

CL-10533565-4789

JUL 26 2013

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JSHEPPARD@PACIFIC.NET

July 16, 2013

National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building
Washington DC 20590

TO WHOM IT MAY CONCERN:

I am writing to you on behalf of my client, [REDACTED], concerning a problem in the steering of her 2007 Lexus ES350. The Lexus dealership, Freeman Lexus in Santa Rosa, California, has refused to reimburse my client for repairs that were made to deal with the shudder and clicking problems in my client's car. Now, my client is requesting reimbursement in the amount of \$420.46 plus repair at no additional cost to her of the recurring problem in the steering "intermediate shaft" in her car.

Freeman should have known of and corrected the problem before selling the car to my client, as I explain below.

At the time my client purchased the car on September 7, 2007, Certified Previously Owned, the car was subject to **Technical Service Information Bulletin ST001-07, "Steering Intermediate Shaft Noise" on Lexus Model ES 350**. That bulletin had been issued on April 25, 2007. The problem had not been corrected or disclosed at the time of purchase. Furthermore, Freeman Lexus serviced the car on January 9, 2008, at which time the problem was not disclosed.

On August 31, 2012, when the problems appeared and were reported to my client's mechanic, Steve's Service Center, at 315 South State St. in Ukiah, CA 95482, Steve found Bulletin ST001-07 and duly replaced the steering shaft assembly, Part No. 45220-06114 according to the Service Bulletin. The cost of the replacement was \$420.46 (invoice enclosed).

[REDACTED] Lexus
July 16, 2013
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By letter dated January 9, 2013, to Richard Williams, Manager, Freeman Lexus, my client asked Lexus to reimburse the cost of the replacement. (Letter enclosed)

By letter dated January 23, 2013, Kevin Lujan, Customer Satisfaction Representative, refused to provide reimbursement, stating that it was "not appropriate for Lexus to provide reimbursement on the repair of the steering shaft." (Letter enclosed)

After doing research on the Internet, I discovered that my client is not the only owner of a 2007 Lexus ES350 to experience a shudder and click problem. The shudder and click problem appears to be a defect. Below are excerpts from samples of what I found:

Does anyone know what would cause a vibration in the steering wheel of a 2007 RX350? Car has 75,000 miles, never had any vibrations until a month ago. Purchased 4 new Bridgestone tires 6 mos ago. Had car checked and needed new front brakes which I had replaced, vibration occurred twice again since replacing brakes. Just had tires rotated and blanced. Waiting to see if it happens. Anyone experience this?
(<http://www.clublexus.com/forums/rx-second-generation/660304-vibration-in-steering-wheel.html#ixzz2Z8bZRftv>)

I'm experiencing the same vibrations with my wifes 07 RX350. Curious what Bridgestone tires you purchased? I bought new Bridgestone Dueler Alenza HL tires last year and after 18,000 miles they started to get very noisy due to cupping. This past July America's Tire replaced the tires for new ones (same tires). After only 6 weeks the tires started making the same noises and horrible vibration in the steering wheel and also floorboard. Just yesterday, America's installed new Michelin MXV4S8 tires and the vibration noise is much better.

I had two previous sets of Michelin's on the car prior to buying the Bridgestone's but I was looking for a tire with a little better warranty and I didn't like the way the Michelin's handled in the rain. The only reason I chose the Bridgestone's was because my neighbor has the same tires on his wife's 05 RX 300. The Bridgestone's were extremely loud on the RX. I would look into this as tire performance can vary significantly between car models.

Finally, curious how your steering rack is holding up? We had a recall on ours about 4 years ago and it was replaced, however, when I brought the car into Lexus service a few weeks ago they mentioned to me the steering rack was leaking and would need replaced again (\$1,600!!). I wasn't a happy camper to say the least especially after the steering rack was just replaced once. I'm going to monitor the situation and not replace it until I actually see fluid leakage. Good luck! (<http://www.clublexus.com/forums/rx-second-generation/660304-vibration-in-steering-wheel.html#ixzz2Z8d0UJqY>)

I purchased our car CPO in 2009. For me, the steering wheel vibration is extremely intermittent--occurring 6 times in 4 years. It only occurs after sustained freeway speeds. The dealer has never been able to identify the cause--we've ruled out tires, balance, alignment and engine issues. (<http://www.clublexus.com/forums/rx-second-generation/660304-vibration-in-steering-wheel.html#ixzz2Z8dGIco6>)

i have same issue. No leak and i have re-balanced tires and it is okay for 2 or 3 days and then goes vibratyish again.....(<http://www.clublexus.com/forums/rx-second-generation/660304-vibration-in-steering-wheel.html#ixzz2Z8dXRNSw>)

Hi - total [REDACTED] here and this issue may not be exclusive to the ES350. I picked up my shiny new used 2007 ES350 from the Lexus dealer yesterday. It's in great shape, and has less than 40k miles on it. It's one of their Certified Pre Owned cars and I got it for a good price.

When I was test driving the car, it had a slight shimmy and a pulsing when i was stopping. They replaced the front rotors and I believe that fixed the issue (though I have to press the brake pedal a lot further down than my last smaller car - is this normal to the ES350 or should I have them check that out too?) Other than that, I had very limited highway driving during the test drive.

My normal daily driving takes me on roads with 65mph speed limits. I did this yesterday evening and noticed the shaking / vibration in the steering wheel. This drives me absolutely crazy! (Had the same issue with the last car for 2+ years despite multiple trips to the dealer, &tc.) The ES350 has, I believe, all brand new tires as well.

Since it's new and bought from the dealer, I'm going to bring it in next week for service and hopefully they will fix whatever the issue is. The purpose of this post (other than to brag - I love having a new (to me) car!) is really to ask what people's experience with the dealers have been when it comes to problems like this. I can tell you that Hyundai was absolutely terrible).

Also, has anyone else had this issue, and would like to share the resolution? I'm praying that it simply a wheel-balancing-then-done issue. ☺

Sorry for the long first post - thanks in advance for any advice!
(<http://www.clublexus.com/forums/es350-2007-2012/650862-steering-wheel-shake-at-high-speeds-brand-new-2007-cpo-es350.html#ixzz2Z8eTefmc>)

Following the above post by "[REDACTED]" several documented and unsuccessful trips to the Lexus dealer ensued. Two additional posts by "[REDACTED]" are provided below.

Unfortunately, the issue with the shaking was not fixed. The car was picked up and apparently the mechanic drove it and said that it was fixed. I drove it at 70+mph this a.m. for the first time since last week and it still vibrates in the steering wheel. They said they Road Force Balanced the wheels.

I registered on Lexus.Com and looked at the vehicle history for this VIN. It looks like the road force balanced the wheels BEFORE I bought the car as well. They also did 4 wheel alignment and fielded complaints from the previous owner about this issue.

That said, I have absolutely no idea why they road force balanced the car when they clearly did the exact same thing (says so on their own website and they were the dealer that did this!) two months ago to no avail.

I'm assuming my only recourse is to bring it back to the dealer AGAIN? This is stupid. I bought this car because I was having stupid issues with the last one that the dealer kept giving me the run around from.

Thanks again all for your advice! (<http://www.clublexus.com/forums/es350-2007-2012/650862-steering-wheel-shake-at-high-speeds-brand-new-2007-cpo-es350.html#ixzz2Z8g75J8s>)

Yet another update....

I finally took the car to another Lexus dealer in a different state to have it looked over. They confirmed that I'm not, in fact, crazy and that the car doesn't drive anything close to right. They said that the tires that were put on by my dealer were the absolute cheapest things possible and wobble everywhere when put on a Road Force balancing machine.

They also said that the brake rotors (which were supposedly replaced by my dealer) were warped, and that all the break parts were cheap aftermarket things that were not of good quality. Also, the system hadn't been bled right (which I'd asked my dealer about but got the usual "everything is fine with them" answer).

Furthermore, they also confirmed for me that the car is out of alignment, which is what I'd thought, despite my dealer saying they had aligned it.

None of this information came with any prompting from me, just a simple: 'It doesn't seem to drive right at high speeds and feels a little weird braking' statement. I didn't want to influence the tests they performed or things they suggested. They said they would never sold that car CPO with those crappy parts on it. Total estimate on the proper tires, proper brake parts, alignment, brake system bleed: over \$2,300. Just to test they had me drive one of their CPO 2007 ES350s with 10,000 more miles than mine and it drove absolutely fine compared to the sub-par ride I get.

So now I'm looking at either spending an ADDITIONAL \$2,300 above what I just paid for

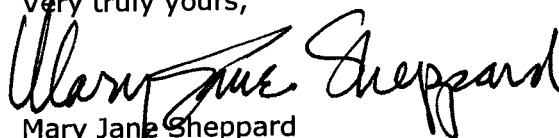
the stupid car, or losing a good \$6k on a trade-in. I'm thinking of trading in as my local dealer is the ONLY Lexus dealer within ~75 miles and I dread having to drive it to different city each and every time I need service, as it's been in to the dealer six or seven times now. (<http://www.clublexus.com/forums/es350-2007-2012/650862-steering-wheel-shake-at-high-speeds-brand-new-2007-cpo-es350-3.html#ixzz2Z8jQIH7Z>)

As the above posts indicate, the steering shaft is defective. Had the defect been disclosed, my client would not have purchased the car. Instead, my client relied on the "Certified Previously Owned" (as did the purchaser "██████" who detailed her troubles on the Internet), believing such certification to be reliable. Evidently, it is not.

As I am sure you would agree, my client is due an apology, reimbursement for repairs, and repair without cost to my client of the shudder and click problem by Freeman Lexus in Santa Rosa, California.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Mary Jane Sheppard
Attorney at Law

Cc: Freeman Lexus
Lexus Headquarters
Consumer Product Safety Commission
California Department of Consumer Affairs
██████████

Enclosures: Fax cover sheet dated January 18, 2013, and letter dated January 9, 2013, to Manager, Freeman Lexus

Invoice for replacement of steering shaft assembly

Letter dated January 23, 2013 from Kevin Lujan, Customer Satisfaction Representative

UKIAH, CALIFORNIA

FAX COVER SHEET

TO:

RAISHA

FROM:

LEXUS

FAX:

310-381-4727

DATE:

1-18-13

PHONE:

800-255-3987

CC:

RE:

707-462-1452

PAGES:

7

(including this page)



Urgent for Review



Please Recycle



Please Reply

COMMENTS:

ATTACHED - 2007 ES 350
LETTER TO DEALER 1-9-13
REPAIR INVOICE
TECHNICAL INFORMATION BULLETIN

Thank you.

Original to Follow:☒ No☐ Yes☐ First Class Mail☐ UPS Overnight☐ US Mail Next-Day☐ Federal Express**CONFIDENTIAL**

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January 9, 2013

Richard Williams, Manager
Freeman Lexus
2845 Corby Ave.
Santa Rosa, CA 95407

Dear Mr. Williams:

We purchased a used Lexus 350EX on Sept. 7, 2007 for approximately \$34,000. We recently discovered a problem with noise in the intermediate shaft. Our warranty had expired, and we paid \$420 to replace the shaft.

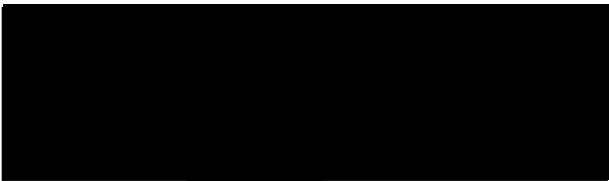
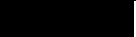
Our mechanic found that a service bulletin was issued on this Lexus model on April 25, 2007 (Number ST 001-07), several months before we purchased the car. This problem was not disclosed to us at the time of purchase.

We also had the 15,000 mile service performed at Freeman Lexus on January 9, 2008. Again, there was no disclosure of the service bulletin regarding the steering shaft.

We are disappointed that by purchasing a Lexus directly from a dealer that a problem such as this would not have been forestalled.

Enclosed is a copy of the service bulletin, and the invoice for the repair work. We expect that Lexus will reimburse us for the cost.

Sincerely,


Ukiah, CA 


LABOR DESCRIPTION	TECH	TOTAL
SERVICE-WRITE-UP ... Customer complaint: Steering column noise at all speeds.		
DIAGNOSE STEERING COLUMN NOISE Test drive. Check intermediate shaft of column. Found Lexus service bulletin for this symptom. Advise customer. Install new intermediate column shaft as per Lexus service bulletin. provide customer with bulletin.	SPM 2.00	160.00

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(707) 462-7302

B.A.R. AH162367

Acct No: 3000

Page: 1 of 1


 Ukiah CA 

2007 Lexus ES 350
Gold Sedan
V6 3.5 3441

VIN: JTHBJ46G972 
Plate:  (CA)

INVOICE

123701

CN: 000014095

IN / OUT

In: 08-31-2012

Time: 04:50 PM

Odor: 72402

Out: 08-31-2012

Time: 05:00 PM

Odor: 72402

QTY	PART DESCRIPTION	PART NUMBER	UNIT	TOTAL
1.00	STEERING SHAFT ASSEMBLY	45220-06114	234.25	234.25
1.00	PARTS CLEANER	PK	7.20	7.20
ALL PARTS ARE NEW UNLESS OTHERWISE SPECIFIED				

U = Used R = Rebuilt W = Warranty

Labor	160.00
Parts	241.45
Sublet	.00
Supplies	.00
Disposal	.00
Subtotal	401.45
Tax	19.01
TOTAL	420.46

I hereby authorize the work to be done along with necessary materials. You and your employees may operate vehicle for purposes of testing, inspection, or delivery at my risk. An express mechanic's lien is acknowledged on vehicle to secure the amount of repairs thereto. You will not be held responsible for loss / damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control.

Terms: Strictly Cash Unless Arrangements Made. SIGNED: _____

1. I request an estimate in writing before you begin repairs. _____

2. Please proceed with repairs, but call me before continuing if the price will exceed \$ _____

3. I do not want an estimate. _____

Do you want the replaced parts you are entitled to? ☐ NO ☐ YES

Note: Any warranties on the products sold hereby are those made by the manufacturer. The seller (above named dealership) hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

Steve's Service Center honors a one (one) year or 12,000 mile warranty repair program on parts and labor. All warranty work must be performed at our facility. Approval of repairs made other than at Steve's Service Center must be authorized by Steve's Service Center before repairs are made. Steve's Service Center will not be held responsible for towing, rental car, lodging, or other related costs. NAPA Auto Care member #59-418-8000 NAPA Auto Care phone # 1-800-452-6272.

January 23, 2013

[REDACTED]
Ukiah, CA [REDACTED]

Dear [REDACTED]

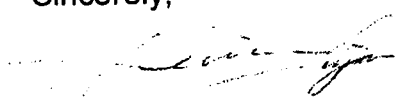
Thank you for contacting the Lexus Customer Satisfaction Department regarding your 2007 ES 350, Vehicle Identification Number JTHBJ46G972 [REDACTED]. We appreciate the time you have taken to share your thoughts.

As an automotive manufacturer, Lexus feels its warranty is one of the most comprehensive in the industry, and demonstrates faith in the performance and reliability of its product line. Lexus also realizes that mechanical failures can occur on any vehicle at any time, and regrets any inconvenience this may cause.

In an effort to be sensitive to the expectations of Lexus customers, we review matters on a case by case basis when a product failure occurs outside the warranty period. We have examined all information pertinent to your request for assistance, including the nature of the repair, service history with Lexus, mileage on the vehicle, and the warranty expiration date. We conclude it is not appropriate for Lexus to provide reimbursement on the repair of the steering shaft. We apologize that this may not be the response you hoped for.

If you require further assistance, please contact the Lexus Customer Satisfaction Department at 1-800-255-3987, Monday through Friday, 5:00 a.m. to 6:00 p.m., or Saturday, 7:00 a.m. to 4:00 p.m., Pacific Time.

Sincerely,


Kevin Lujan
Customer Satisfaction Representative

KL/1301181167fl

MARY JANE SHEPPARD, ESQ.
680 BLUE OAK DRIVE
UKIAH, CA 95482



1000



20590

U.S. POSTAGE
PAID
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95482
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AMOUNT

\$1.12
00034398-06

FIRST CLASS MAIL

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