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COPY FOR YOUR INFORMATION

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Michael Lohscheller, Interim CEO  
Volkswagen Group of America  
2200 Ferdinand Porsche Drive  
Herndon, VA 20171

Certified Mail #7000-0600-0028-7303-2082

Dear Mr. Lohscheller:

As the Chief Executive Officer you should be specifically aware of the following. If only a local dealer is aware of issues, they may never reach the executive level where appropriate corrective action can be effectuated.

I believe that the 2007 VW EOS purchased by [redacted] from the local dealership, Wellesley Volkswagen, 231 Linden Street, Wellesley, MA 02482, is a "lemon" under the Massachusetts Lemon Law (Massachusetts General Laws; c. 90 Sec. 7N1/2). The vehicle identification number is [redacted]. I am hereby making a written demand on her behalf for relief under the Lemon Law and the Massachusetts Consumer Protection Act (Massachusetts General Laws, c. 93A, Sec.9). In addition I believe the car fails to satisfy a warranty of fitness for purpose, as well as other legal standards that a reasonable person would expect from Volkswagen.

[redacted] purchased a new EOS on June 1, 2007 at a cost of \$36,461.45, not an insignificant amount of money. Certainly you will agree that such a car should operate properly and should be in good condition, not in the dealership almost as much as in her driveway. Since she bought the vehicle, she experienced a litany of problems which are detailed on the attached *seven (7) pages*. She returned the car to the dealership on over 20 separate occasions! She had faith that the dealership could and would correct the various problems. It turns out that trust was misplaced.

Most recently, the car was burning oil and it was determined it was necessary to replace the "O" rings. After a week in the dealership, it was returned to her. At that time she learned there is a re-call about to be issued. The very next day it would not start and it was towed back to the dealer. The car was leaking gas. It appeared the "O" ring was torn and all 4 "O" rings were replaced. The car still has acceleration problems.

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TFW

Enough is enough.

She has tried to negotiate a fair resolution to no avail. These defects substantially impair the use, market value or safety of her car. I believe she is entitled to a replacement vehicle acceptable to her or a refund calculated in accordance with the Lemon Law.

The dealership has told her, that based upon their express knowledge of the car, it would be reluctant to purchase the car for re-sale as a used car. That is not a comforting, ringing endorsement of the feeling of the dealership that has repaired this car as to the condition of the car. Instead it proposed to sell her a new 2010 EOS at a cost of over \$14,000.00 to her, which is not an acceptable solution.

She wants to return the car for its full purchase price, less mileage calculated per the Lemon Law regulations.

In the alternative If Volkswagen is so certain that this car is in proper condition, then it should be willing to extend an unconditional warranty for an additional three (3) years to 2014 and the mileage to 87,500, together with a cash payment of \$5000.00 for lack of use of the car.

Failure to comply with the Lemon Law is a violation of Massachusetts General Laws, c. 93A, and Volkswagen may be subject to double or treble damages as well as attorney's fees and court costs if this matter is taken to court.

I look forward to hearing from you.

Very truly yours,

GERALD C. ROVNER

CC: Comm of Massachusetts Office of Consumer Affairs and Business Regulation  
10 Park Plaza, Suite 5170, Boston, MA 02116-3980

Via E-mail Only: U S National Highway Transportation Safety Agency  
[http://www.nhtsa.gov/nhtsa-dpmextn/jsp/email/email\\_nhtsa.jsp](http://www.nhtsa.gov/nhtsa-dpmextn/jsp/email/email_nhtsa.jsp)

## Chronology of Repairs for the 2007 VW Eos

VIN #

Date	Issue	Description and Resolution
June 1, 2007		Purchased the car at Wellesley VW (cost \$36,461.45)
Nov 29, 2007	Water Leak	Water leaks when driver's door opens in wet weather, water pours in on driver's and passenger's side. They verified this and ordered a special "adhesive/sealant" for convertible top seal
	Power Windows	<p>Master switch that raises or lowers all of the windows did not work consistently. Left rear window will not go up at all. Need to use the switch that is specific to that window for it to work. They performed "readaption" of rear windows per instruction of techline;</p> <p>Note to GCR: in order to open the doors, the windows need to drop down about an inch to release from the convertible top.</p>
	Rattle	Rattle from center of dash board at random while driving. Verified this and ordered updated center dash vent.
Dec 28, 2007	Water Leak	Convertible top leaks around doors and pillars; resealed convertible top and all related components
	Power Windows	On colder days, when doors are opened the front windows go down but do not go back up.; reset basic settings for windows. Rechecked system operation.
	Rattle	Rattle from center dash while driving and at idle. Installed SOP center vent assy; replaced vent assembly
	Trim Concern	Interior trim on left side above driver's door needs restitching. Found "headliner" trim separated and resecured side headliner trim.
March 17, 2008	Power Windows	Windows still not operating consistently in cold or damp weather. Either windows will go down but not up when opening the car, or they will not drop down which means the door will not open without breaking the glass or the window, especially in the rear windows. Often the windows will not rise back up when the car is locked so it is

Date	Issue	Description and Resolution
		<p>open to both weather and theft.</p> <p>Basic settings were incorrect. Reset basic settings for all window modules.</p>
March 17, 2008 (cont)	Water Leak	<p>During rain storms, water leaks in from top of left side pillar. Updates for new gasket have previously been performed. New gasket/ front seal is needed. Removed both visors and dome light, removed trim around windows frame and removed seals. Replaced front upper top seal and rail. Resealed all and reassembled all.</p>
	Driveability	<p>In cold weather, it takes a while for the car to get into gear. They could not reproduce the problem.</p> <p>Needed to borrow a car from VW since the repairs on this date could not be done within one day.</p>
Oct 21, 2008	General Maintenance	10,000 mile check
Dec 24, 2008	Power Windows	<p>Windows would not go down to open the doors in cold/damp weather. And, when they did go down, they would not go up again until driving for at least 10 minutes. In addition, all the windows went down about a 1/4 of the way by themselves. Adjusted cable tension for windows. To do so, removed air bag, steering wheel and all related trim. Replaced electrical ignition switch. Reassembled all.</p>
	Trim concern	Driver's side floor mat stud broken. Ordered part to replace.
Dec 30, 2008	Trim concern	Driver's side floor mat stud defective. Replaced stud.
	Driver's seat	<p>Since repairs were done last time, the driver's side seat does not rise as high as it did prior to last visit. Lumbar control is also not adjusting as before. Complaint dismissed since when they tested it, all was working fine.</p>
Feb 27, 2009	Power Windows	<p>Both windows are freezing up in cold/damp weather. At times they will not go down and other times they will go down but do not come back up. QTM is aware of the issue and instructed the dealer to replace both front window regulators and reseal regulators, especially where window seals are located. Performed basic setting adaptation of</p>

Date	Issue	Description and Resolution
		<p>windows. Replaced window regulators and resealed area where window motor fits into regulator.</p> <p>Removed and installed both left and front door trim panels along with door component carriers.</p> <p>Replaced both left and right front window regulators and resealed per QTM. Reassembled all; reset basic settings.</p> <p>Needed a rental car during repairs N/C.</p>
June 24, 2009		5000 mile checkup
	Air Conditioner	AC not working. Leaked found. A/C system found a leaking high pressure switch. Replace switch and charged A/C
June 26, 2009	Convertible Top	Top would not close. Nothing in the trunk was preventing the top from closing. Latch seemed to have missed pin. Set basic settings for top.
Oct 7, 2009	Trunk	Luggage compartment is not aligned properly. Removed and adjusted hinge points
	Water Leak	When driver's side door is open during a rain storm, water pours in near top of the door. Verified concerns. Nothing can be done because of the way the roof is designed.
November 23, 2009	Water Leak	Water leak coming from passenger front side. Verified concern. Found sunroof drains clogged and water backing up into car. Cleared out sunroof.
	Auto Transmission	Acceleration in traffic when engine is warm is not smooth -- is very jerky. They could not duplicate problem.
	Driver's Seat issue	I still felt that the driver's seat was not regulating up and down. See Dec 30, 2008 concern. So, when I picked up the car this time, I asked one of the salesmen (Kevin) to please take a yard stick and go to a new Eos and measure the height of the driver's seat when fully raised. When compared to my car, my seat was about 1/2 to 3/4" lower. For someone my height, that can make a big difference in visibility, especially when backing up.
December 8, 2009	V W customer service	On advice from Mike Kandalaft, Service Manager, at Wellesley VW I called the Eastern Region Case Manager, Terry Scymanski. I spoke to another intake person who

Date	Issue	Description and Resolution
		said Terry will call back the next day.
December 9, 2010		Terry returned my call. Spoke to her about the water leak. Explained also how in the rain and snow the driver's side window would not return to the closed position until I'd driven for a while. Expressed concern that the leather seats would be damaged. Case #90316017
Dec 10, 2010		Terry suggested I use a rental car until parts came in. She offered to reimburse my expenses. This was not a solution since it was N/C.
		I did not want to use a rental car on snow and ice so declined that offer. However, if the problem gets worse I would call her to arrange for a rental.
January 28, 2010	Water Leak	Water still leaking from the A pillar region. Traced to faulty right side middle/A pillar drain. Removed roof panel and headliner. Replaced right side drain/water panel. Modified connecting piece at A-pillar. Reassembled all.
	Seats	I again complained about the height of the driver's side seat. Diagnosed and traced faulty left front seat adjustment motor. Removed and installed left front seat. Replaced adjustment motor for left front seat.
	Convertible Top	Convertible top cables fraying. Replaced all headliner adjustment strings.
Week of May 3, 2010		Warning Light "Danger – Do not Drive" appeared. Ross checked the oil level and found it low. He called to find out what kind of oil to put in the car and replaced it.
May 12, 2010		20,000 mile service checkup
	Carpet	Driver's side floor mat clip in carpet came apart. Ordered new clips for floor mats.
	Engine	Low Oil warning light is on. Checked oil level. It was off the stick. Replaced the oil and placed car on "oil consumption program". I will need to bring the car back in 650 miles.
June 14, 2010	Diagnostic	Diagnostic of oil problem: car is burning oil. need to replace O-Rings. This is a two or three day project. I asked Jamie if this would account for the jerky starts and

Date	Issue	Description and Resolution
		less then smooth acceleration that I had complained about in the past. He said that was probably the case.
June 16, 2010		Brought car in for O- Ring work. Used a loaner rental car.
June 22, 2010		Picked up the car. Jamie told me that the car was going to be recalled soon, along with other VW models, for a gear shifting problem.
June 23, 2010	Gas leak – engine	<p>The next day when I went to use the car, it would not start. I called the garage and Jamie told me to have the car towed in using VW Roadside Assistance.</p> <p>Tow truck driver said the car is leaking gas in large quantities and would I please call VW to tell them so he would not be blamed for the leak. I did that.</p> <p>Car was leaking gas which was all over my driveway.</p> <p>I spoke to Jamie to say we were leaving the next day for vacation and would not be picking up the car until we returned. Also, I requested that the car be inspected since I would not be back in time to do so. I sent my registration with the tow truck driver so VW would have it inspected at N/C.</p> <p>While on vacation, I learned that the problem was the O-Rings again. And it would take several days to fix.</p> <p>They removed the intake manifold and found injector O-Ring on cylinder #4 was torn. Replaced all 4 injector O-Rings. Reinstalled intake. Reset readiness code.</p>
		Called VW Customer Service again and left a very long message with Brent to pass on to Terry Scymanski. The case # is 100222902. Bottom line – I want a new car that works!
July 2, 2010		<p>So, we picked up the car. We did not have the enjoyment of being on the Vineyard with a convertible for our vacation. Talk about adding insult to injury!!</p> <p>The acceleration problem with the car has diminished but not completely. I still jerks while in traffic and when backing up. It does not accelerate smoothly even after all of the work was completed.</p>

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July 15, 2010	VW	Since I had not heard from VW I called Terry Scymanski again and referenced the case number 100222902. Their field rep was supposed to contact Wellesley VW and let me know how they were going to resolve the issues.
July 17, 2010	Wellesley VW	Scott (salesman that sold me the car in '07) called and left a message for me. We played telephone tag
July 19, 2010		<p>Scott and I spoke. He asked a lot of questions about the car and asked what I wanted. I told him I want a new Eos with all the bugs out of it! He said he would look around for another car with the same features and would get back to me. He said VW will add \$2500 to the cost of my car and Wellesley VW would pass on their dealer discount of \$1500.</p> <p>I clarified by saying that what he was saying was that I would be trading my car in for a new one and I would have out of pocket expenses.</p>
July 20, 2010		Scott called to say there is a 2010 lux Eos with all the features of my current car in NY. It retails for \$36,899 but the sale price is \$34,511. The trade difference with tax would be \$14,187. Scott said they would give me the auction price of between \$17 and 18 thousand dollars. Told Scott I had to think about this.
July 27, 2010		I called Scott with a counter offer for resolution. I explained that the Edmunds price on the net for my car is \$27,500. You are offering me between \$17 and 18 K. this does not seem fair or equitable. He asked what I want. I told him I wanted the fair market value for my car – \$27,319 plus the \$2500 from VW and the \$1500 from Wellesley. The difference is approximately \$5000. So, for \$5000 I will have a new car with no problems and they will have a happy customer and no more problems.
August 4, 2010		<p>I had not heard back from Scott so I called him. He said my request was submitted to the VW rep and the best the company would do in these cases is give me 10% of the car's MSRP. That would drop my outlay to around \$12,400.</p> <p>I asked Scott to find out actual figures and not guesstimates. I want a firm offer from them before I take</p>

Date	Issue	Description and Resolution
		any action.
Aug 6, 2010		Scott called to say that VW will give me 10% of anything I choose. but the rest remains the same. So, my cost for the thunder blue lux Eos would be \$13,071 with tax and transfers, etc. I told him I would think about it.
		<p>I called Scott back with another proposal: What would you give me for my car in cash right now. In other words, no trade in – they get the car and I get the cash. He said he doubted his manager would want my car. "Quite frankly, I don't think he will want your car." But he will pass on the question.</p> <p>Scott called back to say that his manager does not want my car on their inventory. That's when I called you!</p>
Aug 9, 2010		<p>I called Scott with another proposal – extend the warranty until 2014 (3 additional years) or 87,500 miles plus \$5000 in cash. I told him I wanted an answer by 12 noon on Aug 9<sup>th</sup></p> <p>Scott called back at 1:00 and left a message saying that in order to get what I want, the problem will need to be escalated to VW Legal and that the best that Mike Kandalafi (service manager) could offer would be a one year extension on the warranty. He said I should call customer care to escalate this.</p> <p>I called you instead!</p>