

NYS-200

CL-10537310-6619

August 19, 2013

SEP - 4 2013

Helping Hands
Rodrigo Pablo Lozano, Owner
646 Nandina Circle
Oxnard, CA 93036

Nissan North America, Inc
One Nissan Way
Franklin, TN 37067

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

Subject: Lemon Law Pertaining to Nissan Altima 2013
Case Numbers: 11837091 and 11775797

To whom it may concern,

I am elevating the seriousness and expressing the gravity of the displeasure and dissatisfaction of my clients treatment within and from the Nissan North America, Inc. and Team Nissan of Oxnard, California and its representatives. My clients Nissan Altima 2013, still has not been fixed nor has there been a viable resolution it solution been presented.

The communication with Nissan North America, Inc. is now being extended to a case manager and a resolution specialist, Team Nissan of Oxnard as well as to the Better Business Bureau. My client, [REDACTED] a senior citizen, age 62 is requesting once again, a viable resolution or solution to his problems with his brand new vehicle that he has owned for about nine months, without any prejudice or discrimination or any sort of legal litigation, at this time [REDACTED] purchased a new vehicle in good faith. He has complied with all the requests made from Team Nissan of Oxnard, California.

A formal complaint against Team Nissan of Oxnard, CA and Nissan North America, Inc. has been submitted to the Better Business Bureau of the Tri-Counties. The complaint was submitted on Monday, 8/19/13 with full and complete disclosure. The formal complaint is in regards to the lack of integrity of the electronic, electrical and mechanical defects of the newly purchased Nissan Altima 2013. It is being submitted as per the guidelines of the Lemon Law of the State of California.

This next level of action is warranted by the response, more specifically the lack of action and response of a Nissan Regional Representative, named "Brianna." The following is her contact information: 1.800.343.6913, ext 457213 and fax number of 1.615.967.3025. "Brianna" was given this case and she contacted me initially on Friday, 8/9/13. She stated that she, Brianna would contact me on Wednesday, August 15 with some type of suggestion. She did. On both occasions I wanted her to record our conversations. She said that was not possible. She stated that her notes would suffice and that with the case numbers, anyone would be able to access what

NM
9613
SMP

she had documented.

This is a synopsis of content of the second and last conversation that I had with Brianna on Wednesday, 8/14/13.

- She stated that she, Brianna was the final authority on the outcome of this case number, whatever it may be
- She refused to provide her last name
- She stated that she had no supervisor or manager over her position within Nissan
- That there was no appeal process or appeal options. Her decision was final
- She stated that that in spite of over nine work orders/invoices from Team Nissan, the vehicle needs to be diagnosed once again. My client has to take the vehicle once again to a Nissan Service center.
- This is in spite of all the documented work and or problems identified by Team Nissan service personnel
- She stated that in speaking with the service manager at Team Nissan, that the air bag Indicator lite had been re calibrated with the seat covers on.....where is the work order/invoice to reflect that action. It is questionable, to say the least
- My client was told to remove the seat covers, which he did. The problem still exists, with or without the seat covers
- There continue to be multiple problems electronic, electrical and mechanical problems with said vehicle
- In spite of all the documentation sent via fax to Brianna, there is no solution or resolution in sight, according to her
- There was no acknowledgement of the Lemon Law in California and its application to the newly purchased 2013 Nissan Altima
- It is as if, Brianna had already made up her mind not to do anything in regards to [REDACTED] brand new 2013 Nissan Altima, with all its associated electronic, electrical and mechanical issues and concerns.
- In spite of all the documentation, data bases and records reflecting multiple issues and problems with a Nissan product, Brianna refuses to acknowledge issues

Additionally, the vehicle continues to have a rough start, rough idle, and stalls upon starting. Also the Emergency Parking Brake Lite is lit or comes on when the emergency brake is disengaged.

For the above noted reasons, [REDACTED] is asking that his case be further reviewed in order that an amicable resolution or solution be arrived at by Nissan North America Inc. or Team Nissan of Oxnard, CA and [REDACTED] understands the importance of the positive reputation of the brand name of Nissan. [REDACTED] understands the accessibility and use of social media. [REDACTED] understands the importance of customer relations, positive customer relations. [REDACTED] understands his rights in seeking and retaining legal counsel. [REDACTED] understands that he has viable options in order to protect his investment. [REDACTED] understands that he is just one of your clients.

Again, please feel free to contact me if your organization wants to present a viable resolution or solution to my client, [REDACTED] in order to avoid further legal escalation.

Respectfully submitted,

Respectfully submitted,

Rodrigo Pablo Lozano

Cc: [REDACTED], Colin Dodge, [REDACTED]

[REDACTED] BBB, and The National Highway Traffic Safety
Administration

Attachments

Recall Alert: 2013 Nissan Altima, Leaf, Pathfinder, Sentra and Infiniti JX35



Nissan is recalling a yet-to-be-determined number of model-year 2013 versions of the Altima sedan, Leaf electric car, Pathfinder crossover and Sentra sedan due to a problem with the front passenger air bag sensor, according to the National Highway Traffic Safety Administration. The JX35 crossover from the automaker's premium Infiniti brand is also part of the recall.

A manufacturing defect could cause the occupant sensors in the front passenger seat to fail in the affected vehicles. If an accident occurs, the airbag may not deploy, increasing the risk of injury. Nissan is still working with its supplier to determine how many vehicles will be recalled but drivers of affected vehicles will notice "The (red) supplemental air bag warning light (SRS light) will illuminate to alert the vehicle operator and the (amber) front passenger air bag status light will illuminate to alert the front seat passenger," the automaker said in a statement.

Nissan will notify owners starting in early April 2013, and dealers will inspect and replace the affected sensors for free. Owners can call Nissan at 800-647-7261 or NHTSA's vehicle safety hotline at 888-327-4236 for more info.

As a California resident... you have rights under our California lemon law!

- Under the California lemon law you have the right to a repurchase of your vehicle proven to be a "lemon" under the state statute.
- Under the California lemon law you have the right to receive a refund based upon the original acquisition price of the vehicle, less a charge for usage based upon the odometer miles at the first of what became repeated repair attempts.
- Under the California lemon law you have the right to the attorney's fees and costs being billed to the automobile manufacturer, not you.
- Under the California lemon law you have the right to ask for a new replacement vehicle for your defective new vehicle, if both you and the manufacturer agree upon it.
- Under the California lemon law you have the right to hire our law firm with no out-of-pocket expenses.
- Under the California lemon law you have the right to keep your vehicle and pay us nothing if we do not reach settlement on your case.

California residents who purchased their new or used car, SUV, truck, van, cross-over, or motorhome with a manufacturer's warranty have lemon law rights when their purchase (or lease) has been subject to too many repeated warranty repairs. In fact, the California lemon law is one of the strongest lemon laws in the nation. It offers the best consumer protection, has built-in provisions for attorneys fees and costs, and bases the refund upon the initial purchase price, not the current value of the vehicle. Having California's largest statewide lemon law attorney firm represent you in a lemon law case/claim is your best consumer protection and representation choice.

August 8,2013

Helping Hands
Rodrigo Pablo Lozano
646 Nandina Circle
Oxnard, CA 93036

Nissan North America Inc.
Consumer Affairs
Mr. Mike Aquino
One Nissan Way
Franklin, TN 37067

Subject: Case # 11775797, Safety Issue pertaining to a Nissan Altima 2013, Air Bags
Client: [REDACTED]

Dear Mr. Aquino,

This correspondence is in response to your e-mailed dated 7/31/13, sent to me. You can certainly contact [REDACTED]. He would prefer if you communicate with me. Please feel free to continue to e-mail me or mail me any correspondence. I will make sure that he is advised on every aspect of our communication. Please know that [REDACTED] is my client and has authorized me to write and to speak on his behalf pertaining to this subject, a Nissan Altima 2013.

As I shared with you briefly, I am the owner of Helping Hands, a community based organization that assists individuals and organizations come to a mutually beneficial agreement, when there is an unpleasant situation. My role is to act as a facilitator, mediator or go between so that all concerned benefit as well as to resolve all issues or concerns in an amicable manner. With that being said, I must apologize for the lengthiness of this correspondence and its attachments.

[REDACTED] age 62 and a senior citizen on a fixed income is a faithful Nissan owner and wishes to continue to be a loyal consumer of Nissan vehicles as do his family members. He was an owner of a 2009 Nissan Altima, which he used as a trade-in when he purchased this Altima Nissan 2013. His oldest daughter is an owner of Maxima 2012 as well. Another of his daughters owns a Nissan Maxima 2012. As a family they support and buy the brand of Nissan.

I am submitting the answers to your questions per your e-mail request:

- * Your client's first and last name
[REDACTED]
- * Your client's current mailing address
[REDACTED]
Ojai, CA
[REDACTED]
- * Day and evening phone numbers of your client
[REDACTED]
- * Vehicle Identification Number (VIN) for your client's vehicle

1N4AL3AP7DN [REDACTED]

- * Current mileage on your client's vehicle
As of 8/8/13: 11,244
- * A brief description of your client's concern and request

Mr. Aquino, you are asking for a brief description of my clients concern and request. I will attempt to be brief. The following paragraphs pertain to and reflect his concerns.

Safety Concern, Proper Operation of Air Bags (SRS Light On). This is a major safety concern. One month after purchasing a brand new Nissan Altima 2013, a major lite indicator came on. This lite brought up concerns. Are the air bags working properly? Will the air bags deploy correctly upon impact? Are the air bags working at all? Will the air bags deploy while driving? Will the air bags implode and affect the steering process? Is this an indication that there is an electronic or electrical circuit malfunction? After buying a brand new vehicle, should I even have to deal with these issues, questions or concerns? Does the Lemon Law in the State of California apply to this vehicle and to my client in this case?

[REDACTED] was alarmed when the Air Bag Indicator lit. This occurred initially on 11/26/12. This, after one month after he bought a new vehicle. He drove 26 miles one way from Ojai, California, where he resides to have this issue resolved with Team Nissan in Oxnard, California. Team Nissan failed to repair the vehicle.

[REDACTED] again was alarmed when the Air Bag Indicator lit again. Again, he drove 26 miles to Team Nissan in Oxnard, Ca on 3/18/13. This being the second time, his concern for the safety and welfare of himself, grandchildren and others was and is of paramount importance. Again, it was not resolved even though Team Nissan kept the car for a little over two weeks.

[REDACTED] for a third time, was alarmed when the Air Bag Indicator lit. Again, he took the Nissan Altima, 2013 to the dealership, Team Nissan in Oxnard, CA. on 5/7/13 without any repair action. The service department advised [REDACTED] that the engineers had to be contacted.

Note: Team Nissan stated that the seat covers were at fault. A video, without the seat covers was taken where the Air Bag Indicator still was lit. On approximately 11/26/12 and 5/7/ 2013 videos were taken of the malfunction and discussed with the personnel of the service department of Team Nissan of Oxnard, CA. Team Nissan failed to repair the vehicle.

On Thursday, 7/25/13 at approximately 11:00 am, [REDACTED] went once again to see the management of Team Nissan in order to attempt to resolve above said issue.

A manager at Team Nissan by the name of Matt stated, directed and advised [REDACTED] that he needed to contact Nissan Headquarters and that they, as Team Nissan, as an organization could not assist him anymore with the "Air Bag Indicator" issue. Matt, also stated that Nissan Headquarters had several options such as they could buy back the vehicle, exchange the vehicle,

provide a newer vehicle, or monetary compensation for any inconvenience or a combination of several options, which Team Nissan of Oxnard could not do or would not do. He might have might have hinted to his rights concerning the Lemon Law in the State of California.

In addition to the above safety concern, the list of electronic, electrical and mechanical issues continues for the newly bought vehicle. There was an issue with the **power steering, the brake system, bubbling paint** and **concerns with the engine compartment and interior compartment** of the above mentioned vehicle. All this is reflected in each of the invoices submitted for your perusal. In addition, upon starting the vehicle, it continuously has a rough idle, a rough start at times the vehicle stalls out. [REDACTED] is at a loss because who should he take his vehicle with this concern? All in all, Mr. Aquino, all these vehicle discrepancies are troubling to have with a brand new Nissan Altima 2013 and all of these issues within the last nine months. This brings to light other valid concerns.

Why was a senior citizen on a fixed income motivated or should I say, "persuaded" to purchase a brand new 2013 Nissan Altima when he just came in to get his 2009 Nissan Altima serviced? [REDACTED] understands and accepts his responsibility for purchasing the vehicle.

[REDACTED] was persuaded, convinced and cajoled to purchase a new vehicle in order to avoid having electrical or mechanical problems with his 2009 vehicle. Supposedly in order to avoid coming in to service a vehicle. Joe Arellano is unable to look [REDACTED] directly in the eyes and avoids contact. Is he, Mr. Arellano embarrassed for what he said to [REDACTED]? He stated to [REDACTED] that by buying a brand new Nissan vehicle he was purchasing safety of mind, less trips to the service department and "less problems and hassles." This certainly has been the opposite.

Why was the vehicle kept for over two weeks and not fixed? Why was the engineering department contacted and why is there no resolution or solution to this yet even after a video was brought in to Team Nissan showing the problem?

Because of social media, on You Tube there are other consumers that have posted similar if not the same identical problems, specifically the Air Bag Indicator lite coming on. Has this been brought to the attention of your engineers as [REDACTED] was told? In other words, has Nissan known about this major safety issue relating to the Nissan Altima?

[REDACTED] was charged approximately \$38 dollars for a service for the vehicle, even though he purchased a service contract initially and paid \$584 dollars for it. The \$38 dollars were returned to his credit card after the service department said that the service was complimentary because he was a good and loyal customer.

[REDACTED] was asked to return the loaner car in spite of his car not being fixed after a two week period. He was told again that the engineers could not resolve said issue concerning the Air Bag Indicator lite coming on. On one occasion, there was no work order or invoice or receipt issued for service of the vehicle.

Why have there been mechanical, electronic and electrical concerns with a brand new 2013 Nissan Altima? If [REDACTED] was told to purchase a new vehicle in order to avoid service issues or service visits, why is it to the contrary?

Again, all this is reflected in each of the documentation submitted for your perusal. All in all, Mr. Aquino, all these vehicle discrepancies are troubling to have with a brand new Nissan Altima 2013. All of these issues within the last nine months. These are concerns that have surfaced with Team Nissan in Oxnard, California.

You also asked for a request. The request is to fix the car so that it works as advertised. The request can also be what is being suggested by one of the managers at Team Nissan. A manager at Team Nissan by the name of Matt stated, directed and advised [REDACTED] that he needed to contact Nissan Headquarters and as Team Nissan, as a local dealership organization could not assist him anymore with the "Air Bag Indicator" issue. Matt, also stated that Nissan Headquarters had several options such as they could buy back the vehicle, return the money, exchange the vehicle, provide a newer vehicle, or monetary compensation for any inconvenience or a combination of several options, which Team Nissan of Oxnard could not do or would not do. But that Nissan North America Inc. could do and has done in the past.

Mr. Aquino, thank you so much for your consideration regarding this topic. I am sure you know and realize, [REDACTED] is a very humble man who has shown great restraint and tolerance. He and his family members are loyal brand consumers of the Nissan brand. He would like this to be resolved to the mutual benefit of both Nissan as a successful business organization and himself as an individual. He understands he is just one of millions of customers you have worldwide. But hopefully Mr. Aquino you can make a positive difference in the life of someone, one customer, [REDACTED]

I look forward to future communication with you. If you have any questions or concerns, please feel free to contact me at 805.844.0017 or at my e-mail. Thank you for your follow up telephone call on Monday, August 05, 2013. It was and is encouraging knowing that you are taking a keen interest in [REDACTED]. Of course, if there is someone else that I need to speak with or communicate with regarding this matter, please advise me as soon as possible.

Sincerely submitted,

Rodrigo Pablo Lozano
Owner, Helping Hands

Respectfully submitted,

[REDACTED]
Owner of 2013 Nissan Altima

Subject: Fwd: RCAS HANDLED CASES [ref:_00DA09j8L._500F0GJMs4:ref]
From: Paul Lozano <ayudasla@yahoo.com>
Date: 8/8/2013 7:48 PM
To: "usa1039@fedex.com" <usa1039@fedex.com>

Sent from my iPhone

Begin forwarded message:

From: "nnaconsumeraffairs@nissan-usa.com" <nnaconsumeraffairs@nissan-usa.com>
Date: August 8, 2013, 6:56:45 PM PDT
To: "ayudasla@yahoo.com" <ayudasla@yahoo.com>
Subject: RCAS HANDLED CASES [ref:_00DA09j8L._500F0GJMs4:ref]



8/8/2013

Case # 11775797

Dear Paul Lozano,

Thank you for contacting Nissan North America, Inc. regarding your client's concern with his 2013 Nissan Altima and Team Nissan. We apologize for any inconvenience this situation may have caused your client.

We acknowledge the receipt of your follow up e-mail and forwarded it to the regional specialist that will handle your client's concern under case # 11837091. You or your client will be contacted by end of next business day.

Thank you for giving us the opportunity to be of assistance.

Sincerely,

Nissan North America, Inc.

Michael Aquino
Consumer Affairs Representative
Nissan Consumer Affairs





2013 ALTIMA SEDAN NEW VEHICLE DELIVERY SYSTEM

Date Retailed 10/26/12



ALL FORMS COMPLETED?

SALES MANAGER

SIGNATURE

JOE ARELLANO

DATE

10/26/12

Subject: Fwd: Your inquiry to Nissan [ref: _00DA09j8L._500F0GJMs4:ref]

From: Paul Lozano <ayudasla@yahoo.com>

Date: 8/8/2013 7:49 PM

To: usa1039@fedex.com

Sent from my iPhone

Begin forwarded message:

From: "nnaconsumeraffairs@nissan-usa.com" <nnaconsumeraffairs@nissan-usa.com>

Date: July 31, 2013, 4:58:21 PM PDT

To: "ayudasla@yahoo.com" <ayudasla@yahoo.com>

Subject: Your inquiry to Nissan [ref: _00DA09j8L._500F0GJMs4:ref]



7/31/2013

Case # 11775797

Dear Paul Lozano,

Thank you for contacting Nissan North America, Inc. regarding your concern with Team Nissan.

As discussed, the names of the managers and supervisors of Team Nissan is not available with Nissan Consumer Affairs.

However, with regard to your request for information about Nissan Corporate Headquarters, an address is provided below:

Nissan North America Inc.
One Nissan Way
Franklin, TN 37067
Phone: (615) 725-1000

Also, so that we may expedite your client's concern and provide the best service, please send us the following additional information:

- * Your client's first and last name
- * Your client's current mailing address
- * The day and evening phone numbers of your client
- * The Vehicle Identification Number (VIN) for your client's vehicle
- * The current mileage on your client's vehicle
- * A brief description of your client's concern and request

You may send this information to us in writing or you are welcome to call us at 1 800 647 7261 (extension # 457332).

Case # 11775797 has been created to document your concern. Please reference this case number when you write or call. Once we receive the requested information from you, we can move forward with your concern.

We look forward to hearing from you soon. Your satisfaction is important to us.

Sincerely,

Nissan North America, Inc.

Michael Aquino
Consumer Affairs Representative
Nissan Consumer Affairs





W42-308

Handle with Care / Fragile

FROM: SHIP DATE: 26AUG13
ACTWGT: 0.2 LB
CAD: 9622/0FFC1400
DIMMED: 11 X 9 X 1 IN
BILL SENDER

US
TO NHTSA
NHTSA
1200 NEW JERSEY AVE SE
WEST BUILDING
WASHINGTON DC 20590 (US)

INU: (188) 832-7423 REF: DEPT:
PO:

FedEx Ground
G

TRK# [REDACTED]

DSR
20590

9622 0015 6 (000 468 8262) 2 00 7958 2004 4881

MOISTURE RESISTANT
RESISTANTE A L'HUMIDITE

100% Recyclable



200
NHTSA
1200 NEW JERSEY AV
BLDG G
WASHINGTON, DC

F 242 04:11 PM-1D 2034080

G

20590-0001-00

214-8000FL

ETP:15
9622001560004688262200/96820044881

#2
N° 2

USABLE DIMENSIONS / DIMENSIONS UTILES :

8.25 in /
Polyair,
www.polyair.com
MADE IN FRANCE

Sender's Name R. P. LOZANO Phone 805 8440017

Company Hoping Hands

Address 646 INADINA Circle

City Ormand State CA ZIP 93036

2 To Recipient's Name NHTSA Phone 1.888.327.4236

Company NHTSA, Headquarters

Address 200 New Jersey Av, SE

Address West Building ☐ HOLD at Location
No P.O. Boxes Dept./Floor/Suite/Room
FedEx Office address REQUIRED.

City Washington State DC

Country USA ZIP 20590

XPAK

THE ULTIMATE MAILER
E SUMMUM DES POCHETTES MATELASSÉES