

C1-10477723-6997

[REDACTED]
Santa Clara, CA [REDACTED]

Copy for: NHTSA

September 14, 2012

Department of Consumer Affairs
Consumer Information Division
1625 North Market Blvd., Suite N 112
Sacramento, CA 95834

SEP 24 2012

Re: 2004 Lexus ES 330
No Floor Mat Recall

Dear Sir/Madam:

I am writing this letter to report the lack of concern Toyota Motor Company had responded to me regarding an accident that occurred on June 24, 2012 as I was driving my 2004 Lexus ES 330 it suddenly accelerated across the street and plunged on to my neighbor's brick fence thereby completely damaging the car, declared totally damaged. I have a Police Report indicating that the floor mat may have caused the sudden acceleration. I also reported this incident to Lexus/Toyota Company where they traced the car and made inspections as to what may have caused the unintended sudden acceleration. Their inspection completed with undetermined cause, but noted the floor mat was not secured and hooks missing. See attached letter from Toyota.

I then found out that there were recalls with regard to Floor Mats on some Lexus models, but none was issued to me. I purchased this vehicle and there were never hooks to secure the mats. I have had numerous services performed on this car at their Authorized Lexus service Center and Floor Mat issue was never discussed, nor a recall ever sent to me to correct this defect where the floor mat can be displaced and interfere with the gas pedal. Clearly, Toyota noted this defect when they inspected my damaged car and still determined that this incident was not a result of any type of manufacture design or defect! The issue is; there was no recall sent to me with this regard.

If there were recalls of this nature that may cause sudden acceleration and accident, and which I was never informed- how can they justify the outcome of what occurred when Toyota Motor Company failed to warn consumers of a problem. Clearly, their negligence in fixing the floor mat defect issue and not warning me of a defect that may cause an accident is appalling. I need a letter of explanation as to why a Floor Mat Recall was not sent to me, or why a simple service advice regarding a floor mat issue was not addressed to me at any time I had my vehicle serviced at their Authorized service Centers... and an apology from them as well as how to rectify my losses and the effects of what I went through as a result of this accident.

[REDACTED]
Cc: Toyota Motor Corp.;NHTSAMC
092412
DW

[REDACTED]
Santa Clara, CA [REDACTED]

September 15, 2012

Nekii Montgomery
Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Torrance, CA 90501

Re: Date of Loss June 24, 2012
Vehicle: 2004 Lexus ES 330
Vin #: JTHBA30G045 [REDACTED]

Dear Mr. Montgomery:

This letter is in response to your letter dated August 23, 2012. You stated in your letter that the damaged vehicle was inspected on August 10, 2012 at CoPart. An inspection was completed involving the accelerator pedal, there was no damage observed to the accelerator pedal and there was no sticking and binding observed with the accelerator pedal when operated. The inspector did note the floor mats were not secured and the hooks were missing at the time of the inspection. You further stated that this incident was not a result of any type of manufacture design or defect.

I find it appalling for the lack of concern on your part when in fact your findings indicated a clear and definite Toyota/Lexus Manufacture Design and Defect, a poor Floor Mat design without hooks to secure the mat in place. In fact, the mats were not secured and hooks were missing at your own admittance! And this was determined to have triggered the gas pedal to accelerate the vehicle and caused the accident as reported by the Santa Clara Police Department (Police Report #12-7044 dated 06/24/12).

When I purchased the 2004 Lexus ES 330 at one of your dealership, the floor mats came with it as is, and there were never any hooks to secure them. I have not received any Recall Notices on this regard, nor have any one at your Authorized Service Centers alerted me to this effect where I have had numerous services done on this car and not once did anybody pointed out a concern about the Floor Mats. I was not aware that there were corrective measures available via Recall Notices which I never received, and this is my Main Concern, have this Floor Mat issue been imparted to me and corrected as soon as the problem was discovered, this could have prevented the accident!

Toyota/Lexus Company has the obligation under the Product Liability Law to inform the public via Recalls or other means should a problem arise and need corrections. Your negligence and failure to advise me of this Floor Mat Defect had caused me economic loss, psychological problems, medical issues, pains and sufferings. Please respond on this regard.

[REDACTED]

Cc: National Highway Transportation Safety Administration; California Department of Consumer Affairs

TOYOTA

Nekii Montgomery
Direct Phone (310) 468-7436
Fax (310) 381-6982

Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Torrance, CA 90501

August 23, 2012

[REDACTED]
Santa Clara, CA [REDACTED]

RE: Date of Loss: June 24, 2012
Vehicle: 2004 Lexus ES 330
Vin #: JTHBA30G045 [REDACTED]

Dear [REDACTED]

This letter will acknowledge our receipt of your communication with Toyota Motor Sales, USA, Inc. in regards to the above referenced incident.

It is our understanding that you experienced an unintended acceleration with the vehicle causing you to drive across the street, jump the curb and hit a wall.

As you are aware, the vehicle was inspected on August 10, 2012 at CoPart. An inspection was completed involving the accelerator pedal. There was no damage observed to the accelerator pedal. There was no sticking and binding observed with the accelerator pedal when operated. The inspector did note that there were two stacked floor mats that were not secured and the hooks were missing at the time of the inspection. Due to the damage the vehicle could not be test driven, however the visual inspection showed no abnormalities. Your concern could not be duplicated.

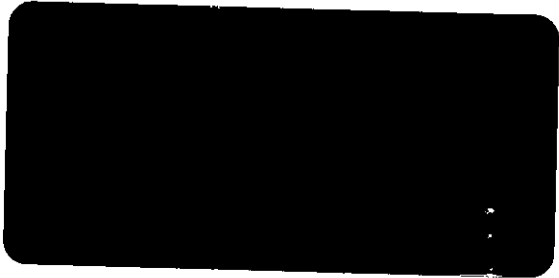
We are very sorry to hear about your unfortunate incident; however, our inspection determined that this incident was not a result of any type of manufacture design or defect. Thank you for allowing us to address your concerns.

Very truly yours,


Nekii Montgomery
Toyota Motor Sales, U.S.A., Inc.

Santa Clara, CA

CERTIFIED MAIL™



**RETURN RECEIPT
REQUESTED**

7011 1150 0000 7880 0348

**RETURN RECEIPT
REQUESTED**

TO: ADMINISTRATOR

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
1200 NEW JERSEY AVE. SE
WEST BUILDING
WASHINGTON, DC 20590

W40-304

