

ORTONVILLE, MI

September 17, 2014

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

OCT 1 - 2014

RE: GM Airbags not deploying on 2005 Chevy Ventura Van
(ESIS/General Motors, LLC - case # [REDACTED])

Dear NHTSA,

This letter is to inform you of my father's accident regarding airbag failure that lead to the premature death of my father and injuries to my stepmother as a result of a front end collision in October of 2012. I hesitated to contact you because of loyalty to GM since most of my family receives our pensions from them but now that recalls have gone very public I feel I must let someone else besides my GM representative Sean Kelly (ESIS/General Motors, LLC) know what happened to my family.

On October 15, 2012 my [REDACTED] year old father hit a dirt bank head-on; my stepmother was also in the vehicle. Their airbags did not deploy in his 2005 Chevy Ventura van. As a result my father hit the steering wheel with his chest causing damage to his lungs, spleen, kidneys, and ribs. He died on November 2, 2012. My stepmother hit the dash and center console with her head cutting her across the forehead and other minor injuries. Please note that dad may have been [REDACTED] but he still was able to get around on his own and still independent.

After I returned home from the funeral in Tennessee I contacted GM regarding the airbags not working. The representative for GM (ESIS/General Motors, LLC) advised me that if I had not already contacted an attorney he could speak with me on behalf of GM. Sean Z. Kelly was my representative with them. He asked me for multiple items including medical records and pictures of the wrecked van which were all sent to him.

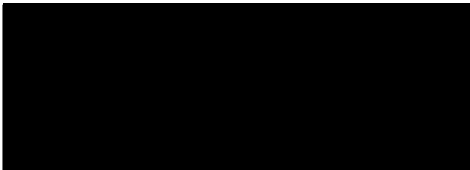
Over the course of a year we corresponded back and forth, each time he needed something else I got it for him which wasn't easy being out of state from the accident location but I got it done. Each month I called or emailed him I got a "GM still looking into this". He was very careful over the phone not to mention a confirmed settlement but certainly over the course of the year led us to believe there could be one right up until September 11, 2013 when he advised me that that the Tennessee Statute of Limitations was up a year from the accident date. This left me little time to pursue an out of state attorney that could take the case on such short notice. I did try but since I live in Michigan, my stepmom now lives in Ohio and the accident was in Tennessee it was extremely difficult for me.

NM
102714
SNP

Dad died directly as a cause of the accident, if the airbags would have deployed he would not have suffered for approximately 15 days and die in a hospital. My stepmom has problems to this day as a result of the accident. Dad worked for GM for thirty-nine years and it is ironic he died as a result of an accident in a GM vehicle not functioning properly.

I have attached a copy of the "black box" report, the accident report and photos of my stepmom and the van. You can see by the inside photo that the airbags never deployed. I have all medical records and copies of **all** correspondence with Sean Kelly which can be sent to you at your request. I have included a summary of ESIS's email replies to this claim.

Thank you for taking the time to read this letter.



From: "sean.z.kelly@gm.com" <sean.z.kelly@gm.com>
To: [REDACTED]
Sent: Monday, November 12, 2012 1:40 PM
Subject: [REDACTED] 2005 Chevrolet Venture

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[REDACTED]

ESIS investigates the product claims on behalf of General Motors, LLC (GM). Thank you for discussing this matter with me on Nov. 12, 2012.

I again want to express my condolences to you and your entire family for the loss of your father, [REDACTED].

I understand you are pursuing a product claim against GM, alleging both frontal airbags should have deployed in the Oct. 15, 2012 accident. I left a message with your father's agent, Joe Fain, at State Farm today and will try to track down the subject 2005 Chevrolet Venture Van. Obviously, since this is your evidence, it is very important that you take all efforts to make sure the subject 2005 Venture Van is not disposed of or altered in any way for as long as this matter is active.

Once I've located the vehicle and have received State Farm's permission to inspect it, I will assign this claim to a local investigator who will inspect the vehicle. In the meantime, please provide:

- 1) All color photos you have of the subject 2005 Venture Van;
- 2) Police Report, or the name and report number of the agency that responded.

I will request the Power of Attorney from your step brother, [REDACTED] confirming that he is able to legally act on his mother, [REDACTED] (your step-mother's) behalf. I will also send him Medical Authorizations for your father and [REDACTED] so we can obtain their respective medical records.

This investigation may take a while, but GM takes allegations such as yours very seriously and we want to make sure we do a thorough investigation. If at any time you need to contact me, please do so at the number below or at this email address.

Thank you for your cooperation.

SEAN KELLY
ESIS/General Motors, LLC
P.O. Box 300
Mail Code 482 C19 B61
Detroit MI 48265-3000
313.665.3500 (Phone)
313.665.0911 (Fax)

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

Nov 12, 2012

Here is the Medical Authorization we discussed today. Please complete the entire authorization, sign where indicated and either email or fax it to me along with a copy of your Power of Attorney.

Thanks Rick
SEAN KELLY
ESIS/General Motors, LLC
P.O. Box 300
Mail Code 482 C19 B61
Detroit MI 48265-3000
313.665.3500 (Phone)
313.665.0911 (Fax)

To
sean.z.kelly@gm.com
Nov 14, 2012
Sean, here is the med authorization

To
sean.z.kelly@gm.com
Nov 13, 2012
Sean,

Here are the pictures we have, will have to send in 2 emails, this is the first one. Working on the police report. Both dad and [REDACTED] had seatbelts on but I did not feel appropriate taking pics of their chest area that was all bruised. The photo of [REDACTED] was taken 3 days after the accident. Photos inside the van show where [REDACTED] hit the console vent with her head (this is the only place we noticed dried blood and hair). Will scan and send my medical POA for dad from work tomorrow. Please keep me informed.

To
sean.z.kelly@gm.com
Dec 11, 2012

Sean, here is the accident report, could not fax it to the number you gave me, [REDACTED] From:
"sean.z.kelly@gm.com" sean.z.kelly@gm.com Subject: [REDACTED] - 2005 Chevrolet
Venture

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sean.z.kelly@gm.com Got it. Thanks [REDACTED]

SEAN KELLY ESIS/General Motors, LLC
P.O. Box 300 Mail Code 482 C19 B61
Detroit MI 48265-3000 313.665.3500 (Phone) 313.665.0911 (Fax)

To: "sean.z.kelly@gm.com"
<sean.z.kelly@gm.com> Date: 12/11/2012

: Re: [REDACTED] - 2005 Chevrolet Venture Sean,

I am still waiting for dad's medical records from the Univ of Tennessee med center (who have told me they were mailed this week). I will send them to you as soon as I receive them but have doubts about when they were mailed to.

To
sean.z.kelly@gm.com
Jan 17, 2013

Subject: Re: [REDACTED] - 2005 Chevrolet Venture

Sean, I am still waiting for dad's medical records from the Univ of Tennessee med center (who have told me they were mailed this week).

I will send them to you as soon as I receive them but have doubts about when they were sent to me. The hospital has been slow to respond, I will call them again in a day or two if I still haven't received the records.

[REDACTED]

To
sean.z.kelly@gm.com
Aug 16, 2013

Hi Sean, Just checking in with you since I have not heard anything yet. I have to meet with stepmom & her family soon and would like to give her some info on this case. Any word on progression. It's been almost a year now since the accident.

sean.z.kelly@gm.com
Aug 19, 2013

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Hi [REDACTED]. The engineer involved advised that the technical review would be completed this month. I do apologize for the delay. To the extent that I can, I'll continue to push for a response.
Thanks. SE

To
sean.z.kelly@gm.com
Sep 11, 2013
Hi Sean,

just my monthly follow up, any new news?

[REDACTED]

From: "sean.z.kelly@gm.com" <sean.z.kelly@gm.com>
To: [REDACTED]
Sent: Wednesday, September 11, 2013 9:44 AM
Subject: Re: [REDACTED]

Hi [REDACTED]

I tried to review the matter with the GM Staff Attorney yesterday but she had to cancel.

I'm going to call her today and let you know as soon as I can.

Thanks.
SEAN KELLY
ESIS/General Motors, LLC
P.O. Box 300
Mail Code 482 C19 B61
Detroit MI 48265-3000
313.665.3500 (Phone)
248.778.1748 (Fax)

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From: "sean.z.kelly@gm.com" <sean.z.kelly@gm.com>
To: [REDACTED]
Sent: Wednesday, September 11, 2013 10:14 AM
Subject: Re: [REDACTED]

[REDACTED]

Have you or anyone from your family received a Conditional Payment Letter from Medicare on your mother or father? If so, please send those to me.

I also want to advise you that the Statute of Limitations in Tennessee is 1 year and will expire on Oct. 15, 2013.

Medicare has an automatic lien on the amount it paid for both of your parents. Also, Medicare is notoriously slow with providing information. That, plus the fact that we don't know what that amount is and I will not be able to review this case with GM until Sept. 17, would lead me to believe it's not likely any kind of resolution could be reached by Oct. 15.

I just wanted to be up front with you. I can't give any legal advice regarding the approaching Statute of Limitations, but obviously you're free to consult with an attorney on this issue.

Thank you.
SEAN KELLY
ESIS/General Motors, LLC
P.O. Box 300
Mail Code 482 C19 B61
Detroit MI 48265-3000
313.665.3500 (Phone)
248.778.1748 (Fax)

From: [REDACTED]
To: "sean.z.kelly@gm.com" <sean.z.kelly@gm.com>
Date: 09/11/2013 10:00 AM
Subject: Re: [REDACTED]

Sep 11, 2013

What is a automatic lien from Medicare? And are you telling us that if no decision is reached by October 15th that this is a dismissal from GM?

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From: "sean.z.kelly@gm.com" <sean.z.kelly@gm.com>

Medicare has a right to claim whatever amount it paid before any potential settlement would be paid. Please note GM has not made any determination whether a settlement offer would be made. I would refer you to an attorney or your own research to determine your rights regarding the Statute of Limitations.

Me Sean, Any word regarding the above, September has gone and October is almost over? [REDACTED]
[REDACTED]

To
sean.z.kelly@gm.com
Oct 28, 2013
Sean,

Any word regarding the above, September has gone and October is almost over?
[REDACTED]

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Sean Z Kelly [REDACTED] Unfortunately due to many factors we discussed including, but not limited to, Medicare and the Statute of Limitations, GM is not able to offer anything at this time.

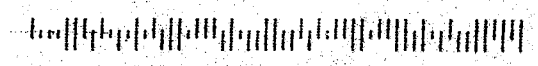
Sean

Sean Kelly

P.O. Box 300
Mail Code C19 B61
Detroit MI 48265-300
313.665.3500 (Phone)
248.778.1748 (Fax)



Ortonville MI



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To:

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