

INFORMATION Redacted PURSUANT TO THE FREEDOM OF  
INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

APR - 4 2013

St. Louis, MO. [REDACTED]  
27 March 2013

To: National Highway Traffic Safety Administration  
From: [REDACTED] St. Louis, MO. [REDACTED]  
Re: Denial of Reimbursement by Lotus Cars for repair of oil line "Official Recall"

I am enclosing my correspondence with Mr. Ron Mann, Customer Service and Warranty Manager of Lotus Cars in Lawrenceville, Georgia, along with copies of the Official Recall Notice, the "Customer Reimbursement Plan," and a duplicate copy of my receipt for \$926 for the repair performed by the St. Louis Lotus dealer – St. Louis Motorsports for exactly the problem that the recall addresses. The only reason given for the denial of my claim for reimbursement is that the "failure took place outside of the date range as set forth in the reimbursement plan." As my letter shows, I have written to Mr. Mann to ask him and his organization to reconsider my case; this suggestion to further mediate a dispute is mentioned in his letter to me.

There was no explanation of how the "date range" was set, but please consider this. As the Official Recall states (attached), the manufacturing defect took place on Lotus Elise (and Exige) cars manufactured in 2004-2006. I purchased my car new in March 2006. The failure took place six months out of warranty in November 2009. For some concocted reason, their reimbursement window begins 5 October 2010. Why is this? The people who are being denied reimbursement are the good customers who supported the company by buying cars early in their production.

It is clear that the company became aware that they had a problem with the oil line when my service was performed, because I was informed about this by the then-service manager. I'm guessing that the majority of people who owned vehicles produced from 2004-2006 had the failures occur long before 2010. We turned out to be the "statistics" that enabled the company to discover that it had indeed a manufacturing defect! And now instead of reimbursing the good customers who were disadvantaged by what Lotus has come to regard as their fault, they refuse to re-pay us for precisely the repair of what they recalled!

I thank you for your reply, and any assistance.

Yours sincerely,  
[REDACTED]

NAM  
41113  
SMD

[REDACTED]  
St. Louis, MO.  
27 March 2013

Mr. Ron Mann  
Customer Service and Warranty Manager  
Lotus Cars, 2402 Tech Center Parkway, Suite 600  
Lawrenceville, Georgia 30043

Dear Mr. Mann,

I received your letter dated 6 March 2013 informing me that my request for reimbursement for the repair of my Lotus [Ref Reimbursement Request – SCCPC11125HL.34153], following the Official Recall, was denied. I'd appreciate it if you and your organization would review the matter.

So far as I could understand your reply, the denial of reimbursement was based solely on the fact that the "failure took place outside of the date range as set forth in the reimbursement plan." And how was the "date range" decided upon? I find no clue in your reply or guidelines. In the absence of any explanation or justification of the reasons for insisting upon this small window of "date range" – some half a decade after the time frame announced for when the manufacturing defect occurred, 2004-2006, it strikes me as capricious, unreasonable, and unfair.

I purchased my Elise early in its release, buying the 2005 model new in March 2006. My 3-year warranty period expired in March 2009. The failure took place a mere six months later when I had 15,000 miles on the car, in mid-November 2009, and the repair was performed immediately by the Lotus dealer in St. Louis (I am enclosing, again, a copy of the receipt for \$926 for that repair).

At the time, the service manager called the national office to see if the repair would be covered by Lotus since he was already aware that others had suffered similar problems but was told that, at that time, there would be no coverage for the repair. Surely, the Official Recall meant that enough people had experienced comparable problems and that, upon further investigation, it was concluded that there was a manufacturing defect, and hence Lotus tried to remedy the defect and inconvenience caused to customers.

I am asking you and your organization to review your decision denying my request for reimbursement. *I bought your car and suffered the failure that Lotus now acknowledges was produced by a defect in their production process. I paid the Lotus dealer to make the repair \$926. The purpose of the Official Recall was to remedy and/or reimburse the good customers who paid for what was later identified as a manufacturing defect.* I am asking you to please do the right thing, the honorable thing.

Yours sincerely,

[REDACTED]

Cc: National Highway Traffic Safety Administration.



Lotus Cars USA, Inc.

March 6, 2013

[REDACTED]  
Saint Louis, MO [REDACTED]

Ref: Reimbursement request---SCCPC11125H [REDACTED]

Dear [REDACTED]

We have reviewed your claim request and unfortunately are not able to approve it for payment. Our decisions were based on the written guidelines as approved by NHTSA and posted on their website. I have enclosed a copy of the guidelines for you.

Our decision was made based on the fact that your failure occurred outside of the date range as set forth in the reimbursement plan.

If after reviewing the guidelines, you determine that we misapplied any portion of the plan, please respond in writing to the address below and we will take another look at your claim based on your interpretation of this plan.

Thank you for being a Lotus owner and I wish you many carefree driving days.

Kind Regards

A handwritten signature in cursive script that reads "Ron Mann".

Ron Mann  
Customer Service &  
Warranty Manager  
Lotus Cars USA

# Repair Order Detail - Customer Copy

RO Number: 14156

RO Status: CLOSED

Customer: [Redacted]  
Phone(s): Contact: [Redacted]  
Vehicle: [Redacted]

Main: [Redacted]

Cell: [Redacted]

Mileage: 15,520  
Service advisor: 91  
Tag number: T3348

Payment type: CASH  
Promised time: 05:00 PM  
Promised date: 11/20/2009

Waiter: No  
Estimate: 0.00

A M CLIENT STATES VEHICLE LEAKING OIL CLOT REPLACED LEFT OIL COOLER LINE. 720.

Tech(s): 19  
A121M0010F 0 LAMP-REAR SIDE MARKER RH 0.  
Q5W40 5 Q HP SYN OIL 5W40 46.  
A120K0027F 1 HOSE OIL COOLER SWIVCH PLAT 159.  
\$926-

Pts: 206.04 Lbr: 720.00 Other: 0.00 Total Line A: 926.

B\*\* M CLIENT REQUEST INSTALL RIGHT REAR MARKER LIGHT CLOT INSTALLED RIGHT REAR MARKER LAMP 0.1

Tech(s): 19  
A121M0010F 1 LAMP-REAR SIDE MARKER RH 73.1

Pts: 73.89 Lbr: 0.00 Other: 0.00 Total Line B: 73.1

Customer Pay	
Labor	720.0
Parts	279.9
Lube	0.0
Sublet	0.0
Miscellaneous/Shop Charge	54.0
Deductible	0.0
Total Charges	1,053.9
Less Insurance/Adjustment	0.0
Sales Tax	20.5
Total	1,074.4

THIS IS A DUPLICATE RECEIPT  
FROM ST. LOUIS MOTORSPORT  
11/20/2009  
FOR REPAIR OF OIL LINE  
WHICH IS THE OFFICIAL RECALL



Lotus Cars USA, Inc.

**SAFETY RECALL NOTICE**

[REDACTED]  
Saint Louis, MO [REDACTED]



**Lotus Recall 2012/01R (NHTSA recall # 11V-510)**

**Vehicle VIN SCCPC11125H [REDACTED]**

Dear [REDACTED]

Lotus has identified you as the registered owner of the above vehicle. This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

**REASON FOR THIS RECALL**

Lotus has decided that a defect, which relates to motor vehicle safety, exists in certain 2005, 2006 and 2007 model year Elise and Exige vehicles. It has been determined that oil cooler hose leaks have occurred in a small number of USA specification vehicles manufactured between 1 June 2004 and 30 November 2006.

**WHAT IS THE RISK?**

A failure of the oil cooler line may result in oil being deposited on the wheel and/or tire and/or brakes. This could cause reduced or loss of control, reduced braking efficiency and an increased risk of fire because of the presence of flammable vapour. This could result in a crash, serious injury or fatality.

If an oil cooler line failure occurs the driver may observe one or more of the following warning signs:

- (1). Oil pressure warning light illuminated whilst the engine is running;
- (2). Signs of oil under the front or rear of the vehicle whilst the vehicle is parked;
- (3). Excessive oil consumption;
- (4). Trail of oil on the road;

***If you observe any of the above before driving, do not drive the car and contact your Lotus dealer. If your oil pressure warning light illuminates whilst driving, or if you have any other reason to suspect that an oil line has become detached, stop your vehicle immediately in a safe and controlled manner and contact your Lotus dealer.***

**WHAT WE WILL DO**

Further to the interim notification letter sent to all registered owners in January 2012, Lotus Cars can now offer an oil cooler line rectification kit consisting of a replacement hose assembly which is fitted between the vehicles front mounted oil coolers and modified hose connectors fitted to both the front to rear oil cooler lines. Your Lotus dealer will carry out this work without charge to you.

2402 Tech Center Parkway, Suite 600 Lawrenceville, GA 30043 Tel: 770-476-6540 Fax: 770-476-6541



Lotus Cars USA, Inc.

WHAT SHOULD YOU DO?

Please contact your Lotus dealer as soon as possible to arrange a service date and to enable the dealer to order the necessary parts for the repair. Instructions for making this correction have been sent to your dealer and the parts are available. The labor time necessary to perform this service correction is approximately 4 hours. Please ask your dealer if you wish to know how much additional time will be needed to schedule and process your vehicle.

Your Lotus dealer is best equipped to obtain parts and provide service to ensure that your vehicle is corrected as promptly as possible. If, however, you take your vehicle to your dealer on the agreed service date, and they do not remedy this condition on that date or within three (3) days, we recommend you contact Lotus customer service by calling 1-800-24-LOTUS (1-800-245-6887).

If, after contacting your dealer and Lotus customer service, you are still unable to have the safety defect remedied without charge and within a reasonable time, you may wish to write to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; or call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153); or go to <http://www.safercar.gov>.

If you had this repair performed before you received this letter, you may be eligible to receive reimbursement for the cost of obtaining a pre-notification remedy of the problem associated with this recall. For more information contact Lotus customer service by calling 1-800-24-LOTUS (1-800-245-6887).

This letter identifies you as an owner of a vehicle affected by this recall. Presentation of this letter to your dealer will assist in making the necessary correction in the shortest possible time. If you have sold or traded your vehicle, please let us know by completing the cut-off slip below and returning it in the postage paid envelope enclosed.

If you are a vehicle lessor, Federal law requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the vehicle lessee within ten days.

Again, we are sorry to for this inconvenience; however, we have taken this action in the interest of your safety and continued satisfaction with our products.

Mr. R Mann  
Customer Services & Warranty Manager  
Lotus Cars USA, Inc.



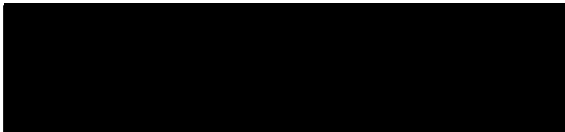
### Customer Reimbursement Plan

1. **Claimants<sup>1</sup> to be reimbursed for repairs conducted between 5th October 2010 and 19th January 2013 (customer notification + 10 days)**
2. **Claims will be refused if:**
  - a) Repairs<sup>2</sup> are not of the same type as the recall remedy (i.e. hose repair or replacement)
  - b) The repair did not address the problem that led to the recall
  - c) The repair was not reasonably necessary to correct the defect that led to the recall
3. **Claims will only be paid if adequate documentation is provided:**
  - a) Name and mailing address of the claimant;
  - b) Vehicle make, model, model year, and vehicle identification number of the vehicle;
  - c) Identification of the recall (either the NHTSA recall number or the manufacturer's recall number);
  - d) Identification of the owner or purchaser of the recalled motor vehicle at the time that the pre-notification remedy was obtained;
  - e) A receipt for the pre-notification remedy, which may be an original or copy
  - f) Receipt must indicate that the repair addressed the defect or noncompliance that led to the recall or a manifestation of the defect or noncompliance, and state the total amount paid for the repair of that problem.
4. **Within 60 days, claimant will be reimbursed for lesser of:**
  - a) Cost paid by claimant for repairOR
  - b) Lotus retail cost of parts + labour, taxes etc
5. **Claims for reimbursement should be sent to:**

Mr Ron Mann  
Customer Services & Warranty Manager  
Lotus Cars USA Inc.  
2402 Tech Center Parkway  
Suite 600  
Lawrenceville  
U.S.A.

**Notes:**

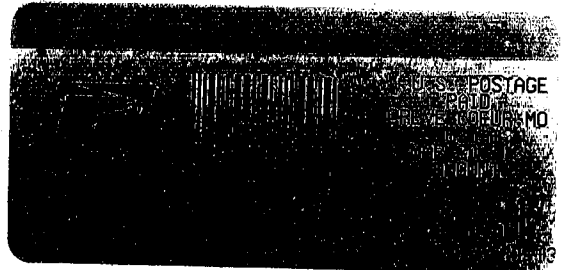
1. **Claimant** means a person who seeks reimbursement for the costs of a pre-notification remedy for which he or she paid.
2. **Repair** is defined as all parts, labour, disposal of waste, taxes etc associated with rectifying the defect that led to the recall. This also includes all parts that failed as a result of the defect, including engines and associated parts, provided the above conditions are met.



ST. LOUIS, MO.



7012 2210 0001 9128 2738



W48-226

National Highway Traffic Safety Admin.  
1200 New Jersey Avenue S.E.  
Washington D.C.  
20590

Attn: Lotus Recall  
Complaint

20590

