



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
Attorney General

Division of Regional Offices
Nassau Regional Office

December 4, 2014

DEC 17 2014

Tennessee Attorney General's Office
Consumer Protection Division
425 Fifth Avenue North 2nd floor
Nashville, TN 37243-0491

Our File Number: [REDACTED]
Company: Nissan North America

Dear Sir or Madam:

I enclose a copy of a consumer complaint recently filed with this office.

We expect to be mediating the complaint with the company. However, it appears this matter may also fall within the jurisdiction of your office. We are forwarding this copy so that you may take whatever action your office deems appropriate.

Thank you for your cooperation.

Very truly yours,

Wendy Boulding

BUREAU OF CONSUMER FRAUDS
AND PROTECTION

Enclosure

cc:

[REDACTED]
Hicksville, NY [REDACTED]

NH
12/17/14
SMD

[REDACTED]
Hicksville, NY [REDACTED]
December 8, 2014

President/CEO
NISSAN NORTH AMERICA
1 Nissan Way
Franklin, TN 37067

DEC 17 2014

Re: "Killer" Nissan/2006 Nissan Altima
VIN#:1N4AL11D66N [REDACTED]
Complaint: Defective Throttle Positioning Sensor
NYS Attorney General/Senior Consumer Fraud Representative (Adam
Levin/Wendy Boulding): NYSAG File Number: [REDACTED]
NHTSA/ODI Confirmation Number: 10653599 ✓
Nissan Consumer Affairs Case [REDACTED]

Dear President/CEO NISSAN NORTH AMERICA:

On November 18, 2014, I completed submissions via email to Jamaila Regine, Consumer Affairs Representative at Nissan NA. When she stated it had not been received (?), I sent it to her via "snail mail." I was never able to speak with her directly by phone; I called Ms. Regine at the number she mailed to me: 1-800-647-7261, ext. 458189. Each time I called, I spent about ten minutes being routed through various prompts and never reaching her. There was no way to call her and her extension directly.

My original notification to Nissan occurred at 3:46PM on 11/14/2014, sent via email to: "Contact Nissan." That was exactly 24 days ago, nine days after Fabian Cabezas, the tow truck driver for J&M Service Recovery, Inc., Elmont, NY, at about 5PM on November 5, 2014, showed me my former car's problem: a DEFECTIVE THROTTLE POSITIONING SENSOR, identified by Fabian, who told me he had seen many other Nissans with the same problem. I then described what happened: "The driver showed my vehicle, with no one in it, roaring from a low idle to more than 2000 rpms in an instant!" I continued, in that same

11/14/2014 email to your "Contact Nissan": "A year ago, in both accidents (note: they occurred on 9/14/2013 and 10/14/2013) my car was stopped: parked in one and parking in the other. Each time, when I put the car from park or neutral into drive gear, it suddenly leaped forward, without my touching the accelerator at all, causing both major accidents."

When I submitted my detailed complaint to Nissan, dated 11/18/2014, I requested the following seven types of relief:

"1) Initiate a full investigation of who at Advantage Nissan, on November 1, 2013, was responsible for refusing to enter the defect for which I sought assistance, and then criminally telling me that the vehicle was not at fault. That action, I believe, constitutes: depraved indifference to human life, since it could have caused my death and the deaths of others, over the year I continued to operate the car, having no financial means to do otherwise. Hold that person or that distributor to full account for their actions.

2) Repay to me the full amount I have already paid to Capital One Bank toward the purchase of this vehicle, from the date of purchase, in January, 2012, through the final payment. (Note: I believe I paid through September, 2014; Nissan should reimburse me that total amount paid, and pay Capital One Bank the balance they state is due, unless Nissan and Capital One make some other arrangement between themselves, but clearing me entirely from any outstanding indebtedness).

3) Pay to me the full amount of the three year lease I have just initiated with Toyota for my Toyota Camry, acquired by me on October 9, 2014.

4) Pay to me, for real emotional and punitive damages the sum of one hundred thousand dollars, as compensation for the horrific treatment I received from Advantage Nissan, making me believe I was the guilty party, when the vehicle was the guilty party.

5) Demand that my insurer, Allstate Insurance Company, clear my record of both accidents, and refund to me all excessive premiums I have been charged for being falsely held responsible for both accidents: 9/14/2013 and

10/14/2013. Also refund to me the \$500 deductible I had to pay for one of the accidents.

6) Pay to [REDACTED], Great Neck, NY [REDACTED] the sum of fifty thousand dollars, for the damage, physical to the vehicle and emotional to herself (she is the one who said to me: [REDACTED], you could have killed someone'; she was also very kind and sympathetic to me, somehow realizing that I likely was not at fault; helping me to check out at the local restaurant for takeout food I had ordered; helping me with my papers, etc.

7) Issue a public apology in the media for what took place, confirming that Nissan's corporate headquarters will launch a full investigation of this severe, life-threatening defect, to ensure that no one else's life is at risk, and recompensing those who have already suffered damage, as a result of a literal 'cover-up' apparently by local dealers, perhaps without corporate's knowledge. Your actions towards me and towards others will determine whether or not you intend to act in good faith. I prefer not to proceed to litigate. I am a very caring man, who married my late, beloved wife, [REDACTED] who died last year, one month AFTER she had a near-fatal stroke. We were married on New Year's Day 1982. I took care of her at home, in her wheelchair, for the next thirty years. I then visited her every afternoon, helping her eat lunch and dinner, at the [REDACTED], a Catholic Nursing Home, in Brentwood, Long Island until June 3, 2013, peacefully, as I held her hand. I visit her every Sunday and talk to her at Pinelawn Cemetery before going to church. That is who I am."

Beyond the relief already requested for myself and [REDACTED] after further assessment of what has happened, I must request additional relief for others:

a) To: [REDACTED], Hicksville, NY [REDACTED] – the sum of fifty thousand dollars (\$50,000). Basis: In December, 2013 (possibly late November), [REDACTED] and her two sons were taken by me on an emergency basis to Nassau County Medical Center, I believe that is in East Meadow, Long Island. Reason: she and her family sublet to me a furnished room and, as I help others, when she had a horrific headache due to stress and her "significant other", [REDACTED], was not available to

drive her, I drove them there. When we arrived at what we thought was the Emergency Entrance, but had to go to another nearby entrance, As I took my Nissan Altima from "park" and put it in "reverse," with them in the car, it suddenly leaped backward, totally out of control, WITHOUT MY TOUCHING THE ACCELERATOR AT ALL! Fortunately, before I struck someone or something, I was able to slam on the brakes and bring it to a stop, avoiding injury and severe damage to everyone! Since that horrific event, [REDACTED] has not permitted her sons to go anywhere in my car, and they have all been, frankly, terrified, assuming it was my irresponsible driving that had caused what occurred. That event not only traumatized her and her whole family, but put a strain on our relationship, very difficult when you are living in close quarters with other people, even though there is no personal relationship at all.

- b) To: [REDACTED], Bayside, NY [REDACTED] – the sum of fifty thousand dollars. [REDACTED] and her sons, [REDACTED] have all been close friends for more than twenty years. In fact, when my financial situation became very difficult, she assisted me on several occasions financially, just as I had assisted her in the past. I also at times took her to work in the morning or picked her up after work in the evening. [REDACTED] was fully aware of the two accidents I had had last year and was under severe stress each time I drove her to or from work, or shopping, or to the doctor, etc. Thus, although she was not directly involved in an accident or even near-accident, the stress of believing that I am an incompetent driver, probably due to my age, she believed, did put strain on our friendship and further put tremendous stress on her, since I told her that I could not help the vehicle's suddenly leaping forward, or backward, from a "park" or "neutral" position. Thus, I estimate that she also suffered severe emotional damage due to a severely defective vehicle that your dealer, Advantage Nissan, attempted to hide, criminally in my opinion.

Should Nissan agree to provide the relief requested, to me and to each of the parties, as part of the understanding, I will be willing to sign off on not pursuing any further financial or other remedies. Since thus far Nissan has literally stonewalled me, giving me no response whatsoever in writing, and verbally indicating, per Vicky Anderson, your Incident Investigator, that you will not even

approach Capital One Bank to ensure the vehicle is not sold at auction – I FIND THE CONDUCT OF YOUR REPRESENTATIVES TO BE REPREHENSIBLE. If your silence and refusal to be responsive at all continues, I am hopeful that the NYS Attorney General's Office (Consumer Fraud), as well as a counterpart in Tennessee, to whom they have also referred this matter, will use every resource available to bring Nissan to account for what is truly criminal conduct.

I hope to hear from you in writing, and positively, and substantively, shortly.

Sincerely,

[REDACTED]

Cc: NYS Attorney General/Bureau of Consumer Frauds and Protection
National Highway Transportation Safety Administration (NHTSA)/ODI ✓

Also:

[REDACTED]

(sons:

[REDACTED]

[REDACTED]

HICKSVILLE, NY

W48-226



NATIONAL HIGHWAY TRANSPORTATION SAFETY ADMINISTRATION
1200 NEW JERSEY AVENUE, SE, WEST BUILDING
WASHINGTON, DC. 20590
ATTN: OFFICE OF DEFECTS INVESTIGATION

