the 1998-1999 Oldsmobile Intrigue, the 1997-2003 Pontiac Grand Prix, 1997-2003 Buick Regal, and the 1998-2003 Chevrolet Lumina, Monte Carlo and Impala.

LIVE QUOTE			
NAME	LAST	CHANGE	% CHANGE
General Motors Corp	1.82	+0.11	+6.43%

QUOTE LOOKUP
 Enter Company Symbol • Lookup symbol

Data: MSN Money and IDC Comstock delayed 20 min.

Story continues below ↓

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SFGate.com

GM recalling 1.5M vehicles over potential fires

Monday, April 13, 2009

(04-13) 16:13 PDT WASHINGTON, (AP) --

General Motors Corp. is recalling 1.5 million vehicles because of potential engine fires.

GM says there have been no reports of any fires or injuries.

Some of the recalled vehicles are no longer in production. The recall includes the 1998-1999 Oldsmobile Intrigue, the 1997-2003 Pontiac Grand Prix, 1997-2003 Buick Regal, and the 1998-2003 Chevrolet Lumina, Monte Carlo and Impala.

It involves vehicles with a 3.8-liter V6 engine. The government says drops of oil could fall into the exhaust system and cause a fire in the engine.

GM spokesman Kerry Christopher says it was a precautionary measure for consumers.

<http://sfgate.com/cgi-bin/article.cgi?f=/n/a/2009/04/13/national/w160247D17.DTL>



Recall Bulletin

File In Section: Product Recalls
Bulletin No.: 09047
Date: April 2009



PRODUCT SAFETY RECALL

SUBJECT: Engine Compartment Fire

MODELS: 1997-2003 Buick Regal
1998-1999 Chevrolet Lumina
1998-2003 Chevrolet Monte Carlo
2000-2003 Chevrolet Impala
1998-1999 Oldsmobile Intrigue
1997-2003 Pontiac Grand Prix
Equipped with 3.8L V6 Naturally Aspirated Engine (RPO L36 – VIN K)

CONDITION

General Motors has decided that a defect, which relates to motor vehicle safety, exists in certain 1997-2003 model year Buick Regal and Pontiac Grand Prix, 1998-1999 model year Chevrolet Lumina and Oldsmobile Intrigue, 1998-2003 model year Chevrolet Monte Carlo, and 2000-2003 model year Chevrolet Impala model vehicles, equipped with a 3.8L V6 naturally aspirated engine (RPO L36 – VIN K). Some of these vehicles have a condition in which drops of engine oil may be deposited on the exhaust manifold through hard braking. In rare cases, if this condition occurs, and if a hot surface ignition source were present, an engine compartment fire could occur.

CORRECTION

Dealers are to remove the 1-3-5 spark plug wire retention channel at the front of engine and replace it with new retainers.

VEHICLES INVOLVED

Involved are certain 1997-2003 model year Buick Regal and Pontiac Grand Prix, 1998-1999 model year Chevrolet Lumina and Oldsmobile Intrigue, 1998-2003 model year Chevrolet Monte Carlo, and 2000-2003 model year Chevrolet Impala model vehicles, equipped with a 3.8L V6 naturally aspirated engine (RPO L36 – VIN K), and built within these VIN breakpoints:

Year	Division	Model	From	Through
1997	Buick	Regal	V1400016	V1482810
1998	Buick	Regal	W1400005	W1614356
1999	Buick	Regal	X1400005	X1637860
2000	Buick	Regal	Y1100004	Y1360467
2001	Buick	Regal	11100004	11338085

PARTS INFORMATION

Parts required to complete this recall are to be obtained from General Motors Service and Parts Operations (GMSPO). Please refer to your "involved vehicles listing" before ordering parts. Normal orders should be placed on a DRO = Daily Replenishment Order. In an emergency situation, parts should be ordered on a CSO = Customer Special Order.

Part Number	Description	Quantity/Vehicle
88891792	Retainer, Spig Wire (4-wire, 7mm)	1
12132229	Retainer, Spig Wire (2-wire, 7mm)	1

SERVICE PROCEDURE

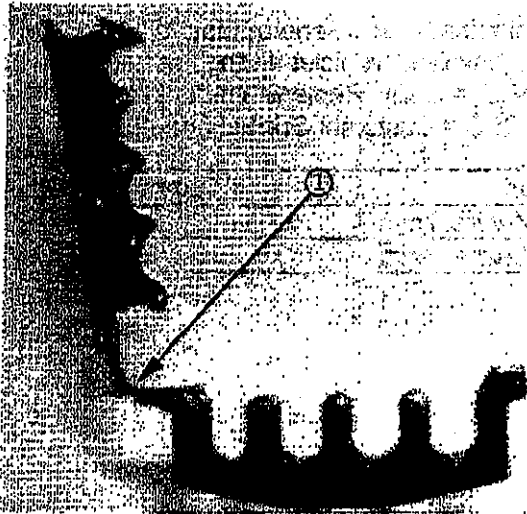
2257341

1. Remove the fuel injector sight shield (1). Refer to *Fuel Injector Sight Shield Replacement* in SI.



2257364

- Important:** It is not necessary to remove the spark plug wires from the spark plugs.
2. Remove the 1-3-5 spark plug plastic retaining channel (cover) clip/bracket (2) from the engine and discard it.

7mm Four-Wire Retainer, P/N 88891792

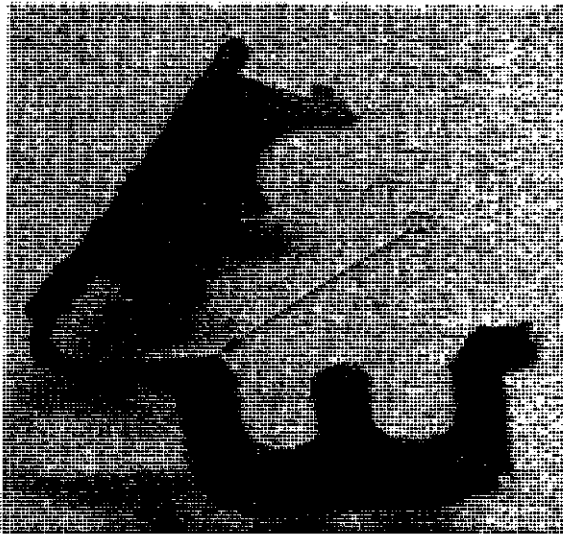
2092633

Important: If a 7mm four-wire retainer is not available, use a 8 mm four-wire retainer (1), P/N 14066248 (qty 10/pack), or equivalent 7mm aftermarket spark plug wire retainer.



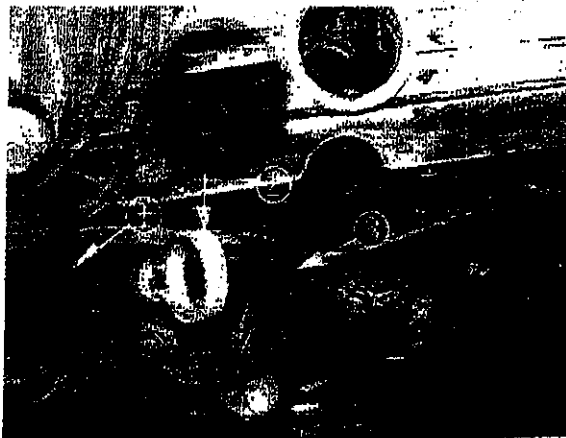
2257356

3. Install a 7 mm four-wire retainer, P/N 88891792 (1) (qty 5/pack) to spark plug wire number 4, then to spark plug wires 1, 3 and 5. Save the other 7 mm or 8 mm spark plug four-wire retainers for future repairs. Make sure that spark plug wires 2, 4 and 6 are secured to the original retainers and under the left engine mount strut bracket (2).



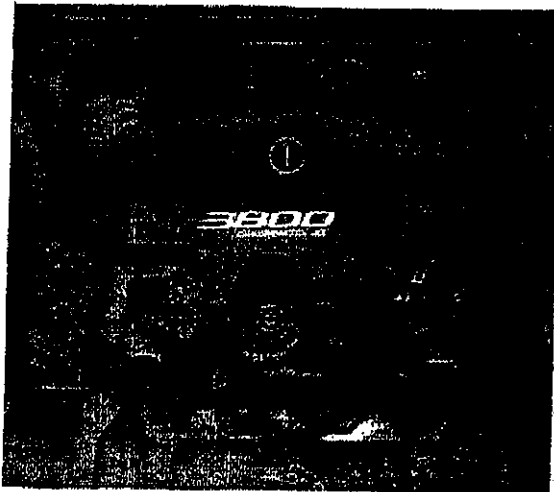
7mm Two-Wire Retainer, P/N 12132229

2092831



2257363

4. Install a 7 mm two-wire retainer, P/N 12132229 (Qty 10/pack) to spark plug wires 3 and 5 only (3). Save the other 7mm spark plug two-wire retainers for future repairs. Make sure the spark plug retainer (3) is approximately 50 mm (2 in) from the oil level indicator (2).



Important: Ensure the installed spark plug wire retainers do not contact the fuel injector sight shield or exhaust manifold.

5. Install the fuel injector sight shield (1). Refer to *Fuel Injector Sight Shield Replacement* in SI.

CLAIM INFORMATION

Submit a Product Recall Claim with the information indicated below:

Repair Performed	Part Count	Part No.	Parts Allow	CC FC	Labor Op	Labor Hours	Net Item
Install Spark Plug Retainers	2	—	*	MA-96	V2066	0.2	N/A

* The "Parts Allowance" should be the sum total of the current GMSPD Dealer net price plus applicable Mark-Up or Landed Cost Mark-Up (for Export) for the spark plug wire retainers needed to complete the repair.

Refer to the General Motors WINS Claims Processing Manual for details on Product Recall Claim Submission.

CUSTOMER NOTIFICATION – For US and Canada

General Motors will notify customers of this recall on their vehicle (see copy of customer letter included with this bulletin).

CUSTOMER NOTIFICATION – For Export

Letters will be sent to known owners of record located within areas covered by the US National Traffic and Motor Vehicle Safety Act. For owners outside these areas, dealers should notify customers using the attached sample letter.

DEALER RECALL RESPONSIBILITY – For US and Export (US States, Territories, and Possessions)

The US National Traffic and Motor Vehicle Safety Act provides that each vehicle that is subject to a recall of this type must be adequately repaired within a reasonable time after the customer has tendered it for repair. A failure to repair within sixty days after tender of a vehicle is prima facie evidence of failure to repair within a reasonable time. If the condition is not adequately repaired within a reasonable time, the customer may be entitled to an identical or reasonably equivalent vehicle at no charge or to a refund of the purchase price less a reasonable allowance for depreciation. To avoid having to provide these burdensome remedies, every effort must be made to promptly schedule an appointment with each customer and to repair their vehicle as soon as possible. In the recall notification letters, customers are told how to contact the US National Highway Traffic Safety Administration if the recall is not completed within a reasonable time.

DEALER RECALL RESPONSIBILITY – All

All unsold new vehicles in dealers' possession and subject to this recall must be held and inspected/repared per the service procedure of this recall bulletin before customers take possession of these vehicles.

Dealers are to service all vehicles subject to this recall at no charge to customers, regardless of mileage, age of vehicle, or ownership, from this time forward.

Customers who have recently purchased vehicles sold from your vehicle inventory, and for which there is no customer information indicated on the dealer listing, are to be contacted by the dealer. Arrangements are to be made to make the required correction according to the instructions contained in this bulletin. A copy of the customer letter is provided in this bulletin for your use in contacting customers. Recall follow-up cards should not be used for this purpose, since the customer may not as yet have received the notification letter.

In summary, whenever a vehicle subject to this recall enters your vehicle inventory, or is in your dealership for service in the future, you must take the steps necessary to be sure the recall correction has been made before selling or releasing the vehicle.



April 2009

Dear General Motors Customer:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

General Motors has decided that a defect, which relates to motor vehicle safety, exists in certain 1997-2003 model year Buick Regal and Pontiac Grand Prix, 1998-1999 model year Chevrolet Lumina and Oldsmobile Intrigue, 1998-2003 model year Chevrolet Monte Carlo, and 2000-2003 model year Chevrolet Impala model vehicles, equipped with a 3.8L V6 naturally aspirated engine. As a result, GM is conducting a safety recall. We apologize for this inconvenience. However, we are concerned about your safety and continued satisfaction with our products.

IMPORTANT

- Your vehicle is involved in safety recall 09047.
- Schedule an appointment with your GM dealer.
- This service will be performed for you at no charge.

Why is your vehicle being recalled?

An underhood fire may be caused by drops of engine oil, from seepage or spillage, being deposited on the exhaust manifold through hard braking. If the manifold is hot enough, the oil may ignite into a small flame and, in some instances, the fire may spread to the plastic spark plug wire channel and beyond. If this occurs, there could be a fire in your vehicle and nearby property.

What will we do?

Your GM dealer will replace the spark plug wire channel with new spark plug wire retainers. This service will be performed for you at **no charge**. Because of service scheduling requirements, it is likely that your dealer will need your vehicle longer than the actual service correction time of approximately 15 minutes.

What should you do?

You should contact your GM dealer to arrange a service appointment as soon as possible. Bring the enclosed customer reply form with you when you visit your dealer. The form identifies the repairs required. If you no longer own this vehicle, please let us know by completing the form and mailing it back to us.

There are two very important precautions you should take before your vehicle is serviced:

- We strongly recommend you not park your vehicle in a garage, car port, or other structure.
- If you notice a burning odor, you should have your GM dealer inspect your vehicle immediately. The dealer will inspect your vehicle without charge.

Do you have questions?

If you have questions or concerns that your dealer is unable to resolve, please contact the appropriate Customer Assistance Center at the number listed below. More information about this recall can be found at the Owner Center at MyGMLink, <http://www.gm.com/recall>.

Division	Number	Text Telephones (TTY)
Buick	1-866-608-8080	1-800-832-8425
Chevrolet	1-800-630-2438	1-800-833-2438
Oldsmobile	1-800-630-8537	1-800-833-6537
Pontiac	1-800-620-7668	1-800-833-7668
Guam	1-671-648-8450	
Puerto Rico - English	1-800-496-9992	
Puerto Rico - Español	1-800-496-9993	
Virgin Islands	1-800-496-9994	

If after contacting your dealer and the Customer Assistance Center, you are still not satisfied, we have done our best to remedy this condition without charge and within a reasonable time, you may wish to write the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE, Washington DC 20590, or call the toll-free Vehicle Safety Hotline at 1.888.327.4236 (TTY 1.800.424.9153), or go to <http://www.safercar.gov>.

Federal regulation requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the lessee within ten days.

Scott Lawson
Director,
Customer and Relationship Services

Enclosure
09047



ESIS/GM Central Claims Unit
P.O. Box 300
Mail Code 482 C19 B61
Detroit, MI 48265-3000

800.888.0164 tel
313.665.0911 fax

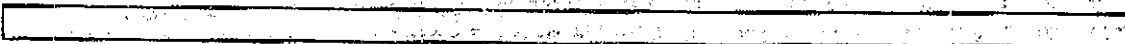
FAX TRANSMISSION

esis

To: [Redacted]
cc: [Redacted]
Company/Department:
Fax: [Redacted]
Tel: [Redacted]

From: **ESIS Fire Recall**
Fax: **313-665-0911**
Tel: **888-861-6365**
Date: **May 1, 2009**
E-mail: **gmesis1@gm.com**
Pages including cover: **3**

Re: **Fire Recall - claim # 670077**



This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law.



esis

ESIS/GM Central Claims Unit
P.O. Box 300
Mail Code 482 C19 B61
Detroit, MI 48265-3000

800.861.6365 tel
313.665.0911 fax

April 28, 2009

[Redacted]
Sauk City, WI [Redacted]

300 RENAISSANCE Center

RE: Claimant: [Redacted]
Our File No.: 670077
Our Client: General Motors Corporation
Date/Event: March 21, 2009
Subject vehicle: 1999 Pontiac Grand Prix
VIN: 1G2WP52K0XF [Redacted]

Dear: [Redacted]

ESIS is the third party claim administrator for General Motors Corporation. We have been put on notice of a claim involving property damage as a result of an alleged manufacturer's product defect. Please provide the following information:

1. Color photos taken of the under hood engine area of the subject vehicle and the Vehicle Identification Number (VIN) Plate.
2. A copy of the police and/or fire report, if available. *NONE*
3. A written summary of the facts surrounding your claim. This should include events prior to and immediately following the incident.
4. Advise if you noted anything wrong or unusual about the vehicle prior to the incident. *NONE*
5. Provide copies of all available maintenance, warranty, or repair orders on the subject vehicle. If you performed service or maintenance work on the subject vehicle, a chronological summary of operations performed is needed. *Oil changed + due AGAIN*
6. Advise as to any modifications, alterations, or changes to the subject vehicle. If applicable, provide copies of relevant installation receipts. *MILES NEW - 162483*
163981
7. Did you receive any Recall Notices for the subject vehicle? If so, please provide copies of the notices. *YES -*
8. Advise of any injuries. *NONE*
9. Advise if there is any property damage other than the subject vehicle. *NONE*
10. A copy of the title for the subject vehicle.



esis

Please forward this information to the following email address: gmesis1@gm.com

As soon as the requested information has been received, a technical evaluation of this matter will be completed. Upon the conclusion of our evaluation, we will contact you with our position. If we do not receive the requested information within ninety (90) days from the date of this letter, we will assume that you are not pursuing this matter and will be closing our file.

Also, you have the obligation and responsibility to ensure that the subject vehicle and its related components are maintained and preserved in their post-event condition for so long as you intend to pursue a claim and/or cause of action. If you choose to dispose of the salvage, it will be to your own peril and spoliation may become an issue. We will be unable to determine if a physical inspection of the subject vehicle would be necessary until we have had the opportunity to thoroughly evaluate your supporting technical documentation.

If you have any questions, please contact ESIS at 1.888.861.6365

Sincerely,

ESIS/GM Claim Unit

Debbie - Roche →

12:04 (6-24-09)

313-665-3389

Manager

Mon-

9:30

1 hr ahead
of US

United

CLAIM#



To whomever:

This is the property damage of my car.

#1- Here are some photos of the fire area. Along with a photo of the VIN#

#2- There was no fire or police report filed. In this case there was nobody injured. I also carried only liability insurance on this car. So when this happened the insurance company covered nothing. So I felt that it did not pay to contact anyone.

#3- The day of the fire I left work at about 2:30 p.m. (not sure of exact date that car caught on fire. I think it was Sept. 30). I then usually stay in town and wait to pick my daughter up from school at 3:10. After I picked her up we ran some errands in town, then went home. I live about 7-10 miles from town.

At about 5 p.m. my daughter and I headed back to town to pick up supper from a restaurant that I had called in. I parked in the parking lot and ran in and got supper. From there we came straight home and came into the house to eat. Within 5-10 min. my son who was in the woods squirrel hunting (for taxidermy class in school) with 2 friends came running into the house yelling to me that my car was on fire. My husband, daughter, son, [redacted] (friend), [redacted] (friend) and I all ran outside. My husband grabbed a hose that was hooked up to the house and proceeded to the car (about 30 feet from the house). [redacted] (my son) tried getting the hood open while [redacted] (my husband) put the fire out with the hose. We all stood there looking at the car for a short amount of time trying to figure out what caught on fire.

#4- There was nothing wrong with the car. It was in excellent running condition.

#5- The only maintenance that this car had was the regular oil changes. When the car caught on fire it had 162483 miles and was not due again until 163981.

#6- There was a new starter put in the car about 4-5 months previously.

Untitled

#7- yes - the only recall that was given to me was these exact sheets of paper. As far as in the mail no I do not believe that I recieved any recalls.

#8- There were no injuries from this incident.

#9- There was no property damage.

#10- A copy of the title is enclosed.

Please contact me with any other questions you may have.

Day time phone # from 5 A.M. - 2:30 P.M. central time - [REDACTED]

Evening phone# from 3:30 P.M. till whenever is [REDACTED]

Thank you!

[REDACTED]



esis

Please forward this information to the following email address: gmesis1@gm.com

As soon as the requested information has been received, a technical evaluation of this matter will be completed. Upon the conclusion of our evaluation, we will contact you with our position. If we do not receive the requested information within ninety (90) days from the date of this letter, we will assume that you are not pursuing this matter and will be closing our file.

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If you have any questions, please contact ESIS at 1.888.861.6365

Sincerely,

ESIS/GM Claim Unit



esis

ESIS/GM Central Claims Unit
P.O. Box 300
Mail Code 482 C19 B61
Detroit, MI 48265-3000

800.888.0164 tel
313.665.0911 fax

Joshua Preister
Claims Administrator

May 27, 2009

[REDACTED]
Sauk City, WI [REDACTED]

RE: Claimant: [REDACTED]
Our File No.: 670077
Our Client: General Motors Corporation
Date/Event: 09/30/2008
Subject vehicle: 1999 Pontiac Grand Prix
VIN: 1G2WP52K0XF [REDACTED]

Dear [REDACTED]

I am responding to your demand in which you requested compensation, as a result of damage to the subject vehicle. It is our understanding that the controlling theory of liability against GM would be Breach of Warranty. The Breach of Warranty Statute of Limitations in Wisconsin is six years from the date of the original purchase. Our records show that the vehicle was purchased by the original owner in 1999, and this statute would have expired on 02/26/2005. As such, this claim is time barred and, GM must respectfully deny this claim.

Sincerely,

Joshua Preister
Claims Administrator

[Redacted]

From: [Redacted]
Sent: Thursday, June 04, 2009 1:20 PM
To: DATCP Hotline
Subject: 4454_001.pdf - Adobe Reader
Attachments: 4454_001.pdf

This is the rest of the forms that I was asked to include with the online complaint form.

Thank you

[Redacted]

Wisconsin Department of
Agriculture, Trade and Consumer Protection

wisconsin.gov wi agency directory wi subject directory
Home About Us Contacts SiteMap Index

- Animal Welfare & Disease
- Consumer Protection
- Environmental Protection
- Farming & Agriculture
- Food Safety & Processing
- Forest Resources
- Marketing Agriculture
- Trade Practices

Home > Consumer Protection > Consumer Complaint Form

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- [File Consumer Complaint](#)
- [Farmer's Resource Guide](#)
- [Bulk Milk Tanker and BMWS Inspection Dates](#)
- [Buy Vet Supplies Online](#)
- [Certificate of Free Sale](#)

Agency Topics

- [Economic Recovery Resources](#)
- [Alternative Fuels](#)
- [Premises Registration](#)
- [Working Lands Initiative](#)
- [Siting Livestock Operations](#)

Wisconsin residents who have a complaint concerning a business in or out of Wisconsin, or anyone outside the state if the complaint involves a Wisconsin business, may file a complaint by completing the following online consumer complaint form.

Important

In order for us to help you with this complaint, please provide copies of important documents, such as the sales receipt, repair order, warranty, cancelled check within 10 days. You can send scanned copies of these items to us by email at datcp@wisconsin.gov or by mailing copies to:

Department of Agriculture Trade & Consumer Protection
Consumer Information Center
PO Box 8911
Madison, WI 53708-8911

Online Consumer Complaint Form

This complaint and the information provided will be used in efforts to resolve the problem and will typically be shared with the party complained against. It may also be used to enforce applicable state laws. Under Wisconsin's Open Records Law, Wis. Stats. § 19.31, this complaint will be available for public review upon request, after this department's action is completed.

* Indicates a required field.

Today's Date:

Your information:

You have the option of remaining anonymous. However, if you do not complete these fields, we will not be able to assist you.

Select one: Mr. Mrs. Ms. Miss

* First name: (required)

* Last name: (required)

* Email address: (required)
(example: name@aol.com)

* Street address:
(Either a street address or P.O. Box is required)

Address Line 2 or Apt #:

P.O. Box:

* City: (required)

* State: (required)

* Zip code: (required)
(example: xxxxx or xxxxx-xxxx)

County:

Home Phone:



Work Phone: (example: xxx-xxx-xxxx) [redacted]

(example: xxx-xxx-xxxx)

Phone me between 8:00 a.m. and 4:00 p.m. at:

Home Work

Best Time: BETWEEN 8 AM AND 2:30 P.M.

Information about the business your complaint is against:

* Business Name: GM MOTORS (required)

Business Address: PO BOX 300

Address Line 2: MAIL CODE 482 C19 B61

City: DETROIT

State: Michigan

Zip Code: 48265-3000

County:

Telephone: 800-888-0164 (example: xxx-xxx-xxxx)

Name of the person you talked to: JOSHUA PREISTER AND DEBBIE ROCHE

Title of the person you talked to: CLAIMS ADMINISTRATOR

* What product or service did you buy? (required)

1999 PONT. 4 DR GRAND PRIX GT

Information about your complaint:

* Which of the following best describes your first contact with the business? (required)

I telephoned the business

* When did your first contact with the business occur? (required)

4-14-2009

How old is the person who had contact with the business?

0-17 18-61 62 and older

Was the item advertised?

yes no

When:

Where:

Did you sign a contract?

yes no

Contract Number:

Where were you when you signed the contract?

AT BALLWEG CHEV IN SAUK CITY WI

Amount paid: \$ 16900.00

Method of payment: financed

Where did you pay the business? Selections

Did you contact the business about your complaint?

Yes No

Please describe your complaint. (required)

*I FILED A CLAIM WITH GM. THEY NEVER SENT ME A RECALL I HAD FOUND THIS ON THE INTRANET. THEY HAD ME FILL OUT A LOT OF PAPERWORK AND TOLD ME THAT IF I DID NOT HAVE THE CAR THAT WAS NOT A PROBLEM. SO I FOLLOWED ALL OF THE RULES THAT THEY GAVE ME AND SENT EVERYTHING TO THEM. IT TOOK THEM 1 1/2 MONTHES TO CALL ME AND TELL ME THAT THE PHOTOS ARE NO GOOD AND THAT THEY DENIED MY CLAIM. THEN ABOUT 1 WEEK LATER I GET A NOTE IN THE MAIL TELLING ME THAT THERE IS A BREACH OF WARRANTY. HOW CAN THEY GET AWAY WITH THIS. MY CAR WAS NOT EVEN RUNNING WHEN IT CAUGHT ON FIRE. CARS DONT JUST CATCH ON FIRE FOR NO REASON. SO I FEEL THAT THEY ARE REALLY MESSING WITH PEOPLE. I KNOW OF 4 OTHER PEOPLE THAT ARE DIVING THE SAME VEHICLE AS ME AND THEY HAVE NOT EVEN RECIEVED A

How do you feel this complaint should be resolved? (required)

*FIRST THEY NEED TO STAND BEHIND THEIR RECALLS AND NOT USE OTHER REASONS (BREACH OF WARRANTY) FOR EXCUSES. THEY KNEW THIS BEFORE THEY HAD ME SEND IN PHOTOS AND EVERYTHING. THEN WHEN THEY CALL ME THEY TELL ME IT IS BECAUSE OF BAD PHOTOS THAT THEY COULD NOT TELL WHERE THE FIRE STARTED. I FEEL THAT THEY ARE JUST MESSING WITH PEOPLE AND SHOULD TAKE RESPONSIBILITY AND FIX THE PROBLEM RATHER THAN TELLING ME OH WELL. ALSO IF THIS IS A SAFETY ISSUE THEY SHOULD HAVE A PRIORITY IN SENDING OUT THE RECALLS TO CURRENT OWNERS. IF I WOULD HAVE KNOWN ABOUT THIS EARLIER I WOULD HAVE TAKEN MY VEHICLE IN AND HAD IT SERVICED.

By submitting this form, I state that the information contained is true and accurate to the best of my knowledge.

Business Owners Consumers Veterinarians Education & Teachers Farmers

[Legal Notices](#) [Privacy Notice](#) [Acceptable Use Policy](#)

Wisconsin Department of Agriculture, Trade & Consumer Protection, PO Box 8911, Madison, WI 53708-8911

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SO I FEEL THAT THEY ARE REALLY MESSING WITH PEOPLE. I KNOW OF 4 OTHER PEOPLE THAT ARE DIVING THE SAME VEHICLE AS ME AND THEY HAVE NOT EVEN RECIEVED A RECALL YET IN THE MAIL. WELL WHY EVEN SEND A RECALL IF THEY ARE NOT GOING TO DEAL WITH THE PROBLEM.

THIS IS NO WAY TO RUN A BUSINESS.

I FEEL THEY SHOULD TAKE RESPONSIBILITY FOR MY VEHICLE CATCHING ON FIRE AND ME HAVING TO GO INTO DEBT EVEN MORE TO GET A DIFFERENT MODE OF TRANSPORTATION. IF I KNEW THAT THEY WERE GOING TO TREAT THEIR CUSTOMERS LIKE THIS I NEVER WOULD HAVE WENT AND PURCHASED ANOTHER GM VEHICLE. THERE SHOULD BE SOME KIND OF COMPENSATION FOR THIS ERROR ON THEIR END. I HAD NO INTENTIONS AT THAT TIME OF PURCHASING ANOTHER VEHICLE AT THAT TIME HOWEVER BECAUSE OF MY CAR STARTING ON FIRE THAT LEFT ME WITH NO CHOICE. I HAD PROOF OF ALL OF THE SERVICES THAT TOOK PLACE WITH THIS CAR. IT WAS IN EXCELLENT CONDITION AND THIS NEVER SHOULD HAVE HAPPENED.

This institution is an equal opportunity provider.

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[Food Safety & Processing](#) [Insects & Pesticides](#) [Marketing Agriculture](#) [Trade Practices](#)
[Business Owners](#) [Consumers](#) [Veterinarians](#) [Education & Teachers](#) [Farmers](#)

WISCONSIN CERTIFICATE OF TITLE FOR A VEHICLE

DEPARTMENT OF TRANSPORTATION

VEHICLE IDENTIFICATION NUMBER: 1G2WP52K0XP [REDACTED] YEAR: 1999 MAKE: PONTIAC BODY STYLE: 4DR VEHICLE TYPE: AUTO FLEET NUMBER: AUT UYU424

TITLE NUMBER: [REDACTED] DATE TITLE ISSUED: 01/24/2002 ODOMETER: 32837 ODOMETER DATE: 01/17/2002
 DISCLOSED AS ACTUAL

REGISTERED OWNERS:

[REDACTED]
 SAUK CITY WI [REDACTED]

The person, firm or corporation named on this Title has been duly registered as the lawful owner of the vehicle described, subject to any Security Interest (liens) shown. The order in which the Security Interests appear on this Title does not necessarily represent their priority.

CONTROL NUMBER
 (This is not a Title Number)

9-3847527

03242 M AND I DEALER FINANCE INC MILWAUKEE

PREVIOUSLY TITLED IN MI

DIVISION OF MOTOR VEHICLES

Important - Buyer and Seller must complete the section below at time of sale

TITLE ASSIGNMENT AND MILEAGE, SELLING PRICE AND BRAND DISCLOSURE BY REGISTERED OWNER(S) SHOWN ABOVE

Federal and State law requires that SELLER state the mileage and provide written vehicle disclosure information in connection with transfer of ownership. Failure to complete a mileage statement, disclose required information, or providing a false statement may result in fines and/or imprisonment and may make you liable for damages to the transferee (buyer).

SELLER Print Person(s) Name signing as Seller

ODOMETER NOW READS (No Tenths): [REDACTED] and to the best of my knowledge is actual mileage of this vehicle unless one of the following statements is checked.

The odometer reading reflects the amount of mileage in excess of its mechanical limit. The odometer reading is NOT actual mileage. **WARNING: ODOMETER DISCREPANCY**

Print Sellers Address, City, State, Zip if different than shown above

BRAND DISCLOSURE (will be printed on future titles) Check all that apply:

- Flood damaged vehicle
- Previous police vehicle
- Previous taxicab
- Salvage vehicle

I, the seller, certify that to the best of my knowledge the information contained on this document is true and correct and that I have entered the vehicle odometer reading, brand disclosure, and selling price hereon in compliance with federal and state law as referenced above. For value received, I hereby sell, assign or transfer the vehicle described on this document and warrant title to Purchaser as shown.

Signature of Seller(s): See "REGISTERED OWNERS" above. If joint ownership with "or", only one seller's signature required; with "and", all seller's signatures required.

SELLING PRICE (Seller enter): \$ [REDACTED]

X _____ Date
 X _____ Date

BUYER (Purchaser) Print Name(s)

If Buyer is a business, Print Name of authorized person signing as Purchaser

Print Buyer Address, City, State, Zip

Signature of Purchaser(s) _____ Date

X _____ Date
 X _____ Date

If registered owner is a dealer and first assignment is through auction or salvage pool, complete the following.

Print Consigning Auction Dealer Name or Consigning Salvage Pool Name

Auction or Salvage Pool Dealer No.

Sale Date

The Wisconsin Department of Transportation will not be responsible for false or fraudulent odometer statements made in the assignment of the Certificate of Title or for errors in recording by the department. The department makes no warranties, express or implied, about the vehicle or operating condition and any statements about vehicle inspections are only administrative.

PURCHASER - Attach form MV1 (Wisconsin Application for Title) to this document and mail or deliver immediately to the Wisconsin Department of Transportation. Form MV1 is available at Wisconsin DMV Service Centers and police stations.

MAIL ADDRESS - Wisconsin Dept. of Transportation, P.O. Box 7949, Madison, WI 53707-7949

MV2269 587(9) pursuant to ch. 342, Wis. Stats.

QUESTIONS - Contact nearest Motor Vehicle Service Center or call (608) 266-1466

ANY ALTERATION OR ERASURE VOIDS THIS TITLE - KEEP IN A SAFE PLACE



General Motors Corporation
Customer and Relationship Services
Customer Assistance Center
PO Box 38170
Detroit, MI 48232-5170

August 3, 2009

State of Wisconsin
Office of the Attorney General
Consumer Protection Division
Attention: Bobbi K. Erb

Customer: [REDACTED]
Reference number: 514514
Service request: 71-738447681
Customer Relationship Specialist: Dora Morales

Dear Consumer Specialist Erb:

Thank you for your recent correspondence regarding [REDACTED]. We are sorry she is dissatisfied with her 1999 Pontiac Grand Prix. We are concerned when we learn that a Pontiac owner is dissatisfied with any phase of their experience with our product.

At your request we again reviewed [REDACTED] case. We find that she has filed with our Product Allegation Department. After careful consideration it has been decided that this case would be referred to E.S.I.S. for further review. Due to the sensitive nature of a product allegation we ask that you refer all correspondence on Ms. Hughbanks's concerns to that office. E.S.I.S. can be reached at the following address:

E.S.I.S.
GM Central Claims Unit
300 Renaissance Center
Mail Code 482 C20 D71
Detroit, MI 48265-3000

If you have further questions, please contact our Pontiac Customer Assistance Center at 1-800-762-2737 Monday through Friday between 8:00 a.m. and 5:00 p.m., Eastern Time. Please refer to your service request number above and any of our Customer Relationship Specialists will be happy to assist you.

Sincerely,

Pontiac Customer Assistance Center

LC0012
V627306

Erb, Bobbi K - DATCP

From: paul.j.widzinski@gm.com
Sent: Wednesday, September 30, 2009 1:31 PM
To: Erb, Bobbi K - DATCP
Subject: [REDACTED] - Your file number 514514
Attachments: LTR TO BOBBI ERB_WI BUREAU OF CONSUMER PROTECTION - [REDACTED].PDF

Dear Ms. Erb,

Attached is General Motors Company's letter in response to your letter of September 17, 2009.

Paul J. Widzinski
General Motors Company
313-665-7470

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

Confidentiality Note: This message is intended only for the person or entity to which it is addressed. It may contain confidential and/or privileged material. Any review, transmission, dissemination or other use, or taking of any action in reliance upon this message by persons or entities other than the intended recipient is prohibited and may be unlawful. If you received this message in error, please contact the sender and delete it from your computer.



Paul J. Widzinski
Attorney

paul.j.widzinski@gm.com

**General Motors Company
Legal Staff**

Facsimile
248/267-4396

Telephone
313-665-7470

September 30, 2009

VIA-E-MAIL

Bobbi K. Erb
Consumer Specialist

Via E-mail: bobbi.erb@wisconsin.gov

Bureau of Consumer Protection
2811 Agriculture Drive
PO Box 8911
Madison, WI 53708-8911

Dear Ms. Erb:

Re:

**Your file number 514514
Our file number 670077**

I am an attorney with and represent General Motors Company, formerly known as NGMCO, Inc. ("New GM"). I am writing to you response to your September 17, 2009 letter to ESIS GM Central Claims Unit.

This matter concerns a fire in [REDACTED] car on September 30, 2008. [REDACTED] made a claim for property damage with General Motors Corporation as a result of the incident.

As noted above, I am responding only on behalf of General Motors Company, not General Motors Corporation.

On June 1, 2009, General Motors Corporation filed for bankruptcy protection in the United States Bankruptcy Court, Southern District of New York. Since that filing, General Motors Corporation has changed its name to Motors Liquidation Company (MLC), an entity that remains subject to the jurisdiction of the bankruptcy court.

General Motors Company (New GM) acquired substantially all of the assets of General Motors Corporation on July 10, 2009 in a transaction executed under the jurisdiction of and pursuant to

approval of the United States Bankruptcy Court for the Southern District of New York ("Bankruptcy Court"). *See generally In re General Motors Corp.*, 407 B.R. 463 (Bankr., SDNY 2009) ("Sale Opinion") (approving sale transaction). In acquiring these assets, New GM did not assume the liabilities and potential liabilities of General Motors Corporation, such as Ms. Hughbanks' claim. In particular, New GM did not assume responsibility for product liability claims arising from incidents involving GM vehicles that occurred prior to the July 10 closing date, such as in this matter. *Id.*, 407 B.R. at 499-507 (overruling objections by tort claimants seeking to preserve claims against New GM). *See also In re Chrysler, LLC*, 2009 WL 2382766, pp 11-13 (2nd Cir. 2009) (bankruptcy court was permitted to authorize the sale of substantially all Chrysler's automotive assets free and clear of claims).

The scope and limitations of New GM's responsibilities are defined in the Bankruptcy Court's "Order (i) Authorizing Sale of Assets Pursuant to Amended and Restated Master Sale and Purchase Agreement with NGMCO, Inc., a U.S. Treasury-Sponsored Purchaser; (ii) Authorizing Assumption and Assignment of Certain Executory Contracts and Unexpired Leases In Connection with the Sale; and (iii) Granting Related Relief," entered on July 5, 2009 (the "Sale Approval Order"), which is a final binding order.¹ The Sale Approval Order provides that, with the exceptions of certain liabilities expressly assumed under the relevant agreements, the assets acquired by New GM were transferred "free and clear of all liens, claims, encumbrances, and other interests of any kind or nature whatsoever... including rights or claims based on any successor or transferee liability..." *Id.*, ¶7.

The claims asserted by [REDACTED] were not assumed by New GM. To the contrary, the Amended and Restated Master Sale and Purchase Agreement ("MSPA") expressly excludes "Product Liabilities² arising in whole or in part from any accidents incidents or other occurrences that happen prior to the Closing Date." Sale Approval Order, Ex A., §2.3(ix). *See also* Sale Opinion, 407 B.R. at 500.

The Sale Approval Order precludes asserting this claim against General Motors Company. The Order unambiguously states that "all persons and entities, including, but not limited to ... litigation claimants and [others] holding liens, claims and encumbrances, and other interest of any kind or nature whatsoever, including rights or claims based on any successor or transferee liability ... are forever barred, stopped, and permanently enjoined... from asserting against [New GM], its successors or assigns, its property, or the Purchased Assets, such persons' or entities'

¹ The Sale Approval Order is publicly available at http://docs.motorsliquidationdocket.com/pdf/2968_order.pdf.

² Product Liabilities are defined in the relevant agreements as "all Liabilities to third parties for death, personal injury, or other injury to Persons or damage to property caused by motor vehicles designed for operation on public roadways or by the component parts of such motor vehicles..." MSPA, §2.3(a)(ix).

Bobbi K. Erb
September 30, 2009
Page 3

[rights or claims], including rights or claims based on any successor or transferee liability." *Id.*, ¶8. *See also Id.*, ¶46 ("... the Purchaser shall not have any successor, transferee, derivative, or vicarious liabilities of any kind or character for any claims, including, but not limited to, under any theory of successor or transferee liability, de facto merger or continuity, environmental, labor and employment, and products or antitrust liability, whether known or unknown as of the Closing, now existing or hereafter arising, asserted or unasserted, fixed or contingent, liquidated or unliquidated."), *Id.*, ¶52 (Sale Approval Order "effective as a determination that, except for the Assumed Liabilities, at Closing, all liens, claims, encumbrances, and other interests of any kind or nature whatsoever existing as to the Sellers with respect to the Purchased Assets prior to the Closing (other than Permitted Encumbrances) have been unconditionally released and terminated...").

In the Sale Approval Order, the Bankruptcy Court retained "exclusive jurisdiction to enforce and implement the terms and provision of [the] Order" including to "protect [General Motors Company] against any of the [liabilities that it not expressly assume under the MSPA]." *Id.*, ¶71.

The appropriate place to follow-up the denial of [REDACTED] claim is with Motors Liquidation Company, which is under the jurisdiction of the New York Bankruptcy Court. Information about asserting a claim against MLC is available on the front page of the Motors Liquidation website: www.motorsliquidation.com. Other contact information includes by e-mail (claims@motorsliquidation.com) and by telephone (800-414-9607).

Very truly yours,


Paul J. Widzinski
Attorney