

RICHARD BLUMENTHAL  
ATTORNEY GENERAL



NOV 29 2010

MacKenzie Hall  
110 Sherman Street  
Hartford, CT 06105-2294

Office of The Attorney General  
State of Connecticut

**INFORMATION Redacted PURSUANT TO THE FREEDOM OF  
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)**

November 23, 2010

[REDACTED]  
Monroe, CT [REDACTED]

**RE: Subaru of America**

Dear [REDACTED]

This is to acknowledge receipt of your correspondence and to thank you for contacting our Office in connection with this matter.

By copy of this letter, we are forwarding your correspondence to the NHTSA, which will follow-up with you. We sincerely apologize for any delay this transfer may cause, but the subject of your letter can best be reviewed by that agency. If you have any questions concerning this matter, please contact the NHTSA at (888) 327-4236 regarding your complaint.

Please do not hesitate to contact this Office in the future if we can be of further assistance to you.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. G. Alonzo".

M. G. Alonzo  
Assistant Attorney General

Enc.

cc: NHTSA Headquarters  
1200 New Jersey Ave., SE  
West Building  
Washington, DC 20590

ET  
122010  
TGW

362609

[REDACTED]  
Monroe, CT  
[REDACTED]

08/18/2010

Connecticut Attorney General Office  
Attn: Public Inquiry  
55 Elm Street  
Hartford, CT 06106

**Re: Automobile Manufacturer design flaw  
Exclusive dealership repairs**

To whom it may concern,

I am seeking any assistance or direction regarding a complaint I have with Subaru of America. The complaint I filed with Subaru of America stated a known design flaw caused a catastrophic mechanical failure in my vehicle. I also notified them that their local dealerships refused to sell the replacement part to my local independent mechanic due to the cause of the failure. Subaru later responded in writing denying all claims even when I supplied them with valid reasons.

Please understand my original intention was to have my local mechanic repair my vehicle using an OEM part. However after being told by two local dealerships they won't sell the replacement parts, I felt this wasn't right and started my own investigation. What I found was the following:

- o Dating back to 2005, Subaru of America issued a Technical Service Bulletin (TSB) # 02-97-05 explaining oil starvation to the turbo will cause a turbo to fail. This oil starvation is caused by a clogged filter in the oil tube leading to the turbo.
- o TSB 02-103-07 and 02-106-08 were issued by Subaru explaining proper maintenance needed to avoid pre-mature turbo failures. These TSB are only supplied to their dealerships.
- o Subaru elected not to share this information to the public to address preventative maintenance to avoid this costly repair.

- After discussing with the two Subaru dealerships here in Connecticut, I found that they install 2-3 turbos weekly.
- These same two dealerships elected not to sell a turbo due to the fact that the independent mechanic is not properly addressing the installation causing secondary turbo failures - not correcting the original cause for this failure. The clogged turbocharger oil supply mesh screen.

As I stated in my original complaint to Subaru of America, how can an average consumer know what needs to be done to avoid a costly repair as mentioned after they have purchased a new Subaru? Maybe a letter from Subaru of America notifying their customers to amended recommended maintenance repairs program. Better yet maybe even notifying the independent lube and mechanical centers explaining what needs to be done during regular oil changes and services.

Enclosed you will find all related documents as mentioned for your review. Feel free to contact me either by regular mail, phone, or email if you have any further questions. In the meantime I look forward to hearing from you soon regarding any recommendations you may have on what I need to do next.





**SUBARU.**

**Subaru of America, Inc.**  
Subaru Plaza  
PO Box 6000  
Cherry Hill, NJ 08034-6000  
1-800-SUBARU3 (1-800-782-2783)  
www.subaru.com

August 9, 2010

[REDACTED]  
Monroe, CT [REDACTED]

Dear [REDACTED]

Thank you for contacting Subaru of America, Inc. I regret that concerns regarding your vehicle prompted your contact to us and I appreciate the opportunity to be of assistance.

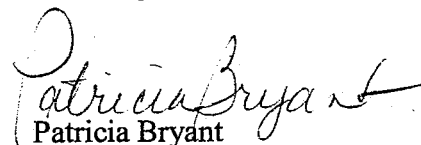
The Technical Service Bulletin referred to in your mailing, addresses proper repair procedures. This bulletin does not state that the turbo for your vehicle is defective. Unfortunately at 94,000 miles, the vehicle is well beyond warranty coverage.

While we understand your disappointment and frustration with repairs, I am sorry we are unable to provide you with any assistance on these repairs. We do value you as a Subaru customer and would like to offer you a \$500.00 Owner Loyalty Incentive towards the purchase of any new, previously untitled Subaru. This incentive is separate from any incentives and offers from your dealership at time of sale. I would just require that you fax (856.488.3381) or mail me a copy of your Bill of Sale, and I will issue you a check for \$500.00. This offer is valid until 12/31/2010. Should email be more convenient for you, please send your documentation to [custdlrservices@subaru.com](mailto:custdlrservices@subaru.com). Please provide your SR number listed below in the subject line of your email.

Should you have any questions or if I can be of further assistance, please feel free to contact me at 1-800-SUBARU3 (1-800-782-2783).

---

Sincerely,

  
Patricia Bryant  
Customer/Dealer Services

Service Request Number: 1-912043289

[REDACTED]  
Monroe, CT  
[REDACTED]

07/12/2010

Subaru of America, Inc.  
2235 Route 70 West  
Cherry Hill, NJ 08002  
Attn: Customer Dealer Services  
Certified Return Receipt #7009-2250-0002-9162-2957

**Re: Pre-mature turbo failure**

To whom it may concern,

On 06/19/2010 I brought my 2004 Subaru Forester XT to an independent mechanic for engine trouble. It was diagnosed as a blown turbo. The mechanic informed me that two of our local dealerships – Georgetown Subaru of Norwalk CT and Dan Perkins Subaru of Milford CT wouldn't sell him a turbo. Both dealerships stated it is their policy not to sell a turbo to an independent mechanic due to some issues around installing them. When I inquired about these issues, I was told there are special installation instructions that need to be done. They further stated this includes addressing the main cause of the turbo failing. When I further pressed the issue on the "main cause", I was told they didn't know what it was. Well since my mechanic wasn't able to service my vehicle I was forced to tow my car at my expense to one of the Subaru dealers. I choose Dan Perkins based on proximity to my home address.

After my vehicle was repaired, I wanted to know why my turbo failed with fewer than 100k miles on it. What I found shocked me. Subaru knew about the problem and didn't notify their customers of the potential pre-mature turbo failure. My findings further found that Subaru has a TSB (02-97-05) out on this problem dating back to 2005. This TSB stated that oil starvation to the turbo is the main cause for the turbo failure. The oil starvation happens when the oil feed filter bango is clogged. Subaru realized this design flaw in the turbo system and later redesigned the turbo to address this problem for future vehicle designs.

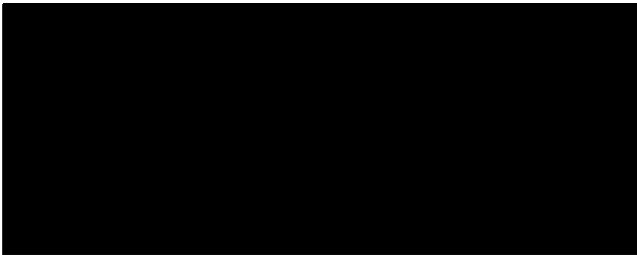
As a loyal 14 year Subaru customer, I have regularly maintained all of my Subarus including the one in questioned by following the official maintenance booklet supplied by Subaru. This booklet doesn't mention anything about inspecting and/or replacing the oil feed banjo bolt with the filter. Since owning the 2004 Forester, I have not received any supplement communication from Subaru advising the possible catastrophic failure of the turbo and what needs to be done to avoid this costly expense from happening.

To take this a step further, I contacted the local quick oil change center that I occasionally had my Forester serviced during the winter months when I wasn't able to change the oil myself. I asked them if there is any information or announcement from Subaru regarding this possible problem within their computer system. They stated no there is not.

So how does an average consumer (your customers) know what needs to be done to prevent this from happening to them? Based on what I found you won't know about this design flaw until it actually happens to you.

Based on my research, I am looking to you all to resolve my problem by refunding my repairs. Enclosed are copies of my paid receipt in the amount of \$2002. 48.

I look forward to your reply and a quick resolution to my problem. I will wait until **08/30/2010** to hear from you. At that time I will be forced to file an official complaint with the Better Business Bureau, and the Connecticut Attorney General Office since this is not an isolated incident. Please contact me with your response at the above address and email. If you have any further questions please call me at the above phone numbers.



Enclosure(s)  
Paid receipt from Dan Perkins Subaru

**ATTENTION:**

- GENERAL MANAGER
- PARTS MANAGER
- CLAIMS PERSONNEL
- SERVICE MANAGER

IMPORTANT - All Service Personnel Should Read and Initial in the boxes provided, right.


QUALITY DRIVEN® SERVICE



**SUBARU**

**SERVICE BULLETIN**

**APPLICABILITY:** All Turbo Equipped Vehicles  
**SUBJECT:** Turbocharger Oil Supply Mesh Screen

**NUMBER:** 02-103-07  
**DATE:** 10/19/07

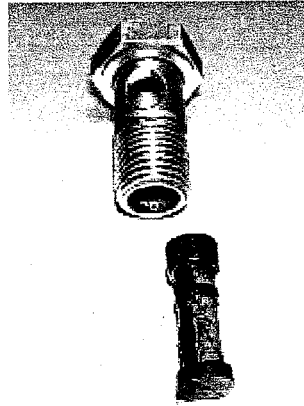
**INTRODUCTION**

This bulletin is for informational purposes only.

Turbocharged engines require proper maintenance especially when the vehicle is used under severe driving conditions, such as moderate to hard acceleration and engine braking on a somewhat regular basis.

In any case, it is recommended that the engine oil and filter be changed every 3,750 miles (6,000 km) or 3-3/4 months.

In addition, the mesh screen which is located inside the banjo bolt that secures the turbo-charger oil supply pipe to the back of the right side cylinder head should be checked to make sure it is not clogged or restricted especially if the condition of the oil is questionable or as to when the last oil change was performed. If clogged or restricted, it will reduce or cut off the oil supply to the turbo resulting in failure. The oil supply pipe should also be checked to make sure that there are no obstructions. *Note: The mesh screen is only available with a replacement banjo bolt.*



Banjo bolt and Mesh Screen  
(note direction of screen)

- Make sure the mesh screen is installed in the proper direction; incorrect installation will cut off oil supply to the turbo.

*continued on next page...*

**CAUTION: VEHICLE SERVICING PERFORMED BY UNTRAINED PERSONS COULD RESULT IN SERIOUS INJURY TO THOSE PERSONS OR TO OTHERS.**

Subaru Service Bulletins are intended for use by professional technicians ONLY. They are written to inform those technicians of conditions that may occur in some vehicles, or to provide information that could assist in the proper servicing of the vehicle. Properly trained technicians have the equipment, tools, safety instructions, and know-how to do the job correctly and safely. If a condition is described, DO NOT assume that this Service Bulletin applies to your vehicle, or that your vehicle will have that condition.



- Do not confuse the oil supply mesh screen with the Active Valve Control System (AVCS) union screw filter. Refer to Service Bulletin 02-97-05, dated 10/06/05.
- When the vehicle is used under severe driving conditions, the engine oil is consumed more quickly than under normal driving conditions due to high intake manifold vacuum during engine braking and higher temperatures; the engine oil level should be checked at every fuel fill up. For additional examples of severe driving conditions, refer to the Warranty & Maintenance Booklet.

**ATTENTION:**

GENERAL MANAGER   
 PARTS MANAGER   
 CLAIMS PERSONNEL   
 SERVICE MANAGER

IMPORTANT - All  
 Service Personnel  
 Should Read and  
 Initial in the boxes  
 provided, right.


QUALITY DRIVEN® SERVICE



**SUBARU**

**SERVICE BULLETIN**

**APPLICABILITY:** All Vehicles Equipped with Turbo  
**SUBJECT:** Turbocharger Mesh Filter Screen

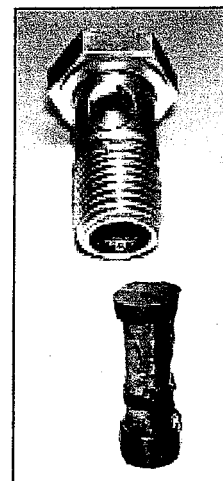
**NUMBER:** 02-106-08  
**DATE:** 08/26/08

**INTRODUCTION**

It is possible that the turbo oil supply mesh filter, which is located inside the banjo bolt that secures the turbocharger oil supply pipe to the back of the right side cylinder head, may become clogged thereby preventing oil supply to the turbo resulting in failure. Therefore it is required that this filter screen be checked for obstructions any time a Turbocharger is being replaced for a failure.

If the mesh filter screen is found to be obstructed it should be cleaned or replaced. Obstructions could be sludge due to poor engine oil maintenance or harsh driving conditions. Further diagnosis may be required if significant amounts of sludge, metal, and/or other materials are found in the mesh filter screen. In any turbocharger replacement, sufficient oil pressure to the turbocharger should be verified. Please consult the service manual for the appropriate specification.

- **Note:** The mesh filter screen is only available with a replacement banjo bolt. (P/N 14445AA090) Tightening torque: 29 N•m (3.0 kgf-m 21.4 ft-lb).
- **Note:** Anytime the banjo bolt is removed or replaced, both copper washers must be replaced with new ones.
- Make sure the mesh filter screen is installed in the proper direction; incorrect installation will prevent oil supply to the turbocharger. (Note direction, in picture to the right).
- **Do not confuse** the turbocharger oil supply mesh filter screen with the Active Valve Control System (AVCS) union screw mesh filter screen. Refer to Service Bulletin 02-97-05, dated 10/06/05.



**Engine Oil and Oil Filter**

Due to heat generated by the turbocharger and carbon deposits contained in exhaust gas, the oil in a turbocharged engine will deteriorate faster than the oil in a naturally aspirated engine. Therefore, all turbocharged vehicles are classified as "severe driving condition" vehicles and special care should be taken to use proper grade. The recommended oil and oil filter change interval for turbocharged vehicles is every 3,750 miles or four months, whichever comes first.

*Continued...*

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Subaru Service Bulletins are intended for use by professional technicians ONLY. They are written to inform those technicians of conditions that may occur in some vehicles, or to provide information that could assist in the proper servicing of the vehicle. Properly trained technicians have the equipment, tools, safety instructions, and know-how to do the job correctly and safely. If a condition is described, DO NOT assume that this Service Bulletin applies to your vehicle, or that your vehicle will have that condition.

**PROUD PARTNER**  
 Youth Educational Systems

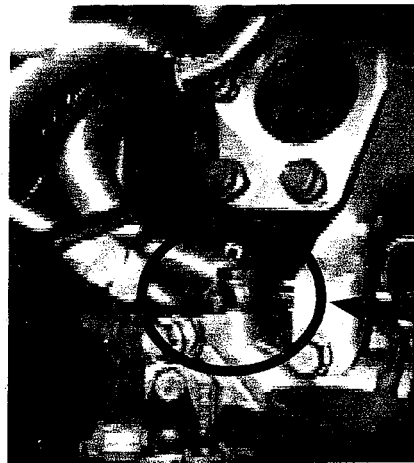
Proper lubrication of the turbocharger requires high-quality engine oil. Some do not provide enough lubrication performance or durability when used in turbocharged engines. Using poor-quality oil or oil not designed for turbo engines may cause damage to the turbocharger and other engine components. Consequently, it is critical to follow Subaru vehicle owner's and service manuals for recommended oil grade and viscosity.

The Subaru Genuine Oil Filter is the only filter that Subaru has tested to meet requirements for filtration and flow. Aftermarket oil filters may have different filtration performance and relief-valve opening pressure, which could affect filter and engine performance.

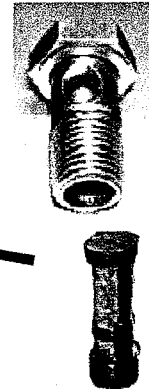
## WARRANTY INFORMATION

Any turbocharger failure and/or damage that is a direct result of a lack of maintenance is not a matter for warranty. \*Records of maintenance should always be confirmed.

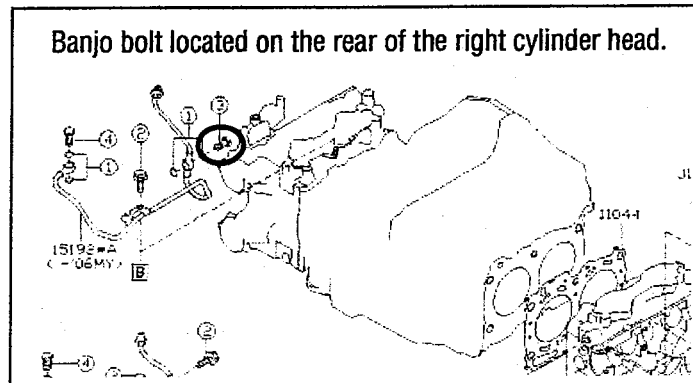
For repairs covered under warranty, refer to the Subaru Warranty Wizard® for claim submission information.



Shown with  
Turbo removed.



Banjo bolt located on the rear of the right cylinder head.



paying over phone.

CUSTOMER #: 22296

133041

# Dan Perkins

## SUBARU, INC.

1 BOSTON POST ROAD · MILFORD, CT 06460  
(203) 882-5686

INVOICE

PAGE 1

MONROE, CT  
HOME: [REDACTED]  
BUS: [REDACTED]

CONT: [REDACTED]  
CELL: [REDACTED]

SERVICE ADVISOR: 254 GINA ROBERTS

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG	
SILVER	04	SUBARU FORESTER X	JF1SG69674H [REDACTED]	[REDACTED]	94687/94691	T2033	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
19DEC03 IS							
19DEC03 DD			17:00 21JUN10		99.75	D	22JUN10
R.O. OPENED	READY	OPTIONS: DLR:010-261 ENG:2.5 Liter					
16:35 21JUN10	14:23 22JUN10						

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

A CUSTOMER STATES WAS TOLD NEEDS TURBO- CHECK & REPLACE  
~~OO REPLACED TURBO~~, DROPPED OIL PAN & CLEANED ,  
 CHANGED OIL & ENGINE FILTER\

9	C					648.38	648.38
1	14411AA5329L	TURBO			1095.39	1095.39	1095.39
1	44022AA150	GASKET			14.37	14.37	14.37
1	44022AA180	GASKET			22.72	22.72	22.72
1	44022AA122	GASKET			20.00	20.00	20.00
1	14445AA090	UNION			15.40	15.40	15.40
2	803912040	GASKET			1.54	1.54	3.08
2	803910050	PT200293 GASKET			2.54	2.54	5.08
1	807515712	HOSE			10.92	10.92	10.92
4	SOA635002	SUB COOLANT			7.99	7.99	31.96
2	44059AA010	BOLT			5.12	5.12	10.24
2	44044AA010	SPRING			6.56	6.56	13.12
2	802008270	NUT			2.89	2.89	5.78
1	11126AA000	GASKET			1.16	1.16	1.16
5	SOA635000	MOTOR OIL			2.23	2.23	11.15
1	15208AA12A	ELEM CP OIL FILTER			6.59	6.59	6.59
2	44044AA010	SPRING			6.56	6.56	13.12
2	44059AA010	BOLT			5.12	5.12	10.24
2	802008270	NUT			2.89	2.89	5.78
1	11122AA340	SEAL			15.13	15.13	15.13
1	SOA635006	SILICONE SEALER			5.70	5.70	5.70
2	806910170	O-RING			1.87	1.87	3.74
1	16546AA020	AIR FILTER			19.99	19.99	19.99

3 ENGINE OIL FLUSH  
 EOF ENGINE OIL FLUSH

9	C					79.74	79.74
1	FILTERFLUSH	FILTER			20.25	20.25	20.25

C \*10% OFF  
~~OO 10% OFF~~

**DISCLAIMER OF WARRANTIES** Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Any limitation contained herein does not apply where prohibited by law

We guarantee our work for 1 year or 12,000 miles whichever comes first.

Date: \_\_\_\_\_ Customer Signature: \_\_\_\_\_

Monday - Friday  
 7:30 - 5:00  
 Saturday  
 8:00 - 1:00

*Thank You  
 For Your  
 Business!*

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
GAS, OIL, LUBE	
SUBLET AMOUNT	
MISC. CHARGES	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

CUSTOMER #: 22296

133041

# Dan Perkins

## SUBARU, INC.

1 BOSTON POST ROAD · MILFORD, CT 06460  
(203) 882-5686

INVOICE

PAGE 2

40NROE, CT

HOME

CONT:

BUS:

CELL:

SERVICE ADVISOR: 254 GINA ROBERTS

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG
SILVER	04	SUBARU FORESTER X	JF1SG69674H		94687/94691	T2033

DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
L9DEC03 IS			17:00 21JUN10		99.75	D	22JUN10

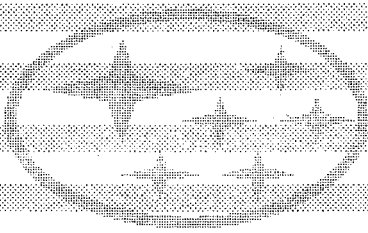
R.O. OPENED      READY      OPTIONS: DLR:010-261 ENG:2.5\_Liter

16:35 21JUN10	14:23 22JUN10						
LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
	9		C			0.00	0.00

\*\*\*\*\*

AMOUNT: 1,999.99      21JUN10 16:35      SA: 254

CUSTOMER PAY SHOP SUPPLIES FOR VEHICLE FOR REPAIR ORDER      10.00



# SUBARU.

**DISCLAIMER OF WARRANTIES** Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Any limitation contained herein does not apply where prohibited by law

We guarantee our work for 1 year or 12,000 miles whichever comes first.

Monday - Friday  
7:30 - 5:00  
Saturday  
8:00 - 1:00

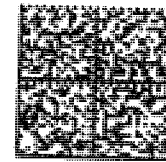
*Thank You  
For Your  
Business!*

DESCRIPTION	TOTALS
LABOR AMOUNT	728.12
PARTS AMOUNT	1360.91
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	10.00
TOTAL CHARGES	2099.03
LESS INSURANCE (COUPON)	222.49
SALES TAX	125.94
PLEASE PAY THIS AMOUNT	2002.48

Date: \_\_\_\_\_ Customer Signature: \_\_\_\_\_



State of Connecticut  
ATTORNEY GENERAL  
MACKENZIE HALL  
110 SHERMAN STREET  
HARTFORD, CT 06105-2294



UNITED STATES POSTAGE  
PITNEY BOWES  
02 1M \$ 00.78<sup>0</sup>  
0004264981 NOV 23 2010  
MAILED FROM ZIP CODE 06106

NHTSA Headquarters  
1200 New Jersey Ave., SE  
West Building  
Washington, DC 20590

