

THOMAS J. MILLER  
ATTORNEY GENERAL

CONSUMER PROTECTION DIVISION



CI-10430931-6782

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www.IowaAttorneyGeneral.org

## Department of Justice

September 27, 2011

OCT - 4 2011

[REDACTED]  
Urbandale, IA [REDACTED]

RE: Ford Motor Company --04592  
File # 2009-99082

**(Please refer to the above file number when communicating with our office.)**

Dear [REDACTED]

Thank you for the information which you sent to our office. We will keep it on file. Often times, information such as you provided proves helpful to us when we receive inquiries or complaints from consumers.

Thank you again. With the assistance of consumers such as yourself, our office is better able to serve Iowans.

Sincerely,

A handwritten signature in cursive script that reads "Stephen Switzer".

STEPHEN SWITZER  
Investigator

✓ cc: National Highway Traffic Safety Administration  
Department of Transportation  
400 7th Street, SW, Room 2318  
Washington, DC 20590

Ford Motor Company --04592  
P.O. Box 43360  
Detroit, MI 48243

Perales, AI [AG]

From: [REDACTED]  
 Sent: Friday, September 23, 2011 10:31 AM  
 To: Perales, AI [AG]  
 Subject: Shelby Clutch Matter  
 Attachments: Demand Letter to Ford of 22SEP2011 [with enclosure].pdf; Letter to the NHTSA of 22SEP2011.pdf

AI:

Thank you for meeting with me on September 6<sup>th</sup> to discuss this matter. I also appreciated meeting Steve then. I have attached the letter I sent to Ford Motor Company yesterday as well as the letter I sent to the NHTSA. I will let you know what happens (if anything) reference a response. Would you also mind passing this info to Steve?

Thanks again!

[REDACTED]

[REDACTED]

Des Moines, Iowa [REDACTED]

Voice [REDACTED]

FAX: [REDACTED]

Government Secure E-mail 1: [REDACTED]

Government Secure E-mail 2: [REDACTED]

Web [REDACTED]

**Secure IP Video Teleconferencing Available**



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♻️ Please consider the environment before printing this e-mail

**COPY**

[REDACTED]  
Urbandale, Iowa  
[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.

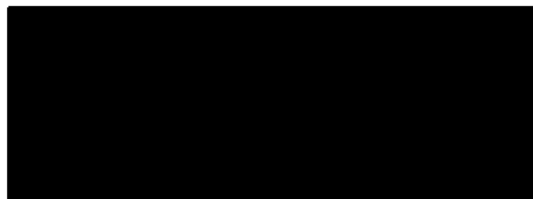
A clutch in a production vehicle should last for a minimum of 50,000 miles. Yet, with less than 25,000 miles the clutch has been replaced twice and the flywheel once in my Shelby. While the clutch that was replaced at the 13,000 mile mark was covered completely by Ford Motor Company, this last clutch 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

[REDACTED]  
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

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: [REDACTED] Bus: [REDACTED] Cell: [REDACTED]  
Email: email [REDACTED] work [REDACTED]

SERVICE ADVISOR: 8161 BOB FUNK

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG	
BLACK-CLEA	08	FORD MUSTANG	1ZVHT88S785		24405 / 24405	TB438	
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 INCLUDING 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  
 OPL CUSTOMER FOR LIFE OIL CHANGE  
 8474 IOFL (N/C)  
 1 F1AZ\*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.	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.	8:00 A.M. - 4:30 P.M.
COLLISION CENTER	7:30 A.M. - 6:00 P.M.	8:00 A.M. - NOON	8:00 A.M. - NOON
RENTAL DEPT	7:30 A.M. - 6:00 P.M.	8:00 A.M. - NOON	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.	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  
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www.gabusford.com

PAGE 2

WEST DES MOINES, IA  
Home: Bus 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
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D\*\* CUST STATES RATTLE/TIN NOISE UNDER CAR AT IDLE IN GEAR  
 E35 INTERNAL TO MUFFLER / NO REPAIRS MADE  
 8474 CPD 0.00 0.00 0.00 0.00 0.00 0.00  
 PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE D: 0.00  
 24405 COMING FROM RIGHT MUFFLER

E\*\* INSPECT/TIGHTEN?? RUBBER TRIM THAT WRAPS AROUND FROM REAR BUMPER UP  
 TO REAR TIRES / AREA WITH REAR-SIDE MARKER LIGHTS IN (COMES  
 LOOSE AND HE POUNDS BACK IN)  
 E35 BODY SHOP  
 8474 CPD 0.00 0.00 0.00 0.00 0.00 0.00  
 PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE E: 0.00  
 24405 NEEDS TO GO TO BODYSHOP

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

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. - 5:00 P.M.	8:00 A.M. - 4:30 P.M.
COLLISION CENTER 7:30 A.M. - 5:00 P.M.	8:00 A.M. - NOON
RENTAL DEPT 7:30 A.M. - 5:00 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. - 8:00 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	\$ 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
CUSTOMER SIGNATURE	PLEASE PAY THIS AMOUNT \$ 3226.21

Customer Invoice



LINCOLN MERCURY

SERVICE

EXTENDED SERVICE PLAN  
Genuine Ford ESP  
Yes  No

Owner Member #: \_\_\_\_\_  
Advantage Rewards Service Balance: \_\_\_\_\_

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

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

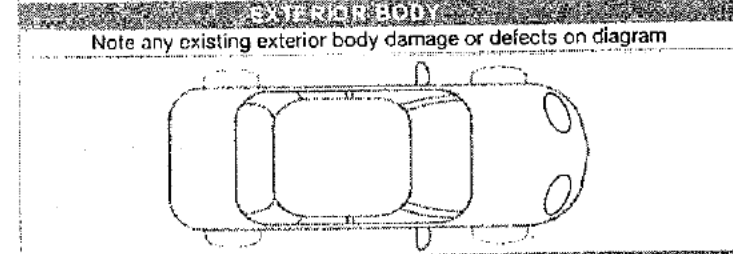
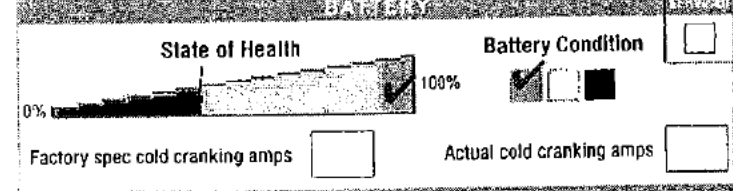
Today's Date: 09/03/2011 RO/Tag: \_\_\_\_\_ State Inspec. Month: \_\_\_\_\_  
Make/Model/Year: 2008 FORD MUST Mileage: 24405  
VIN #: 1ZVHT88S785 \_\_\_\_\_ Plate #: \_\_\_\_\_

Name: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

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



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

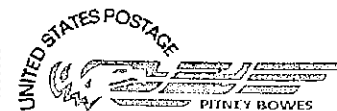
TIRE/BRAKE WEAR				
 <input type="checkbox"/> Alignment check needed <input type="checkbox"/> Wheel balance needed <input type="checkbox"/> Tire repair needed <input type="checkbox"/> Brake measurements not taken this service visit <input type="checkbox"/> Check for open tire recalls	<b>LEFT FRONT</b> <input checked="" type="checkbox"/> SERVICED <input checked="" type="checkbox"/> Tire Tread Depth _____ /32" Tire Age _____ <input checked="" type="checkbox"/> Tire Wear Pattern/Damage <input checked="" type="checkbox"/> Tire Pressure - set to factory recommended PSI <input checked="" type="checkbox"/> Brake Lining _____ mm _____ /32"	<b>RIGHT FRONT</b> <input checked="" type="checkbox"/> SERVICED <input checked="" type="checkbox"/> Tire Tread Depth _____ /32" Tire Age _____ <input checked="" type="checkbox"/> Tire Wear Pattern/Damage <input checked="" type="checkbox"/> Tire Pressure - set to factory recommended PSI <input checked="" type="checkbox"/> Brake Lining _____ mm _____ /32"		
	<b>LEFT REAR</b> <input checked="" type="checkbox"/> SERVICED <input checked="" type="checkbox"/> Tire Tread Depth _____ /32" Tire Age _____ <input checked="" type="checkbox"/> Tire Wear Pattern/Damage <input checked="" type="checkbox"/> Tire Pressure - set to factory recommended PSI <input checked="" type="checkbox"/> Brake Lining _____ mm _____ /32"	<b>RIGHT REAR</b> <input checked="" type="checkbox"/> SERVICED <input checked="" type="checkbox"/> Tire Tread Depth _____ /32" Tire Age _____ <input checked="" type="checkbox"/> Tire Wear Pattern/Damage <input checked="" type="checkbox"/> Tire Pressure - set to factory recommended PSI <input checked="" type="checkbox"/> Brake Lining _____ mm _____ /32"		
	<b>SPARE TIRE</b> <input checked="" type="checkbox"/> SERVICED <input checked="" type="checkbox"/> Tire Pressure - set to factory recommended PSI			

Service Advisor: FUNK, BOB  
 Technician: WILKE, CHRIS A  
 Customer Signature: \_\_\_\_\_

State of Iowa  
Department of Justice  
Consumer Protection Division  
1305 E. Walnut  
Des Moines, Iowa 50319

ADDRESS SERVICE REQUESTED

PRESORTED  
FIRST CLASS



02 1M \$ 00.717  
0008005327 SEP 28 2011  
MAILED FROM ZIP CODE 50319

**National Highway Traffic Safety Administration**  
Department of Transportation  
400 7th Street, SW, Room 2318  
Washington, DC 20590

H-ZZAB3 20590

