



U.S. Department
of Transportation

National Highway
Traffic Safety
Administration

DOT Auto Safety Hotline

Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received
MAR 11 2011
04-FEB-2011

Repository ☐
Reference No.
10380202

OWNER INFORMATION (Type or Print)

Name [REDACTED]
Address [REDACTED]
City BALTIMORE State MD Zip Code [REDACTED]

Daytime Telephone Number [REDACTED]
Evening Telephone Number [REDACTED]
E-mail Address [REDACTED]

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side
JTDKB20UX77 [REDACTED] Make TOYOTA Model PRIUS Model Year 2007
Date Purchased Dealer's Name and Telephone Number Engine: No: Cylinders Fuel Type:
Original Owner ☐ Dealer's City State Zip Code
Transmission Type ☐ Antilock Brakes Powertrain Multiple Failure: Incident Date(s) 01-FEB-2007
☐ Cruise Control

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Codes: 030000 SERVICE BRAKES, HYDRAULIC, 180000 VEHICLE SPEED CONTROL Failure Mileage 9000 Failure Speed 10

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make Tire Model (Name or Number) Tire Size (Example P215/65R15)
DOT No. (Example: DOTM9ABC036) ☐ Original Equipment Failure Location:
☐ Prior Repair
Tire Component Code Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make: Date Manufactured: Model No./Name:
Seat Type: Installation System:
Child Seat Component Code: Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)

Crash ☒ Yes ☐ No Fire ☐ Yes ☒ No Number of Persons Injured Number of Deaths Reported to Police Y

Narrative Description of Incident(s), Crash(es), and Injury(ies).

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

TL*THE CONTACT OWNS A 2007 TOYOTA PRIUS. THE CONTACT STATED THAT WHILE DRIVING APPROXIMATELY 10 TO 15 MPH SHE APPLIED THE BRAKES AND THE VEHICLE CONTINUED TO SURGE FORWARD CAUSING HER TO CRASH INTO A GATE. THE CONTACT WAS NOT INJURED. A POLICE REPORT WAS FILED. THE VEHICLE WAS TOWED TO A DEALER WHO ADVISED HER THAT THEY COULD NOT DIAGNOSE THE FAILURE. THE VEHICLE WAS NOT REPAIRED. THE VEHICLE CONTINUED TO HAVE THE SAME FAILURES FOR TWO YEARS ON AN INTERMITTENT BASIS. EACH TIME THE VEHICLE WAS TAKEN TO THE DEALER THEY CONSTANTLY INFORMED HER THAT THEY COULD NOT DIAGNOSE THE FAILURE. THE MANUFACTURER WAS CONTACTED BY MAIL AND REPLIED BY SAYING THEY HAVE INSPECTED THE VEHICLE AND FOUND NO KNOWN FAILURES. THE FAILURE MILEAGE WAS APPROXIMATELY 9,000.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

Office of the Attorney General
Consumer Protection Division
200 St. Paul Place
Baltimore, Maryland 21202

Claim # [REDACTED]
~~see~~

Dear Sir/Madame.

On February 19th, 2007, I purchased a new Toyota Prius from A Newark, Delaware authorized Toyota dealer. On two occasions prior to July 18th 2007, I observed an unusual situation with my new car: the brakes did not seem to function well. This prompted me to take my car back to the dealer in Delaware. The salesman, Mark Troung, had the car tested, and reported that they did not find any problems.

On July 18, 2007, I again experience the same problem. I called Toyota Motor Sales, and they advised I take my car to the nearest Toyota Dealer. I took the car to Castle Toyota. Their representative Craig, after observing the car acknowledged that something was wrong and that they would have to thoroughly check the car for about a week. However, he explained that they were very busy and that we can bring the car back the next day.

On July 19, 2007, in preparation that my car will be kept for inspection by Castle Toyota, I asked my friend [REDACTED] to accompany me and to give me a ride back from Castle Toyota. We met at Fort McHenry. Upon exiting from Fort McHenry, my car failed to stop resulting in an accident (**see Police Report, attachment # 1**).

My concerns and complaints to Toyota were not treated with the urgency it demanded

On October 2009, I again experience an unusual incident with my Toyota. My car was parked for about two hours, I went to start my car and it surged forward and went up the curb. I pressed the on/off button to turn off the car. The dashboard lights started flashing, the car lost all power. I had to have the car towed to Brown Toyota in Glen Burnie. This resulted in a bill from Brown Toyota of over \$400. I incurred further expense for transportation.

My concerns and complaints to Toyota were not treated with the urgency it demanded. In hopes of getting results from the Toyota Corporation, I sent a letter with my concerns to the President, Akaio Toyoda in Japan. He forwarded my letter to the Toyota Motor Corporation in the U.S. (**see attachment #2**).

On July 6, 2010, I experienced another unusual incident in less than 10 miles after having an oil change at Mr. Tire: I was approaching a kindergarten school, the car surged forward and then went backwards. I immediately tried to apply the brakes and then to turn the car off. The car did not turn off, rather it went backwards and forwards on to the sidewalk! Then a red triangle warning came on (Thank God schools were closed!). I was able to eventually stop the car, called Mr. Tire, Toyota Motor Corporation and my friend [REDACTED]. This was a code red day (weather wise) I had to walk home in the heat. My Friend had to leave his job to assist me. The manager from Mr. Tire, and my friend and I came to where my car was parked. The manager from Mr. Tire checked my car and reported that the oil was at the proper level.

One car, so many problems. Mr. Tire reported that something must be wrong with my Toyota, and that it is a manufacturer problem, Toyota on the other hand, reported that Mr. Tire overfilled the oil while doing an oil change. Toyota reported that they fixed the problem by draining out the excessive oil in the car, which they said will cause the problems I experienced. All this prompted me to find recourse to these continuing problems, by sending another plea for help to Toyota Corporation in Japan. Toyota as opposed to a timely action by Mr. Tire responded in six months. Toyota had me take my car to their dealership (Jerry's Toyota). Toyota continues to fail to adequately address these serious public safety issues.

Please note, by profession, I am a Nurse, not a Mechanic. This is the reason; I have always resorted to accepting all matters of safety from Toyota. They keep telling me they cannot find anything wrong with my car and I keep experiencing unusual problems listed above. I personally believe this car should be replaced, as I have experienced problems from day one. Toyota never seems to have found any problems (they also could not find any problems with the case of the Lexus in California that eventually caused the death of five people which was recorded on a 911 call). We now have a situation involving Mr. Tire pointing fingers at Toyota, and Toyota pointing fingers at Mr. Tire, in the meantime, I am stuck in the middle with a suspicious car!

Respectfully, [REDACTED]

Baltimore, Maryland [REDACTED]

Ph: [REDACTED] Ph: [REDACTED]

Email: [REDACTED]

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Respectfully, [REDACTED]

Baltimore, Maryland [REDACTED]

Ph: [REDACTED] Ph: [REDACTED]

Email: [REDACTED]

Office of the Attorney General
Consumer Protection Division
200 St. Paul Place
Baltimore, Maryland 21202

Clairmont
~~see~~

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PLEASE DESCRIBE THE EVENTS LEADING UP TO YOUR DISPUTE, IN THE ORDER IN WHICH THEY HAPPENED:

See attachments

What action would you like this office to take? Replace faulty car & expenses

☐ Check here if you want our office to be aware of your complaint for informational purposes only.

Please include copies of any documents (including: contracts, leases, bills, receipts, advertisements, canceled checks and letters) that relate to your dispute. (Do not send originals.)

Your Signature

Date

02/18/2011

PLEASE MAIL YOUR COMPLAINT TO THE OFFICE LISTED BELOW THAT IS NEAREST YOU.

Baltimore Office

Consumer Protection Division
200 Saint Paul Place
Baltimore, Maryland 21202
(410) 528-8662

Eastern Shore Office

Consumer Protection Division
201 Baptist Street, Suite 30
Salisbury, Maryland 21801
(410) 713-3620

Western Maryland Office

Consumer Protection Division
44 N. Potomac Street, Suite 104
Hagerstown, Maryland 21740
(301) 791-4780

OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION
MEDIATION UNIT - COMPLAINT FORM

LAST NAME [REDACTED]	FIRST NAME [REDACTED]	NAME OF BUSINESS YOU ARE COMPLAINING ABOUT PRESIDENT AKIO TOYODA	
STREET ADDRESS [REDACTED]		STREET ADDRESS 1 TOYOTA-CHO	
CITY, STATE, ZIP BALTIMORE MD [REDACTED]		CITY, STATE, ZIP TOYOTA CITY, AICHI PREFECTURE	
DAYTIME PHONE # [REDACTED]	EVENING PHONE # SAME	PHONE # 471-2571, JAPAN	
E-MAIL ADDRESS [REDACTED]	FAX #	E-MAIL / WEB ADDRESS	FAX #

HOW DID YOU FIRST LEARN ABOUT THE PRODUCT, SERVICE OR REAL PROPERTY INVOLVED IN THE DISPUTE?

- Print Advertisement.
Radio Advertisement.
Television Advertisement ☒
Internet Advertisement
E-Mail Solicitation.
Mail Solicitation (including catalogues).
Telephone solicitation.
Fax solicitation.
Personal Solicitation At Home.
Display at Merchant's Place of Business
Display at Trade Show, Convention, etc.
Other _____

WHERE DID THE SALE/LEASE OCCUR?

- ☐ At my home.
☒ At the firm's place of business.
☐ Away from the firm's place of business
(e.g. convention, your workplace, etc.)
☐ By mail.
☐ Over the telephone
☐ By Fax
☐ Over the Internet
☐ There was no transaction.

DATE OF TRANSACTION: 2/19/2007

TYPE OF GOODS, SERVICE OR PROPERTY INVOLVED

CAR

ARE THE GOODS/SERVICES UNDER WARRANTY? ☒ Yes ☐ No
Federal ~~Act~~ Warranty Act

PLEASE INCLUDE COPIES (NOT ORIGINALS) OF ANY DOCUMENTS (SUCH AS CONTRACTS, LEASES, BILLS, RECEIPTS, ADVERTISEMENTS, CANCELED CHECKS AND LETTERS) THAT RELATE TO YOUR DISPUTE.

What is the name of the person with whom you dealt? MARK TRUNG

Have you contacted the business about your complaint? ☒ Yes ☐ No Date of contact Feb 2007, March 2007

What is the name of the person to whom you complained MARK TRUNG

HEAD OFFICE
1, TOYOTA-CHO, TOYOTA,
AICHI, 471-8571 JAPAN

TOYOTA

DAI-NI TOYOTA BUILDING
10-27 MEIEKI 4-CHOME, NAKAMURA-KU
NAGOYA 450-0002, JAPAN

TOYOTA MOTOR CORPORATION

Our Ref. NCR-0040898-01-N
March 5, 2010

[REDACTED]
Baltimore, Maryland [REDACTED]
USA

Dear [REDACTED]

This is to acknowledge your letter of February 5, 2010, addressed to our President, Mr. Akio Toyoda, which has been directed to us for reply.

We are sorry to learn of the situation you have encountered.

In order to ensure a thorough review of the situation as described, your letter has been referred to:

Toyota Motor Sales, U.S.A., Inc.
Executive Offices
19001 South Western Avenue
P.O. Box 2714
Torrance, CA 90509-2714

Phone: 310-468-2442

They are responsible for resolving customer concerns. You will be contacted by that office in the near future.

Thank you for your kind understanding.

Sincerely,



Kazunori Harada
General Manager
Overseas Operations Department
Customer Relations Division

KH/TS/rn
cc. Toyota Motor Sales U.S.A. Inc.

CASH —
 CHECK —
 VISA/MC —
 DEBIT —
 GE —

NEWARK TOYOTAWORLD

P.O. BOX 8114
 NEWARK, DE 19714-8114
 (302) 368-6262
 NEWARKTOYOTAWORLD.COM

81600FUS

8/11/07 RB

MIDDLE RIVER MD		VEHICLE IDENTIFICATION		MILEAGE OUT	DATE OUT	INVOICE NO.
		JTDKB20UX77		9815	08/11/07	81600
		YEAR	MAKE	MODEL	COLOR	TAG NO.
		07	TOYOTA	PRIUS	SILVE	00000
CUST. NO.	LICENSE	HOME PHONE	WORK PHONE	STOCK NO.	PROD. DATE	SERV. ADV.
17629				T603296	00/00/00	DMM
CUST. LABOR RATE	DELIV. DATE	DELIV. MILES	MILEAGE IN	DATE IN	IN-SERV DATE	
VARIA	02/19/07	3	9815	08/11/07	02/19/07	

Newark ToyotaWorld appreciates your business! We hope that you have received EXCELLENT service and that you can DEFINITELY RECOMMEND us to service your Toyota.

HOURS OF OPERATION: MON-SAT 7AM-9PM, SUN 9AM-3PM
 Any questions or concerns with your service please contact the service manager @ Ext. 380

LINE	OP. CODE	FAIL-CD	TECH.	HOURS/QTY	TYPE	AMOUNT
A	Performed Express Lube Plus Silver Service-Oil & Filter Service With Courtesy Multi-Point Inspection					\$32.99
	ELPS		B67 4667		I	
			KITOF1 OIL SERVICE	1	I	
			90915YZZF2 FILTER S/A, OI	1	I	
			9043012031 GASKET, OIL PLG	1	I	
			BGTX MOBIL 5W30 OIL	4	I	
			LA3016 WASHER SOLVENT	1	I	
			Line Total.....			

TOTAL-AMOUNT

NoCharge

CUSTOMER COPY - PAGE 01

STATEMENT OF DISCLAIMER
 The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

CUSTOMER SIGNATURE

On behalf of servicing dealer, I hereby certify that the information contained hereon is accurate unless otherwise shown. Warranty services described were performed at no charge to owner. There was no indication from the appearance of the vehicle or otherwise, that any part repaired or replaced under this claim had been connected in any way with any accident, negligence or misuse. Records supporting this claim are available for (1) year from the date of payment notification at the servicing dealer for inspection by manufacturer's representative.

(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)

CUSTOMER#: 80025172

8001 Bel Air Road • Baltimore, MD 21236
(410) 661 - 5700

ARLINGTON, VA

COMPANY:

EMAIL:

HOME:

BUS:

CELL:

SERVICE ADVISOR: 678 COLBERT, SHEENA

Advisor Copy

Repair Order: 294585

7/7/2010

Tag Num	VIN	Year	Make & Model	Color	License	Promise Date/Time
3778	JTDKB20UX77	07	TOYO, PRIUS	SILVER		7/7/2010 03:30 PM
Mileage In	Mileage Out	Delivery Date	Vehicle In			
50136		01/01/2007	7/6/2010 7:25:30 PM			

COMMENTS:

Company:

Eng: 1.5_Liter_DOHC_Hybrid

Advisor Copy

Repair Order: 294585

Job Num	Op Code	Pay Type	Description of Concerns and/or Labor Instructions	Line Estimate
A	ELEC	CP	CUSTOMER STATES: PERFORM ELECTRICAL DIAGNOSTIC AFTER LEAVING MR TIRE BRAKES DID NOT WORK AND BATTERY LIGHT CAME ON AND CAR SHUT DOWN VEHICLE WAS ABLE TO GO IN REVERS AND FORWARD. VEHICLE STILL STALLING OUT	0.00
B	MI	CP	Customer States: Multi-point Inspection	0.00
C	FMI	ISP	Customer States: FLOOR MATT INSPECTION	0.00
D	BLEM	ISP	Dirty - unable to inspect	0.00

EXCLUSION OF WARRANTIES

Any warranties on the parts and accessories sold hereby are made by the manufacturer. The undersigned purchaser understand and agrees that dealer makes no warranties of any kind, express or implied, and disclaims all warranties, including warranties of merchantability or fitness for a particular purpose, with regard to the parts and/or accessories purchased; and that in no event shall dealer be liable for incidental or consequential damages or commercial losses arising out of such purchase. The undersigned purchaser further agrees that the warranties excluded by dealer, include, but are not limited to any warranties that such parts and/or accessories are of merchantable quality or that they will enable any vehicle or any of its systems to perform with high reasonable safety, efficiency, or comfort.

AUTHORIZATION FOR REPAIRS

I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire theft or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees' permission to operate the vehicle herein described on streets highways or elsewhere for the purpose of testing and/or inspection. An express mechanics lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto. The dealership is not responsible for damages for damages from freezing due to lack of antifreeze.

Original Estimate

0.00

Customer Acknowledges Receipt of a copy Hereof

☐ Check here if the customer requested that removed parts be saved.

Malinda
Travelers
1800-662-2310 x 5633
Case: A Y 1 x 2323

CUSTOMER#: 80025172

8001 Bel Air Road • Baltimore, MD 21236
(410) 661 - 5700

ARLINGTON, VA

COMPANY:

EMAIL:

HOME:

BUS:

CELL:

SERVICE ADVISOR: 829 STEINFELDT, SUZANNE M.

Advisor/Tech

Repair Order: 234353

8/15/2008

Tag Num	VIN	Year	Make & Model	Color	License	Promise Date/Time
2950	JTDKB20UX77	07	TOYO, PRIUS	SILVER		
Mileage In	Mileage Out	Delivery Date	Vehicle In			
36551		01/01/2007	8/14/2008 5:54:52 PM			8/15/2008 12:00 PM

COMMENTS: Eng: 1.5_Liter_DOHC_Hybrid

322

Advisor/Tech

Repair Order: 241153

Job Num	Op Code	Pay Type	Description of Concern and/or Labor Instructions	Line Estimate
1	BLEM	CP	left Door area, Rear Bumper	0.00

2	EL	CP	CUSTOMER STATES: RT FT BUMPER COVER	0.00
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510 Part
Cover will not lock to bumper due to accident damage; must return to body shop for repairs

3	CI	CP	Customer States: Mult-point Inspection	0.00
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New part on ~~the~~ passenger seat

4	CW	CP	Customer States: Car Wash	0.00
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Body shop installed Fog light cover
Had no problem. Cover was ~~designed~~ designed to be removed & snapped back on.

Vehicle History

7/22/2008

RO Number: 232122

Mileage: 36229

Amount: \$235.13

SA ID: 829

Op Code	Description	Tech #	Type
MISC	REATTACH POWER OUTLET	661	WT
MISC	NEEDS POSITIVE BATTERY CABLE ASSEMBLY, CAN'T GET JUST COVER, DECLINED	661	CP
EM	COULD NOT DULPLICATE ANY ABNORMAL OPERATION ON ROAD TEST, OR SITTING STILL, OPERATING AS DESIGNED AT THIS TIME	661	WT
MISC	PERFORMED HEALTH CHECK FOR LEGAL INSPECTION, FEILD TECH SPECIALIST INSPECTED VEHICLE OPERATING NORMALLY AT THIS TIME	661	WT
BLEM	NO PRIOR BLEMISHES NOTED	661	CP
CI	REPLACE REAR WIPER ARM, CUSTOMER TO BRING WIPER BLADE WITH HER	661	CP
CW	CUSTOMER STATES: CAR WASH	661	CP
MISC	SUBLET TO HAVE RT REAR BUMPER REPAIRED	999	ISP
SUB			ISP

President and Representative Director: Akio Toyoda

September 21, 2010

1 Toyota-Cho,

Toyota City,

Aichi Prefecture 471-8571, Japan

Dear Mr. Toyoda,

This is my second letter to you regarding my 2007 Toyota Prius. On July 6, 2010, I experienced brake failure in less than 10 miles after having an oil change at Mr. Tire; my car's diagnostic signals were flashing and I lost all brakes as I was approaching a kindergarten school that had just released children from school. As you can see, I was in a very dangerous situation risking my life and that of the school children. This is not a first time experience, rather it is a repeating experience (brake failure, see attachment #1 and Police Report attachment #2).

Mr. Tire sent their specialist to the Toyota dealer where my car was towed, and after a very careful investigation, they concluded that, "this is an issue which should be addressed with the manufacture" (see attachment #3).

Mr. Toyoda, this is a very serious concern to me and it should be a very serious concern to you because of the increasing public safety issue with my 2007 Toyota Prius.

Looking forward to hearing from you.


Baltimore, Maryland

Phone: 

Email: 

CUSTOMER #: 80025172

294585

INVOICE

8001 Bel Air Road · Baltimore, MD 21236
(410) 661-5700

ARLINGTON, VA

DUPLICATE 1

PAGE 1

HOME: CONT:N/A

BUS: CELL:

SERVICE ADVISOR: 678 SHEENA COLBERT

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
SILVER	07	TOYOTA PRIUS	JTDKB20UX77		50136/50136	T3778	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
01JAN07 DD			15:30 25JUL10		0.00	CASH	20JUL10

R.O. OPENED	READY	OPTIONS:	LIST	NET	TOTAL
19:24 06JUL10	11:46 20JUL10	DLR:19037 ENG:1.5 Liter DOHC Hybrid 1) WHEN CUSTOMER CAME TO PICK UP VEHICLE IT HAD THE RIGHT FRONT FOG LIGHT 2) COVER MISSIN (More...)			

LINE OPCODE TECH TYPE HOURS
A CUSTOMER STATES: PERFORM ELECTRICAL DIAGNOSTIC AFTER LEAVING MR TIRE
BRAKES DID NOT WORK AND BATTERY LIGHT CAME ON AND CAR SHUT DOWN
VEHICLE WAS ABLE TO GO IN REVERS AND FORWARD. VEHICLE STILL
STALLING OUT

ELEC TECH FOUND OIL TO BE OVERFILLED, STATES
VEHICLE ONLY TAKES 3.6 . ALSO FOUND DRAIN
PLUG GASKET MISSING, CODE P3190.
783 NEWELL, JOSEPH LIC#: 0
CP 150.00 150.00
PARTS: 0.00 LABOR: 150.00 OTHER: 0.00 TOTAL LINE A: 150.00

PERFORMED COMPLETE DIAGNOSTIC TEST, SET OIL TO PROPER LEVEL, NO
ADDITIONAL REPAIRS NEEDED, TECH RELEASED 0.3 QUARTS OF OIL, ENGINE OIL
OVERFILLED WILL NOT EFFECT BRAKES

C CUSTOMER STATES: MULTI-POINT INSPECTION
MI TECH RECOMMENDED AIR FILTER 25.00, CABIN AIR
FILTER 62.00, WIPER INSERTS
783 NEWELL, JOSEPH LIC#: 0
CP 0.00 0.00
PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE C: 0.00

D** CUSTOMER STATES BRAKES DID NOT WORK AND WENT THROUGH TRAFFIC LIGHT
AFTER WARNING LIGHTS CAME ON AND VEHICLE STALLED OUT
BI UNABLE TO DUPLICATE CONCERN, FOUND VEHICLE
OVERFILLED WITH WILL RELEASED .3 QUARTS OF
OIL TO REPAIR STALLING ISSUE,
783 NEWELL, JOSEPH LIC#: 0
CP 0.00 0.00
PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE D: 0.00

TECH STATES IF VEHICLE IS SHUT DOWN VEHICLE SHOULD HAVE 3 PUMPS OF
THE BRAKE PEDAL BEFORE BRAKES DO NOT WORK

Maryland House Bill 1087 THAT WHILE THE CUSTOMER'S MOTOR VEHICLE IS ON THE PREMISES OF THE AUTOMOTIVE REPAIR FACILITY, THE AUTOMOTIVE REPAIR FACILITY MAY NOT BE RESPONSIBLE FOR DAMAGE TO THE CUSTOMER'S MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES. AND THAT THE CUSTOMER SHOULD ASK A REPRESENTATIVE OF THE AUTOMOTIVE REPAIR FACILITY ABOUT THE EXTENT OF ITS RESPONSIBILITY, INCLUDING THE EXTENT OF THE INSURANCE COVERAGE OF THE AUTOMOTIVE REPAIR FACILITY.		Manufacturer Special Policy Adjustment programs Federal law requires manufacturers to furnish the National Highway Traffic Safety Administration (N.H.T.S.A.) with bulletins describing any defects in their vehicles. You may obtain copies of these bulletins from either the manufacturer or N.H.T.S.A. In addition, certain consumer publications or organizations publish this information, which may be available for a fee or for free.		DISCLAIMER OF WARRANTIES The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. ALL PARTS INSTALLED ARE NEW UNLESS SPECIFIED OTHERWISE AS BEING USED OR REMANUFACTURED. ADDITIONAL REPAIRS AUTHORIZED: I Acknowledge NOTICE AND ORAL APPROVAL OF AN INCREASE IN THE ORIGINAL ESTIMATED PRICE.		DESCRIPTION LABOR AMOUNT PARTS AMOUNT GAS, OIL, LUBE SUBLET AMOUNT MISC. CHARGES TOTAL CHARGES LESS INSURANCE SALES TAX PLEASE PAY THIS AMOUNT		TOTALS	
ON BEHALF OF SERVICING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVICING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.		ESTIMATE _____ TIME _____ PM ☐ ADDITIONAL _____ DATE _____ TOTAL _____ OR'D _____		CUSTOMER SIGNATURE _____					
(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)									

CUSTOMER#: 80025172

8001 Bel Air Road • Baltimore, MD 21236
(410) 661 - 5700

ARLINGTON, VA

COMPANY:

EMAIL:

HOME:

BUS:

CELL:

SERVICE ADVISOR: 829 STEINFELDT, SUZANNE M.

Advisor/Tech

Repair Order: 234353

8/15/2008

Tag Num	VIN	Year	Make & Model	Color	License	Promise Date/Time
2950	JTDKB20UX77	07	TOYO, PRIUS	SILVER		8/15/2008 12:00 PM
Mileage In	Mileage Out	Delivery Date	Vehicle In			
36551		01/01/2007	8/14/2008 5:54:52 PM			

COMMENTS: Eng: 1.5_Liter_DOHC_Hybrid

322

Advisor/Tech

Repair Order: 234353

Job Num	Op Code	Pay Type	Description of Concerns and/or Labor Instructions	Line Estimate
1	BLEM	CP	left Door area, Rear Bumper	0.00

2	EL	CP	CUSTOMER STATES: RT FT BUMPER COVER	0.00
---	----	----	-------------------------------------	------

510 Part
Cover will not lock to bumper due to accident damage; must return to body shop for repairs

3	CI	CP	Customer States: Mult-point Inspection	0.00
---	----	----	--	------

New part on ~~the~~ passenger seat

4	CW	CP	Customer States: Car Wash	0.00
---	----	----	---------------------------	------

Body shop installed Fog light cover
Had no problem. Cover was ~~designed~~ designed to be removed & snapped back on.

7/22/2008

RO Number: 232122

Vehicle History

Mileage: 36229

Amount: \$235.13

SA ID: 829

Op Code

Description

Tech #

Type

MISC	REATTACH POWER OUTLET	661	WT
MISC	NEEDS POSITIVE BATTERY CABLE ASSEMBLY, CAN'T GET JUST COVER, DECLINED	661	CP
EM	COULD NOT DULPLICATE ANY ABNORMAL OPERATION ON ROAD TEST, OR SITTING STILL, OPERATING AS DESIGNED AT THIS TIME	661	WT
MISC	PERFORMED HEALTH CHECK FOR LEGAL INSPECTION, FEILD TECH SPECIALIST INSPECTED VEHICLE OPERATING NORMALLY AT THIS TIME	661	WT
BLEM	NO PRIOR BLEMISHES NOTED	661	CP
CI	REPLACE REAR WIPER ARM, CUSTOMER TO BRING WIPER BLADE WITH HER	661	CP
CW	CUSTOMER STATES: CAR WASH	661	CP
MISC	SUBLET TO HAVE RT REAR BUMPER REPAIRED	999	ISP
SUB			ISP

CUSTOMER #: 80025172

294585

8001 Bel Air Road · Baltimore, MD 21236
(410) 661-5700

INVOICE

DUPLICATE 1
PAGE 1

ARLINGTON, VA

HOME: CONT:N/A
BUS: CELL:

SERVICE ADVISOR: 678 SHEENA COLBERT

COLOR	YEAR	MAKE/MODEL		VIN	LICENSE	MILEAGE IN / OUT		TAG
SILVER	07	TOYOTA PRIUS		JTDKB20UX77		50136/50136		T3778
DEL DATE	PROD DATE	WARR EXP	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE	
01JAN07 DD			15:30 25JUL10		0.00	CASH	20JUL10	

R.O. OPENED	READY	OPTIONS:	LIST	NET	TOTAL
19:24 06JUL10	11:46 20JUL10	DLR:19037 ENG:1.5 Liter DOHC Hybrid 1)WHEN CUSTOMER CAME TO PICK UP VEHICLE IT HAD THE RIGHT FRONT FOG LIGHT 2)COVER MISSIN (More...)			

LINE OPCODE TECH TYPE HOURS
A CUSTOMER STATES: PERFORM ELECTRICAL DIAGNOSTIC AFTER LEAVING MR TIRE
BRAKES DID NOT WORK AND BATTERY LIGHT CAME ON AND CAR SHUT DOWN
VEHICLE WAS ABLE TO GO IN REVERS AND FORWARD. VEHICLE STILL
STALLING OUT

ELEC TECH FOUND OIL TO BE OVERFILLED, STATES
VEHICLE ONLY TAKES 3.6 . ALSO FOUND DRAIN
PLUG GASKET MISSING, CODE P3190.
783 NEWELL,JOSEPH LIC#: 0
CP 150.00 150.00
PARTS: 0.00 LABOR: 150.00 OTHER: 0.00 TOTAL LINE A: 150.00

PERFORMED COMPLETE DIAGNOSTIC TEST, SET OIL TO PROPER LEVEL, NO
ADDITIONAL REPAIRS NEEDED, TECH RELEASED 0.3 QUARTS OF OIL, ENGINE OIL
OVERFILLED WILL NOT EFFECT BRAKES

C CUSTOMER STATES: MULTI-POINT INSPECTION
MI TECH RECOMMENDED AIR FILTER 25.00, CABIN AIR
FILTER 62.00, WIPER INSERTS
783 NEWELL,JOSEPH LIC#: 0
CP 0.00 0.00
PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE C: 0.00

D** CUSTOMER STATES BRAKES DID NOT WORK AND WENT THROUGH TRAFFIC LIGHT
AFTER WARNING LIGHTS CAME ON AND VEHICLE STALLED OUT
BI UNABLE TO DUPLICATE CONCERN, FOUND VEHICLE
OVERFILLED WITH WILL RELEASED .3 QUARTS OF
OIL TO REPAIR STALLING ISSUE,
783 NEWELL,JOSEPH LIC#: 0
CP 0.00 0.00
PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE D: 0.00

TECH STATES IF VEHICLE IS SHUT DOWN VEHICLE SHOULD HAVE 3 PUMPS OF
THE BRAKE PEDAL BEFORE BRAKES DO NOT WORK

Maryland House Bill 1087 THAT WHILE THE CUSTOMER'S MOTOR VEHICLE IS ON THE PREMISES OF THE AUTOMOTIVE REPAIR FACILITY, THE AUTOMOTIVE REPAIR FACILITY MAY NOT BE RESPONSIBLE FOR DAMAGE TO THE CUSTOMER'S MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, AND THAT THE CUSTOMER SHOULD ASK A REPRESENTATIVE OF THE AUTOMOTIVE REPAIR FACILITY ABOUT THE EXTENT OF ITS RESPONSIBILITY, INCLUDING THE EXTENT OF THE INSURANCE COVERAGE OF THE AUTOMOTIVE REPAIR FACILITY.		Manufacturer Special Policy Adjustment programs Federal law requires manufacturers to furnish the National Highway Traffic Safety Administration (NHTSA) with bulletins describing any defects in their vehicles. You may obtain copies of these bulletins from either the manufacturer or NHTSA. In addition, certain consumer publications or organizations publish this information, which may be available for a fee or for free.		DISCLAIMER OF WARRANTIES The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of used products. ALL PARTS INSTALLED ARE NEW UNLESS SPECIFIED OTHERWISE AS BEING USED OR REMANUFACTURED. ADDITIONAL REPAIRS AUTHORIZED: I Acknowledge NOTICE AND ORAL APPROVAL OF AN INCREASE IN THE ORIGINAL ESTIMATED PRICE.		DESCRIPTION LABOR AMOUNT PARTS AMOUNT GAS, OIL, LUBE SUBLET AMOUNT MISC. CHARGES TOTAL CHARGES LESS INSURANCE SALES TAX PLEASE PAY THIS AMOUNT		TOTALS	
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(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)									

TOYOTA

Nekii Montgomery
Direct Phone (310) 468-6982
Fax (310) 381-6982
Nekii_Montgomery@toyota.com

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

January 10, 2011

[REDACTED]
Baltimore, MD [REDACTED]

RE: Vehicle: 2007 Toyota Prius
Vin #: JTDKB20UX77 [REDACTED]

Dear [REDACTED]

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

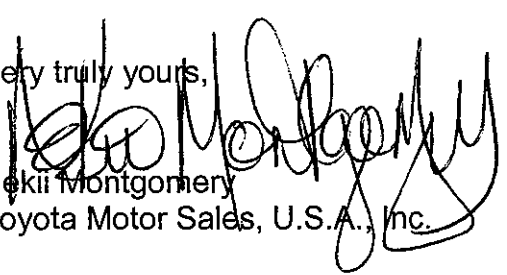
It is our understanding that you experienced three separate incidents of unintended acceleration/ brake failure with your vehicle on July 19, 2007, October 11, 2009 and July 06, 2010.

As you are aware, your vehicle was inspected on November 29, 2010 at Jerry's Toyota. An inspection was completed involving the accelerator pedal, the brakes and the floor mat. The accelerator pedal operated smoothly from idle to wide open throttle without any binding or sticking. The accelerator pedal showed no signs of wear or damage. There were no brake fluid leaks or defects found in the brake system. The brake fluid reservoir was between the low and the high lines. The inspection showed the brake system to be in operational condition. There was no driver's side floor mat in the vehicle at the time of the inspection. A brake stall test was conducted in drive and reverse and the vehicle's engine would not overpower the vehicle's brakes. A diagnostic system check showed that there were no diagnostic trouble codes relating to the Anti Lock Brake System and the Accelerator or Throttle systems. The vehicle was road tested at highway speeds in stop and go traffic and suburban roads and the vehicle operated as designed. The inspector noted that the conditions you described could not be reproduced.

We are very sorry to hear about the unfortunate incident; however, our inspection determined that this incident was not a result of any type of

manufacture design or defect. Thank you for allowing us to address your concerns.

Very truly yours,


Nekii Montgomery
Toyota Motor Sales, U.S.A., Inc.

CASH —
CHECK —
VISA/MC —
DEBIT —
GE —

NEWARK TOYOTAWORLD

P.O. BOX 8114
NEWARK, DE 19714-8114
(302) 368-6262
NEWARKTOYOTAWORLD.COM

81600FUS

8/11/07

MIDDLE RIVER MD		VEHICLE IDENTIFICATION		MILEAGE OUT	DATE OUT	INVOICE NO.	
		JTDKB20UX77		9815	08/11/07	81600	
		YEAR	MAKE	MODEL	COLOR	TAG NO.	
		07	TOYOTA	PRIUS	SILVE	00000	
CUST. NO.	LICENSE	HOME PHONE	WORK PHONE	STOCK NO.	PROD. DATE	SERV. ADV.	TERMS
17629				603296	00/00/00	DMM	CASH
CUST. LABOR RATE	DELIV. DATE	DELIV. MILES	MILEAGE IN	DATE IN	IN-SERV DATE		
VARIA	02/19/07	3	9815	08/11/07	02/19/07		

Newark ToyotaWorld appreciates your business! We hope that you have received EXCELLENT service and that you can DEFINITELY RECOMMEND us to service your Toyota.

HOURS OF OPERATION: MON-SAT 7AM-9PM, SUN 9AM-3PM
Any questions or concerns with your service please contact the service manager @ Ext. 380

LINE	OP. CODE	FAIL-CD	TECH.	HOURS/QT	TYPE	AMOUNT
A	Performed Express Lube Plus Silver Service-Oil & Filter Service With Courtesy Multi-Point Inspection					\$32.99
	ELPS		B67 4667		I	
			KITOF1 OIL SERVICE	1	I	
			90915YZZF2 FILTER S/A, OI	1	I	
			9043012031 GASKET, OIL PLG	1	I	
			BGTX MOBIL 5W30 OIL	4	I	
			LA3016 WASHER SOLVENT	1	I	
Line Total.....						

TOTAL-AMOUNT

NoCharge

CUSTOMER COPY - PAGE 01

STATEMENT OF DISCLAIMER
The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

CUSTOMER SIGNATURE

On behalf of servicing dealer, I hereby certify that the information contained hereon is accurate unless otherwise shown. Warranty services described were performed at no charge to owner. There was no indication from the appearance of the vehicle or otherwise, that any part repaired or replaced under this claim had been connected in any way with any accident, negligence or misuse. Records supporting this claim are available for (1) year from the date of payment notification at the servicing dealer for inspection by manufacturer's representative.

(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)

1 LIRA FUSHA, * IN THE
2 Plaintiff * DISTRICT COURT
3 vs. * OF MARYLAND
4 TOYOTA CASTLE, * CASE NO.
5 Defendant. * 4215-09
6
7 -----
8
9

9 BEFORE:

10 THE HONORABLE L. ROBERT COOPER, JUDGE
11

12 Hearing held in the Baltimore City District
13 Court, 501 E. Fayette Street, Baltimore, Maryland,
14 at 9:28 a.m. July 15, 2009.
15
16

17 Transcribed CD by:

18 Nancy S. Trueheart, CRI

19 Notary Public
20
21

NANCY TRUEHEART (410) 661-6128

A P P E A R A N C E S

L. ROBERT COOPER, JUDGE

LIRI FUSHA

In Proper Person.

MELISSA McCASKILL.

On Behalf of Castle Toyota.

NANCY TRUEHEART (410) 661-6128

1 P R O C E E D I N G S

2
3 JUDGE COOPER: Good morning.

4 MS. FUSHA: Good morning, Your Honor, Lira
5 Fusha.

6 JUDGE COOPER: Thank you.

7 MS. FUSHA: And my witness, Mr. Garber.

8 JUDGE COOPER: Good morning.

9 MS. McCASKILL: Good morning, Melissa
10 McCaskill for Castle Toyota.

11 JUDGE COOPER: Good morning. Are the
12 parties ready for trial?

13 MS. McCASKILL: Yes.

14 JUDGE COOPER: All right. Anyone who is
15 going to testify please raise your right hands
16 and be sworn.

17 (Parties/witnesses sworn by clerk.)

18 JUDGE COOPER: Okay. Now, if anyone wants
19 to sit down, please feel free, if you'd rather
20 stand up you can stand up, it's all up to you.
21 All right, Ms. Fusha.

NANCY TRUEHEART (410) 661-6128

1 MS. FUSHA: Yes.

2 JUDGE COOPER: You are the Plaintiff in
3 the case.

4 MS. FUSHA: Yes.

5 JUDGE COOPER: So, whatever allegations
6 you have made it is your burden to prove them
7 to the Court by what is called a preponderance
8 of the evidence, which means that they are more
9 likely true than not. So whatever evidence you
10 wish to present to the court to establish your
11 claims, remember I have not read the file, so I
12 have no idea what this case is about. So it is
13 usually best to present them in chronological
14 order, but however you wish to present the case
15 it is your case, okay?

16 MS. FUSHA: Thank you.

17 JUDGE COOPER: You can do so by calling
18 witnesses if you wish, or by testifying
19 yourself. If you have anything by way of
20 documents that you wish to show the court, that
21 is acceptable of course also, but all I ask is

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1 that you show them to the defendant first and
2 then, if you have any objections to any of the
3 documents you'll let me know at that time and
4 I'll make a ruling about whether they are
5 admissible or not, okay. All right then.

6 MS. FUSHA: Thank you Your Honor.

7 Your Honor, I filed this complaint because
8 I purchased a Toyota for use on February 19,
9 2007 and after five months on July 18th my car
10 has a -- was acting abnormal. And I took -- I
11 called in best of manual, warranty, I called
12 the manager where I bought the Toyota, and I
13 explained what happened, what's wrong with what
14 I see visually. And manager urged me that you
15 should take the car, as soon as possible, to
16 nearest Toyota and drop it there.

17 And I did take my car on July 18, 2007
18 with my friend, Fred Garber, which he's going
19 to testify. And Toyota Prius presented
20 manager, as manager, Craig, which is subpoenaed
21 for today to come here and I don't see him. I

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1 don't know if he's here or not?

2 MS. MCCASKILL: He's not here.

3 MS. FUSHA: I did subpoena.

4 MS. MCCASKILL: He doesn't work for us,
5 so.

6 JUDGE COOPER: All right. Well let's
7 continue, we'll have -- we can always, go
8 ahead.

9 MS. FUSHA: And the manager checked the
10 car and acknowledged that the, it is abnormal
11 car, acting car, and he said that your car has
12 to be in shop for one week. And I asked him,
13 can you keep it today? He said, no, we are
14 busy, so you going to bring it tomorrow. I
15 said, is it drivable? Is any danger? He said,
16 no, I check it. He said, you just come bring
17 it back tomorrow.

18 So I took the car and next day I went to
19 Fort McHenry, waiting for my friend to give me
20 a ride. And my friend came. When I was
21 getting out from the gate from Fort McHenry,

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1 car surged and out of control, unintended
2 acceleration. When I press the brake the car
3 instead of stop, it surged forward.

4 Now this problem is known in all -- it is
5 not just my problem, it is known all in nations
6 highway. It is, yeah, it is in National
7 Highway Traffic Safety Administration. It's
8 not just my Toyota. So this problem is known
9 from Toyota.

10 MS. MCCASKILL: Can I --

11 JUDGE COOPER: Not yet.

12 MS. FUSHA: And this accident was attended
13 by police, Baltimore Police, which is a police
14 report in the file. She has it already.

15 Then police did not issue me a ticket
16 because after he evaluate everything, he didn't
17 see any wrong doing. I was in speed limit,
18 which police write down there. And there was,
19 I think a Park Ranger, he did a battery of
20 tests, which included sobriety test and the
21 result were all negative. Park Ranger Wright

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1 interviewed one of my witness, driver Derrick,
2 who was waiting in the other side to enter the
3 park. This was a single lane gate.

4 For this reason, Your Honor, I am seeking
5 damages, which I listed here, copy here, one
6 copy for you, one copy for the Judge. And if
7 you allow me, Your Honor, I'm not a lawyer, but
8 I been consult by lawyer, which this said that
9 is negligence. "Negligence can result from
10 omission as well as commission. Failure to
11 discover a flaw is negligence as creating one.
12 Failing to provide adequate warning about
13 potential danger in use of product is a
14 violation of duty."

15 MS. McCASKILL: This --

16 JUDGE COOPER: You'll get your chance,
17 ma'am.

18 MS. McCASKILL: Okay.

19 MS. FUSHA: So, in Section 402-A direction
20 of warning, which state in relevant part, "In
21 order to prevent the product from being

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1 unreasonably dangerous the seller may be
2 required to give directional warning of its
3 use."

4 Now the emergency repairs. My car was
5 under warranty so Toyota was responsible to do
6 the repairs. In page 29 Warranty Service, "If
7 your vehicle requires emergency repair Toyota
8 assumes no liability for subsequent failures
9 caused by improper repairs, or the issue of
10 non-genuine Toyota parts unless you have the
11 vehicle properly repaired in a timely manner.
12 To ensure that the warranty coverage remains in
13 tact, have your vehicle inspected by an
14 authorized Toyota dealer as soon as possible
15 after an emergency repair."

16 Every time, as soon as I got the problem
17 with Toyota I took it to Toyota dealer. And
18 Toyota dealer fail to take the Toyota and
19 repair it. So under warranty I was covered,
20 liability.

21 The issue that Toyota brings, Your Honor,

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1 said that I did not buy Toyota from Castle
2 Toyota. But in warranty book Toyota, any
3 Toyota dealer are dedicated to serving your
4 ultimate needs. So it is not just for instance
5 that I have to go only to my Toyota. Here is
6 in owner warranty rights notification they said
7 "Toyota and Toyota dealer." So any Toyota
8 dealer should be, if I have emergency for
9 emergency repair, I should take Toyota to any
10 Toyota dealer. Is in the warranty. If you
11 want the book?

12 JUDGE COOPER: No, that's fine, thank you.
13 That's is not necessary. She has actually
14 given me the page already.

15 MS. FUSHA: Now, I have my witness to
16 prove that I took Toyota to dealer day before
17 the accident, and he was there when Toyota
18 acknowledged that car is acting erratic.

19 So what the problem was, Your Honor, was
20 that battery, I have a picture of the battery
21 if you look at those bars, it was here in the

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1 bottom it didn't have anything, only one bar.
2 Now with battery went down they recharge,
3 either was it electric system? Then the car
4 maybe that's more, I'm not technician, I'm not
5 specialist, but what he described, the
6 service --

7 JUDGE COOPER: Manager.

8 MS. FUSHA: Manager, thank you, he
9 described when the battery get recharged, the
10 car surged forward. So that problem was not
11 just one time, it was three other times. So,
12 for this reason I called highway and I
13 explained. It blow a fuse when you light
14 cigarette it blow because it was too much
15 power, I don't know. I'm not technician, so
16 battery was on this bottom when I send it
17 there.

18 So, may I call my witness to testify?

19 JUDGE COOPER: It's your case.

20 Q Mr. Garber --

21 JUDGE COOPER: Well, first let's start

NANCY TRUEHEART (410) 661-6128

1 with your name?

2 A Alfred Garber.

3 JUDGE COOPER: Well, actually let's turn
4 to, this is -- are you finished testifying Ms.
5 Fusha?

6 MS. FUSHA: Yeah, I think so.

7 JUDGE COOPER: Do you have any questions
8 of Ms. Fusha?

9 MS. McCASKILL: Questions?

10 JUDGE COOPER: Yes.

11 MS. McCASKILL: I just would like to plead
12 our side of the case.

13 JUDGE COOPER: Okay. Then you can call
14 your witness then.

15 MS. FUSHA: Okay.

16 JUDGE COOPER: Ms. Fusha, Mr. Garber, I'm
17 sorry. Mr. Garber, go ahead.

18 EXAMINATION BY MS. FUSHA:

19 Q Mr. Garber, do you recall if you was at
20 Castle Toyota?

21 A Yes.

NANCY TRUEHEART (410) 661-6128

1 Q And could you explain to the judge why you
2 went to Castle Toyota?

3 A You had called me to -- she had called me
4 to accompany her to the Toyota dealer because she
5 was expecting to leave her car there. So I drove
6 another care there, and upon getting into Castle
7 Toyota I parked my car and we both drove into the
8 service bay.

9 Upon getting there we were approached by a
10 guy name Craig, he said he was the Service Manager.
11 She described the situation to him, and he spend
12 some time inspecting the car and was somewhat
13 alarmed, and he said there is definitely something
14 wrong, this car has to be checked with the computer
15 for about a week.

16 And then he said, she asked if there, if
17 she could leave the car here because she had gotten
18 me to take her home, she didn't need another
19 vehicle. She didn't have to take that car with her.
20 And he said, yeah, it's okay. She said, are you
21 sure it's okay to drive? And he said, yes, it's

NANCY TRUEHEART (410) 661-6128

1 okay to drive and she can bring it back next day.

2 And on the following day we was supposed
3 to meet at Fort McHenry. And I drove, I was driving
4 ahead. Fort McHenry is a single entry gate access,
5 one vehicle has to wait for the other. And I had
6 gone passed ahead and I was waiting for her to come
7 through. And as she was approaching, I didn't quite
8 see what happened, but I knew what happened, that as
9 I turned around I saw the bricks coming down on the
10 vehicle. And I run, parked my car and I run to see
11 what happened. And she explained that she was
12 approaching the gate, getting ready to stop, and as
13 she tried to stop, this vehicle surged.

14 She had explained similar events to me in
15 the past but not with the intensity as she did this
16 time.

17 JUDGE COOPER: Do you have any questions
18 of this witness?

19 MS. McCASKILL: No.

20 JUDGE COOPER: Okay.

21 MS. FUSHA: I have one more thing, Your

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1 Honor.

2 JUDGE COOPER: Yes, ma'am.

3 MS. FUSHA: If Toyota would have keep my
4 car and fix my car, would prevent the accident.

5 JUDGE COOPER: Okay. Well --

6 MS. FUSHA: It was negligence from Toyota.

7 JUDGE COOPER: Well, okay. All right.

8 Yes, ma'am, your name again for the record?

9 MS. McCASKILL: Melissa McCaskill.

10 JUDGE COOPER: Yes, ma'am. Now you are
11 with?

12 MS. McCASKILL: I'm with Castle Toyota.
13 Actually, I'm the Human Resource Director. I
14 kind of handle a lot of different things.

15 Castle Toyota is no longer an entity. We
16 actually sold that dealership, the Toyota
17 franchise, back on November 3, 2008 to Dar Cars
18 Toyota of Baltimore. So, it has been totally
19 liquidated, it is no more.

20 But to go forward with Ms. Fusha, this is
21 actually our third time meeting. We had talked

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1 about this before.

2 The first thing of Castle is, she did not
3 purchase the Toyota from us. She purchased it
4 from a dealership in Delaware, which
5 automatically there is no breech of warranty or
6 breech of contract through our specific
7 dealership.

8 If this car was not performing correctly,
9 that is a manufacturer issue, not Castle Toyota
10 as entity of its own as a franchise. We did
11 not build this car. We had never worked on the
12 car prior to this. So it wasn't something that
13 had happen after it was repaired.

14 And to say that it's our negligence for
15 not taking the vehicle for service repairs, we
16 always recommend an appointment. I do
17 understand that when she had it was an
18 emergency. When she came in, my understanding
19 is, first Craig was a service adviser, which is
20 not a manager, but he could have said whatever
21 he wanted to say, he's an individual.

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1 But in representing us, we do not usually
2 take a car coming in. Now, if Ms. Fusha felt
3 that her car was not drivable, that she was
4 risking her life, or anyone else's life, she
5 could have left it at our dealership for the
6 next day. What she was told was we do not have
7 any rental cars, but we do have an Enterprise
8 that is right down the street that would always
9 offer anyone a car as long as they had valid
10 information.

11 An with her giving the information from
12 the warranty book, that is correct. Toyota
13 does have warranties. That does not mean that
14 you can go into a Toyota dealership and they
15 are going to accept your car that specific
16 second, that moment, and say we're going to
17 handle it right now.

18 How is that fair to, you know, the 15
19 customers that are already waiting for their
20 car, you know, there are so many technicians.

21 And with the adviser, what they can do is

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1 they do look at your car, but they are not
2 technicians either. That is why if, he may
3 have said, you know, we have to do these
4 testings with the Prius because it is a hybrid,
5 there are more intense diagnostic tools that
6 need to, and Castle Toyota did not have all of
7 those depending on what was needed.

8 If she felt that it was that serious, and
9 that we could not take her car that particular
10 time, there are several other Toyota locations
11 that could have looked at her vehicle. But she
12 did not opt to go that way. She went ahead and
13 drove the car.

14 The next day stating that, you know, her
15 car accelerated. We can't say that is exactly
16 what happened. There is no given proof, and
17 what she had given you as evidence as far as,
18 they were from the National Highway, that
19 specifically says that the problem that has
20 been brought was that the floor mat was being
21 jacked up under the accelerator and the brake.

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1 Everything else is strictly comments from
2 consumers. There is nothing, there was nothing
3 proven. And it was not even with her specific
4 vehicle. She had never had it tested for an
5 acceleration problem, it was never diagnosed
6 for that.

7 And in the police report that we had
8 received it says that she was not given a
9 violation because the police officer, unless he
10 actually saw her violate the law, he would not
11 have given her any type of ticket or citations.
12 As well as, as far as someone watching her,
13 they weren't in the car with her to know, the
14 police report says that she lost her brakes.
15 It does not say anything other than that.
16 There was no -- that was her own statement of
17 admission to the officer.

18 So sudden brake failure, that's
19 manufacturer again, not Castle Toyota. And we
20 did not see anything from the Park Ranger as
21 far as the testing, but I don't think it would

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1 be relevant to Castle Toyota whether or not she
2 was drinking or anything that day.

3 And then the only other thing as far as
4 what she is asking for is the deductible, as
5 well as her increase in her insurance rates.
6 How can we say this specific incident increased
7 her insurance without knowing if she has ever
8 had any previous violations, just for global
9 increase alone everybody is increased
10 something. So, we don't know, why is Castle
11 Toyota liable for that?

12 And lastly, if Castle Toyota was such a
13 bad place and she felt as though we neglected
14 her as a customer, why was her car, after the
15 accident, towed to Castle Toyota and all the
16 repairs were completed at Castle Toyota?

17 If you feel that a dealership did you
18 incorrectly, caused you to have an accident,
19 why would you want them to have anything to do
20 with your car going forward?

21 JUDGE COOPER: This court is not a witness

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1 in the case. You're -- are you asking the
2 court a question?

3 MS. McCASKILL: No, I'm not, I'm just
4 stating.

5 JUDGE COOPER: Are you testifying that
6 after the accident Ms. Fusha had the car
7 repaired at Castle?

8 MS. McCASKILL: Yes, she did.

9 JUDGE COOPER: Okay.

10 MS. FUSHA: May I say --

11 JUDGE COOPER: No, you can ask Ms.
12 McCaskill something, is that the substance of
13 your case?

14 MS. McCASKILL: Yes.

15 JUDGE COOPER: You may ask questions in
16 cross-examination of Ms. McCaskill.

17 EXAMINATION BY MS. FUSHA:

18 Q You said that Craig wasn't a mechanic.

19 A That's correct.

20 Q Do you put special, do you specialize in
21 people who check the cars, or do you take from the

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1 street, then they do know what they are doing?

2 A They are Toyota certified to examine your
3 car not, and mechanically, that is a technician's
4 job. Just as you said you're not a technician, he
5 is not a certified technician, he's a service
6 adviser. He can advice you, but not tell you what
7 your problem is.

8 Q Isn't the warranty that any Toyota dealer
9 is responsible to take Toyota to fix it, if it is an
10 emergency?

11 JUDGE COOPER: Wait a minute, I didn't
12 understand that question. Can you say that
13 again?

14 Q Is it in the warranty that all dealership
15 should take Toyota for service if they need it?

16 A We did not deny you service. He told you
17 we could not service your car that day. He said
18 that we could service your car the next day. We
19 never denied you service.

20 Q He didn't -- do you keep parking there?

21 A We do have a parking lot there. Yes,

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1 there was a parking lot. You chose to leave in your
2 vehicle. We did not say, get in your car and leave.
3 We said we could not see your car until the next
4 day.

5 MS. FUSHA: I object, Your Honor.

6 JUDGE COOPER: Okay, what is the basis of
7 your objection?

8 MS. FUSHA: Basis of objection, I have a
9 witness, I insist to leave my car there. I did
10 have a driving person to drive me back home,
11 and the person said we are busy, we don't have
12 a place to keep it, bring it tomorrow. I'm
13 very busy. I object.

14 JUDGE COOPER: Okay, you object to that,
15 that's fine. The objection is noted. Okay.
16 Do you have any more questions for Ms.
17 McCaskill?

18 Q When is the Toyota liable?

19 A Toyota manufacturer, that's totally
20 different than Castle Toyota.

21 Q The dealer is not liable, never.

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1 A Castle Toyota is not liable, we did not
2 write that manual.

3 JUDGE COOPER: Let her answer.

4 A Okay. Castle is not who wrote your
5 warranty manual, that is Toyota Motor Company.

6 Q Do you work --

7 A That is who your problem is for.

8 Q Do you work for Toyota?

9 A No, I don't. I work for Castle Toyota.

10 Q Castle Toyota. Do you work with
11 manufacturer, Toyota?

12 A We are not an employee of Toyota Motor
13 Company, no, we franchise their product. They do
14 not employ us.

15 Q Any policy that you should follow --

16 A That is our policy.

17 JUDGE COOPER: Ma'am, that's not what she
18 is asking you, let her finish the question.

19 Q Any policy between franchise and
20 manufacturer that you guys should follow? The
21 manufacturer's contract and do you have with you?

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1 JUDGE COOPER: In other words, does Toyota
2 dictate policy to Castle Toyota?

3 A As far as warranty they say if you submit
4 your information as a warranty claim, then they will
5 deny or accept the claim and pay after the fact.
6 But there is nothing stating as to, you have to take
7 that customer's car in that immediate second.

8 No, there is nothing that states that to
9 Castle Toyota.

10 Q To any Toyota.

11 A We're dealing with Castle Toyota. And
12 what happened was he, Craig, an employee of Castle
13 Toyota, said that he could not service your car that
14 day, you chose to leave that car and not go to
15 another Toyota dealership.

16 MS. FUSHA: I object to this Your Honor.

17 JUDGE COOPER: That's fine, sustained.

18 MS. FUSHA: We chose --

19 JUDGE COOPER: You don't get to testify
20 right now. Do you have any questions in
21 cross-examination further for Ms. McCaskill?

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1 Q Did you read State of Maryland notice to
2 customers?

3 A No, I don't own a Toyota.

4 Q Well, you sell, do you sell Toyota?

5 A No, I did not.

6 Q Castle Toyota does not sell Toyota?

7 A I'm sure the salesperson may have read
8 that, but I'm not a salesperson.

9 Q Salesperson is Toyota dealer.

10 A Craig is not a salesperson either.

11 JUDGE COOPER: Do you have any more
12 questions?

13 MS. FUSHA: Yes.

14 JUDGE COOPER: Go ahead.

15 BY MS. FUSHA:

16 Q Did you check my driving record?

17 A No.

18 Q What does it mean that I have problem with
19 that driving record? Why did you check that?

20 A Why would I check your driving record?

21 Q Because you mentioned that.

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1 A I said you could have increased rate due
2 to, if you've had previous violations. I'm not your
3 insurance company.

4 Q It's a lot of money, amount of money. For
5 this reason they raised my insurance. I don't have
6 anything in driving record.

7 JUDGE COOPER: Okay.

8 Q I don't have any tickets, we can, I swear
9 to God.

10 JUDGE COOPER: You don't have to swear to
11 God in this courtroom. That is not
12 appropriate. That is merely a defense that Ms.
13 McCaskill raised which she is permitted to do.

14 MS. FUSHA: I don't have anything.

15 JUDGE COOPER: Okay. That's your
16 assertion. Okay. Any more questions for Ms.
17 McCaskill?

18 MS. FUSHA: No.

19 JUDGE COOPER: Okay. Thank you. All
20 right. Give me a minute here.

21 All right. Based upon the evidence before

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1 the Court, and the testimony and the witnesses,
2 the Court will enter the following findings of
3 fact and of law.

4 Ms. Fusha testified that on February 19th
5 of 2007 she purchased a Toyota Prius. That on
6 or about July 18th of 2007, the car was acting
7 abnormally, she testifies. She called a
8 manager and explained, I believe it was Castle
9 Toyota, and explained the problems the manager
10 said, bring it in. So, she took it to Castle
11 Toyota. The manager, as she described it, who
12 was apparently Craig, checked the problem, said
13 the car was abnormal, that they would have to
14 keep the car for about a week, but explained
15 that they could not do it that day, they would
16 have to bring it back, she would have to bring
17 it back the next day.

18 MS. McCASKILL: Well, I --

19 JUDGE COOPER: Not now, it is my time.

20 Ms. Fusha says that she asked this person if
21 there was any danger in driving the vehicle,

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1 that he assured her that there was no danger in
2 driving the vehicle and she would have to bring
3 it back the next day.

4 As she was driving through the Fort
5 McHenry tunnel, there was, as she says it, the
6 car surged an unintended acceleration and that
7 there was an accident.

8 She testifies that this is a known problem
9 in the Prius. The police investigated, no
10 citations were issued, and she is seeking
11 damages from the accident, including rental
12 vehicle, the damages to her vehicle, increases
13 in her auto insurance, deductible, et cetera.

14 Mr. Garber testified that he was there.
15 He followed her to Castle, and that Craig
16 apparently, according to Mr. Garber also,
17 represented himself as a service manager and
18 basically corroborated what Ms. Fusha testified
19 to. Asked if the car could be left there,
20 indicated that it was okay to drive the car.
21 But that they would have to bring it back the

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1 next day for service. That he was driving in
2 front of Ms. Fusha on the way home, did not see
3 the accident, but saw bricks coming down on the
4 vehicle.

5 And corroborated that Ms. Fusha, as she
6 testified in her direct essentially, she had
7 described, I believe, that the vehicle had
8 surged on at least two occasions prior to this.
9 That she had described to him that the vehicle
10 had surged before this, and explained to him,
11 and described to him that it happened before
12 that.

13 Ms. McCaskill testified that she was the
14 Human Resources person for Castle. That Castle
15 now no longer exists. That Ms. Fusha did not
16 purchase the vehicle from Castle, but from a
17 dealership in Delaware, which Ms. Fusha kind of
18 indicated to in her direct.

19 That Castle had never worked on the car
20 prior to this accident. Brought up some other
21 defenses, but indicates that vehicle was

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1 repaired after this accident.

2 Now, what this Court is really hung up on
3 is, step one of a negligence case, which is
4 does the Defendant, Castle, owe a duty to the
5 Plaintiff?

6 The Plaintiff did not purchase the vehicle
7 from Castle. Castle never repaired the
8 vehicle. What hung up the Court was the fact
9 that Craig looked at the car, you asked him if
10 it was safe to drive. He, if your testimony is
11 to be believed, said yeah, it is safe to drive,
12 go ahead.

13 Does that create a duty? And the case is
14 Progressive Insurance versus Erhart, 69 MD.
15 Appellate, 431, a 1986 case which is, was the
16 detrimental reliance, which it was on your part
17 because your car then surged and caused an
18 accident, was it reasonable?

19 Your testimony is the car had surged at
20 least twice before.

21 So this Court finds that your reliance on

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1 his representation to you that the car was safe
2 to drive, was not reasonable because you knew
3 that the car was surging. So you knew that the
4 car wasn't safe to drive.

5 So after considering the testimony, and
6 the evidence, as far as Castle goes, and the
7 Court is specifically not ruling as to any
8 claim you might have against the manufacturer.
9 But as far as Castle goes, the judgment will be
10 denied the Plaintiff in favor of the Defendant
11 after trial. Thank you both.

12 MS. FUSHA: Thank you.

13 MS. McCASKILL: Thank you.

14 (Hearing concluded at 10:06 a.m.)

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1 State of Maryland, County of Baltimore, to wit:

2 I NANCY S. TRUEHEART, a Notary Public of the
3 State of Maryland, County of Baltimore, do hereby
4 certify that the within matter was transcribed by me
5 from the Court CD of said date.

6 I further certify that the transcription is
7 accurate to the best of my talent and ability.

8 I further certify that I am not of counsel to
9 any of the parties, nor in any way interested in the
10 outcome of this action.

11 As witness my hand and notarial seal this
12 24th day of March 2010.

13 Nancy S. Trueheart
14
15 NANCY S. TRUEHEART, CRI

16 NOTARY PUBLIC

17
18 My Commission expires 8/1/11.

19

20

21



My comm. exp. 8-1-11

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