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

Subject: FW: ***BMW/TAKATA AIRBAG RECALL- INJURIES***PLEASE ASSIST*** (10649615)CRD ALSO
Date: Wednesday, November 19, 2014 2:11:44 PM
Attachments: CR [REDACTED] [letter_of_findings\[1\].pdf](#)
 CR [REDACTED] [investigation_inquiry\[1\].pdf](#)
[NHTSA COMPLAINT \(BMW AIRBAG\).xps](#)
[SAFETY RECALL JUNE 2014.xps](#)
[FTC COMPLAINT.xps](#)
[BMW BBB COMPLAINT.xps](#)

Sent: Wednesday, November 19, 2014 1:39 PM

Subject: FW: ***BMW/TAKATA AIRBAG RECALL- INJURIES***PLEASE ASSIST*** (10649615)CRD ALSO

Subject: FW: ***BMW/TAKATA AIRBAG RECALL- INJURIES***PLEASE ASSIST*** (10649615)

From: Reid, Randy (NHTSA)
 Sent: Wednesday, November 12, 2014 4:19 PM

Subject: FW: ***BMW/TAKATA AIRBAG RECALL- INJURIES***PLEASE ASSIST***

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

From: [REDACTED]
 Sent: Wednesday, November 12, 2014 11:00 AM
 Subject: ***BMW/TAKATA AIRBAG RECALL- INJURIES***PLEASE ASSIST***

To Whom This May Concern:

On Friday 10/24/2014 – I contacted the BMW customer relations team in Woodcliff, NJ 201-571-5814 or 800-831-1117 by phone to report an incident with my 2003 BMW 330XI. I was told that I would hear back from someone on the resolutions team by 10/27/14 – which never happened. I was involved in a

NH
 11261
 SMD

no fault multi vehicle collision on 10/9/2014. Two weeks prior to my accident in September – I was notified by mail about a recall on the passenger airbag, but parts were replacement parts were not available for repair until further notice, and that I'd be contacted at a later date; after further research I did locate information that confirms this airbag recall was actually sent out in June of 2014, but I was never notified until it was too late. I was struck from behind by 2 vehicles while stopped in rush hour traffic, due to the horrendous force I was then crashed into another vehicle in front of mine (double impact). I was transported to the hospital by ambulance due to my injuries. The Takata passenger airbag on my vehicle exploded...This airbag did not deploy correctly – the Takata passenger airbag explosion caused burns to my right hand, due to sensors and no passenger being in the vehicle at the time of the crash should not have deployed/exploded at all. I have fully cooperated with BMW North America, I gave them the at fault insurance company's information to track down my totaled vehicle, they completed an investigation on 10/31/14, I was present to take photos/video, I was told prior to the investigation that I'd be provided a copy of the report after the product analysis team decoded the fault codes.

Fast forward to 1 week later, initially I received a phone call from Lindsey Ucker (Product Investigator) saying that she was sorry for my injuries, but unfortunately the passenger airbag explosion was not contained due to "Pyrotechnics", she also said the legal team would need to "mark up" the report before it will be released to me. I have attached a copy with a brief summary only of BMW of North America has provided from this Takata airbag explosion investigation. I have made a complaints with the NHTSA, FTC & BBB. I also have photos of the airbag explosion & my injuries. I have attached a copy of the recall notice, letters received from BMW, and copies of all formal complaints. I am a highly educated professional only seeking compensation for my injuries/losses. I would like to come to a resolution with BMW for the damages I've suffered, I am currently considering taking legal action against BMW of North America & Takata.

Any assistance you could offer with this matter would be greatly appreciated. Thank you in advance.

NHTSA Complaint ID (ODI Number) is: 10649615.

BBB Complaint ID 10283218

FTC Reference # reference number: [REDACTED]

[REDACTED]
[REDACTED]
Halethorpe, MD [REDACTED]
[REDACTED]

BMW Group

November 6, 2014

[REDACTED]
Halethorpe, MD [REDACTED]

Re: Your 2003 BMW 330xi
VIN: WBAEW534X3P [REDACTED]

Dear [REDACTED]

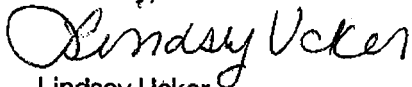
As a follow-up to our conversation, BMW of North America, LLC ("BMW NA") inspected your vehicle on October 30, 2014 at Insurance Auto Auctions in Brandywine, MD. The inspection was performed by our Product Analysis Specialist and the results were reviewed by our National Engineering Group.

At the time of our inspection, the vehicle showed impact damage to the front, biased somewhat to the right. The right bumper strut was fully compressed and the left bumper strut was partially collapsed. The driver's and passenger's front airbags had deployed as had the driver's seat belt pretensioner and the battery safety terminal. The expected fault codes for the deployment of these passive restraint systems were found in the vehicle's fault memory. Based on these observations, it appears the parameters for the deployment of the airbags were met.

Both front airbags were removed for close examination and then reinstalled. The airbag material showed no tears, rips or other abnormalities such as excessive heat. There were no indications that either airbag had deployed improperly.

Based on the results of our inspection, we are confident that the parameters for the deployment of the front airbags were met and that the airbags deployed properly in response. Accordingly, BMW NA cannot accept responsibility for any damage, injury or loss associated with the accident that occurred on or about October 9, 2014.

Sincerely,



Lindsey Ucker
Customer Relations and Services
Representative

Company
BMW of North America, LLC

Postal Address
PO Box 1227
Westwood, NJ
07675-1227

Office Address
300 Chestnut Ridge Road
Woodcliff Lake, NJ
07677-7739

Telephone
800-831-1117

Fax
201-326-7452

Website
www.bmwusa.com



Are you sending a BMW investigator to inspect the vehicle?

(BMWNA)Yes, the inspection will be performed by an highly trained inspector employed by BMW of North America. If you wish to have a party present for the inspection you are welcome to however BMW of NA cannot assist with that expense. The inspection will take place tomorrow morning (10/31) time is currently unknown. If you do chose to have someone present I must advise that the inspector is not to communicate his findings with them. We ask that you please let us know as soon as possible so that our team does not begin the process without your witness or investigator present.

Or is this an independent inspection?

(BMWNA)No, please see above.

Also, what equipment will be used to determine cause of defect/explosion?

(BMWNA)The inspector will use a laptop with software that is able to pull information from your vehicles airbag modules and storage to access the fault codes. If possible, the vehicles engine will be started which is necessary in order to access some of the vehicle memory. They will also take extensive photos and measurements of the vehicle current state. They will gather as much information as possible while avoiding any further disruption to the vehicle. (some parts may have to be adjusted in order to obtain serial numbers if necessary- this varies by investigation)

Will you be able to provide me with a report of the findings once completed?

(BMWNA)Yes, once the vehicle is inspected, the findings are forwarded to our Product Analysis Engineers for de-coding and evaluation. They will in turn send me their analysis which can be shared with you. This process can take a few days so I don't expect to have a response for you until the middle of next week, at best. We have made this case a priority so we hope to have the results available sooner than usual.

Were you able to successfully contact Erie's adjuster to schedule the inspection?

(BMWNA)Yes, I spoke with the Total Loss representative Matt Alexander at 800-492-2709 ext 7577 who granted us permission to the vehicle location.

BMW of North America, LLC
Lindsey Ucker
Special Product Investigations
Customer Relations and Services
B2-US-H-3
P.O. Box 1227
Westwood, NJ 07675-1227
Tel: 201-571-5814
800-831-1117
Fax: 201-326-7452
Email: lindsey.ucker@bmwnaext.com
Web: bmwusa.com

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

From: [REDACTED]
Sent: Wednesday, October 29, 2014 3:46 PM
To: Ucker Lindsey, (Lindsey.Ucker@bmwnaext.com)
Subject: Re: from BMW of North America

Lindsey,

I have spoken to my Attorney & have a few questions. Are you sending a BMW investigator to inspect the vehicle? Or is this an independent inspection? Also, what equipment will be used to determine cause of defect/explosion? Will you be able to provide me with a report of the findings once completed? Were you able to successfully contact Erie's adjuster to schedule the inspection?

On Tue, 10/28/14, Lindsey.Ucker@bmwnaext.com <Lindsey.Ucker@bmwnaext.com> wrote:

Subject: from BMW of North America
To: [REDACTED]
Date: Tuesday, October 28, 2014, 12:46 PM

Dear [REDACTED]

My name is Lindsey and I have been asked to reach out to you in regard to an accident that you were recently involved in. I understand you have also suffered some injuries. I hope they are healing and that you are ultimately feeling better.

I ask that you please contact me so we can further discuss the details of your experience as well as schedule an inspection so we can get a better understand of the event and the deployment.

Thank you in advance and I look forward to speaking with you.

BMW of North America,
LLC
Lindsey
Ucker
Special Product

Investigations
Customer Relations and
Services

B2-US-H-3

P.O. Box

1227

Westwood, NJ

07675-1227

Tel:

201-571-5814

800-831-1117

Fax:

201-326-7452

Email:

lindsey.ucker@bmwnaext.com

Web: bmwusa.com

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BMW

IMPORTANT SAFETY RECALL
This notice applies to your vehicle, WBAEW534X3P [REDACTED] [14V 428]

September 2014
Recall Campaign No. 14V-428: Front Passenger Air Bag

Dear BMW Owner / Lessee:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

BMW AG has decided that a defect, which relates to motor vehicle safety, exists in certain Model Year 2000 to 2006 BMW 3 Series vehicles. Our records indicate that you are the owner of a potentially affected vehicle.

IMPORTANT NOTICE

At this time we do not have parts to conduct this recall; however, we will notify you as soon as parts become available. At that time, you should make an appointment with your authorized BMW center in order to have this recall performed on your vehicle.

DESCRIPTION OF PROBLEM

Company
BMW of North America, LLC

BMW Group Company

Mailing Address
PO Box 1227
Westwood, NJ
07675-1227

Telephone
(800) 525-7417

Fax
(201) 930-8362

E-mail
CustomerRelations@
bmwusa.com

Website
bmwusa.com

Our air bag supplier has advised BMW that in the event of a crash necessitating deployment of the front passenger's air bag, excessive internal pressure could cause rupturing of the air bag inflator, resulting in metal fragments striking and potentially seriously injuring the front passenger or other passengers.

Please note that, as an intended design feature, if the front passenger seat is not occupied, the front passenger air bag will not deploy in a crash.

PRECAUTIONS FOR YOUR SAFETY

- 1. If you are not the only driver of this vehicle, please advise all other drivers and passengers of this important information.

DESCRIPTION OF REPAIR

The front passenger air bag will be replaced.

The actual repair will require approximately three hours; however additional time may be required depending on the BMW center's schedule. This work will be performed free of charge by your authorized BMW center.



Thank you for your Vehicle Safety Complaint

Your Complaint Information has been successfully submitted.

Your Confirmation Number (ODI Number) is: 10649615.

Your Complaint will be available within 72 hours at <http://www-odi.nhtsa.dot.gov/complaints/>.

An acknowledgement was sent to [REDACTED]

1. Vehicle Information

Vehicle Identification Number (VIN):

WBAEW534X3P [REDACTED]

Make / Model / Year:

BMW 3 SERIES 2003

2. Incident Information

Approximate Incident Date:

10/09/2014

Vehicle mileage at time of incident:

139,904

Vehicle speed at time of incident:

0 (mph)

Affected Parts:

Air Bags

Fire:

No

Crash:

Yes

Injury or Fatality:

Yes

Deaths:

0

Persons Injured:

1

Medical Attention:

Yes

Tell us what happened:

I was traveling N/B on Route 1 in Elkridge Maryland @ intersection [REDACTED] on 10/9/14 @ 4:47pm. I was involved in a 4 car pile up crash, I was stopped - the vehicle behind me was struck by a speeding motorist which caused a chain reaction & struck my BMW and knocking me into the vehicle in front of me. Both front airbags exploded with caused a severe burn to my right hand. My vehicle was a total loss and the at-fault driver's insurance has possession of the vehicle. I was immediately taken by ambulance to the hospital with other injuries. Approximately 2 weeks before the accident, I received a letter stating that there was a recall on my vehicle, and parts were not available to fix the vehicle, and that I'd be contacted at a later time. I called and reported this incident to BMW North America this morning - they stated that an Executive would get back to me in 1-3 business days.

3. Personal Information

Name:

[REDACTED]

Email:

[REDACTED]

Daytime Phone:

[REDACTED]

Evening Phone:

[REDACTED]

Address1:

[REDACTED]

Address2:

[REDACTED]

City, State, Zip:

Halethorpe, MD [REDACTED]

Safety Recall Quarterly Report Information

Per 49 CFR Part 573.7

Report Date: **Jul. 30, 2014**

Calendar Quarter: **II '14**

Safety Recall Quarterly Report from **Apr. 1, 2014** through **Jun. 30, 2014**

Manufacturer: **Bayerische Motoren Werke AG (BMW AG)**

Report Author: **Martin Rapaport**

Phone: **(201) 571-5208**

Report Number: **4**

Recall Subject: **Passenger Frontal Air Bag System
2002-2003 3-Series**

1. NHTSA Safety Recall Campaign No.: **13V-172**

2. (a) The date notification to purchasers began: **Aug. 2, 2013**
(b) The date notification to purchasers was completed: **Aug. 2, 2013**

3. The total number of items involved: **42,080**

4. (a) Total number inspected & remedied: **11,247**
(b) Total number inspected and not requiring remedy: **0**

5. Items Determined to be Unreachable:

Total number exported:	201
Total number stolen:	0
Total number scrapped:	465
Total number unable to notify:	1,649



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FEDERAL TRADE COMMISSION
PROTECTING AMERICA'S CONSUMERS

We have received your complaint.

Thank you for submitting your complaint to the Federal Trade Commission. Based on the information you have given us, we believe the following links to our consumer website may be helpful to you:

[Auto Repair Basics](#)

If you have any questions or would like us to add additional information to your complaint, please call 877-382-4357 to speak with a counselor. When you call, please have this reference number: [REDACTED] to help us quickly retrieve your information.



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- [Scam Alerts](#)
- [10 Ways to Avoid Fraud](#)

OMB CONTROL#: [REDACTED] (EXPIRES: 02/28/2015)

Under the Paperwork Reduction Act, federal agencies are not allowed to collect information from the public without a valid OMB control number.

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Complaint Submitted

Your complaint has been submitted and assigned the ID **10283218**. For your reference, a copy of your complaint appears below. You will also receive an email with a link that you may use to view this complaint.

The complaint is being handled by the dispute center listed below. Please contact them with any questions.

BBB of New Jersey (Trenton, NJ)
1262 Whitehorse-Hamilton Square Road Building A, Suite 202
Hamilton, NJ 08690

Web: 

CONSUMER INFORMATION

Date Filed: 10/28/2014

Sal: 

First Name: 

Middle Name: 

Last Name: 

Suffix: 

Address: 

Halethorpe Maryland 
UNITED STATES

**Daytime
Phone:** 

Evening Phone: 

Fax: 

Email: 

BUSINESS INFORMATION

Business ID: 0007000228

Name: BMW Of North America LLC., Customer Relations
Dept.

Address: P.O. Box 1227

City: Westwood

State/County: NJ

**Zip/Postal
Code:** 07675

**Business Phone
Number:** (201) 573-2100

COMPLAINT DETAIL / PROBLEM

Nature of Complaint: Service Issues - An unreasonable or excessive delay in completing service

Problem:

On Friday 10/24/2014 – I contacted the customer relations team by phone to report an incident with my 2003 BMW 330XI. I was told that I would hear back from someone on the resolutions team by yesterday – that never happened. I was involved in a multi vehicle collision on 10/9/2014. Two weeks prior to my accident – I was notified by mail about a recall on the passenger airbag, but parts were not immediately available for repair, and that I'd be contacted at a later date. I was struck from behind by 2 vehicles while stopped in rush hour traffic, due to the horrendous force I was then crashed into another vehicle in front of mine (double impact). The airbags on my vehicle exploded...They did not deploy correctly – as a result I have suffered severe burns to my right hand among several other injuries from the collision. I have made a complaint with the NHTSA, I also have photos of the airbag explosion & my injuries. I have attached a copy of the recall notice I've received as well. I would like to come to a resolution with BMW for the damages I've suffered, my vehicle was a total loss. If I donot hear back from BMW re: this matter asap; I will have my attorney file suit for several damages BMW is liable for with this incident.

DESIRED SETTLEMENT / OUTCOME

Desired Settlement: Replacement

Desired Outcome:

BMW USA needs to replace my vehicle. This vehicle is a total loss mainly due to the airbags exploding instead of deploying, the at fault driver's insurance company has told me that that would've cost several thousand dollars to fix, which exceeded the amount of my vehicle.

COMPLAINT BACKGROUND

Not all of these questions are required. Please provide as much information as you have.

1. Product/Service Purchased:
2. Model Number: AIRBAG
3. Contract, Account, or Policy #:
4. Order #:
6. Date Problem First Occurred: 10/9/2014

Dates you complained to the company/organization

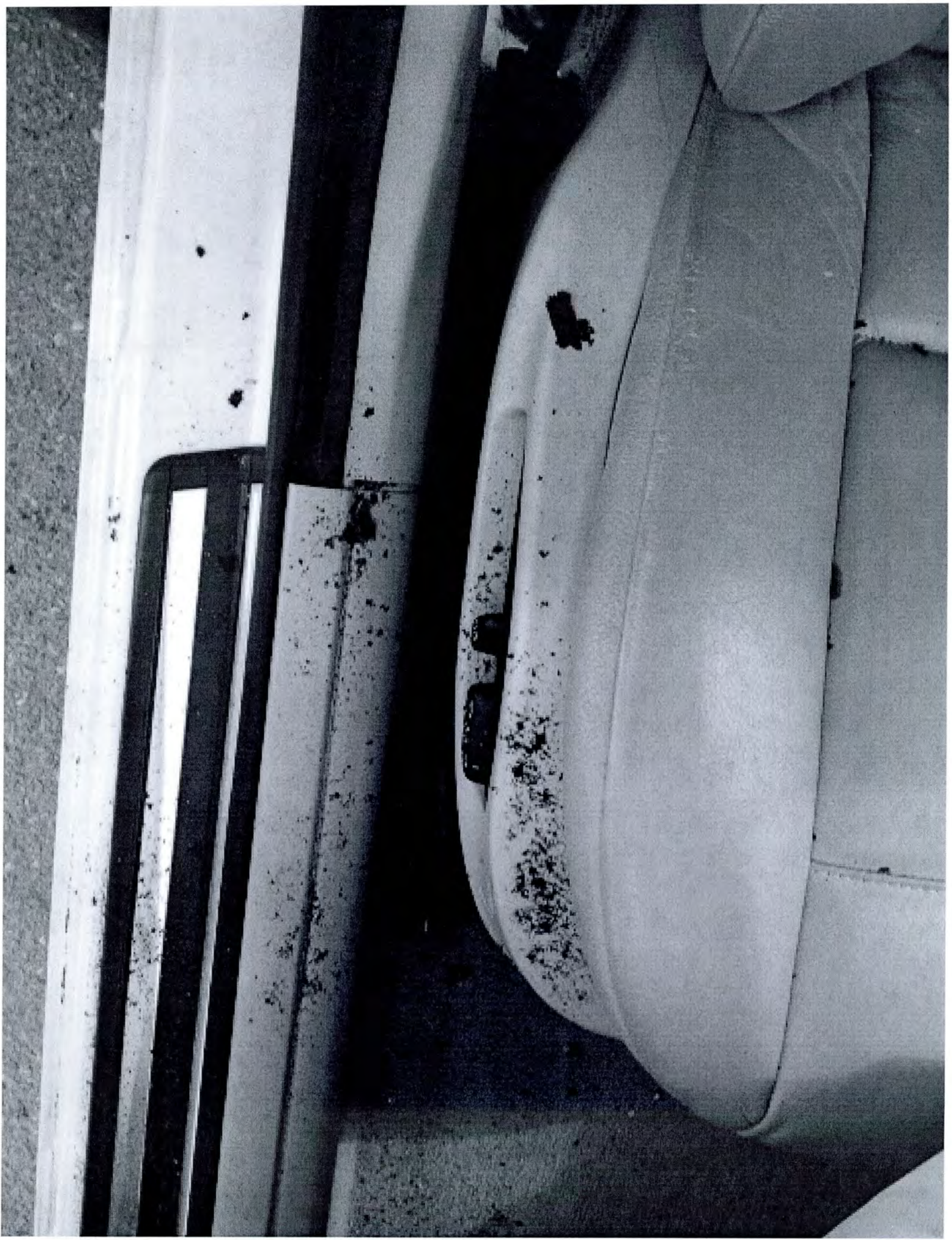
7. First Date: 10/24/2014

10. Payment Made: No
11. Payment Method: Cash

Name of Sales Person

13. First Name:
15. Last Name:
17. Purchase Price: \$0.00
18. Disputed Amount: \$0.00

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ERSTELLUNGS-JAHR:

BEIFAHRENER-AIRBAG-MODUL
2 STUFIG

Modulhersteller:

Gasgenerator Hersteller:
Gasgenerator Hersteller:

BAM-PT1-1087

TAKATA - PETRI Sachsen GmbH
Scheibener Str. 88, 09481 Elterlein

TAKATA - PETRI Sachsen GmbH

Inflation System Inc.

200 Piedmont Circle

LaGrange, GA 30240, USA