CL-10660656-6579

[redacted]
Bloomfield Hills, Michigan [redacted]

Ph: [redacted] **Cell:** [redacted]

National Highway Traffic Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

February 13, 2015

NVS-216
Ref. No. 10660656

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

Attn. Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement

MAR 19 2015

Re: Ford C MAX VIN No. #FADP5BU0EL [redacted]
My letter of October 30, 2014

Gentlemen,

Following my letter to you of October 30, 2014, I wrote to Ford Motor Company reminding them my lawyer, Dean Googasian had written them in August 2014 stating our complaint that the car failed to slow down, even though I had taken my foot off the accelerator. When I tried to apply the brakes, they would not move. They seemed locked in place.

Our complaint covered by Mr. Gagoosian went unheeded by Ford. Our letters to them dated September 4, 2014 and November 6, 2014 also went unheeded, and the offer to them of gathering material from the black box went unheeded. Twice we have included the information where the car was being stored and phone numbers to make arrangements to see it and the black box.

It appears that we are being" stonewalled".

We have pointed out to Ford that this kind of problem could, and I predicted will cause deaths if not corrected. Perhaps it already has.

RR
31915
SMD

I do wish to file a complaint against the Ford Motor Company for selling a defective product to me, and which defect endangered my life and the life of my passenger, retired judge, [redacted]

We paid Henderson and Associates, an independent firm of Livonia, Michigan, $560.50 to gather the information from the " black box". We have that information and are sending enclosed, selected pages from the report. The information from these pages will, we believe, prove to you the power never released from the drive unit all the way to impact.

The complete information and the original report from Henderson and Associates is in the hands of my attorney, Dean Googasian, Esq., 6895 Telegraph Road, Bloomfield Hills, MI 48301 – 3138. If you would wish to speak to him about this, or inspect the original report, his phone number is: 248 – 540 – 3333.

Of the pages, of which I am sending you copies, many of the significant facts are covered on page 8. For example, the speed of the vehicle, the fact that the accelerator pedal was not depressed, the fact that there was still torque to the wheels and that no braking action was applied being some of them.

I am also enclosing copies of letters sent to Ford Customer Relations. The dealer, Suburban Ford of Waterford, LLC was also sent copies in each case. Neither responded.

[redacted]

Cc: Ford Customer Relations
cc: Dean Googasian, Attorney at Law
cc: Suburban Ford of Waterford LLC

IMPORTANT NOTICE: Robert Bosch LLC and the manufacturers whose vehicles are accessible using the CDR System urge end users to use the latest production release of the Crash Data Retrieval system software when viewing, printing or exporting any retrieved data from within the CDR program. Using the latest version of the CDR software is the best way to ensure that retrieved data has been translated using the most current information provided by the manufacturers of the vehicles supported by this product.

CDR File Information

User Entered VIN	1FADP5BU0EL[redacted]
User	R Ricotta
Case Number	[redacted]
EDR Data Imaging Date	09/09/2014
Crash Date	09/09/2014
Filename	14-1122AD 2014 FORD CMAX 1FADP5BU0EL[redacted] ACM.CDRX
Saved on	Tuesday, September 9 2014 at 14:42:36
Collected with CDR version	Crash Data Retrieval Tool 14.0.1
Reported with CDR version	Crash Data Retrieval Tool 14.0.1
EDR Device Type	Airbag Control Module
ACM Adapter Detected During Download	No
Event(s) recovered	locked frontal event

Crash date
7-29-14
7:40 AM

Comments

2014 FORD C-MAX
VIA normal dlc

The retrieval of this data has been authorized by the vehicle's owner, or other legal authority such as a court order or search warrant, as indicated by the CDR tool user on Tuesday, September 9 2014 at 14:42:36.

Data Limitations

Data Imaging:

CAUTION: When imaging data directly from the RCM on a bench top, make sure the RCM is placed on a flat surface without any movement (static) while connected to and powered by the CDR interface. Not following the above guideline for bench top imaging could risk inducing new events to be recorded in the RCM and possibly overwriting a Non airbag deployment.

Note that the RCM Adapter Detected during Download parameter equal to " Yes" indicates that the EDR data was collected directly from the RCM. When equal to "No", it indicates that the EDR data was collected through the OBD II from the vehicle.

Restraints Control Module (RCM) Recorded Crash Event(s):

The RCM can store up to two crash events. Event types are categorized as follow:

1. Non deployment trigger event is an event in which EDR recording trigger threshold is met or exceeded (minimum of 5 mph (8kph) Accumulated Delta Velocity within 150ms interval), but no device(s) have deployed. The data from such event can be overwritten by subsequent events.

2. Airbag deployment event is an event in which frontal, side or curtain airbags have deployed. Note that such event cannot be overwritten or cleared from the Restraints Control Module (RCM). Once the RCM has deployed any airbag device(s), the RCM must be replaced.

3. Some RCM may also categorize Non airbag deployment event. This type is an event in which non airbag devices such as pretentioners, knee bolster etc... have deployed. Note that such event can be overwritten given a subsequent "deployment" event.

"Time zero" or Event Beginning of any event (First Record or Second Record) is defined as the first Algorithm wake up during that event. So all the Pre-Crash, At Event, Delta V Data, deployment times etc... are relative to "Time zero".

It is possible that conditions in a crash may result in an incomplete event data record.

System Status at Time of Retrieval

VIN As Programmed into RCM at Factory	1FADP5BU0EL[redacted]
Current VIN from PCM	1FADP5BU0EL[redacted]
Ignition Cycle, Download (First Record)	165
Ignition Cycle, Download (Second Record)	N/A
Restraints Control Module Part Number	DM5T-14B321-EG
Restraints Control Module Serial Number	000265364844
Restraints Control Module Software Part Number (Version)	CJ5T-14C028-AH
Driver Side/Center Frontal Restraints Sensor Serial Number	32283BD42F26
Driver, Row 1, Side Restraint Sensor 1 Serial Number	9D12CC8F3207
Driver, Row 2, Side Restraint Sensor 2 Serial Number	32283BD42541
Passenger Frontal Restraints Sensor Serial Number	32283BD41D3A
Passenger, Row 1, Side Restraint Sensor 1 Serial Number	A31366EE131A
Passenger, Row 2, Side Restraint Sensor 2 Serial Number	16283DE9682E

System Status at Event (First Record)

Complete File Recorded (Yes,No)	Yes
Multi-Event, Number of Events	1
Time From Event 1 to 2 (msec)	N/A
Lifetime Operating Timer at Event Time Zero (sec)	54,191
Key-On Timer at Event Time Zero (sec)	416
Vehicle Voltage at Time Zero (V)	14.63
Energy Reserve Mode Entered During Event (Yes, No)	Yes
Time Driver Side/Center Frontal Restraints Sensor Lost Relative to Time Zero (msec)	26
Time Front Passenger Restraint Sensor Lost Relative to Time Zero (msec)	47

Deployment Data (First Record)

Frontal Airbag Deployment, Time to First Stage Deployment, Driver (msec)	23.5
Frontal Airbag Deployment, Time to First Stage Deployment, Front Passenger (msec)	23.5
Frontal Airbag Deployment, Time to 2nd Stage, Driver (msec)	33.5
Frontal Airbag Deployment, Time to 2nd Stage, Front Passenger (msec)	28.5
Pretensioner (Retractor) Deployment, Time to Fire, Driver (msec)	4.0
Pretensioner (Retractor) Deployment, Time to Fire, Right Front Passenger (msec)	4.0
Side Curtain Airbag Deployment, Time to Deploy, Driver Side (msec)	23.5
Adaptive Load Limiter Deployment, Time to Fire, Passenger (msec)	55.0
Inflatable Knee Bolster Deployment, Time to Fire, Driver (msec)	23.5
Maximum Delta-V, Longitudinal (MPH [km/h])	-28.0 [-45]
Time, Maximum Delta-V Longitudinal (msec)	260
Driver or Center, Front Satellite Sensor, Safing	Yes
Passenger, Front Satellite Sensor, Safing	Yes
RCM Front (Longitudinal), Discriminating Deployment	Yes
RCM Front(Longitudinal), Safing	Yes

Pre-Crash Data -1 sec (First Record)

Ignition cycle, Crash	161
Frontal Air Bag Warning Lamp, On/Off	Off
Occupant Size Classification, Front Passenger (Child size Yes/No [Hex value])	No [$02]
Safety Belt Status, Driver	Buckled
Seat Track Position Switch, Foremost, Status, Driver	Not Forward
Seat Track Position Switch, Foremost, Status, Front Passenger	Not Forward
Safety Belt Status, Front Passenger	Buckled
Brake Telltale	Off
ABS Telltale	Off
ESC/TC Telltale	Off
ESC/TC Off Telltale	Off
Speed Control Telltale	Off
Powertrain Malfunction Indicator Lamp (MIL) Telltale	Off

BOSCH

Pre-Crash Data -5 to 0 sec [2 samples/sec] (First Record)

Time (sec)	Speed, Vehicle Indicated (MPH [km/h])	Speed, Vehicle Indicated, Quality Factor	Accelerator Pedal, % Full	Accelerator Pedal, % Full, Quality Factor	Service Brake, On/Off	Engine RPM	ABS Activity (Engaged, Non-Engaged)	Brake Powertrain Torque Request	Traction Control via Brakes	Wheel Torque (N-m)	Driver Gear Select (Auto Trans)
-5.0	45.2 [72.7]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-144	Drive
-4.5	44.8 [72.1]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-144	Drive
-4.0	44.4 [71.5]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-144	Drive
-3.5	44.0 [70.8]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-136	Drive
-3.0	43.6 [70.1]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-136	Drive
-2.5	43.1 [69.4]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-136	Drive
-2.0	42.8 [68.9]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-136	Drive
-1.5	42.2 [67.9]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-128	Drive
-1.0	41.7 [67.1]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-136	Drive
-0.5	41.3 [66.4]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-140	Drive
0.0	41.1 [66.2]	OK	0.0	OK	Off	0	non-engaged	No	non-engaged	-128	Drive

Speed 45.2 mph
Brakes off
Drive Gear in Drive

Page 8

Pre-Crash Data -5 to 0 sec [10 samples/sec] (First Record)

Time (sec)	Stability Control Lateral Acceleration (g)	Stability Control Longitudinal Acceleration (g)	Stability Control Yaw Rate (deg/sec)	Stability Control Roll Rate (deg/sec)	Steering Wheel Angle (deg)
-5.0	-0.21	-0.03	-7.39	-0.81	-17.0
-4.9	-0.12	-0.03	-3.15	6.04	1.9
-4.8	-0.01	-0.03	1.92	8.52	12.5
-4.7	0.05	-0.02	4.26	5.35	10.3
-4.6	0.06	-0.03	2.86	0.34	2.3
-4.5	0.05	-0.03	0.02	-2.39	-3.4
-4.4	-0.01	-0.03	-1.55	-3.39	-4.5
-4.3	-0.02	-0.03	-1.42	-4.26	-3.6
-4.2	-0.04	-0.03	-1.05	-1.38	-5.4
-4.1	-0.07	-0.03	-1.73	-1.60	-13.2
-4.0	-0.11	-0.03	-4.43	-3.39	-23.0
-3.9	-0.12	-0.03	-6.47	-2.07	-19.7
-3.8	-0.16	-0.03	-6.15	-1.54	-21.7
-3.7	-0.10	-0.02	-5.39	1.14	-7.6
-3.6	-0.09	-0.03	-1.51	6.17	-3.6
-3.5	-0.05	-0.03	-0.65	2.90	-5.4
-3.4	0.05	-0.04	0.03	5.35	11.2
-3.3	0.07	-0.03	3.74	6.95	15.0
-3.2	0.07	-0.03	3.90	1.20	6.2
-3.1	0.06	-0.02	1.66	0.98	2.6
-3.0	0.03	-0.03	0.21	-0.14	0.0
-2.9	0.02	-0.02	-0.44	-1.59	-0.1
-2.8	0.03	-0.04	-0.14	-0.46	2.5
-2.7	0.00	-0.04	0.54	1.10	1.8
-2.6	0.01	-0.03	0.48	1.19	-0.8
-2.5	0.01	-0.03	-0.11	0.88	-0.6
-2.4	-0.03	-0.03	-1.00	-0.81	-10.0
-2.3	-0.03	-0.03	-3.13	-4.20	-8.8
-2.2	-0.03	-0.03	-2.16	0.83	-0.1
-2.1	-0.02	-0.02	0.20	1.15	4.0
-2.0	0.04	-0.03	1.59	2.47	6.8
-1.9	0.09	-0.02	2.22	2.21	9.9
-1.8	0.10	-0.03	3.38	2.85	13.9
-1.7	0.10	-0.03	3.64	1.88	11.5
-1.6	0.11	-0.03	3.34	0.96	12.5
-1.5	0.09	-0.02	3.39	1.01	10.5
-1.4	0.06	-0.02	2.09	-1.93	1.2
-1.3	0.04	-0.03	-0.47	-3.82	-4.2
-1.2	-0.02	-0.02	-1.50	-1.72	-6.0
-1.1	-0.07	-0.03	-2.19	-3.00	-11.4
-1.0	-0.06	-0.03	-2.86	-0.83	-5.7
-0.9	-0.04	-0.03	-1.24	1.82	-1.2
-0.8	-0.02	-0.04	-0.06	0.03	0.5
-0.7	0.00	-0.03	0.33	1.17	0.3
-0.6	0.00	-0.02	0.19	0.79	-3.2
-0.5	-0.01	-0.03	-0.88	-0.54	-6.7
-0.4	-0.04	-0.02	-2.07	-2.12	-9.8
-0.3	-0.03	-0.01	-2.93	-2.46	-9.8
-0.2	-0.05	-0.03	-2.48	0.00	-6.2
-0.1	-0.05	-0.03	-1.52	0.82	-6.1
0.0	-0.05	-0.07	-1.43	0.25	-6.7

Longitudinal Crash Pulse (First Record)

Time (msec)	Delta-V, longitudinal (MPH)	Delta-V, longitudinal (km/h)
0	0.0	0
10	-1.9	-3
20	-2.5	-4
30	-4.3	-7
40	-8.1	-13
50	-11.2	-18
60	-14.3	-23
70	-16.2	-26
80	-18.0	-29
90	-19.9	-32
100	-21.7	-35
110	-23.6	-38
120	-24.9	-40
130	-25.5	-41
140	-26.1	-42
150	-26.7	-43
160	-27.3	-44
170	-27.3	-44
180	-27.3	-44
190	-27.3	-44
200	-27.3	-44
210	-27.3	-44
220	-27.3	-44
230	-27.3	-44
240	-27.3	-44

[redacted]
Bloomfield Hills, Michigan [redacted]

Ph: [redacted] Cell: [redacted]

copy September 4, 2014

Ford Motor Company
Customer Relationship Center
P.O. Box 6248
Dearborn, MI 48126

RE: Ford C MAX VIN #1FADP5BU0EL[redacted]

Gentlemen;

I am enclosing a copy of a report I am sending today to Ford Credit regarding the above vehicle, but I also feel it necessary to "add a little":

The day following the accident my wife and daughter looked at the car in the towing companies lot, and among the pictures of the vehicle which they took, is a picture of the brake and accelerator pedals. The break pedal was solid with no movement at all! An attendant at the lot witnessed this also.

This type of failure of the systems that control the speed of the vehicle results in a very dangerous situation that could, and I predict, will cost lives of both occupants and others unless corrected.

I would think this is a problem Ford should take very seriously, and at least check the vehicle to verify my story, or if they find anything that would refute it, let that be known also.

According to my insurance company (AAA-contact Mark Rehse at 877-357-4155) the car is being stored at the following address:
8251 Rawsonville Rd., Belleville, MI 48111, stock number [redacted] The phone number: 734 – 461 – 9441.

Perhaps Ford engineering already has a solution to what caused the problem, but why have they not contacted me to at least acknowledge that they are aware of the accident and the problems leading up to it?

If they have found the reason for the failure it would be nice to hear that also, along with what emergency measures are available to stop, or at least slow down the vehicle before impact.

We had been "moving with the traffic" in a 50 mph zone, had gone over the brow of the hill toward a red light, probably less than ¼ mile away, when we became aware of the problem. As noted in the Claim Description, there were four or five vehicles in each of the four, third and first lanes, but only three in the second lane. The last vehicle in the second lane was a pickup truck and in an "instant decision" I chose that as something to stop me and immediately moved to the second lane.

I think for the safety of the public and for Fords research into this type of problem, Ford should want to inspect the vehicle. I was absolutely intrigued with the vehicle, but could not own another C – Max without being guaranteed and convinced this type of failure could not happen again. There were no immediate deaths and, for the speed of the collision, relatively minor injuries and I was particularly pleased with Ford engineering that the driver and passenger compartment had almost no damage. Even the windshield was only broken in an area at the bottom center and at the top center.

I would think that engineering would want to inspect the vehicle and I urge them to do so. We came pretty close this time. Next time, we may not be so fortunate.

Sincerely,

[redacted]

CC Suburban Ford of Waterford, LLC
5900 Highland Rd.
Waterford, MI 48327

[redacted]
Bloomfield Hills, Michigan [redacted]

Ph: [redacted] copy **Cell:** [redacted]

Ford Motor Company
Customer Relationship Center
P.O. Box No. 6248
Dearborn, MI 48126

November 6, 2014

Re: Ford C MAX VIN No. #FADP5BU0EL [redacted]

Dear Sir or Madam,

On July 24, 2014I purchased a 2014 Ford C MAX Hybrid VIN#1FADP5BU0EL [redacted] *through Suburban Ford of Waterford, LLC in Waterford, Michigan.*

Five days later, on July 29, 2014 I was driving the C MAX on Woodward Ave., in Bloomfield Hills, when attempting to slow down and stop for a traffic light, the car would not decelerate when letting up on the accelerator. I quickly hit the brake but it would not budge. As there was quite a bit of traffic (7:40 AM, Northbound on Woodward Ave. on a Tuesday Morning) I had only seconds to react and miss cars. There was no time to "experiment" with ways to slow the vehicle down or stop it. I tried to keep the vehicle straight and struck the back of a pickup truck at 45 mph.

My Lawyer, Dean M. Googasian of The Googasian Firm, Bloomfield Hills wrote you a letter in August stating eventually these same facts,

Getting no response, I wrote you on September 4, 2014 stating who to contact and where the wreck is stored so that Ford Analysts examine the information from the "Black Box" and collect any other clues as to the cause of the malfunction.

Yesterday I had a call from Mark Rehse of AAA –Insurance telling me we have only a week left before the wreck is released to the demolition people.

We have pointed out the seriousness of this defect. If not corrected it undoubtedly could cost lives and serious injury to drivers, passengers and victims in the path of an unstoppable vehicle.

I am disappointed that Ford is not interested in a dangerous defect. Should they be, I suggest calling Mark Rehse of AAA immediately at : 877-357-4155. The vehicle is

currently at 8251Rawsonville Rd., Belleville, Michigan 48111, Stock No. [redacted] *The phone number is:734-461-0441.*

Sincerely,

[redacted]

Cc: Dean Googasian
Cc: National Highway Traffic Safety Administration
Cc: Suburban Ford of Waterford
Cc: Mark Rehse

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™

7014 0510 0002 2802 0051

From:

[redacted]
Bloomfield Hills, Mi [redacted]

UNITED STATES POSTAL SERVICE

1000 20590

U.S. POSTAGE PAID
BLOOMFIELD HILL,M 48304
FEB 13,'15
AMOUNT
$8.50
00034239-05

To:

National Highway Traffic Safety Admin.
1200 New Jersey Ave. SE
Washington, DC 20590

NVS-216 / Ref. No.10660656

NATIONAL HIGHWAY TRAFFIC SAFETY ADMIN.
1200 NEW JERSEY AVE. SE
WASHINGTON, DC 20590

W48-226

NVS-216
REF. NO. 10660656