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[redacted]
Lake Barrington, Illinois [redacted]

CL-10331739-1738

April 26, 2010

Office of Defects Investigation/CRD
NVS-216
1200 New Jersey Avenue, SE
Washington, D.C. 20950

Mr. David Smith
Chief Executive Officer
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Browns Lane
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CV5 9DR
United Kingdom

Jaguar
Attn: Customer Relationship Center
555 Mac Arthur Boulevard
Mahwah, NJ 07430-2327

Subject: Break failure of 2004 Jaguar XJ8 VDP # SAJWA74C94S[redacted]

My purpose in writing all concerned parties is in reference to a potentially fatal safety condition that has occurred at no less than three separate instances.

I purchased subject certified pre-owned vehicle from Cincinnati Jaguar in June of 2008. The vehicle was transferred to Seattle, Washington, where I was residing at the time. While driving in the fall of 2008 I pulled up to a four way stop and began to slow down. I was dring very slowly, removed my right foot from the accelerator, and began to press down on the brake pedal. Instead of the automobile gradually slowing down, the engine and/or the transmission raced to an extremely high RPM. I pressed further on the break, but the car lunged forward about 30 feet before stopping just short of a truck crossing in the intersection.

I thought that this might be a single event, but the same situation happened again in a parking lot causing me to run up on a concrete stop and almost striking a pedestrian. When I got home later that

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afternoon, in the mail was the 2009 recall notice. I immediately took the vehicle to the Seattle Jaguar in Lynnwood, Washington. I explained the two incidents to them. They checked for the recall and this situation, but stated they could not find a problem.

On April 9, 2010, while driving in Lake Zurich, Illinois, the exact same situation occurred again with my wife and two daughters in the vehicle. This time, I almost hit a vehicle approaching from my left. A notification light came on reading, "DSC NOT AVAILABLE," as shown on page 107 of Jaguar XJ Owner's Handbook.

In each instance I was traveling no more than five to ten miles an hour, the weather was dry and the temperature about fifty degrees. The last incident was witnessed by three family members and human error is simply not a factor.

Up until I reported the incident, I have been nothing but pleased with the service provided by Jaguar. However, I found Jaguar's lack of responsive by Jaguar employees to this safety issue to be both irresponsible and unacceptable.

This concern was reported to the Customer Relationship Center and did not receive the attention it deserved until such time I was forced to vent my anger. Finally, I got the vehicle to Imperial Motors Jaguar of Lake Bluff, Illinois. They supposedly checked for the problem as I asked, but did not find anything wrong with this vehicle other than common engine misfires. Their lack of discoveries is difficult, if not impossible, to understand and accept, as there should have been a record of the "DSC NOT AVAILABLE" warning signal coming on.

What is more disturbing is I mentioned I had seen this incident reported to the NHTSA complaint database approximately nine times for this vehicle model and year. ODI ID Number 10121408 is one such example (attached). When I mentioned this to the service manager, he replied, "I have never heard of this issue and have never seen a Jaguar bulletin on it." He mentioned that a Jaguar field service representative checked the vehicle, but it was obviously not important enough in the mind of the corporate service representative for him to contact me directly.

I reported the incident to the manager of Jaguar of Cincinnati were this certified pre-owned vehicle was purchased. Unfortunately, what I discovered is there was little he could do for me, because as he described, "Jaguar unfortunately does not take issues seriously until they are raised to a high enough level." By reporting this complaint to Jaguar Headquarters and the NHTSA, I trust this safety issue has now been raised to a high enough level for it to receive the attention it deserves by responsible senior executives.

It has become obvious Jaguar does not have a method in place in the United States for dealers or corporate employees to report defects that have the potential to harm their customers, but rather a culture has been established to ignore problems hoping that they will somehow disappear. If you have

any doubt I am upset you can be assured I am. I have experienced three incidents of near miss accidents each of which could have resulted in a fatality and Jaguar has not taken this issue seriously.

I would appreciate hearing from a NHTSA representative as soon as possible as to what action has been taken with Jaguar in regard to this issue that has been reported by other owners since the launch of this model year.

I trust I will soon hear directly from a senior representative from Jaguar Headquarters in England, as to what immediate steps will be taken to either properly repair subject vehicle or take other action so I am not putting myself and others at risk.

Unfortunately, this incident is all too similar to the unfortunate recent event involving Toyota and injured parties. Be advised, if I do not hear from Jaguar and the NHTSA separately prior to May 7, 2010, with a response toward resolution of this fault, I will take the steps necessary to ensure this matter receives even greater attention by United States government officials and the media.

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Lk. Barrington, Il[redacted]

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