

SEP 28 2011

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[Redacted]

CL-10430931-5745

Urbandale, Iowa [Redacted]

E-mail:

[Redacted]

September 22, 2011

Vehicle Safety Division
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
West Building
Washington, D.C. 20590

Dear NHTSA

I have enclosed a copy of the letter I sent to Mr. Alan Mulally, the President and CEO of Ford Motor Company today concerning my 2008 Ford Mustang GT500.

My complaint to you regarding the safety issue posed by the clutch assembly in Ford Mustang GT500 vehicles is articulated in my letter to Mr. Mulally. I have also attached a copy of the repair invoice that I enclosed in that letter.

Please let me know if you have any questions or if you need any further information.

Thank you.

[Redacted]

Enclosure

MC
101311
TGW

COPY

[REDACTED]

Urbandale, Iowa [REDACTED]

Home: [REDACTED]

Work: [REDACTED]

E-mail: [REDACTED]

September 22, 2011

Mr. Alan Mulally
President and CEO
Ford Motor Company
1 American Road
Dearborn, MI 48126

Via Certified Mail: **7002 0460 0002 7013 3526**

Dear Mr. Mulally:

I am the owner of a 2008 Ford Mustang GT500. The VIN of the vehicle is 1ZVHT88S785 [REDACTED]. I am the original owner of this vehicle which was purchased from Charles Gabus Ford in Des Moines, Iowa.

The purpose of this letter is to make a demand for reimbursement in the amount of \$3,226.21. This is the amount I was charged by Charles Gabus Ford on September 3, 2011 to replace the flywheel and clutch assembly in my Shelby. I have enclosed a copy of that repair invoice herein.

The background of this issue is that I ordered this vehicle in mid-2007 and it was delivered to the dealership and picked up by me in September 2007. When I ordered this vehicle I purchased the extended Ford factory warranty. This vehicle was taken to Charles Gabus Ford on Wednesday, August 31, 2011. I took this vehicle to the dealership as a result of a near accident that occurred as a result of the clutch failure. Just prior to that date I was stopped at a stoplight on a road that had a slight incline leading up to the traffic signal. When the light changed and traffic began to move, I took my foot off the brake, accelerated with my right foot, and eased up on the clutch with my left foot. Much to my horror, instead of the clutch engaging, the clutch literally failed to engage and the vehicle began rolling backward. Fortunately, I was able to recognize what was occurring

almost immediately and depressed the brake again before the back of the Shelby slammed into the front of the vehicle that was behind me. After the traffic cleared I was able to turn the vehicle around and gain traction with the clutch.

At the time of the above incident, the Shelby had slightly more than 24,000 miles on the vehicle. The clutch had been replaced previously by Charles Gabus Ford at about the 13,000 mile mark of the vehicle. I am 54 years old, a Senior Naval Officer, and a business owner. I have not had a traffic ticket, accident, or any other type of violation in 30 years. Since I picked it up from Charles Gabus Ford in September of 2008, I have driven this vehicle exclusively except for the times when authorized individuals from Charles Gabus Ford have driven the vehicle in conjunction with vehicle problem identification and repair. This vehicle has never been beat or abused, partially because I had planned to keep the vehicle permanently when the original purchase was made.

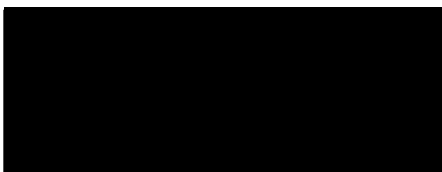
A clutch in a production vehicle should last for a minimum of 50,000 miles. Yet, with less than 25,000 miles the clutch has been replaced twice and the flywheel once in my Shelby. While the clutch that was replaced at the 13,000 mile mark was covered completely by Ford Motor Company, this last clutch and fly-wheel replacement was not covered by Ford because they refused to cover it. It was not until the first part of September of this year that I learned that a clutch is not a common item that is covered under warranty. At the same time, I learned that the flywheel assembly is a warranty item. Because I was never told that the clutch would not be covered under the initial or extended warranty and because the flywheel is covered under both the initial and extended warranty, it is my belief that Ford Motor Company should cover this expense. Furthermore, in doing exhaustive research, it has become blatantly apparent that the premature burning up of clutches is a well-known and widely-recognized problem both with Ford Motor Company as well as the community of Shelby owners. The common belief is that because the flywheel is made of ceramic, it overheats and prematurely burns up the clutch. If this is the case, the result is that the flywheel and clutch are incompatible in terms of durability. Irrespective of the root cause, Ford Motor Company is accountable to determine the problem, fix it, and make things right with their customers in terms of compensating them for any and all related damages. I therefore am not only sending this demand letter to recoup actual damages on the amount I have had to pay because Ford refused to stand behind a product they know is defective, but I am also making a demand that Ford Motor Company take immediate

action to remedy this known problem so that I am not in this same position in another 12,000 or 13,000 miles. Ford Motor Company needs to do the right thing and issue a recall so this problem can be resolved for all Shelby owners.

As you can see, I have copied the Iowa Attorney General's office as well as the National Highway Traffic Safety Administration (NHTSA) on this letter. The reason I have copied the NHTSA is because the clutch failure I experienced is first and foremost a serious safety problem. Had I not had quick reactions, an accident would have surely occurred and property damage would have certainly resulted. However, even beyond property damage there is the issue of serious injury or death that can range from impact injury to a Shelby exploding if impacting a large enough vehicle, similar to what occurred with the Ford Pinto explosions. The safety hazard created by this clutch failure is, in and of itself, the primary reason why Ford Motor Company should issue an immediate recall and fix this clutch problem on all Shelbys and any other vehicles that may have this same problem.

I am requesting to hear from you or a representative from Ford Motor Company within 30 calendar days from the date of this letter. If this matter is not satisfactorily resolved in 30 days, I will likely have no choice but to file a lawsuit against Ford Motor Company for damages and other torts. You should know that I have been in contact with other Shelby owners who are equally displeased by the similar damages they have suffered. Therefore, if legal action is filed, it will likely be of class-action status. However, I am hoping that Ford Motor Company will do the right thing so that other actions will not be necessary.

Thank you.



cc: State of Iowa Attorney General
National Highway Traffic Safety Administration

Enclosure

Customer Number: 714107

COPY 521774

INVOICE



4545 MERLE HAY ROAD
DES MOINES, IA 50310
SERVICE DEPT: (515) 270-9092
BODY SHOP: (515) 270-9093
TOLL FREE 1-800-934-2287
www.gabusford.com

PAGE 1

WEST DES MOINES, IA

Home: Cell:

Email: email work

SERVICE ADVISOR: 8161 BOB FUNK

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG	
BLACK CLEA	08	FORD MUSTANG	1ZVHT88S785		24405 / 24405	T8438	
DEL DATE	PROD DATE	WARR EXP	PROMISED	PO NO	RATE	PAYMENT	INV DATE
10SEP07	27AUG07		17:00 31AUG11		0.00	CASH	03SEP11
R/O OPENED	READY	OPTIONS: STK:281802 DLR:03334 ENG:99S 5.4L SC 4V V8 ENGINE TRN:44E_6-SPEED_MANUAL_TRANSMISSION					
10:03 31AUG11	09:34 03SEP11						

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

A REPLACE CLUTCH ASSEMBLY
 P09 REPLACE CLUTCH ASSEMBLY INCLUING FLYWHEEL AND SLAVE CYLINDER
 8474 CPD 510.00 510.00
 1 7R3Z*7L596*A KIT - CLUTCH REPAIR 1834.79 1788.92 1788.92
 1 7R3Z*7K505*A TUBE ASY 18.32 15.57 15.57
 1 4R3Z*7K584*AB CLIP 7.13 6.06 6.06
 1 4R3Z*7A508*AA CYLINDER ASY - CLUTCH SLAVE 226.25 192.31 192.31
 1 7R3Z*6375*B FLYWHEEL ASY 618.77 525.95 525.95
 1 PM*1*C FLUID - BRAKE 4.78 4.78 4.78
 1 7R3Z*2162*A CAP - FILLER 18.25 0.00 0.00
 PARTS: 2533.59 LABOR: 510.00 OTHER: 0.00 TOTAL LINE A: 3043.59
 24405 REPLACED CLUTCH

B PERFORM MULTI-POINT INSPECTION
 99P PERFORM MULTI-POINT INSPECTION
 8474 CPD 0.00 0.00
 GTIRE TIRE TREAD AND WEAR IS OK AT THIS TIME
 8474 CPD 0.00 0.00
 GBATT BATTERY CHECKED AND OK
 8474 CPD 0.00 0.00
 GBK BRAKE LININGS ARE OK AT THIS TIME
 8474 CPD 0.00 0.00
 PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: 0.00
 24405 COMPLETED MULTI-POINT INSPECTION

C CUSTOMER FOR LIFE OIL CHANGE
 CAUSE: CHANGE OIL AND FILTER
 OFL CUSTOMER FOR LIFE OIL CHANGE
 8474 IOFL (N/C)
 1 FIAZ*6731*BD FILTER ASY - OIL (N/C)
 7 XO*5W50*QGT OIL - ENGINE (N/C)
 PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE C: 0.00
 24405 COMPLETED OIL AND FILTER CHANGE

HOURS OF OPERATION
 MONDAY - FRIDAY SATURDAY
 SERVICE DEPT: 7:00 A.M. - 6:00 P.M. 8:00 A.M. - 4:30 P.M.
 PARTS DEPT: 7:30 A.M. - 6:00 P.M. 8:00 A.M. - 4:30 P.M.
 COLLISION CENTER 7:30 A.M. - 6:00 P.M. 8:00 A.M. - NOON
 RENTAL DEPT: 7:30 A.M. - 6:00 P.M. 8:00 A.M. - NOON
 NEW & USED MONDAY - THURSDAY FRIDAY & SATURDAY
 CAR SALES 8:00 A.M. - 9:00 P.M. 8:00 A.M. - 6:00 P.M.

OUR DIRECT PHONE LINES
 GENERAL / VEHICLE SALES / RENTAL (515) 270-0707
 SERVICE (515) 270-9092
 PARTS (515) 270-9095
 COLLISION CENTER (515) 270-9093
 TOLL FREE (800) 934-2287

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

Customer Invoice

Customer Number: 714107

521774

INVOICE



4545 MERLE HAY ROAD
DES MOINES, IA 50310
SERVICE DEPT: (515) 270-9092
BODY SHOP: (515) 270-9093
TOLL FREE 1-800-934-2287
www.gabusford.com

PAGE 2

WEST DES MOINES, IA

Home: Cell:

Email: email work

SERVICE ADVISOR: 8161 BOB FUNK

Table with columns: COLOR, YEAR, MAKE/MODEL, VIN, LICENSE, MILEAGE IN/OUT, TAG, DEL DATE, PROD. DATE, WARR. EXP., PROMISED, PO NO., RATE, PAYMENT, INV. DATE. Includes vehicle details for a Ford Mustang and service dates.

Table with columns: LINE, OPCODE, TECH, TYPE, HOURS, LIST, NET, TOTAL. Contains two main entries (D** and E**) describing car issues like 'RATTLE/TIN NOISE' and 'RUBBER TRIM' with associated parts and labor costs.

PARTS WITH A "X, RM, OR REMAN" SUFFIX ARE A REMANUFACTURED PART

Table with two sections: 'HOURS OF OPERATION' listing service times for various departments, and 'OUR DIRECT PHONE LINES' listing contact numbers for general service, parts, and toll-free.

Table with columns: DESCRIPTION, TOTALS. Summary of charges including Labor Amount (\$510.00), Parts Amount (\$2533.59), Gas/Oil/Lube (\$0.00), Sublet Amount (\$0.00), Misc. Charges (\$0.00), Total Charges (\$3043.59), Less Insurance (\$0.00), Sales Tax (\$182.62), and a final total of \$3226.21.

Customer Invoice



Service

EXTENDED SERVICE PLAN Yes No
 Genuine Ford ESP

Owner Advantage Rewards Member #: _____
 Service Balance: _____

Multi-Point Inspection Report Card as Recommended by Ford Motor Company

CHARLES GABUS FORD
 4545 MERLE HAY ROAD
 DES MOINES, IA 50310

Name: _____
 E-Mail Address: _____

Today's Date: 09/03/2011 R0/Tag: 521774 T8438 State Inspec. Month: _____
 Make/Model/Year: 2008 FORD MUST Mileage: 24405
 VIN #: 1ZVHT88S785 _____ Plate #: _____

SCHEDULED MAINTENANCE ITEMS DUE*			
DUE	SERVICED	DUE	SERVICED
<input type="checkbox"/> Oil Change & Filter	<input checked="" type="checkbox"/>	<input type="checkbox"/> Engine Air Filter	<input checked="" type="checkbox"/>
<input type="checkbox"/> Tire Rotation	<input checked="" type="checkbox"/>	<input type="checkbox"/> Engine Coolant	<input type="checkbox"/>
<input type="checkbox"/> Multi-Point Inspection	<input type="checkbox"/>	<input type="checkbox"/> Transmission Fluid &/or Filter	<input type="checkbox"/>
<input type="checkbox"/> Fuel Filter	<input type="checkbox"/>	<input type="checkbox"/> Cabin Air Filter	<input checked="" type="checkbox"/>
		<input type="checkbox"/> Spark Plugs	<input checked="" type="checkbox"/>

*This is only a partial list of vehicle maintenance items and is NOT all-inclusive. Please consult your Owners Manual or visit www.genuineservice.com for vehicle specific maintenance requirements.

CHECK FLUID LEVELS AND FILL				SERVICED
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Oil and/or fluid leaks		<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Engine Oil	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Power Steering	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Transmission (if equipped with dipstick)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Brake Reservoir	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Window Washer	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Coolant Recovery Reservoir	<input type="checkbox"/>	<input type="checkbox"/>

BATTERY SERVICED

State of Health Battery Condition

Factory spec cold cranking amps Actual cold cranking amps

EXTERIOR BODY

Note any existing exterior body damage or defects on diagram

SYNC VEHICLE HEALTH REPORT (VHR) ACTIVATED

VHR Activation Yes No N/A

LEGEND

May contribute to vehicle efficiency and promote a greener environment

Checked and OK at this time May require future attention Requires immediate attention

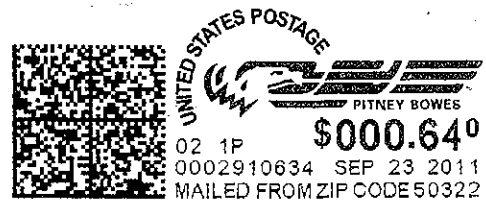
CHECK FOLLOWING SYSTEMS/COMPONENTS	
<input checked="" type="checkbox"/> Brake system (including lines, hoses, and parking brake)	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Shocks/struts and other suspension components for leaks and/or damage	<input type="checkbox"/>
<input checked="" type="checkbox"/> Steering, steering linkages and ball joints	<input type="checkbox"/>
<input checked="" type="checkbox"/> Exhaust system (leaks, damage, loose parts)	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Clutch operation (if equipped)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Constant velocity (CV) drive axle boots (if equipped)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Drive shaft, transmission, u-joint and shift linkage (if equipped) and lubricate (as needed)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Operation of horn, interior lights, exterior lamps, turn signals, hazard and brake lamps	<input type="checkbox"/>
<input checked="" type="checkbox"/> Windshield washer spray, wiper operation and wiper blades	<input type="checkbox"/>
<input checked="" type="checkbox"/> Windshield for cracks, chips and pitting	<input type="checkbox"/>
<input checked="" type="checkbox"/> HVAC system and hoses/lines for leaks and/or damage	<input type="checkbox"/>
<input checked="" type="checkbox"/> Engine Cooling System, radiator, hoses and clamps	<input type="checkbox"/>
<input checked="" type="checkbox"/> Accessory drive belt(s)	<input type="checkbox"/>

TIRE TREAD	7/32" and greater		4/32" to 6/32"		3/32" and less	
	Over 5mm or 7/32" (Disc) or Over 2mm or 3/32" (Drum)	3 to 5mm or 4/32" to 7/32" (Disc) or 1.01 to 2mm (Drum) or 202" to 3/32"	Less than 3mm or 4/32" (Disc) or 1mm or 2/32" or less (Drum)			
LEFT FRONT <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Tire Tread Depth _____ /32" Tire Age _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tire Wear Pattern/Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tire Pressure - set to factory recommended PSI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Brake Lining _____ mm _____ /32"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RIGHT FRONT <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Tire Tread Depth _____ /32" Tire Age _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tire Wear Pattern/Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tire Pressure - set to factory recommended PSI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Brake Lining _____ mm _____ /32"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LEFT REAR <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Tire Tread Depth _____ /32" Tire Age _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tire Wear Pattern/Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tire Pressure - set to factory recommended PSI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Brake Lining _____ mm _____ /32"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RIGHT REAR <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Tire Tread Depth _____ /32" Tire Age _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tire Wear Pattern/Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tire Pressure - set to factory recommended PSI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Brake Lining _____ mm _____ /32"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPARE TIRE <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Tire Pressure - set to factory recommended PSI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Service Advisor: FUNK, BOB
 Technician: WILKE, CHRIS A

Customer Signature: _____

[Redacted]
Urbandale, IA [Redacted]



|||||
**National Highway Traffic Safety
Administration
ATTN: Vehicle Safety Division
1200 New Jersey Avenue, SE
West Building
Washington, D.C. 20590**
|||||