

March 15, 2015

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

TO WHOM IT MAY CONCERN AT:

The National Highway Traffic Safety Administration,
The Better Business Bureau,
Nissan Motors Corporation and
Consumer reports,

MAR 26 2015

Attached is the original letter and pictures sent to each of your agencies on August 27, 2015 regarding our 2003 Nissan Altima (vin #1N4BL11DX3C [REDACTED]). Since the time of the original letter, hundreds of other complaints through the NHSTA website, [REDACTED] have been made detailing the same premature rusting in both the passenger and driver side floor panels as a result of a design flaw by Nissan. Further investigation reveals that this issue is extremely common in Nissan Altimas built between 2002 and 2006. Pictures and descriptions on these sites demonstrate the extent and commonality of the exact problem. The premature corrosion, if left undetected and untreated, can move into the rocker bottom of these cars, causing significant structure integrity issues. If that occurs, the safety of those individuals in the vehicles is extremely compromised if involved in an accident.

Nissan has been blatantly negligent and continues to ignore this common problem. Legally, Nissan has an obligation from a product liability standpoint to notify owners about the design defect. Design defects occur when the product designed "is inherently dangerous or useless (and hence defective) no matter how carefully manufactured; this may be demonstrated either by showing that the product fails to satisfy ordinary consumer expectations as to what constitutes a safe product." Furthermore, "failure-to-warn defects arise in products that carry inherent non-obvious dangers which could be mitigated through adequate warnings to the user." Because Nissan continues knowingly to turn a blind eye to the problem and has failed to notify owners of the design defect and risk of serious injury, they are in direct violation of product liability and failure-to-warn regulations.

Attempting to trade in these defective vehicles results in extremely poor offers and very low trade values due to the known design defect and premature corrosion issue. My hope is that either Nissan independently addresses the issue with owners by notifying them of the design defect, covering the cost of the needed repairs then somehow increase the trade value of these vehicles or your agencies investigate the issue and Nissan's blatant disregard to the safety of the individuals who purchased these vehicles and initiate the process for a recall before anyone is seriously injured.

Thank you for your time and consideration and we look forward to your response.

Sincerely,

Winfield, PA [REDACTED]
[REDACTED]NAM
4115
JMP

August 27, 2013

Dear Better Business Bureau, Consumer Reports, and National Highway Traffic Safety Administration:

I write this letter in regards to Nissan Automakers unwillingness to stand behind a design defect in the 2003 Nissan Altima (vin #1N4BL11DX3C [REDACTED]). I am requesting that Nissan cover the cost of the repairs due to the design defect and an investigation be launched into the serious safety concerns with the Nissan Altimas and the number of vehicles affected by this problem. A failure to provide adequate warning to consumers of this problem may cause a serious injury or even death.

On April 9, 2013, our 2003 Nissan Altima was taken into a local garage for a routine oil change, tire rotation, and yearly Pennsylvania inspection. We were told by the manager that the vehicle failed inspection because the floor boards on both the driver and passenger side were rusted out. When obtaining multiple estimates from local body shops, we were told that this type of damage should not happen in a 10 year old car, and the rest of the bottom of the car looked "really good". Nissan opened a claim (Case # [REDACTED]) and instructed us to take it to the local Nissan dealer for a diagnosis. In the attached estimate from Blaise Alexander Nissan, the service manager stated that he "cannot say what caused the floor to rust" and we were told by him that a design flaw could not be ruled out until the work was done. After giving this information to Nissan Consumer Affairs, I was told that Nissan would not cover the repairs to the vehicle. I then filed a complaint with the National Highway Traffic Safety Administration (NHTSA).

After performing research on my own, the NHTSA website (NHTSA.gov) includes over 200 claims/complaints in 2002-2006 Nissan Altimas of the driver and passenger side floor board prematurely rusting. Fifty five of these complaints are from 2003 Nissan Altimas. Since doing this initial research in April, a number of other complaints have been filed with the NHSTA at an alarming rate, especially over the two months. There are also numerous complaints regarding the same issue on [REDACTED] Nissan has been contacted numerous times about the issue.

A diagnostic letter sent to Nissan from the Vice President of the garage that performed the repair states that "poor placement of sunroof drains allowing moisture to enter the vehicle through the rocker area, then pool on the passenger and drivers side floor areas" and "floor boards are double layered which traps moisture between the two layers" are the "issues causing premature floor board corrosion." He goes on to state that "This could become a major structural issue if not addressed. Corrosion could infest inner rocker panels, this would cause the vehicle to loose structural integrity in certain types of accidents." After receiving this information, at the request of Nissan Regional Consumer Affairs, I faxed the diagnostic letter and estimates and was again denied reimbursement for the cost due to the car being out of warranty and the high miles. A similar letter to this along with the included pictures of the damage, and repair costs were then sent via certified mail to Nissan Automakers in mid July of 2013 for reconsideration. I received a call again from the regional consumer affairs specialist stating the Nissan would not cover the repair and that the case has been closed, and there was nothing more they would do.

In this day and age, floor panels are not expected to rust or corrode after 10 years. Design defects are not subject to warranties and the manufacturer is responsible for correcting the problem. This manufacturers design defect needs to be addressed prior to someone being seriously injured or even killed. Thank you for your time and consideration in this matter and I look forward to your response.

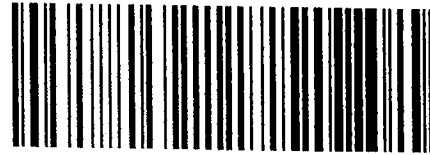
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WINFIELD, PA

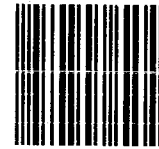
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