

McPhillips Shinbaum, L.L.P.

McPhillips, Shinbaum, Luck, Bodin & Guillot

ATTORNEYS AND COUNSELORS AT LAW

Julian L. McPhillips, Jr.*
Kenneth Shinbaum
Aaron J. Luck
James G. Bodin**
Joseph C. Guillot
Christopher Worshek
Charles Hawthorne

516 SOUTH PERRY STREET
P.O. BOX 64
MONTGOMERY, ALABAMA 36104
(334) 262-1911
(866) 224-8664
FAX (334) 263-2321

CL-10626706 - 7099

*Also Admitted in NY

**Also Admitted in DC

Office Admin. Amy Strickland

Of Counsel: G. William Gill

July 29, 2014

AUG -7 2014

John Danielson
General Manager/Vice President
Montgomery Subaru
3000 Eastern Blvd.
Montgomery, AL 36116

RE: 2003 Toyota Camry Sold to [REDACTED] on July 7, 2014.

Dear Mr. Danielson:

This law firm and I represent [REDACTED], to whom, as you know, your dealership sold a 2003 Toyota Camry (VIN: 4T1BF32K13U [REDACTED]) on July 7, 2014.

In doing so, your salesperson first misrepresented that the vehicle was in good condition. On the day that [REDACTED] purchased the vehicle, she was told that everything "was fine" on the vehicle, and that the vehicle passed inspection. However, later that day, after [REDACTED] purchased the vehicle, she had to return it, because there was a problem with the air conditioner. As you know, your mechanics repaired the air conditioner free of charge.

Additionally, on or around July 15, 2014, the vehicle began making a loud thud sound, and would occasionally shut off when it was switched in reverse. [REDACTED] brought the car back to Subaru on July, 16, 2014. A mechanic drove the car and confirmed that the vehicle cut off when it was placed in reverse.

[REDACTED] asked another mechanic to check the vehicle on July 20, 2014, because the car kept having mechanical problems. The mechanic discovered that the motor mounts were in a very bad condition. Because the motor mounts were in poor condition, [REDACTED] again brought the vehicle back to Subaru on July 21, 2014, but Subaru's mechanics told only [REDACTED] that the motor mounts were only "weak."

On July 26, 2014, [REDACTED] was at the East Chase shopping center in Montgomery. When she was stopped at a stoplight, the vehicle cut off, and she had to immediately start it back. Needless to say, as a result of the vehicle's continued mechanical problems, [REDACTED] is not

comfortable driving the vehicle, because she is afraid that the car may cut off in traffic, causing her and/or a loved on serious bodily injury.

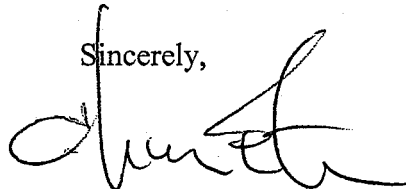
It matters not that you sold the vehicle in an "as-is" condition since you so badly misrepresented the condition of the vehicle, thus disguising the bad condition of the vehicle. Ms. [REDACTED] has visited two other mechanics, who each said that the motor mounts needed to be replaced, and the vehicle continues to shut off on [REDACTED]. However, when [REDACTED] purchased the vehicle, she was told the vehicle passed inspection. **How did the vehicle pass inspection if the vehicle continues to shut off, and two other mechanics have confirmed the motor mounts are in a bad condition and in need of replacement?**

[REDACTED] states that you offered her \$5,000 to return the vehicle on July 22, 2014. However, as you know, [REDACTED] put a \$1,200 down payment on the vehicle. Understandably, repairing the vehicle's air conditioner did cost your dealership some money. Therefore, this letter is to make demand for an immediate refund of the \$5,000 you offered [REDACTED], and \$800 of the down payment (a total of \$5,800) [REDACTED] paid you. If you reimburse [REDACTED] the \$5,800, you will receive the vehicle back. Said refund must be back to [REDACTED] in either certified funds or by cash no later than Wednesday, August 6, 2014.

You may deal directly with me in returning cash, a money order or a cashier's check in the amount of \$5,800. If you do so in that time, my client will consider this matter resolved and will not pursue any further legal action. If you do not reimburse [REDACTED] the requested amount by that date, then she plans to pursue her rights to the fullest extent of the law.

Please contact me if you wish to discuss this matter further. Thank you.

Sincerely,



Chase Estes

Enclosures

x.c. [REDACTED]

Consumer Protection Section - Alabama Attorney General's Office
National Highway Traffic Safety Administration (NHTSA)

AFFIDAVIT

STATE OF ALABAMA

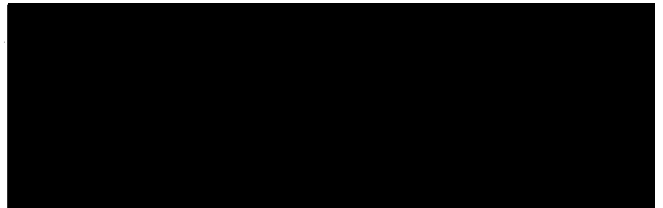
COUNTY OF MONTGOMERY

My name is [REDACTED], and I do solemnly swear that the following is true and correct in every particular.

1. I am a [REDACTED] year old African-American female and a resident of Montgomery, Alabama.
2. On July 7, 2014, I purchased a 2003 Toyota Camry from Montgomery Subaru, located at 3000 Eastern Blvd., Montgomery, Alabama 36116. I put a \$1,200 down payment on the vehicle. The salesperson, Barry Nelson, told me that everything was fine on the vehicle, and that the vehicle passed inspection.
3. Later that day, after I had purchased the vehicle, I noticed that the air conditioner was not getting cold. I took the vehicle back to Subaru, and the mechanics told me that a part on the air conditioner was bad, and that they would need to order a part to repair the air conditioner. I was given a rental car for two days while Subaru repaired the vehicle free of charge.
4. On July 15, 2014, a day or so after I got the vehicle back from Subaru, I was at the bank with my daughter. I was put the vehicle in reverse, and started backing up, until I heard a loud thump. I thought I hit something, but I did not. I got the vehicle home and called Subaru, explaining to them that I was having problems with the vehicle, and that it made a loud thump when I put the vehicle in reverse.
5. I took the vehicle back to Subaru on July 16, 2014. A mechanic drove the vehicle, and he was supposed to check the motor mount. The car kept cutting on and off. The mechanic confirmed that the car cut off most of the time when it was put in reverse, but told me that he did not hear a knocking noise.
6. On July 20, 2014, I had another mechanic check out the vehicle. He was not affiliated with Subaru. He told me that there was a problem when the vehicle was placed in reverse, and said that he heard a thumping noise. He also told me that the vehicle's motor mounts were in a very bad condition.
7. The next day, July 21, 2014, I took the vehicle back to Subaru. I told the mechanic there that I believed that the vehicle has a broken motor mount. The mechanic checked the vehicle, and said that the motor mounts were not broke, but the vehicle has a weak motor mount.

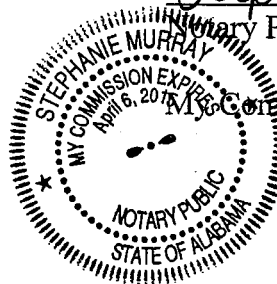
8. On July 22, 2014, I talked to John Danielson, General Manager/Vice President of Montgomery Subaru, who told me that there are non-perfect used cars. I told Mr. Danielson I understood that I purchased a used car, but I reminded him that I had been back to Subaru multiple times with the same problem. Mr. Danielson told me the only thing he could do is give me \$5,000 to return the vehicle, or I could meet the dealership half way with the repair costs.
9. On July 26, 2014, I was at the East Chase Shopping Center in Montgomery. When I stopped my vehicle at a stoplight, the vehicle shut off. I immediately had to restart the vehicle.
10. Because of the continued mechanical problems that I have had with the vehicle, I am no longer comfortable driving the vehicle. I am afraid that the vehicle may cut off in traffic, causing seriously bodily harm to me.
11. I believe that Subaru misrepresented the condition of the vehicle to me when they told me that the vehicle had passed inspect, when in reality the motor mounts, and the vehicle itself, were in such bad condition.
12. I have retained the law firm of McPhillips Shinbaum, L.L.P. as a last resort to seek legal advice and assistance.

Dated this 29th day of July, 2014.



Before me, the undersigned Notary Public, appeared [REDACTED] who, known to me, does swear the foregoing is true and correct in every particular on this the 29th day of July, 2014.

Stephanie Murray
Notary Public
My Commission Expires: 4/6/15



CUSTOMER #: 10900

111402

Montgomery Subaru • Montgomery Mitsubishi

INVOICE


 3000 Eastern Boulevard
 Montgomery, AL 36116
 (334) 260-2064


MONTGOMERY, AL

PAGE 1

HOME: [REDACTED] CONT: [REDACTED]

BUS: [REDACTED] CELL: [REDACTED] SERVICE ADVISOR: 647 JUSTIN BOWMAN

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG	
BEIGE	03	TOYOTA CAMRY	4T1BF32K13U		150190/150190	B1503A	
DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
12JUN14 IS							
07JUL14 DD			17:00 21JUL14		0.00	CASH	21JUL14
R.O. OPENED		READY	OPTIONS: SOLD-STK:B1503A ENG:1MZ-FE				
14:55 21JUL14		14:58 21JUL14					

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
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A CUSTOMER STATES THE VEHICLE INTERMITTENTLY CUTS OFF WHEN BACKING UP.

IT ALSO BUMPS LIKE YOUR RUNNING INTO SOMETHING.

 R THE TECH. PERFORMED AN INDUCTION SERVICE &
 CLEANED THE THROTTLE BODY. IT WAS CUTTING
 OFF & JERKING DUE TO A LOW IDLE.

642 IO

(N/C)

B CUSTOMER STATES THE VEHICLE HAS A BROKEN MOTOR MOUNT.

 R THE VEHICLE HAS NO BROKEN MOTOR MOUNTS. IT HAS
 A WEAK MOUNT.

642 IO

(N/C)

DISCLAIMER OF WARRANTIES

The Seller 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 the vehicle or product

DESCRIPTION	TOTALS
LABOR AMOUNT	0.00
PARTS AMOUNT	0.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	0.00
LESS INSURANCE	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	0.00

CUSTOMER SIGNATURE

336 E. South Blvd. • Montgomery, Alabama 36105

J. Lawson

1 YEAR WARRANTY ON WORKMANSHIP



Service Manager : SEAN BULLOCK

1575 2021151

Name:	Year:	2003	Date:	2014-07-25
Address:	Make:	TOYOTA	Entered By:	NA
City:	Model:	CAMRY	Time In:	13:47:22
State:	Engine:	4-2362 2.4L DOHC	Date/Time Promised:	
Zip:	Vin No.:		Old Parts Returned:	no
Home Phone:	License No:			
Contact Phone:	Mileage In / Out:	/		
	Color:			

TYPE	PART	DESCRIPTION	CODE	MECHANIC	HRLY RATE	HRS	QTY	SOURCE	EACH	TOTAL
OT		Shop Fee *** SKU 4120 represents costs and profits to the motor vehicle repair facility for miscellaneous shop supplies	N				1		35.00	35.00

Not Yet Authorized

PN	9211	Anchor Engine Mount Front LIMITED ONE YEAR WARRANTY	N				1		144.75	144.75
PN	89360	Dayco Belt Tensioner Assy LIMITED ONE YEAR WARRANTY	N				1		235.53	235.53
LB	2402	Remove & Replace Engine Or Transaxle Mount - One	N*		103.00		1		82.40	82.40
LB	1433	Remove & Replace Serpentine Belt Tensioner	N*		103.00		1		133.90	133.90
OT	9690163	PEPGUARD LIMITED EXTENDED LABOR WARRANTY	N				1		32.45	32.45

Parts: 380.28	Labor: 216.30	Other: 67.45	Tax: 44.77	Total: 708.80
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***** Mechanics Specifications *****

Lug Nut Torque (FtLb) 76 No parts found.	Oil Viscosity 5W-30 ALL TEMPERATURES CHECK OWNERS MANUAL OR OIL FILLER CAP FOR CORRECT VISCOSITY
Tire Pressure Monitoring System Equipped False	Oil Capacity (qts) 4.0
Tire Pressure Repair Kits False	Recommend ATF TYPE T-IV
Recommend A/T FLUID CAP 4.1 4 CYL	Front Min Brake Lining Thickness (in) .039
Man Trans Gear Oil Cap (pts) 8.8 6 CYL	Front Discard Rotor (in) 1.024
Brake Fluid Type DOT-3 XLE	Front Runout Limit (in) .002
Power Steering Fluid Type DEXRON-III No parts found.	Front Caliper Mounting Torque (FtLb) 80 CALIPER ASSEMBLY TO KNUCKLE
Rear Min Brake Lining Thickness (in) .039	Rear Discard Rotor (in) .413
Equipped with Ignition Wires False	Rear Discard Drum (in) 6 732 PARKING BRAKE
Equipped with Connection Coils False	Rear Machine To Limit (in) 9 079
Rear Runout Limit (in) .0059	Rear Caliper Mounting Torque (FtLb) 34 CALIPER ASSEMBLY TO KNUCKLE

Invoice History

REVISION #	CONTACT	TYPE	AMOUNT	PHONE	DATE	TIME	WRITER
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Code Descriptions

N:New
*:Covered by PepGuard Extended Labor Warranty



MONTGOMERY
Pep Boys #1575
715 MADISON AVE
MONTGOMERY,AL 36104
(334) 262-1994
EPA# B95485

TRACKING ID# *	
Store ID #	Service Work Order #
1575	2021151

Insurance :
Policy Number :
Service Manager : SEAN BULLOCK

Name:	Year:	2003	Date :	2014-07-25
Address:	Make:	TOYOTA	Entered By:	NA
City:	Model:	CAMRY	Time In:	13:47:22
State:	Engine:	4-2362 2.4L DOHC	Date/Time Promised:	
Zip:	Vin No.:		Old Parts Returned:	no
Home Phone:	License No:			
Contact Phone:	Mileage In / Out:	/		
	Color:			
Storage Charges::if your car remains in our premises longer than 3 days after notification that repairs are completed, storage charges will begin at the rate of \$10.00 per day				

I HEREBY AUTHORIZE PEP BOYS TO PERFORM THE REPAIRS ON THIS WORK ORDER AND TO FURNISH THE NECESSARY MATERIALS AND ITS EMPLOYEES TO OPERATE THE VEHICLE FOR PURPOSES OF INSPECTION, TESTING AND DELIVERY. I UNDERSTAND THAT ANY COST QUOTED IS AN ESTIMATE. I UNDERSTAND THAT UNLESS DIRECTLY CAUSED BY PEP BOYS, IT IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE TO THE VEHICLE OR ITS CONTENTS, THAT THE VEHICLE MAY BE PARKED IN THE PEP BOYS' PARKING LOT AND THAT VEHICLES ARE LEFT OVERNIGHT AT OWNER'S RISK.

X

Initial Estimate	Parts \$:	Labor \$:	Total \$:	Date and Time :	
	380.28	216.30	708.80	2014-07-25 13:47:22	

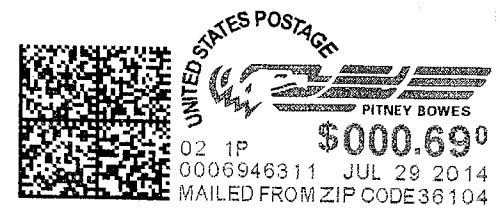
2003 TOYOTA CAMRY 4-2362 2.4L DOHC

Mileage:

SERVICE	MILEAGE		PRICE
	7500	15000	
ROTATE TIRES	X	X	
REPLACE SPARK PLUGS			
REPLACE ENGINE OIL FILTER	X	X	
REPLACE ENGINE OIL	X	X	
REPLACE COOLANT			
REPLACE CABIN AIR FILTER		X	
REPLACE AIR CLEANER/ELEMENT			

Disclaimer: The manufacturer recommended maintenance schedule provided above is for vehicles operated under Severe conditions. Severe conditions generally include - frequent short trips and/or stop & go driving, dusty conditions, extensive idling, trailer towing, off road or desert driving and sustained high speeds.

McPhillips Shinbaum L.L.P.
POST OFFICE BOX 64
MONTGOMERY, ALABAMA 36101



NHTSA Headquarters
1200 New Jersey Avenue, SE West Building
Washington, DC 20590