

CL-1039642X-6541
APR 1 2 2011

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April 5, 2011

By Certified Mail

BMW of North America, LLC
Customer Relations Department
P.O. Box 1227
Westwood, NJ 07675

RE: My Client: [REDACTED]
VIN # 5UXFFE43548 L [REDACTED]
Fuel delivery system on 2008 BMW X5 3.0SI

To Whom It May Concern:

Please be advised that I have been retained to represent [REDACTED] regarding incompetent repairs done to her 2008 BMW X5 by Pacific BMW located at 800 S. Brand Blvd., Glendale, CA 91204 on March 7, 2011.

[REDACTED] took her vehicle into the dealership because her check engine light came on. Pursuant to a voluntary national BMW recall to replace low-pressure fuel pumps, Pacific BMW replaced the fuel delivery unit in [REDACTED] vehicle (see attached repair invoice). Eight (8) days later on March 15, 2011, her car stalled in the middle of the road as she was taking her son to pre-school. The entire electrical system shut down when [REDACTED] tried to re-start the car, and the vehicle could not be moved as it would not come out of park.

A New Century BMW technician came to the location where the car stalled. His inspection revealed an issue with the fuel delivery system. The exact issue that Pacific BMW had supposedly addressed a week prior. The gas gauge showed the gas level at a little under half a tank when in fact the car had ran out of gas. Apparently the level floater was stuck on the tank siphon which obstructed a proper reading of how much gas was in the fuel tank. It is obvious that Pacific BMW was negligent in addressing the issue which placed [REDACTED] and her young son in a serious safety situation as the car stalled in the middle of the street.

After several hours, the car was finally able to start and was driven into the New Century BMW shop for further tests and repairs. Copy of the repair invoice is attached.

[REDACTED] requested an investigation into the issues surrounding the replacement of the fuel delivery unit in her car by Pacific BMW, but has been unable to obtain any response from

ET
04/31/11
TZW

the dealership. Indeed, the subsequent inspection and repairs done by New Century BMW demonstrate the incompetence at Pacific BMW's repair facility.

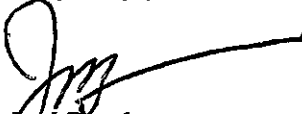
██████████ vehicle is the subject of a voluntary national recall for issues dealing precisely with the fuel pump. Pacific BMW failed to properly address this concern as shown by the repair invoices in this case.

Demand is hereby made that an investigation into the circumstances of these unfortunate events is made, with a written report of all findings forwarded to this office. It is unconceivable that a company such as BMW, that issues a voluntary recall on defective parts, would allow incredibly incompetent repairs on those defective parts, thereby putting life and limb in danger.

Lastly, the lease on ██████████ vehicle is up on April 18, 2011. ██████████ is considering purchasing the car once the lease ends, but obviously with the issues regarding the fuel delivery system she is hesitant to do so unless BMW agrees to extend the existing warranty on the car for an additional four years or 50,000 miles. Please advise if BMW would be agreeable to this arrangement.

Your prompt attention to this matter is appreciated.

Very truly yours,


Joel Bander
JB/kl

cc: US Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation (NVS-210)
1200 New Jersey Ave. SE
West Building
Washington D.C. 20590



Pacific BMW

800 SOUTH BRAND BOULEVARD
 GLENDALE, CA 91204
 Direct Service Line (818) 552-4725
 SERVICE DEPARTMENT HOURS
 MONDAY - FRIDAY 7:00 A.M. TO 6:30 P.M.
 SATURDAY 7:00 AM TO 4:00 PM
 RESERVATIONS SUGGESTED

IMPORTANT: REMOVE ALL PERSONAL PROPERTY AND VALUABLES FROM YOUR VEHICLE. WE DO NOT ASSUME RESPONSIBILITY FOR LOSS OR DAMAGE FOR ARTICLES LEFT IN YOUR VEHICLE.

By law, you may choose another licensed smog check facility to perform any needed repairs or adjustments which the Smog Check test indicates are necessary.

BAR# ARD-00252726

CAD# 000159086

Owner/Driver Information:

58420	Date/Time Received	3/7/2011 11:40 am	R001131387
SAN GABRIEL, CA	Mileage In	25,702	
Home Phone:	Mileage Out	25,702	
Work Phone:	In Service Date	12/31/1999	
Contact Phone:	Production Date	02/08	
	Date Completed	03/07/2011	2202
	E-mail(H):		
	E-mail(W):		

Year	Make	Model	VIN	Plate	Ex Color	Smog Status
2008	BMW	X5 3.0SI	SUXFE43548 L	154695	MINERAL G	AMIE

Description / Item	Qty	Price	Extended
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CONCERN #1 TYPE: WMX

Condition PERFORM CAMPAIGN - E70 Fuel Delivery Unit, B16 10 10

Cause

Correction Per Campaign 16.10.10. Removed and replaced fuel delivery unit.

99 MISC WORK

0.00 Tech: 9904 AMIE

DELIVERY UNIT WITH IN-TANK P

1

001B/16117295459

CONCERN #2 TYPE: WMX

Condition CLIENT STATES CHECK ENGINE LIGHT IS ON

Cause

Correction Verified concern, performed short test ,found fault code 2a99 for exhaust camshaft reference. Performed test plan, was advised to flush out solenoid. Removed exhaust vanos solenoid, flushed out, re-installed, test plan ran vanos test and then advised to replace Exhaust vanos solenoid per diag code :d1130_b0000000_03_001. Removed and replaced exhaust vanos solenoid, cleared fault ,concern no longer present.

1199 ENGINE MISC

0.00 Tech: 9904 AMIE

SOLENOID VALVE (SOLV)

001B/11367585425

PAID

MAR 07 2011

CONCERN #3 TYPE: WMX

Condition CLIENT STATES THERE IS EXCESSIVE NOISE COMING FROM FRONT BRAKES

Cause

Correction Verified concern, per SIB 34.04.08 Measured front brake pads at 6mm. Removed sensor, test drove, noise eliminated. Removed and replaced front brake pads and sensor. Rotors still within spec. Reset CBS concern no longer present.

3499 BRAKE MISC

0.00 Tech: 9904 AMIE

REPAIR KIT BRAKE PADS

1

001B/34114074370

BRAKE PAD WEAR SENSOR FRONT

1

001B/34356789501

Jed 988719

Service Order Originated on: 3/7/11

Invoiced on: 3/7/11

Service Repair Order Number: R001131387

NOTICE TO CONSUMER: PLEASE READ IMPORTANT INFORMATION ON REVERSE SIDE. ALL CHECKS SUBJECT TO APPROVAL

7142

Invoice No: 812877

INVOICE



New Century BMW

1139 W. MAIN STREET
ALHAMBRA, CALIFORNIA 91801
(826) 570-8444
(800) 286-4BMW
www.ncbmw.com

Page 1 of 2

SAN GABRIEL, CA

Home:

Bus:

Cell:

Email:

home

SERVICE ADVISOR: 6601 SCOTT ABRAMS

BAR# ARD 245119 EPA# CAL 000269843

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
GREEN	08	BMW X5	5UXFE43548L		25951 / 25951	T4730	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
20APRO8	01APRO8		17:00 15MAR11			CASH	16MAR11
R.O. OPENED	READY	OPTIONS: ENG:3.0_Liter AXL:E70					
12:11 15MAR11	17:21 16MAR11						

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
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A CUSTOMER STATES THE VEHICLE HAD JUST STALLED WHILE DRIVING.

1199 TECH HAS RESECURED THE VEHICLES FUEL PUMP.

9870 IB 1.50

(N/C)

25951 VEHICLE RAN OUT OF GAS. ATTEMPTED TO START VEHICLE, ONLY WILL CRANK. GAUGE SHOWS A LITTLE UNDER HALF A TANK. REMOVED FUEL SERVICE CAP ON PUMP SIDE AND FOUND TANK EMPTY. UPON FURTHER INSPECTION FOUND LEVEL FLOATER STUCK ON TANK SIPHON. CORRECTED SENSOR LOCATION AND CYCLE KEY, CLUSTER NOW SHOWS EMPTY. SLOWLY LIFTED SENSOR AND FOUND GAUGE WILL READ CHANGES, GOOD. MANUAL FILL UP WITH 1 GAL OF GAS FROM NEW CAR GAS CADDY AND STARTED VEHICLE, DROVE INTO SHOP AND PERFORM SHORT TEST VIA ISID WITH BATTERY CHARGER CONNECTED TO VEHICLE. FOUND MULTIPLE TANK SENSOR FAULTS STORED IN DME AND KOMBI. 2A22 AND 931A FOR RIGHT SIDE. CLEARED FAULTS, PERFORM TANK SENSOR READ OUT FROM ISID AND FOUND SENSOR TO BE CHANGING VALUES WHEN MOVING, GOOD. REPLACED SEAL AND CLAMP AND REINSTALLED ALL PREVIOUSLY REMOVED PARTS. RECHECKED FOR FAULTS, NONE FOUND.

B CUSTOMER STATES THE VEHICLE WOULD NOT COME OUT OF PARK. PLEASE CHECK AND ADVISE.

1199 SEE LINE A

9870 C 0.00

0.00 0.00

25951 ... USER ERROR, ALSO FOUND PARKING BRAKE MALFUNCTION LIGHT ON FROM MANUAL RELEASE, PERFORM SELF CORRECTION PROCEDURE FOR PARKING BRAKES. VEHICLE PARKING BRAKES NOW WORKS AS DESIGNED AT THIS TIME.

C VEHICLE WAS TOWED TO DEALER.

N/C NO CHARGE TO CUSTOMER

99 C 0.00

9870 C 0.00

0.00

0.00 0.00

25951 ... TOW

D. TIRE PRESSURE CHECK

TCHK TIRE PRESSURE CHECK

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.

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.

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

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

CUSTOMER SIGNATURE

Joel Bander
Attorney at Law
13101 W. Washington Blvd., Suite 231
Los Angeles, CA 90066



\$0.440
US POSTAGE
FIRST-CLASS
FROM 91770
APR 05 2011



062S0007600574



US Department of Transportation
National Highway Traffic Safety Admi
Office of Defects Investigation (NVS-210)
West Building
1200 New Jersey Ave SE
Washington DC 20590-0001

