

+

MAY 17 2011

I am unsure of
The process but would
like to see a recall on
The indicated parts.

CL-10394935-3021

5/10/11

Originally sent -
did not know
about ODI as
part of the address.

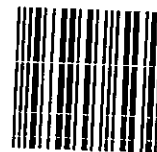
Ref # 349436

WILLIAMSON, MI

RETURN TO SENDER
ADDRESSEE UNKNOWN
ADDRESS NOT AT THIS LOCATION
UNABLE TO LOCATE
NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES
NO POSTAGE AT DOT HEADQUARTERS



1000



20590

U.S. POSTAGE
PAID
OKEMOS, MI
48864
APR 21, 11
AMOUNT

\$0.84
00048500-08

National Highway Traffic Safety
Administration (NHTSA)

1200 New Jersey Ave. S.E.
West Building
Washington DC

NAM
053111
TGW

Please let me know if you need additional information

5/6/11 copies sent to MI AG +
FOR NCDS USE

Customer Claim Form

CASE NUMBER:

NHTSA

CUSTOMER NAME AND ADDRESS

☐ Mr. ☐ Mrs. ☒ Ms. First name: [REDACTED] MI: MI Last name: [REDACTED]

Street address: [REDACTED]

City: Williamston State: MI Zip code: [REDACTED]

Daytime phone: [REDACTED] Evening phone: () Fax: ()

WILLIAMSON, MI

VEHICLE INFORMATION

Name(s) that appears on the vehicle title: [REDACTED]

Is vehicle used for business? NO How often is the vehicle used for business purposes (percentage) N/A How many other vehicles are owned or leased by the business: N/A

Make: TOYOTA Model: PRIVUS Year: 2010 Current mileage: 30 000

Vehicle Identification Number: 1T1DKN3D48A5 [REDACTED]

Selling dealer and address: SPARTAN TOYOTA 5701 S. PENNSYLVANIA AVE LANSING, MI

Dominant servicing dealer: SPARTAN TOYOTA 48911

If vehicle was purchased, complete the following

If vehicle was leased, complete the following

Purchase date:	Mileage at purchase: <u>0</u>	Lease date:	Mileage at lease:
Purchased as (check one): ☒ new ☐ used ☐ demo ☐ fleet		Leased as (check one): ☐ new ☐ demo ☐ fleet	
Are your loan payments current? ☒ Yes ☐ No		Are your lease payments current? ☐ Yes ☐ No	
Is the vehicle in your possession? ☒ Yes ☐ No		Is the vehicle in your possession? ☐ Yes ☐ No	
Lienholder's name and address: <u>TOYOTA FINANCIAL SERVICES</u> <u>P.O. Box 5855</u> <u>Carol Stream IL 60197-5855</u>		Leasing company's name and address:	
Account number: [REDACTED]		Account number:	
Lienholder's phone Number: <u>(800) 874-8822</u>		Leasing company's phone Number: ()	

VEHICLE PROBLEM(S) (Attach legible copies of applicable repair orders or other documents that support your complaint)

Problem	List dealer(s) which have repaired or attempted repair (include city and state).	List the date, mileage and repair order number for each repair attempt	Does the problem currently exist?
Example: A/C won't cool properly	Autoworld, Inc. Anytown, VA	4/23/07 3,500 miles #B78540	☒ Yes ☐ No
<u>Attached</u>	<u>Attached</u>	<u>Attached</u>	☒ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

Has the vehicle been involved in an accident? Yes ☐ No ☒

If YES, give date of accident: Specify damaged area:

Resolution sought: \$292.84 for parts and a recall of the parts that are durable for the climates in which they are sold before someone is injured or killed.

Return all copies of this form to:
NCDS
P.O. Box 688
Mount Clemens, MI 48046

07-CRE-42957 04/07

DATE

cc: Bill Schutte - AG TOYOTA CASE ID # 1103141568
NHTSA

Contact Us Find a BBB



Los Angeles, Orange,
Riverside, and San
Bernardino Counties of
Southern California

5/6/11

*I have Requested That
The file be reopened. I did not
respond because I had not
Received The Arbitration
information upon which to
make a decision.*

For Consumers**For Businesses****For Charities and Donors****About Us****News Center**

Complaint Details

Toyota Motor Sales U S A, Inc.
19001 South Western Avenue Suite WC11
Torrance, CA 90509-2991
Contact: Weigand, David
Phone: (800) 331-4331

Williamston, MI

We have closed our file and we appreciate your using the Better Business Bureau. This complaint will remain in our file on this company and will be a part of the report we issue to the public.

If we can assist you in the future, please contact us.

Thank you.

Complaint ID: 98604773**Complaint Classification:****Complaint Description - Posted 4/19/2011**

In April 2010, I bought a new 2010 Toyota Prius. I have driven it 25,000 miles. On February 24, 2011 the left inner fender liner and front splash shield fell off my car. I was within 5 miles of my Toyota dealership - Spartan Toyota of Lansing Michigan and immediately drove there. Toyota handled the situation professionally and courteously, and within 2 weeks ordered my parts and fixed my car. They did not charge me labor. The parts as noted on my invoice are: T53876-47030 Liner, Fr Fender, LB - \$112.94 T76851-47030 Cover, Fr Spoiler \$179.30. I was told by Spartan Toyota service staff that snow had built up between these parts and the engine they protect, and eventually from the weight of the snow, broke, and the listed parts fell off. I was told this happened because we have had more snow this year than we have had since 1976. And to have avoided this type of problem I should have stopped by a car wash every few days to hose off the snow underneath. To resolve the problem I contacted Kym Wilson, Toyota Customer Care Experience Center, by email March 14, 2011. I asked that I be reimbursed the cost of the parts. I was told that the damage done to my Prius was not covered by my warranty and that my car was "operating as designed." I contend that if my Prius was "operating as designed," then it was designed to fail in areas of the country that receive snow.

Complaint Summary

When I bought the car, neither the sales person nor the owner's manual said I needed to remove snow from the underside of my car

Resolution Sought

Reimbursed the cost of the parts.

Additional Information

Date Problem First Occurred:	2/24/2011
Product or Service:	2010 Toyota Prius
Model Name or Number:	
Date Purchased:	
Order Number:	
Amount In Dispute:	\$179.30

Company's Response

Company's Initial Response - Posted 04/21/2011

The customer contacted the State of Michigan Department of Attorney General as well regarding the same concern the case is still under review.

Initial Response Summary

The customer contacted the State of Michigan Department of Attorney General as well regarding the same concern the case is still under review.

Consumer's Rebuttal

Consumer's Rebuttal - Posted 04/25/2011

Hello, I do not see a response from Toyota on this form. Other than Toyota telling me throughout this process that my situation is unwarrantable I have not heard back from them and am thus not satisfied with their response. They have not been willing to discuss this matter further. As far as they are concerned it's over. This is from [REDACTED]

Company's Final Response

Company's Final Response - Posted 04/27/2011

Our understanding is [REDACTED] vehicle is a 2010 Prius; date of first use (DOFU) is 4-30-10. A comprehensive warranty is provided to cover any conditions that may occur as a result of the manufacturing process. The comprehensive warranty Toyota provides is 3 years / 36,000 miles whichever occurs first from DOFU. [REDACTED] brought her concern to the attention of Spartan Toyota on or about 3-7-11 where it was determined the splash shield needed replacing. [REDACTED] also contact the Customer Experience Center on or about 3-14-11 where the customer was explained this is not a manufacture concern but an environmental concern. If [REDACTED] feels the vehicle is unsafe to drive she may which to arbitrate her vehicle, pursue other legal means or she may which to continue to communicate with the NHTSA. Arbitration paperwork was mailed to [REDACTED] if she choose this avenue.

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April 20, 2011


Williamston, MI

TO:

Bill Schuette, Attorney General, State of Michigan, Department of Consumer Protection, by email
Senator Debbie Stabenow (USPS)

Secretary of State, Bureau of Automotive Regulation (USPS)

Better Business, Colton CA, by email

WLNS Channel 6 News, Lansing, Michigan, USPS

WJBK Channel 2 Fox News Detroit, c/o Rob Wojciek, (USPS)

WSYM Fox 47 News; Gary Baxter Vice President/General Manager, by email

Consumer Product Safety Commission (CPSC), by email

National Highway Traffic Safety Administration (NHTSA), USPS

Center for Auto Safety (CAS), USPS

On **March 22, 2011**, I sent the following letter to Toyota with copies to each of you regarding a concern that two parts of my 2010 Toyota Prius fell off the underside of my car in Michigan. Toyota said these parts fell off due to weather conditions in Michigan and thus were not covered under the warranty of my car.

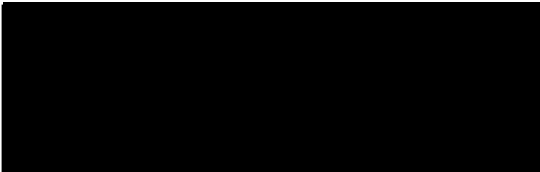
On April 4, 2011, one of two of these pieces fell off again while I was traveling in Adel, Georgia. On **April 7, 2011** I sent the letter that follows to the service manager at Spartan Toyota in Lansing, Michigan and copied Toyota Customer Care, explaining that incident.

The **April 19, 2011** letter to Toyota Customer Care that follows explains my concerns regarding how my car was repaired from the April 4, 2011 incident.

Each time Toyota has responded to me that the situation is not under warranty and they will keep my information on file.

I believe my life and the lives of others were in danger, and continue to be in danger, from the failure of parts to operate in all areas of the country where the car is sold. I am only asking for Toyota to reimburse me the \$292.24 for the cost of the parts and for a recall to be issued on these parts and for them to be replaced with parts that are durable for the climates in which they are sold.

I am asking for your help in this matter.

Thank you


March 22, 2011

Toyota Motor Sales U.S.A., Inc.
Customer Experience Center
Department WC 11
19001 S. Western Ave.
Torrence, CA 90501

Dear Sir/Madam:

RE: Case ID# 1103141568)(KMM5823287115977LOKM) (Incident: 110319-000056)

What happened to my car:

In April 2010, I bought a new 2010 Toyota Prius. I have driven it 25,000 miles. During that time I have been the driver or passenger for all of those miles.

On February 24, 2011 the left inner fender liner and front splash shield fell off my car while I was sitting in the drive thru at McDonalds. I was within 5 miles of my Toyota dealership – Spartan Toyota of Lansing Michigan - and immediately drove there. Joe Criscuolo and his service staff at Spartan Toyota handled the situation professionally and courteously, and within 2 weeks ordered my parts and fixed my car. They did not charge me labor.

The parts as noted on my invoice are:

T53876-47030 Liner, Fr Fender, LH - \$112.94

T76851-47030 Cover, Fr Spoiler \$179.30

What Toyota said caused the problem:

I was told by Spartan Toyota service staff that snow had built up between these parts and the engine they protect, and eventually from the weight of the snow, broke, and the listed parts fell off. I was told that for increased gas mileage my car has a low profile and many of its parts, such as these, are now made from plastic. I was also told this happened because we have had more snow this year than we have had since 1976. And to have avoided this type of problem I should have stopped by a car wash every few days to hose off the snow underneath so it would not accumulate in between those parts and the engine. The service person said that you never see this happen in California where there is no snow.

To resolve the problem I contacted Kym Wilson, Toyota Customer Care Experience Center, by email March 14, 2011. I asked that I be reimbursed the cost of the parts. Ms Wilson responded very timely as did the assigned Toyota Case Manager, Markus Dos Santos, who contacted me by telephone. Both were polite and professional but did not address the problem. I was told by Mr. Dos Santos that the damage

done to my Prius was not covered by my warranty and that my car was "operating as designed." He said it was not the fault of the car that the parts failed and that the warrantee did not cover it.

My expectations:

I told both Ms Wilson and Mr. Dos Santos that I was not satisfied with that answer and that I would pursue the matter further. I expected my warranty, or the extended warranty that I purchased, would cover the incident. Again Spartan Toyota did not charge me labor and were very sympathetic to the situation, but insisted weather was the issue.

I contend that if my Prius was "operating as designed," then it was designed to fail in areas of the country that receive snow. The situation was caused by a design failure of the car and parts that do not withstand conditions inherent to the areas in which it is sold.

In summary the following are the reason I believe Toyota should reimburse me for the indicated parts and institute a recall on those parts for Prius owners:

1. When I bought the car, neither the sales person nor the owner's manual said I needed to remove snow from the underside of my car periodically for the warranty to be valid or for parts not to fall off and break. In fact, when I asked, the sales person told me the car drove well in snow.
2. If cars are sold in states where it snows, they should have parts that withstand snowy conditions and be designed to be driven on snow. The Prius brand should not be sold in the north and eastern part of the United States or should have durable parts that will withstand winter driving conditions.
3. I have been driving cars for 45 years in the Cleveland, Ohio and Lansing, Michigan areas. During that time I have driven in much worse weather conditions that existed this winter and have driven a low profile vehicle and have never had any part of any of my cars fall off from snow caught underneath.
4. I do not drive thru snow drifts, only on plowed roads. I am retired and only need to drive when conditions are good.
5. I intend to own my Prius for at least 10 years, and expect to drive it in winter conditions each year. Next winter I will be afraid for my safety to drive my car for 6 months out of the year in which there is any kind of snow on the ground. And I am expecting each winter to incur these kinds of costs at least once a winter.
6. The amount of money I saved in gasoline by buying a Prius I will spend in repairs each year.

Resolution to the problem:

To resolve this problem I ask that Toyota reimburse me \$292.24 for the indicated parts and begin a recall and install parts that are made of a durable material that will allow a Prius to be driven in all parts of the country in which it is sold.

Conclusions:

Thank you for your time. I look forward to your reply and a resolution to my problem. Since I have already attempted unsuccessfully to obtain resolution from Toyota, I am copying other agencies and personnel to help go beyond the insufficient answers I received from Toyota.

Please contact me, preferably by email, and if need be, at the address listed above. I am always available by the telephone also listed. I will not pursue any actions with the agencies and people listed below unless there is no resolution of this matter by May 1, 2011.

Sincerely,

April 7, 2011

I scheduled an appointment using the Spartan Toyota website for noon Monday April 18 to have the fender liner reinstalled that your service staff replaced on my car March 14. I typed a long explanation on to the website. When I tried to send it, the website said it was too long and to shorten it but it did not tell me the number of characters I could use. So I continually shortened it until it was accepted. The following is the situation as I first attempted to submit it to Spartan Toyota's service site:

On Monday April 4 on my way to Florida while I was exiting for gasoline at Adel Georgia the fender liner that was replaced on March 14 by Spartan Toyota began dragging on the ground. I immediately called Terry in the service department at Spartan Toyota. He said to push it back into place and try to tie it up and it would be ok until I got back to Lansing April 18. I was unable to do it myself but a gentleman at the gas station with great difficulty was able to get it back into place. I was afraid to travel any further that nite because a severe storm was impending and I was fearful the fender liner was not a safe situation. The next morning I traveled 20 miles on I-75 to the Valdosta Toyota dealership - I called Toyota customer service and they said that was the nearest dealership. That dealership put my car on a hoist and Gene in service said that it appeared that some of the places where the liner should have been attached to the bumper had never been attached. I took pictures. Gene said they could not attach the liner to the bumper because the areas where it attached to the bumper had come off and I needed a new bumper to be able to reattach the fender liner. Gene said it was unsafe for me to drive it as it was and he took off the fender liner and gave it to me. Then he said it was safe for me to continue on my trip. He called Terry in service at Spartan Toyota for me and explained the situation. Gene said Terry had no comment.

Therefore I have made an appointment with Spartan Toyota for the day I return to Lansing April 18. I will need a new bumper and the fender liner reattached. Since the liner was not attached correctly I will not pay for labor or for the new bumper or any other parts that are needed to complete the job.

Joe, if I had continued down I-75 and not stopped at Valdosta and the part had completely unattached I

could have been in a serious accident. I am blind copying my children in the event that I am in an accident on the way back to Michigan because this part could not be reattached.

[REDACTED]

CC: Kym Wilson, Toyota Customer Experience Center

April 19, 2011

Kym – Toyota Customer Service

On Tuesday April 10, Marlus De Santos, my Toyota Case Manager, called regarding the April 7 email I sent to you and Spartan Toyota regarding the fender liner again falling off my Prius, this time in Adel, Georgia. Mr. De Santos had not read my file before he called so I needed explain the situation to him. He said that since Spartan Toyota installed the fender liner, they were the ones that needed to fix it. Mr. De Santos said that Toyota case managers do not respond in writing to document calls. But he said that Toyota would make a note of this situation for future corporate training.

I returned from Florida Monday April 18 and before I even stopped home, I went to the Lansing, Michigan's Spartan Toyota Dealership to have the fender cover reattach that fell off in Adel, Georgia. The cover was re-attached at no cost to me. It is the situation surrounding this incident that is still of concern to me:

On April 18 I spoke with Terry Moubray, the Assistant Service Manager at Spartan Toyota. He assured me that I could not have been harmed by the fender cover falling off while I was driving. He said the part would have just fallen under the car and not caused injury to me or others. I asked to see the underside of my car on the hoist and have them explain to me what they were going to do to fix my car and to insure that a new bumper would be installed as I was told would be necessary by Gene Brimmage Service Consultant at Valdosta Toyota. After the fender liner fell off in Adel, Georgia I went to the nearest Toyota dealer which was in Valdosta, Georgia. Mr. Brimmage had showed me the places where the fender cover attached to the bumper had been torn off. I will use the word clips for lack of a technical term when talking about where the fender cover attaches to the bumper. Therefore I was expecting a new bumper since the repair Spartan Toyota did to my fender cover caused the new piece to fall off. When I was under my car on the hoist I was told by Mr. Moubray, that the clips on the bumper where the fender liner was attached had come off with the initial situation, not the second time in Adel GA. I told him that Spartan Toyota never told me that these clips were missing and that they were not using them to attach the new piece. Mr. Moubray said he did not know this himself until his mechanic told him that day (April 18). His mechanic said the pieces were missing in March when he installed the new piece, but never told anyone. And since they were missing in March, and that was not a warrantable situation, Toyota is not responsible for a new bumper. This means I would have to pay approximately \$700 if I wanted a new bumper with the clips to attach the fender liner.

Even if someone actually believes that the mechanic forgot/never told, anyone about the lack of clips at the first incident, this means I paid for a new part to my car and it was not installed the way it was intended to be installed by Toyota; I was not told that it would not be installed as intended; it came off while I was driving because it was installed improperly; and could have caused serious injury to me or others when it came off.

Mr. Moubray said that since I did not want to pay for a new bumper, Spartan Toyota would still make sure they would fix the fender cover so it would not come down again. I waited in the service waiting area while this was being done and asked to speak to the general manger. Mr. Criscuolo, the general manager, was happy to speak with me. He said everything that happened to my car was a fluke and would not happen again. I explained the "fluke" had happened a second time. He said a lot of other cars have this piece and it was not just Toyota that was built this way.

He again assured me that I was never in danger even if the part had come off, and that my fender cover was being attached so it would not come off again. I started to cry in Mr. Criscuolo office partially from frustration and partially from fear that I or others could have been injured. I tried to explain that I still felt that this piece could have injured me and others had I driven only a few more yards down I-75 at 70 mph. After my car was done he took me out and we got on the floor of the garage to look under the car. One of the plastic ties used to hold the fender cover in place came off in his hand. He asked me to wait for a few more minutes and he made sure the piece was attached more securely. Had Mr. Criscuolo not looked at this piece, I could have again been on the highway and my life in jeopardy.

In my initial letter I said I would wait until May 1 to see what Toyota's response would be. Since Toyota still considers this a non warrantable situation, I will again copy this letter to those people and agencies copied on my original letter and ask them for help in reimbursing my costs and to start a recall.

I will not copy Senator Levin from Michigan. He sent me a letter saying he has no authority over vehicle warranties but noticed that I copied the Michigan Attorney General's Office who does. I also will post this information on car blogs and add it to as many Facebook pages as I can. I want every car owner to ask their car makers if these plastic projectiles pose a potential danger to them.

I initially copied the Better Business Bureau (BBB). They responded saying that my situation had been elevated to the Colton CA BBB. I will be sending updated letter to them.

In Summary:

The plastic pieces of my car that fell off were deemed a non warrantable situation by Toyota. The plastic fender cover, one of two pieces that fell off my car and was replaced by Spartan Toyota of Lansing, Michigan, fell off my car a second time while I was traveling through Georgia almost 1000 miles from home.

I have been told by Spartan Toyota that I was never in any danger from these parts falling off. I am asking how could a plastic piece the width of the car and about 8 inches wide NOT pose a threat if it fell off – it could have gotten into my wheels while I was driving 70 mph on I-75 or if it had cleanly exited my

car, it could have gotten under someone else's car and caused an accident – or blinded them by hitting their windshield.

I am only asking to be refunded for the parts on my car and for a recall to take place to replace these pieces with ones that will withstand the conditions of the places in which they are sold. I believe other car makers should also look at this situation.

My concerns:

If I had not turned off at the Adel, Georgia exit and had not been traveling at a slow speed when this piece began to hang and an accident occurred, there might be no evidence that this was the cause. How many accidents have already occurred where one of these pieces failed, but no evidence was left behind to prove that?

Do people including small children have to be killed before this situation is addressed?

Ccs:

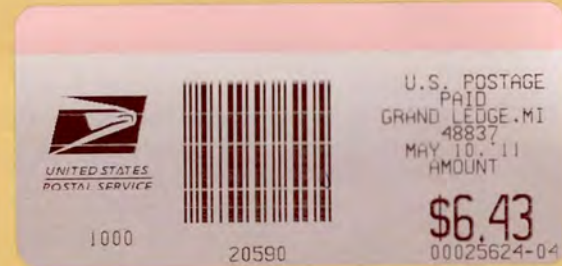
Kym Wilson, Toyota Customer Care Experience Center, by email

Markus Dos Santos, Toyota Case Manager, via Kym Wilson

CERTIFIED MAIL™



7011 0110 0000 6930 9695



RETURN RECEIPT
REQUESTED

first class

FROM

WILLIAMSON, MI

ZIP

TO

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Deficiency Investigation
1200 New Jersey Ave SE - West Building
Washington DC ZIP 20590

NHTSA

NVS-210

West Building

U48-226

MAY 10 2011