

[REDACTED]
Wasilla, AK [REDACTED]
[REDACTED]

NOV 13 2012

National Highway Safety Traffic Administration (NHTSA)
Attn: Safer Car. Gov/ODI (Reference Complaint # 10477446)
1200 New Jersey Avenue, SE, West Building
Washington DC 20590 USA

October 9, 2012

Dear NHTSA,

We have a 2005 Xterra (VIN: 5N1AN08W05C [REDACTED]), which we love. It's been a great car and we have taken good care of it, with oil changes every 3000 miles and prompt attention to minor problems that arise. Recently, our 18-year-old daughter was driving the Xterra home from work when it made strange sounds and lurched at 50 mph. She stopped, discovered she could drive the car slowly and, since she was only a few blocks from home, drove it home. The next day my husband discovered coolant in the transmission line. He went online and we were **horrified** to discover that this is a well known problem with the 05 Xterra (as well as several other Nissan models).

Hundreds of Xterra owners have filed complaints (online, with government agencies, and even with class action lawsuits), pointing out that Nissan is well aware of the faulty radiator installed in the 05 Xterras. The radiator failure causes engine coolant to leak into the transmission, effectively destroying it. The consumer must thus replace both the radiator and the transmission.

The 2005 Xterra has over 130 written complaints at carcomplaint.com, all describing the *exact same problem* that we have! (See Reference Page for examples and website link.) There are also over 150 reports on edmunds.com alluding to the same radiator problem and general consensus, "Shame on Nissan!" As of today, there are 469 complaints at the Auto Recall for Consumers website (see Reference page), the overwhelming majority of which report coolant leaking into the transmission, ruining both the radiator and transmission.

The more research I did on this, the angrier I became. We have recommended the Xterra to many people; [REDACTED] brother bought an Xterra mainly because of our high praise for this vehicle. Reading all these complaints about a known issue that Nissan refuses to rectify feels like rude slap in the face.

The NHTSA notes they have received 512 consumer complaints between August 2005 and May 2012 regarding Nissan transmission problems. This is currently *under*

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investigation (NHTSA Action Number: DP12004). Should I go on? A quick Google of "problem with 2005 Xterra transmission/radiator" yields over **3 million results!!!**

Obviously, this is a major problem that needs to be addressed! The repair is costly (our quote at the Nissan dealership in Anchorage is just over \$5000) and all because of a known defect in the Nissan cooling system. By reading just a few of the complaints, you will learn that this problem generally occurs between 80,000 to 120,000 miles. Nissan's attempt to address this problem by extending their warranty from 60,000 miles to 72,000 miles is lame at best. (See Reference page article "Transmission Failure Caused by Cracked Radiators", which gives the 2005 Xterra an "Avoid it like the Plague" notation.)

Allow me to reiterate: **This is a known problem that should have been addressed long ago.** If Nissan had simply let consumers know that the radiator was defective, over a million dollars could have been saved by consumers in addressing the issue before the leaking radiator caused further damage to their transmissions. (And this is a conservative figure — 512 complaints at NHTSA x \$3000 just for a transmission = over 1.5 million dollars!)

Is this a safety issue? **Yes!** Traveling at a high speed with a sudden lurch in the transmission, caused by the faulty radiator, is indeed a safety issue. (See Reference page, class action lawsuit by attorneys Mendelsohn, Katz & Freeman, that summarizes these safety issues. Also cited is a New York Times article — additionally noted in the Reference page — reporting the Nissan radiator defect and including numerous complaints to the NHTSA about transmission failures leading to safety issues.)

Once we discovered the problem with our Xterra, we called Nissan's Consumer Affairs and became **Case Number 9486520**. I spoke with Regional Manager Brittany Taylor on Thursday, September 20, 2012. She assured us she would call us back by Wednesday (Sept 26), but failed to do so. It required me calling back five times and I still never spoke with the woman directly, only her answering machine. Finally, on Friday (Sept 28), a different manager (Marie) called to give us Nissan's standard "sorry we can't do anything" speech. (I say 'standard' because many complaints I have read online note similar calls to Nissan Consumer Affairs, which includes being put on hold for one to two weeks and then given the same "Sorry, we can't help..." spiel.)

On Friday, September 28, I contacted Continental Nissan in Anchorage, where we bought the Xterra new in 2005. Mike Saetern, Service Manager, was well aware of this problem but said he couldn't help because the car was beyond the warranty date. We eventually had the Xterra towed here to have the repairs done — which includes a new radiator and transmission. The bill estimate is \$5140 (though Mike was kind enough to offer a \$200 discount — less than 5% off a considerable bill, but certainly way more than Consumer Affairs could offer).

So, what do we want? We want Nissan to admit this is a problem, to be morally and financially accountable for their defective radiators, and to further admit they were negligent in not making owners aware of this problem in the first place, thus adding

even more insult to injury by causing thousands of transmissions to be damaged. As one woman wrote in her complaint to the Center for Auto Safety: **"The issue here is that Nissan knew that they had a faulty radiator and instead of recalling the radiator they extended the warranty knowing that the majority of the cars would surpass 80,000 miles before they started having problems with the transmission."**

We have sent an earlier copy of this letter to Nissan Consumer Affairs, the corporate office at Nissan, and our local Nissan dealer. We just received a short, curt "we can't help" letter from Lundy Flowers, an "arbitration specialist" at Nissan.

Despite the hundreds of consumer complaints — and probably thousands of destroyed transmissions — Nissan refuses to take responsibility for selling consumers defective radiators that cause major damage down the line.

We hope you can help us — and many others — by pushing Nissan to recall these radiators and offer their customers fair compensation. Thanks for reading all this — the reference pages documenting just a fraction of what is involved follow.

Sincerely,



CC: Better Business Bureau (Reference Case # NIS1229495)
3033 Wilson Boulevard, Suite 600
Arlington, VA 22201

Nissan Consumer Affairs
P.O. Box 685003
Franklin, TN 37068-5003

Carlos Ghosn, CEO
Nissan Corporate Office, Headquarters
One Nissan Way
Franklin, TN 37067

Continental Nissan
5115 Old Seward Highway
Anchorage, AK 99503

REFERENCE PAGES

Three of the recent 150+ complaints at http://www.arfc.org/complaints/2005/nissan/xterra/power_train/problem.aspx

Sep 07, 2012 - Madison, AL - Power Train

NISSAN IS WELL-AWARE OF A DESIGN FLAW THAT ALLOWS RADIATOR FLUID TO CROSS-CONTAMINATE TRANSMISSION FLUID. THEY JOKINGLY (AT LEAST THEIR DEALERS) REFER TO IT AS A "STRAWBERRY MILKSHAKE". THE ANTIFREEZE DEGRADES TRANSMISSION PARTS AND CAUSES TRANSMISSION FAILURE. A QUICK WEB SEARCH SHOWS OVER 300 SUCH CASES.

Sep 21, 2012 - Northridge, CA - Power Train

WHILE DRIVING DOWN A BUSY LOS ANGELES STREET DURING RUSH HOUR, MY CAR SUDDENLY LOST DRIVABILITY. THE ENGINE RPM'S INCREASED, BUT THE CAR WOULD NOT ENGAGE. NEARLY GOT INTO MULTIPLE ACCIDENTS TRYING TO GET TO THE SIDE OF THE ROAD. CAR WAS TOWED TO A MECHANIC WHERE A STRAWBERRY MILK COLOR LIQUID WAS FOUND IN THE TRANSMISSION. WAS TOLD COOLANT AND TRANSMISSION FLUID MIXING WAS THE CAUSE. REQUIRED TO REBUILD TRANSMISSION, REPLACE RADIATOR AND TRANSMISSION CONTROL VALVE. REPAIR COST ESTIMATED AT \$5050 PLUS TAX.

Aug 08, 2012 - Puyllaup, WA - Power Train

TL* THE CONTACT OWNS A 2005 NISSAN XTERRA. THE CONTACT WAS DRIVING 65 MPH WHEN THE VEHICLE STARTED SHAKING VIOLENTLY. THE CONTACT DROVE THE VEHICLE TO THE DEALER WHO INSPECTED THE FAILURE. THE DEALER ADVISED THE CONTACT THAT RADIATOR FLUIDS LEAKED INTO THE TRANSMISSION, CAUSING A TRANSMISSION FAILURE. BOTH THE RADIATOR AND THE TRANSMISSION WOULD NEED REPLACING AT THE CONTACT'S EXPENSE OF \$7000. THE MANUFACTURER WAS NOTIFIED WHO OFFERED NO ASSISTANCE. THE VEHICLE WAS NOT REPAIRED. THE FAILURE MILEAGE WAS 86,000.

Four of the 130+ complaints at http://www.carcomplaints.com/Nissan/Xterra/2005/transmission/radiator_causes_transmission_failure.shtml

Complaint #127:

Nissan was very aware of this complaint but no one sent out any letters offering to help with the findings from all the complaints. Nissan knew of the design and error of the radiator leaking fluid into the transmission. I hope the class action lawsuit goes after them and reminds them that we the people are their customers. Without us they fail. Everyone needs to strike against Nissan.

Complaint #124:

This happened 300 miles from home in the middle of no where anywhere at midnight while traveling with my dog. I had to find a pet friendly hotel, then rent a car for nearly 2 weeks while the work was being done. This car had very few problems for 100,000 and has been nothing but a lemon in the 12,000 miles since. I originally, dropped the car off at a Nissan dealer to fix and they wanted nearly \$6,000 to repair it. They never mentioned that there was a problem with the coolant leaking into the transmission. I took it to another shop that explained that they have fixed many XTerra's with the same issue, that Nissan knew about it, and that they had extended the warranty to 80,000. when it should have been recalled.

Complaint #114:

Apparently I am not alone in this problem. Nissan is acting like they extended the warranty, which would make them a nice guy. But....they only told the dealers about the problem in case a customer reported the problem. Why was this not a TSB or a full recall??? I am currently waiting...and waiting... and waiting to be denied a claim for reimbursement for the new radiator and trans flush. Still need the

trans replacement. I am wondering if the magical number of 80,000 was picked because it was the point of when the problem happens. Then Nissan is released from liability cause remember they were nice to extend the warranty. What a joke and incredibly poor customer service. Wonder how many people are never again buying a nissan.

Complaint #115:

This is a significant problem that as I research further has impacted numerous 2005 Nissan owners. A car and company that I was very happy with and excited to use again has become one that I will avoid in the future.

Three of the 35+ complaints at About Automobile.com

<http://www.aboutautomobile.com/Complaint/2005/Nissan/Xterra/Automatic+Transmission>

Complaint Number: 10455339 **Incident Date:** August 18, 2011 **Date Added to File:** April 16, 2012
Transmission failed due to a known defect in the nissan cooling system for 2005 xterra's - this defect allows anti freeze to leak into transmission and cause failure.

Complaint Number: 10421688 **Incident Date:** August 26, 2011 **Date Added to File:** August 27, 2011
I seem to be having the same problem as everyone else with my 2005 nissan xterra. Started feeling a vibration around 40 to 60 mph. It felt like I was riding on a rumble strip except I was not. The radiator fluid leaked into my transmission which caused my transmission to go out.

Complaint Number: 10417840 **Incident Date:** May 28, 2011 **Date Added to File:** August 7, 2011
2005 nissan xterra transmission/ radiator. Radiator leaks into transmission and causes transmission to seize. Nissan is aware of this issue they have not entered a recall on the part.

New York Times article:

"Owners of Nissan Trucks and SUVs Report Transmission Failures"

by Christopher Jensen, "Wheels" section, New York Times, August 24, 2011.

For online copy, see <http://wheels.blogs.nytimes.com/2011/08/24/owners-of-nissan-trucks-and-s-u-v-s-report-transmission-failures/>

Ongoing Class Action Lawsuit, as noted at the following website:

<http://www.newjerseyclassactionlawyer.net/nissan-radiator-defect/>

NISSAN RADIATOR AND TRANSMISSION DEFECT LAWYERS

In 2010, Mr. Mendelsohn and Mazie Slater Katz & Freeman, LLC, filed a nationwide class action lawsuit against Nissan relating to reported defects in Nissan Pathfinder, Nissan Xterra and Nissan Frontier vehicles. To date, Nissan has denied liability for this problem and continues to fight our case.

Due to the reported defects in these vehicles' radiators, the interior components of the radiators (internal transmission coolers) break down allowing coolant to mix with the transmission fluid. As a result of the contamination, the transmission and other drivetrain components are damaged and may require replacement. Our investigation reveals that Nissan typically denies warranty coverage for repairs caused by these defects even if the vehicle's powertrain is still under warranty.

After our lawsuit was filed, Nissan "voluntarily" extended the warranty on the radiator assembly to 80,000 miles, although the extension does not specify whether consequential damage to the transmission is also

covered. Regardless, our investigation has revealed that the radiator and transmission failures frequently occur beyond 80,000 miles, making the warranty extension useless to most owners.

This Nissan radiator defect poses a safety risk to owners who can sustain catastrophic transmission failure while the vehicle is being operated. Although Nissan claims that this is not a "safety issue," it is undeniable that losing forward propulsion on a busy highway can be dangerous. In fact, on August 24, 2011, the New York Times reported on the Nissan Radiator Defect and cited numerous complaints to NHTSA about transmission failures leading to safety issues...

(See the rest of the article online at the above link)

Web Article:

Transmission Failure Caused by Cracked Radiators

Faulty Radiators Are Causing Coolant to Leak Into and Destroy the Transmission

From: <http://www.nissanproblems.com/problems/transmission.shtml>



An alarming number of Nissan Xterra, Pathfinder and Frontier owners are stepping forward with stories about their cracked radiators which are causing coolant to leak into the transmission. Once mixed with the transmission fluid this lethal combination kills the valves, seals and torque converter -- rendering your entire transmission useless. This issue is currently contained to the 2005 model year, but we're keeping our eyes open for reports from other years.

What's even more troubling is owners who have already had their transmissions "repaired" by an authorized Nissan dealer are still reporting catastrophic transmission failure. Through no fault of their own, Nissan owners who are out of warranty are left to cover the hefty repair bill, which can be over \$4,500 when all is said and done.

Nissan service shops might simply try replacing the cracked radiator and flush the transmission a couple times before sending you on your merry way. The problem is they know the damage coolant will do to a transmission and are just trying to put a band-aid on a deep wound. This is a widely publicized problem, in fact most independent service shops are quick to recognize the issue, so you can bet that Nissan and all their authorized dealers are well aware of it. Nissan did extend the power train warranty on these vehicles from 60k to 80k without any explanation why; many cite this as an admission of guilt without actually admitting to anything. Unfortunately this problem can easily still happen after 80k miles and any transmission work done by an independent mechanic at any time may void the warranty!

Actions You Can Take & Possible Recourse

This step is crucial. Don't just complain on forums; The sites below actually manage your complaint in ways that allow useful statistics and they report dangerous trends to the authorities. Law firms often contact these sites for help with Class Action lawsuits. Make sure to file your complaint on all three sites, we can't stress that enough.

1. **Step 1: File Your Complaint at CarComplaints.com**
CarComplaints.com is a free resource dedicated to uncovering car problem trends and informing the consumer. [File Your Complaint](#)
2. **Step 2: Notify the Center for Auto Safety**
The Center for Auto Safety is an organization that informs consumers about auto safety issues. [Notify the CAS](#)
3. **Step 3: Report a Safety Concern to the NHTSA**
The NHTSA directs highway safety and has the authority to force recalls to be issued following investigations. [Report Your Concern](#)
(The rest of the article can be read at the above link.)

National Highway Traffic Safety Administration
NHTSA Action Number: DP12004
Began investigation (currently ongoing) on June 11, 2012:
(<https://www-odi.nhtsa.dot.gov/VehicleComplaint/confirm.xhtml>)

ODI received a petition requesting investigation of transmission damage attributed to contamination by engine coolant. The source of the contamination is a cracked ATF line that runs through an engine coolant chamber in the radiator. **ODI has received (512) five-hundred-twelve consumer complaints between August 2005 to May 2012 regarding transmission problems.** A copy of the petition will be placed in the public file. ODI will review its content and related field data to assess whether a safety defect investigation is warranted. Referenced VOQs are listed on a separate page.

NOTE: These reference pages offer just a few basic examples of the many, many sites on the Internet that include complaints about this issue.

8440 ARDWICK-ARDMORE RD
LANDOVER, MD 20785

First-Class Mail
U.S. Postage
Paid
UPS
84321

Dear Customer:

Oct 19, 2012

Shipper

MANAGEMENT CONCEPTS

COD Amount Control Number Tracking Number

We are unable to deliver this package(s) because:
SUITE NUMBER NEEDED, NOT DELIVERED
Your shipment will be held at the above address until:
Oct 26, 2012
After that date, it will be returned to sender.

Please pick up your package(s) at the
address listed at the top - a government
issued photo ID is required - or you may
call us at 1-800-877-1719

Our hours of operation are:
Monday-Friday 08:00 AM - 07:00 PM

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WASHINGTON, DC 20590-0001

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