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South Coast Law

EXECUTIVE SECRETARIAT

Paul R. Los, Jr., Esquire

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North Dartmouth, MA

2009 SEP 29 P 5:27

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North Dartmouth

(508) 990-9092
(508) 990-9085 (Fax)

RECEIVED - NHTSA

DEMAND LETTER

Via
CERTIFIED MAIL # 7001 1140 0003 8649 4221

September 22, 2009

Herb Chambers Honda
185 Taunton Avenue
Seekonk, MA 02771

COPY

Re [REDACTED] API Vehicle Service Contract #7911094

Dear Sir or Madam:

This letter is to inform you and Herb Chambers Honda that this office has been retained by Mr. and Mrs. [REDACTED] concerning the above referenced matter. This letter is being sent to you pursuant to the provisions of Massachusetts General Laws Chapter 93 A, Section 9.

I have had the opportunity to meet with both Mr. and Mrs. [REDACTED] and review several documents that they provided me with. I have prepared this letter, based on my review of these documents.

On July 12, 2002, Mr. and Mrs. [REDACTED] purchased a 2002 Honda Odyssey from Herb Chambers Honda (see Motor vehicle purchase contract and Certificate of Title enclosed) for \$30710.00.

On July 20, 2002, Mr. and Mrs. [REDACTED] purchased an API Vehicle Service Contract for \$1500.00 (copy enclosed). They made this purchase because they were told by one of Herb Chambers finance department employees that the Odyssey was experiencing numerous transmission and power sliding door problems and that if they go the seven years without a claim that they would receive a full refund check in the mail.

Over the next seven years, Mr. and Mrs. [REDACTED] enjoyed the use of their Odyssey and in an attempt to prevent any transmission/power door issues (or other issues) had all their warranty related service performed by the Herb Chambers Service department. Service that they were very satisfied with.

MC
2/23/10
DT

Please Send All Mail To:
South Coast Law
Post Office Box 41082
New Bedford, MA 02744

In August of 2007, Mr. and Mrs. [REDACTED] received a notice from the United States Bankruptcy Court for the Northern District of Illinois- Eastern Division regarding a Chapter 11 Bankruptcy filing for Automotive Professionals, Inc. (API) a copy of which is enclosed. The receipt of this Notice by Mr. and Mrs. [REDACTED] made the likelihood that they would receive a refund seem doubtful. Since that time, they have not yet received any further correspondence from the court.

Last week, this office contacted Frances Gecker, Esquire (the Chapter 11 Trustee) regarding Mr. and Mrs. [REDACTED] issue with Herb Chambers and we were told that Herb Chambers was honoring the API contract and that based on the number of calls that he has fielded and the difficulty in obtaining a straight answer that he felt that Herb Chamber's not honoring the contract for Mr. and Mrs. [REDACTED] because they were a few days late in requesting a GPR refund was both very unfair and unconscionable.

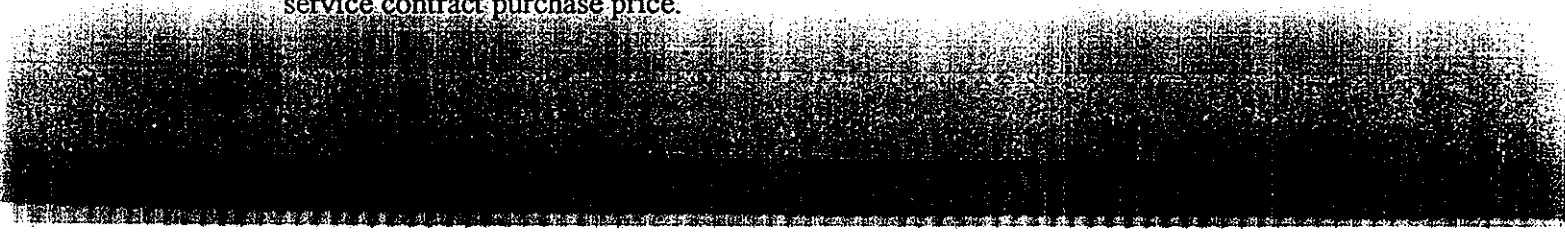
In August of 2009, Mr. and Mrs. [REDACTED] learned (from another Honda owner) that Herb Chambers was honoring the API contract (something that Herb Chambers did not notify them of) and on August 28, 2009, Mr. and Mrs. [REDACTED] went into Herb Chambers to initiate their claim and were quite impolitely told that they were a few days too late (it should have been done by August 20, 2009); and that they should have read their contract (where it says claims are to be made within 30 days); and that it was too bad because they were out of luck. As you can imagine, Mr. and Mrs. [REDACTED] are not very happy. They have always been Herb Chamber's customers for both sales and service and find the treatment that they received to be in direct conflict with Herb Chamber's Mission Statement and a demonstration of a severe lack of integrity by Herb Chambers and its employees.

In order to resolve this matter and determine whether court action and /or formal complaints requesting action with the appropriate Massachusetts agencies will be filed, this office on behalf of Mr. and Mrs. [REDACTED] demands that with in thirty days of your receipt of this letter, that you provide this office with the following:

First, provide this office with a copy of the correspondence and proof of mailing (return receipt card) that it was sent to Mr. and Mrs. [REDACTED] informing them that because of API's Bankruptcy, that Herb Chamber (and not API) was going to be honoring the extended service contract, or

Second, provide on corporate letterhead, a sworn affidavit, signed under the pains and penalties of perjury attesting to the day and time that an employee of Herb Chambers spoke to Mr. or Mrs. [REDACTED] and informed them that because of API's Bankruptcy, that Herb Chamber (and not API) was going to be honoring the extended service contract, or

Third, mail a check for \$1500.00 to Mr. and Mrs. [REDACTED] for a refund of their service contract purchase price.



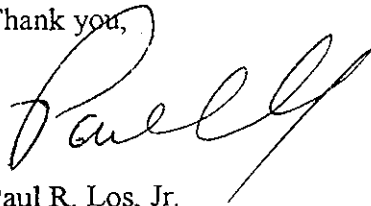
We need to have at least one of these demand requests provided because we have reason to question the ethics and legality of your business misleading its customers in such a fashion, and will if needed be contacting the Commonwealth of Massachusetts, Secretary of State's Office, Attorney General's Office and the District Attorney's Office to file complaints, and make an official request that these agencies look into similar questionable business tactics by Herb Chambers Honda to determine whether or not fines or a class-action law suit against Herb Chambers Honda would be justified.

At this point in time, we are only seeking a refund of the \$1500.00 API contract premium.

This office expects to receive a response from you regarding these demands within thirty days of the receipt of this letter. If these demands are not met within that time, we will recommend to Mr. and Mrs. [REDACTED] that they pursue all legal and or consumer rights available to them, including the recovery of multiple damages and attorney's fees and costs under Massachusetts General Laws Chapter 93 A.

If you have any questions, or would like to discuss a possible settlement on this matter, please call me at (508) 990-9092.

Thank you,



Paul R. Los, Jr.
Encl.

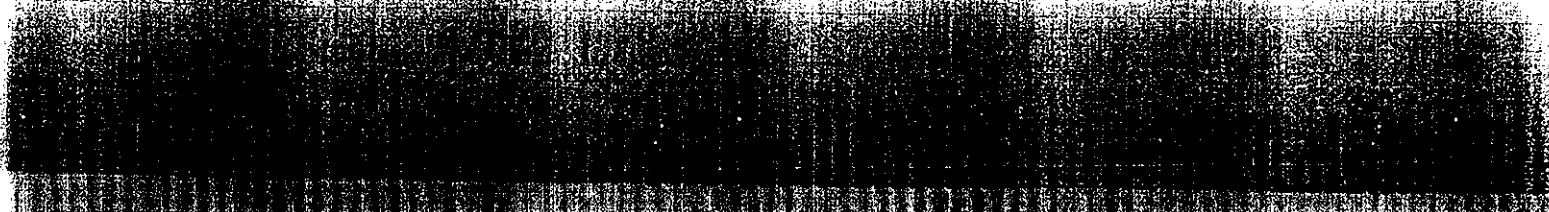
Cc: [REDACTED]

Seekonk, MA [REDACTED]

Herb Chambers Honda
1186 Commonwealth Avenue
Boston, MA 02134

Herb Chambers Honda
33 Cambridge Street
Burlington, MA 018031

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American Honda Motor, Co. Inc.
1919 Torrance Blvd. P.O. Box 2215
Torrance, CA 90509-9870



American Honda Motor Co, Inc.
Honda Automobile Customer Service
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Torrance, CA 90501-2746

Administrator
National Highway Traffic
Safety Administration
400 Seventh Street, SW
Washington, DC 20590

Commonwealth of Massachusetts Attorney General's Office

Commonwealth of Massachusetts Secretary of States Office

Bristol County District Attorney's Office