

CL- 10360953-2669

FEB 16 2011

FR:

EDINA, MN

TO: TOYOTA MOTOR SALES, U.S.A., INC.
19001 SOUTH WESTERN AVE.
DEPT. WC-11
TORRANCE, CA 90501

CC: WALSER TOYOTA * 4401 AMERICAN BLVD * BLOOMINGTON MN 55437
NHTSA HEADQUARTERS * 1200 NEW JERSEY AVE SE * WEST BLDG * WASHINGTON, DC 20590

RE: BRAKING EFFECTIVENESS, LOSS OF BRAKES ON 2010 TOYOTA PRIUS (VIN JTDKN3DU8A0 [REDACTED])
TOYOTA CASE #1006020588, NHTSA CASE #10360953

FEBRUARY 16TH 2011

TO WHOM IT MAY CONCERN:

I FIRST WROTE ABOUT ENGINE RACE AND LOSS OF BRAKING EFFECTIVENESS IN A LETTER DATED MARCH 28TH, 2010 (A COPY OF THAT LETTER IS INCLUDED). I HAVE NOT HAD ANOTHER INCIDENT WITH THE ENGINE RACE, BUT I HAVE CONTINUED TO HAVE BRAKING ISSUES. THE FOLLOWING IS A SYNOPSIS OF THE PROBLEMS I'VE HAD, REMEDIES I'VE SOUGHT, AND CONVERSATIONS I HAVE HAD WITH PARTIES INVOLVED.

AFTER WRITING THE LETTER, AND AFTER MORE THAN A MONTH HAD PASSED WITHOUT HEARING FROM TOYOTA USA OR WALSER TOYOTA, ON MAY 3RD, 2010, I CALLED WALSER AND ASKED TO SPEAK TO THE GENERAL MANAGER, WHO WAS CHARLIE SWENSON. AFTER EXPLAINING MY BRAKING PROBLEMS, MR. SWENSON SAID THAT THE RECALL ON THE PRIUSES HAD WORKED AND THAT ALL THE OTHER OWNERS WERE "RAVING" ABOUT IT (HIS WORD, NOT MINE). HE SAID A TECHNICIAN WOULD NEED TO DRIVE MY CAR, OR THAT I NEEDED TO TAKE THE TECH FOR A RIDE AND SHOW HIM. I REPLIED THAT AFTER EXPERIENCING THE PROBLEM, I HAD TRIED ON OCCASION TO IMMEDIATELY DUPLICATE IT AND HAD NOT BEEN ABLE TO DO SO. I DIDN'T KNOW IF IT WAS RELATED TO SPEED, PEDAL PRESSURE, HOW MANY BUMPS IN A ROW ETC. IT WAS LEFT THAT I WOULD TRY AND FIND A SURFACE THAT I COULD DUPLICATE THE PROBLEMS ON, AND THEN HAVE A TECHNICIAN FROM WALSER DRIVE THE CAR TO EXPERIENCE THE ISSUE.

AFTER THE CONVERSATION WITH MR. SWENSON, I DID GET A PHONE CALL FROM TOYOTA USA. I EXPLAINED THAT THE RECALL DID NOT FIX MY PROBLEM. WE DISCUSSED TAKING THE PRIUS BACK TO THE DEALERSHIP TO HAVE THE RECALL DONE AGAIN. I WAS TOLD THAT THE ISSUE I AM HAVING IS "THE

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NATURE OF THE CAR". SINCE MY CAR WAS MANUFACTURED EARLY IN THE DESIGN CHANGE, I ASKED IF LATER BUILT PRIUSES EXPERIENCED THE PROBLEM. I DID NOT GET A "YES" OR "NO" ANSWER (I ASKED THIS QUESTION TWICE), BUT IT WAS SUGGESTED THAT I GO TO A DEALERSHIP, TEST DRIVE THE PRIUS, AND MAKE THIS DETERMINATION FOR MYSELF.

I TOOK THE CAR TO WALSER TOYOTA IN BLOOMINGTON AND ASKED THAT THE RECALL BE DONE AGAIN, AT THE SAME TIME LETTING THEM KNOW THIS WAS AT THE DIRECTION OF TOYOTA USA. IT WAS REFUSED, BUT A TECH DID DRIVE THE CAR, AND DETERMINED THERE WAS NO PROBLEM.

I HAVE HAD SEVERAL INSTANCES WHERE I DID HAVE THE BRAKING ISSUE, BUT THREE OF THEM STAND OUT. IN SPRING OF 2010, I WAS APPLYING MY BRAKES WHILE ON A DECLINE AND APPROACHING A STOP SIGN. I WENT OVER SOME BUMPS, AND THE BRAKING DECREASED SIGNIFICANTLY, FOR APPROXIMATELY 3 SECONDS. NOW, IT IS HARD TO KNOW IF IT WAS THREE SECONDS. BUT IT WAS LONG ENOUGH TO ELICIT A COMMENT FROM THE PASSENGER ABOUT WHY AM I NOT STOPPING...THERE IS A STOP SIGN AND THERE ARE CARS COMING.

THE 2ND MAJOR INCIDENT HAPPENED IN OCTOBER, 2010. I WAS IN BANFF, DRIVING ON A ROAD THAT RAN ALONG A GOLF COURSE. AT ONE POINT, THERE WAS A BICYCLIST WHO SWERVED IN FRONT OF ME TO AVOID SOME BUMPS, AND I HIT THE BRAKES WHILE GOING OVER THE BUMPS, AND LOST BRAKING POWER. IT WAS A SCARY MOMENT WITH THE BICYCLIST IN FRONT OF THE CAR.

AND THE LAST MAJOR INCIDENT HAPPENED IN JANUARY OF THIS YEAR (2011). I WAS APPROACHING A STOP SIGN, HIT SOME SNOW AND ICE, AND LOST MY BRAKES. I ENDED UP MORE THAN ONE FULL CAR LENGTH INTO THE CROSS STREET. THERE ARE THREE LANES. THE MIDDLE LANE IS A TURN LANE, AND I WAS FAR ENOUGH OUT TO BE PARTIALLY INTO THAT LANE. I MOVED THE CAR, AND LOOKED AT THE PAVEMENT. IT WAS WET, BUT NO SNOW OR ICE. IT MEANS, THEN, THAT ONCE MY CAR HIT CLEAR PAVEMENT, THE BRAKES DID NOT GRAB. NOT EVEN THE ABS KICKED IN, WHICH BECAUSE OF HOW HARD AT THAT POINT, I WAS PRESSING ON THEM, THEY SHOULD HAVE WORKED. MY PASSENGER AND I COULD HAVE EASILY BEEN BROADSIDED IF THERE WOULD HAVE BEEN ONCOMING TRAFFIC (THERE WAS TRAFFIC, JUST NOT AT THAT MOMENT).

I THEN TOOK THE CAR BACK TO WALSER AND WAS ASSERTIVE ABOUT HAVING THE RECALL REDONE. THEY TRIED TO "REFLASH" BUT THEY WERE NOT ABLE TO DO IT. IT WAS BLOCKED BECAUSE IT HAD ALREADY BEEN DONE. THEY TOLD ME THEY UPDATED SOME OTHER BRAKING SOFTWARE.

AS IT STANDS RIGHT NOW, I HAVE NOT HAD ANOTHER INCIDENT AFTER LEAVING WALSER THIS LAST TIME (ON JANUARY 25TH, 2011). I AM WRITING YOU WHILE EVERYTHING IS FRESH IN MY MIND. THE GENERAL MANAGER TONY TROUSSOZ AND SERVICE MANAGER DAN HAHN SPENT TIME WITH ME TO TRY AND RESOLVE THE PROBLEM. I HAD LENGTHY DISCUSSIONS WITH BOTH, AND MR. HAHN DID STATE TO ME THAT THE ISSUE IS FRUSTRATING, THAT TOYOTA TAKES THE POSITION THAT THIS IS THE NATURE OF THE CAR, AVALON IS HAVING THE SAME ISSUES, AND HE HIMSELF HAS EXPERIENCED THE SENSATION

ON HIS AVALON, WHICH HE SAYS IS "UNCOMFORTABLE". HIS WORD, NOT MINE. TONY TROUSSOV SAID WALSER TOYOTA HAS TWO OTHER INSTANCES OF THIS SITUATION.

WALSER DID OFFER TO BUY THE CAR BACK, NOT DEPENDENT ON MY PURCHASING ANOTHER VEHICLE. I THOUGHT IT WAS UNDER THE AUSPICES OF HELPING A DISTRESSED CUSTOMER, BUT AFTER RESEARCH, I REALIZED THEY WERE TREATING IT AS JUST ANOTHER SALE, AS I WAS ABLE TO RECEIVE BETTER TERMS FROM ONE OF THEIR TOYOTA COMPETITORS. THAT REALIZATION WAS DISAPPOINTING.

MR. TROUSSOV ALSO SAID A REP WAS GOING TO BE AT THE DEALERSHIP ON WEDNESDAY, JANUARY 26TH, AND THAT HE WOULD DISCUSS MY ISSUES WITH THE REP. I OFFERED TO BE AT THE DEALERSHIP TO MEET WITH THE REP, BUT TONY SAID IT WAS NOT NECESSARY, AND THEY WOULD GET BACK TO ME. TO DATE. I HAVE NOT HEARD ANYTHING FROM WALSER.

SINCE LAST MARCH, I HAVE FILED A COMPLAINT WITH NHTSA. I DID DETERMINE FROM THEIR WEBSITE THAT THE CASE AGAINST TOYOTA FOR THE PRIUS BRAKING ISSUE HAS BEEN CLOSED, ONCE TOYOTA DID THE RECALL. UNFORTUNATELY, I THINK CLOSING IT WAS PREMATURE. I HAVE TALKED WITH MANY OWNERS WHO ARE HAVING BRAKING ISSUES. NOW, MY SURVEY IS NOT SCIENTIFIC. IT WAS DONE AT GAS STATIONS AND PARKING LOTS AND WHILE SITTING AT STOP LIGHTS. WHERE I SAW A PRIUS SITTING IN A DRIVEWAY, I ACTUALLY KNOCKED ON SOME DOORS. WITH ANY EFFORT AT ALL, ONE CAN DETERMINE THAT THERE IS STILL A PROBLEM.

THIS LETTER IS TO NOTIFY YOU OF MY PAST PROBLEMS, AND SHOULD I CONTINUE TO EXPERIENCE THEM, I WILL SEEK REMEDY UNDER THE MINNESOTA LEMON LAW IF NEEDED. AFTER CHECKING WITH THE BBB REGARDING ARBITRATION, I HAVE BEEN TOLD I CAN BYPASS THAT, WHICH I MAY OR MAY NOT ELECT TO DO.

[REDACTED]

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NHTSA HEADQUARTERS * 1200 NEW JERSEY AVE SE * WEST BLDG * WASHINGTON, DC 20590

RE: RECALL SSC AOB ABS ACTUATOR ECU UPDATE SAFETY RECALL NOTICE (TOYO14-AOB1-000069350)

RE: ENGINE RACE

MARCH 28TH 2010

TO WHOM IT MAY CONCERN:

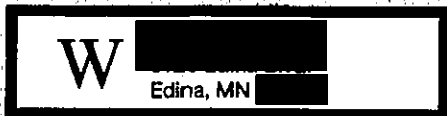
I PURCHASED A TOYOTA PRIUS ON SEPTEMBER 28TH 2009 FROM WALSER TOYOTA IN BLOOMINGTON, MN. VIN JTDKN3DU8A0 I HAVE EXPERIENCED TWO SAFETY ISSUES: LOSS OF BRAKE EFFECTIVENESS AND ENGINE RACE.

BRAKE EFFECTIVENESS: WHILE APPLYING BRAKES WHEN GOING OVER BUMPS/ROUGH ROAD, OR IN MARGINAL CONDITIONS DUE TO SNOW/ICE WHEN APPROACHING STOP SIGNS ETC., I LOSE BRAKING EFFECTIVENESS. I TOOK THE VEHICLE IN FOR RECALL REPAIR ON MARCH 24, 2010 AT WALSER TOYOTA IN BLOOMINGTON, MN. SINCE THAT TIME, I HAVE CONTINUED TO EXPERIENCE LOSS OF BRAKE EFFECTIVENESS.

ENGINE RACE: THE FOLLOWING IS A DETAILED EXPERIENCE I HAD WITH ENGINE RACING. I AM CALLING IT RACING RATHER THAN A SURGE BECAUSE THE CAR WAS NOT IN GEAR AT THE TIME. ON FEBRUARY 4, 2010, AT 9:02AM, I PULLED INTO A NEIGHBOR'S DRIVEWAY AFTER DRIVING LESS THAN ONE MILE FROM MY HOME. THE CAR WAS PROBABLY NOT AT NORMAL OPERATING TEMPERATURE AS MY NORMAL DRIVING HABIT WHEN EMBARKING IS TO START THE CAR, PUT IT INTO GEAR AND GO, WITHOUT ANY WARMUP TIME. AFTER PUSHING THE PARK BUTTON, BUT BEFORE PUSHING THE POWER BUTTON, WHILE GATHERING SOME THINGS, THE CAR'S ENGINE BEGAN TO RACE. IT WAS NOT AT AN EXTREME HIGH RPM, BUT IT WAS NOT WHAT I WOULD CONSIDER A LOW MILD ADVANCE, EITHER. AS THERE IS NO TACOMETER IN THIS VEHICLE, I CANNOT STATE WHAT THE RPM ACTUALLY WAS. IT WAS NOT FOR AN EXTENDED PERIOD OF TIME, BUT IT DID LAST FOR SEVERAL SECONDS, AFTER THE ENGINE CAME BACK DOWN TO NORMAL RPM, AFTER A SECOND OR TWO, IT BEGAN ALL OVER AGAIN FOR ANOTHER SEQUEL. THE MILEAGE ON THE CAR WAS 6239. IT WAS 27 DEGREES FARENHEIT ACCORDING TO THE CAR'S OUTSIDE TEMPERATURE READING.

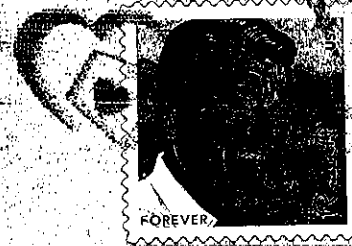
UNDER MINNESOTA STATUTES, SECTION 325F.665 (MINNESOTA'S LEMON LAW), I AM HEREBY INFORMING YOU THAT I EXPECT THE DEFECTS TO BE CURED, OR I WILL SEEK THE REMEDIES THAT THIS STATUTE PROVIDES.

I HAVE TOYOTA'S ARBITRATION INFORMATION IN THE OWNER'S MANUAL. SHOULD THERE BE ADDITIONAL INFORMATION THAT I NEED, PLEASE FORWARD IT TO ME.



MINNEAPOLIS MN 554

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