

CL-10375897-9614

Ada, OK

Cell Ph. [REDACTED]

DEC 3 0 2010

November 26, 2010

NHTSA

1200 N. Jersey Ave, SE, West Building
Washington, DC 20590

RE: 2008 Lexus ES 350 air bag non-deployment

Gentlemen,

Attached is a letter I sent to the Okla. Dept. of Motor Vehicles regarding the non-deployment of the air bags on our Lexus while suffering a head on collision at 35-40 mph. The Okla. Dept. of Motor Vehicles recommended I contact you on this matter.

My enclosed letter outlines the issue; also, I enclosed a picture for your inspection. I am convinced that the **air bag system did not function properly**, that Lexus had several opportunities to address this problem for me, that Lexus is blowing me off, that Lexus has NO PROOF to support their position (otherwise they would have provided it and/or made reference to it in their 2nd, after the physical inspection of the vehicle, letter), and that Lexus seems to be attempting to COVERUP my issue.

I now have concerns that Lexus will fabricate a report or evidence to support their position, but again completely believe that if such evidence or report existed that Lexus would have referred to it in their second written response to me. The fact that their initial decision was based on a picture of the vehicle, then after my complaint and them sending a Lexus representative to Ada, OK to inspect and test the vehicle, their follow-up letter stating the exact same position (based on the picture), it is obvious that they have no other or substantial evidence to back their position.

I believe my request for the cost to replace my airbag system is completely reasonable and I would like your assistance in the pursuit of a proper and adequate repair/reimbursement, and for fair treatment from Lexus.

I hope you will be in a position and accept the challenge to assist me. I will be anxiously waiting to hear back from you.

DEC 3 0 2010

HC
1-7-11
BW

Ada, OK

November 10, 2010

Oklahoma Department of Motor Vehicles
4334 N.W. Expwy - Suite 183
OKC 73116

RE: Complaint on Toyota Motor Sales, USA, Inc. (their case # 1006091933)

To: Compliance enforcement

I hereby want to lodge a complaint on Toyota Motor Sales USA, Inc. and their Lexus division.

My wife and I purchased a new Lexus ES350 in 2008. In March 2010 my wife was involved in a head on collision. My wife left a stop sign and turned left into oncoming traffic. My wife's speed was 5 mph +/-, and the oncoming vehicle was doing 35-40mph. I have enclosed pictures of the resulting damage.

The airbags in my wife's vehicle did NOT deploy. This concerns us because we are frequently on the highway at high speeds. If we found ourselves in a collision involving another vehicle, a parked car/truck, a guard rail, bridge guards, a tree, a telephone pole or many other obstacles we do not have confidence in future deployment of our current air bag system.

Toyota Motor Sales USA, Inc. has not been responsive to our requests for proper repair. Toyota's position is purely based on pictures. Toyota said they sent an engineer to Ada to inspect and run tests on the vehicle, yet afterwards sent a letter stating the same initial position that "based on photographs" the airbag system worked properly.

I requested a copy of their report and was denied. If their report supported their initial position they would have surely referred to it in their follow-up letter, and should have been open to providing me a copy: **I think there is a problem and I think this is a COVERUP.**

I want Toyota Motor Sales, USA, Inc. /Lexus to reimburse me the cost/value of the complete air bag system and the depreciation in value the car has suffered while I have been waiting on them for fair treatment.

I wish I had more documentation regarding the run around I got when trying to reach them by, and when talking to them on the, phone about this issue. As you can see in my letter to them dated August 20, 2010, I plainly stated the issue about their lack of attention.

Please reprimand them for their unfair handling of this issue and assist me in motivating them to do the right thing on my behalf.

Enclosures

RECEIVED

NOV 15 2010

OKLAHOMA MOTOR
VEHICLE COMMISSION

TOYOTA

Joyce E. Jackson
Direct Phone (310) 468-7446
Fax (310) 381-7356
Joyce_E_jackson@toyota.com

*Legal
dept.*

Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Torrance, CA 90501
310 468-4000

August 3, 2010

[REDACTED]
Ada, OK [REDACTED]

Case #
1006091933

Karim Khan
Scott Davis

RE:

Date of Loss:
Vehicle:
Vin #:

March 10, 2010
2008 Lexus ES 350
JTHBJ46G382 [REDACTED]

Dear [REDACTED]

Lexus
800 255 3987

This letter will acknowledge the receipt of your recent communication with our Customer Relations Department in regards to the above referenced incident.

With regard to your inquiry about the lack of airbag deployment, a review of the photographs of the damage to your vehicle revealed that the more yielding portions of your vehicle, (the bumper, grille, hood and left fender) were damaged in this accident. Toyota vehicles incorporate state-of-the-art crash safety technology. Part of this technology includes the front crumple zone which contains the bumper, grille, hood and fender. These parts are designed to deform under impact and absorb the force of the collision. As the crumple zone deforms, it lowers the energy of the impact and lessens the need for airbag deployment. The Supplemental Restraint System is designed to help prevent fatal injuries or reduce the extent of serious head or chest injuries in high-speed frontal impact collisions. The airbags deploy as the result of a direct frontal impact. They were not designed to deploy in this type of an impact. As such, this incident did not fall within the parameters for airbag deployment.

We are very sorry to hear about your unfortunate accident, however, our inspection determined that this incident was not the result of any type of manufacture design or defect. Thank you for allowing us to address your concerns.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

Joyce E Jackson

Joyce E. Jackson
Toyota Motor Sales, USA, Inc.

Ada, OK

Ph

August 28, 2010

Toyota Motor Sales, USA Inc
Legal Dept
19001 S. Western Ave
Torrance, CA 900501

RE: Case # 1006091933

Gentlemen,

First let me say that you have an employee that should be reprimanded for her lack of attention and response to numerous calls placed by myself and my wife to her direct line. Her name is Joyce E. Jackson, and from her lack of response to my inquiries and her total disregard of her duty to answer question and return calls, you would be doing your company a great service by reassigning her to a position far from the public and from telephones.

Regarding the case noted above, I hereby request a complete detailed report including copies of notes, records, internal and external correspondence regarding your handling of the claim on my wife's car (2008 Lexus ES 350 VIN #JTHBJ46G382).

We patiently waited for your conclusions and then for your field inspector to look at the vehicle. We have not received any information from that field inspection and believe it is appropriate for us to get a full and detailed report of all findings and issues inspected, discovered, etc.

Time is of the essence. My wife has been without her vehicle since March and we demand immediate attention so we can bring this issue to a conclusion.

We will be expecting and looking for a prompt response.....which no doubt means it will come from a responsible employee and will not come from the negligent employee mentioned above.

Sincerely,

TOYOTA

Carole A. Hargrave
Claims Manager
Direct Phone (310) 468-5027
Fax (310) 381-6317
Carole_hargrave@toyota.com

Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Torrance, CA 90501
310 468-4000

September 21, 2010

[REDACTED]
Ada, OK [REDACTED]

RE:

Date of Loss:

March 10, 2010

Vehicle:

2008 Lexus ES 350

VIN #:

JTHBJ46G382 [REDACTED]

Dear [REDACTED]

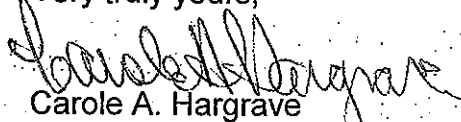
This letter will acknowledge our receipt of your letter dated August 28, 2010 in response to the letter you received from Ms. Joyce Jackson. We are very sorry that you feel you did not receive the proper service from Ms. Jackson.

First I would like to explain that we do not release our reports, notes or copies of our investigation. However we do give you the results of our findings, which were outlined to you in Ms. Jackson's letter of August 3, 2010.

A review of the photographs of your vehicle shows that this was not a direct frontal impact but an angular impact to the left front corner. This is confirmed by the fact that the front portions of the vehicle are pushed to the right. The air bags are designed to deploy as the result of abrupt forward deceleration of the vehicle in direct frontal impacts. They are not designed to deploy in this type of accident. Ms. Jackson's letter of August 3, 2010 explains the crumple zone that is incorporated into the vehicle.

[REDACTED] We are sorry you do not agree with our finding however, the fact that [REDACTED] was not injured in this accident would confirm that the deployment of the air bag was not warranted.

Very truly yours,



Carole A. Hargrave
Legal Claims Manager
Toyota Motor Sales, U.S.A., Inc.



Ada, OK

OKLAHOMA CITY OK 730

22 DEC 2010 PM 3 L



U.S Dept. of Transportation
NHTSA
Office of Defect Investigation, Rm NVS-210
1200 N. Jersey Ave, SE, West Bldg.
Washington, DC 20590

