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INFORMATION ACT (FOIA), 5 U.S.C . 552(B)(6)

EQ-10510406-6363

From: [Wells, Cynthia CTR \(NHTSA\)](#)
To: [Nelson, Carla CTR \(NHTSA\)](#)
Subject: FW: NHTSA: Follow up to ODI Complaint: 10510406
Date: Tuesday, July 09, 2013 11:12:58 AM
Attachments: [EMAIL HISTORY with Harper Infiniti.docx](#)

From: Williams, Maritza CTR (NHTSA) **On Behalf Of** DataQuality, DataQuality (NHTSA)
Sent: Tuesday, July 09, 2013 10:35 AM
To: Wells, Cynthia CTR (NHTSA)
Subject: FW: NHTSA: Follow up to ODI Complaint: 10510406

Hi Cynthia,

Below and attached, the consumer is updating their ODI file. The ODI # is in the subject line.

Thanks,

From: [REDACTED]
Sent: Tuesday, July 09, 2013 9:30 AM
To: DataQuality, DataQuality (NHTSA)
Subject: Fwd: NHTSA: Follow up to ODI Complaint: 10510406

I just realized when reviewing this that I replied to your original email rather than sending to the address you specified. I hope you have received my response but am sending again now just in case you have not. (See below for attached word document)

I have also since filed a case with the federal trade commission: Ref 46946140

Infiniti has also given up working with me and said that we are sitting in the seat improperly. I think you will see from video links to dropbox I've included in the word document (documenting both the defect in action and the passenger's position) that that is bogus.

Thanks,

[REDACTED]

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: June 19, 2013, 7:35:08 PM EDT
To: EVOQ@dot.gov
Subject: NHTSA: Follow up to ODI Complaint: 10510406

I am unable to edit the pdf but have been waiting to give you my VIN number since 24hrs after I filed the complaint verbally and the lady who took it said it was no problem to not have the VIN number and that I could add it later.

Attached you will find a word document with an email chain of documentation and video proof of the airbag issue I've been experiencing since owning the car. The final email (5th video prooof dropbox link) starts on page 5 of the 6 page document sums up most everything if you want to start there.

Harper Infiniti dealership is trying to work with me but have yet to identify the

problem. At least now they seem to be being allowed to try but its not looking good.

When I originally contacted you (NHTSA) I was wanting to be a part of the current recall. Harper has since tried that fix for me even though my VIN is not a part of current airbag recall. It did not solve the problem though so I don't know if you need to reclassify my complaint?

VIN: 5N1AL0MN1DC [REDACTED]

[REDACTED]

EMAIL HISTORY with Harper Infiniti, Knoxville, TN – The dealer I purchased the car from in June 2012. They continue to try to help me but have yet been unsuccessful.

1st video proof email sent – dropbox link included

----- Original Message -----

From: [REDACTED]
To: mark.byrd@harperinfiniti.com
Cc: [REDACTED]
Sent: Friday, May 03, 2013 9:04 PM
Subject: [REDACTED] has shared 'Video May 03, 7 40 34 PM.mov' with you using Dropbox

Hey Mark,

We were finally able to capture the problem on video. I was picking [REDACTED] up from an after school function at 7:30 this evening. When we left school (like we did when you were with us). The light stayed on until we were on Canton hollow but we weren't organized enough to video it before it went out. Then we had to stop for the train at the end of Canton hollow and while we were sitting at the stop sign watching train go by, the light turned on and stayed on. I didn't bother filming because the car wasn't moving so it wouldn't be good evidence. (Though, in hindsight, whether the car is moving or not, it should be safe in case someone were to hit us from behind.). We then crossed the railroad tracks and went down the road a little ways and the light turned off. Since it was clearly acting flaky I decided to try to turn the car off and back on so I pulled off to the side of the road and did that. This time the light turned on and stayed on. We continued down Fox Road and then turned on westland dr to get on the highway. This is when the recording begins. I purposely waited to start recording after we had been driving a minute or two so that there were no excuses about that. The recording ends when we are well on the highway going 60 miles an hour and then the light turns out.

Here's a link to "Video May 03, 7 40 34 PM.mov" in my Dropbox:

<https://www.dropbox.com/s/grqh1kfepyb0l3a/Video%20May%2003%2C%207%2040%203>

Reply From Mark Byrd – Service Manager 05/06/13

Thank-You

I recieved your video and have fowarded it to Infiniti Engineering. As soon as they let me know something I'll let you know.

Harper Infiniti
Service Manager
Mark Byrd
mark.byrd@harperinfiniti.com
865-690-1970

*On Thursday May 23rd Mark called with approval from higher up to try the existing Recall for sensor replacement even though I was not approved to make me happy and because it might work. It did not.

2nd video proof email sent – dropbox link included

----- Original Message -----

From: [REDACTED]
To: [Mark Byrd](#)
Sent: Thursday, May 30, 2013 9:44 PM
Subject: no cigar yet :(

Mark,

I'm so sorry to report that we still have the problem. At least we found out immediately.

Details from today:

At around 6:00pm we left Pinnacle theater at Turkey Creek with [REDACTED] in the front seat en route to a Bearden address (5400 Shenandoah drive - just for full info sake). We drove that whole distance with no issues and took the highway most of the way. Half way there I teased [REDACTED] that he should shift in the seat some to try and make it happen but still nothing. We arrived at destination and dropped guest (car never turned off) - then I reset my nav to Panera on Kingston Pike. We drove for a while before light came on and as you will hear in the video it came on as we were curving around a turn. It was a wide turn (not a u-turn) and it was at a higher speed than taking a turn after you've been sitting still at a traffic light. It could be a total coincidence that that is when it turned on but it seemed worth noting. I don't recall if that was the case at other times. It took us a minute or so to even get the recording started and then, as you will see, the light didn't turn off until we reached our destination. (I was not on a road where I could accelerate to 60 to see if that would reset it again.) I was going about 40mpg most of the time it was on. Stopped and started a lot since we were going down Kingston Pike with many traffic lights. When we arrived I was trying to see if there was a menu option I could pull up on the display that might have some code settings but I didn't see anything useful and while I was looking the light finally turned off. We went in, got our food and then restarted car and the light never came on once on the whole trip from there to home (Whittington Creek). I went down Northshore the whole way so plenty of little bumps in the road and nothing that jarred it on.

<https://www.dropbox.com/s/us3nklf24yh9gb1/2013-05-30%2018.36.47.mov>

Sorry. I know this probably doesn't add a lot more than frustration but maybe there is a setting you can tell me how to look up in the dash display when it happens?

[REDACTED]

From Mark 5/31/13

Ok. If I have already asked I apologize for asking again, Has this happen with someone else in the seat other than [REDACTED]?

To which, at that point I verbally replied it had not happened with anyone else but that changes further in this thread.

3rd video proof email sent – dropbox link included

From: [REDACTED]
Date: June 15, 2013, 2:45:00 PM EDT
To: Mark Byrd <mark.byrd@harperinfiniti.com>
Cc: [REDACTED] >
Subject: [REDACTED] JX airbag video #3

Video 3 - with new front seat passenger

https://dl.dropboxusercontent.com/u/18816241/IMG_1463.MOV

Hi Mark,

My parents arrived in town yesterday and today my mother and I just drove to the drugstore and the airbag light was on the whole way. She is a 69yr old 117lb. 5'4" woman (so, smaller than my son (at 5'6" and 135lbs) but large enough to ride in the front seat - one would hope - LOL) Maybe it is an issue with under a certain weight since heavier people in the seat have not had an issue yet but

This was a fairly quick drive from subdivision to CSV and the light did not turn off until we pulled into the parking lot and I was messing around with the dashboard interface again trying to find something helpful for you guys. Then, I looked down, and the the light had turned off. So, as you will hear me speculate in the video, maybe there is a link to touching controls on dash that snaps it back into place? That was what happened during last 5 minute video I sent too.

My parents do not understand why I'm still driving this car and it took great pains to spare you the wrath of my father coming down there to talk to someone. I'm trying to be patient thru this all, but with no resolution and continued proof - I am not adverse to discussing trading for a working model of something else, as a last resort. None of us wants that. Its a hassle for Nissan and for me but I'm driving a Less than 1 year old \$50k brand new car that I have to worry every time someone uses the front seat.

Thanks,
[REDACTED]

Mark responded verbally the following day to request I swap for a loaner JX to see if I could recreate the problem with a different car.

4th video proof email sent – dropbox link included

After picking up loaner JX (which has also been equipped with current recall sensors) on Monday June 17th, 2013 these were my findings:

Reply from Mark on June 18th:

Thank You for the update i have fowardred it up the ladder.

----- Original Message -----

From: [REDACTED]
To: [Mark Byrd](#)
Sent: Monday, June 17, 2013 9:10 PM
Subject: Fwd: [REDACTED] :- testing loaner JX Phase I - addendum

Apparently even this is intermittent since I wanted to see if another Nissan car did same thing so I experimented with myself in passenger seat of friend's Armada and had no issue in that car.

Then I tried again in loaner JX and this time it worked.

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: June 17, 2013, 7:37:49 PM EDT
To: Mark Byrd <mark.byrd@harperinfiniti.com>
Cc: [REDACTED]
Subject: [REDACTED] :- testing loaner JX Phase I

June 17,2013 - testing loaner JX

We did a little driving with my mother and then my son today and have not yet reproduced the problem but afterwards we did some experimenting in the garage with seat placement so I wanted to pass along the findings in case its helpful to the engineers.

While I've yet to reproduce the original issue of random occurrences of airbag not working using the loaner JX, I wanted to see if leaning the seat back (which effectively lessens the weight of the person in the seat) would change the outcome. Sitting up, the light was off, then, when she was fully reclined, the light came on and stayed on; then when she was upright again, the light went off.

I want to stress here that we have NEVER ridden like that before but I was bringing it to an extreme position to see if lessening the weight in the seat would trigger it.

It did indeed turn the airbag light on, even though she is a full sized person still sitting properly

in the seat, fully reclined. The whole reason for having a reclining seat is so you can recline.

That prompted me to want to do a side by side comparison with our other car, a Toyota Hybrid Camry. The second video link I've attached is my mother in the same exact position, fully reclined, and the Toyota light (which uses 2 indicator lights "Airbag ON" and "Airbag OFF") indicated "Airbag ON" the whole time she was reclined - which is what one would hope for in a functioning airbag.

reclined in Infiniti

<https://www.dropbox.com/s/w77sv8bbrsyk0hp/2013-06-17%2018.22.52.mov>

reclined in Toyota

<https://www.dropbox.com/s/s47yr4hxf2zhcrs/2013-06-17%2018.47.11.mov>

FACTS THUS FAR:

1. My personal JX definitely has had intermittent airbag operation problems with 2 different, adult weight passengers.
2. The loaner JX I received 06/17/13 exhibits inability to deploy airbag with passenger reclined.

I will continue to test this week during normal driving for the intermittent issue but I think the above information supports my previous findings in that the JX's airbag does not seem to operate at the level it should at all times.

[REDACTED]

5th video proof email sent – dropbox link included

From: [REDACTED]

Date: June 18, 2013 8:58:45 PM

To: Mark Byrd <mark.byrd@harperinfiniti.com>

[REDACTED]

Subject: testing loaner JX Phase II

One morning you will have no email from me and you'll be a little sad. ha! Unfortunately for you, that is not today.

June 18, 2013 - testing loaner JX Phase II 7:30pm

Testing of loaner JX has shown same issue as my personal JX.

https://dl.dropboxusercontent.com/u/18816241/IMG_1478.MOV

I said most of this on the video (since I may as well talk while I'm filming) but, to recap, in case any of it is relevant:

I was taking my son to a function down on Western Avenue today. It was about 25 miles from our house so we traveled both bumpy back roads and smooth hwy's the whole way there and we had no issues. I even encouraged him to slouch a bit to try and make it happen, but we had no problem.

I then dropped him off when we arrived, and drove the down the road a bit. I pulled into a Kroger plaza, filled the loaner car up with gas and then parked for about an hour while I had a pedicure. (I mention this only to tell you that the car was left alone for a good amount of time so its not an immediate stop/start thing.) Then, I drove back to the bowling alley parking lot. I was extremely early so I sat in there for 1 1/2 hrs with the car turned off, reading a book. I sat in the driver's seat the whole time. A couple of times I pressed the start (ignition) key twice (using no brake) to allow the ability to adjust the window height. Whether this has any bearing, I have no idea; but the most I can offer the engineers is every detail I can recall. Many times these types of debug issues, that are hard to reproduce, are usually a sequence of events rather than a specific thing. Unfortunately, I'm still not seeing a pattern in any of the information I've sent to you other than the JX passenger side airbag doesn't seem to consistently work.

I have had the issue happen:

1. with more than 1 person
2. with more than 1 JX vehicle
3. right at the time of car start up (and will stay on till car stops for a lengthy period)
4. while already in motion, traveling down a road for a while it will just randomly come on.
5. in park, with motor running and seat fully reclined.

My suspicion (and I could be totally wrong) is that most people aren't noticing the problem because 1) The marketing of the car is targeted at mom's like myself who rarely have someone in that seat AND/OR 2) Even those who may notice it, blow it off as an annoyance since it does go away if you stop for a while or ultimately turn the car off and back on.

At this time, I see no point in keeping the loaner JX since it is no better than my car. Unless of course you guys have come up with something to try. While I know this is not good news for you, it was a successful test to prove this issue is not unique to my personal JX. Unless the engineers suddenly have an epiphany regarding what the problem is, I am leaning towards looking into an alternate vehicle permanently as I'm tired of arguing about it with my husband and nagging my son to continue riding in the front seat to help me debug this issue. My reclining issue email from yesterday may be an extreme circumstance, I concede, but I'm the one laying in that seat on family trips at times and I want my airbag to work then too. I don't think its too much to ask when other cars I've tested (even Nissan ones) seem perfectly capable of that.

Please call me in the morning and let me know how to proceed. I can't remember if this is your bi-weekly meeting Wednesday or not.

