

CL-10682111-5998

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

February 10, 2015

US Department of Transportation
National Highway Safety Administration
Office of Defect Investigations
Room NVS-210
1200 New Jersey Ave, SE
West Building
Washington, DC 20590

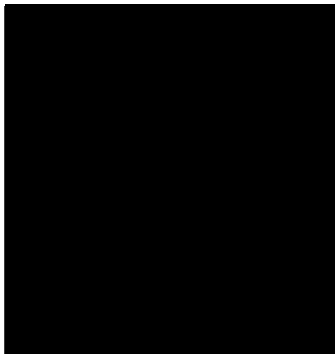
FEB 19 2015

To whom it may concern:

I noticed the recent safety recall of Range Rover Sports and wanted to provide you with some information. My wife was almost seriously injured when the braking system failed as a result of the hydraulic fluid leak while she was driving our two young children. I worked with the dealership and the manufacturer to resolve the issue and they denied a problem existed. I have attached a series of correspondences for your review. Ultimately they offered me \$2k to settle but it required me to sign a confidentiality clause and I refused. I eventually traded the truck in and lost over \$20k.

I would welcome the chance to speak with you if I could be helpful. The treatment I received from the dealer and the manufacturer was horrible.

I called the NHTSA and they provided me a case number of 10682111



NAM
2/23/15
SHD

Subject: Re: <no subject>

Date: Tuesday, March 4, 2014 at 11:15:47 AM Eastern Standard Time

From: Migliozi, Matthew

To: [REDACTED]
[REDACTED]

As of yesterday March 3, 2014 your attorney Mr. Whitaker from Adelphi LLP informed me he still represents you. All communication should go through your attorney.

If this is not the case, please ask Mr. Whitaker to send me an email stating he no longer represents you.

Thank you.

*Matthew Migliozi
Consumer Affairs Specialist
Jaguar Land Rover North America, LLC
555 MacArthur Boulevard
Mahwah, NJ 07430
Phone/Fax: 201-818-8081*

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On Tue, Mar 4, 2014 at 8:30 AM, [REDACTED] wrote:

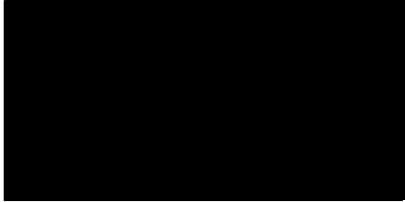
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What you don't seem to understand/care/appreciate is that my children were almost seriously injured because of a brake failure and my wife no longer trusts your car which I purchased for her as a present when our daughter was born.

The car has sat in the garage since the failure. I tried to sell it once but because you have shared with Carfax the brake failure, 3 water pumps and an electric board the best price I could get was \$38k on a car that I paid almost \$70k in cash for that has 15k miles... as the dealer explained to me the car has a scarlet "A" on it and nobody will pay close to retail.

All's I want is a new one and not to eat \$30k in depreciation as we keep our vehicles for a long time.

Give me what I paid for the car, put me into a new one and I will pay the difference. The alternative is not something that's worth my time or yours. But understand that I am at my whits end with how your company and the dealer has treated me – a brake failure is serious its not like the other mechanical issues and I am sure you can understand why she is not driving it. Also based upon a conversation with Roger to clarify his sarcastic response about what else is she driving. We purchased a GL 450 in July of 13 that was meant for family road trips etc... that's what she drives everyday. I have never had a problem with a car or anything similar to this – I would expect a company that is reputable like yours to do the right thing as you have invested so much in your brand.



Subject: Re: [REDACTED] VIN SALS2D48BA [REDACTED]
Date: Tuesday, March 4, 2014 at 8:09:25 AM Eastern Standard Time
From: Joshua Whitaker
To: [REDACTED]
[REDACTED]

Here is their response:

Mr. Whitaker,

As we previously indicated in our correspondence of December 3, 2013, If your client is still experiencing any concerns, we ask that your client make a service appointment to have the vehicle diagnosed and repaired and we will resume settlement discussions afterwards.

Please communicate this to your client.

Thank you.

On Wed, Feb 26, 2014 at 2:52 PM, [REDACTED] wrote:

Can you send them a note saying I am not litigating at this time

[REDACTED]

From: Joshua Whitaker <whitaker@adelphilaw.com<<mailto:whitaker@adelphilaw.com>>>
Date: Wednesday, November 27, 2013 10:37 AM
To: [REDACTED]
Subject: Fwd: [REDACTED] VIN SALS2D48BA [REDACTED]

Do we agree?

----- Forwarded message -----

From: "Migliozi, Matthew"
<mmigliozi@jaguarlandrover.com<<mailto:mmigliozi@jaguarlandrover.com>>>
Date: Nov 27, 2013 10:36 AM
Subject: [REDACTED] VIN SALS2D48BA [REDACTED]
To: <whitaker@adelphilaw.com<<mailto:whitaker@adelphilaw.com>>>
Cc:

Mr. Whitaker,

Please refer to the attached acknowledgement letter.

Thank you.

Matthew Migliozi
Consumer Affairs Specialist
Jaguar Land Rover North America, LLC
555 MacArthur Boulevard
Mahwah, NJ 07430
Phone/Fax: 201-818-8081<tel:201-818-8081>

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Subject: Fwd: [REDACTED] VIN SALS2D48BA [REDACTED]
Date: Wednesday, November 27, 2013 at 10:37:13 AM Eastern Standard Time
From: Joshua Whitaker
To: [REDACTED]

Do we agree?

----- Forwarded message -----

From: "Migliozi, Matthew" <mmigliozi@jaguarlandrover.com>
Date: Nov 27, 2013 10:36 AM
Subject: [REDACTED] VIN SALS2D48BA [REDACTED]
To: <whitaker@adelphilaw.com>
Cc:

Mr. Whitaker,

Please refer to the attached acknowledgement letter.

Thank you.

Matthew Migliozi
Consumer Affairs Specialist
Jaguar Land Rover North America, LLC
555 MacArthur Boulevard
Mahwah, NJ 07430
Phone/Fax: 201-818-8081

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November 27, 2013

Adelphi LLP
1936 Eastern Avenue
Baltimore, MD 21231
Sent via email only: whitaker@adphilaw.com

Case Number: [REDACTED]
VIN: SALS2D48BA [REDACTED]
Model: 2011 Range Rover Sport
Re: [REDACTED]

Dear Mr. Whitaker:

This letter will acknowledge receipt of your letter dated November 18, 2013, received on November 22, 2013, regarding the above referenced vehicle.

Please allow us thirty (30) days from the date we received your letter to review the matter and respond accordingly. If we do not hear from you, we will assume this is acceptable and will respond on or before December 20, 2013.

Thank you for your consideration. If you have any questions or concerns, please contact me at 201-818-8081 or by email at mmigloz@jaguarlandrover.com.

Sincerely,

Matthew Miglozzi

Matthew Miglozzi
Consumer Affairs Specialist
Jaguar Land Rover North America, LLC

Jaguar Land Rover North America, LLC
555 MacArthur Boulevard, Mahwah, New Jersey 07430

ADELPHI LLP

1936 EASTERN AVE.
BALTIMORE, MD 21231
TEL 888.367.0383
WHITAKER@ADELPHILAW.COM

November 18th, 2013

Carmen Baker
Range Rover
555 McArthur Blvd
Mahwatt, NJ 07430

Jim Smith
VP Quality
Rosenthal Auto Group
3100 Jefferson Davis Highway
Arlington, VA 22202

Roger Wildermudth
General Manager
Rosenthal Landrover and Jaguar
1592 Spring Hill Rd
Vienna, VA 22182

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

SETTLEMENT PROPOSAL – INADMISSIBLE IN STATE OR FEDERAL COURT

RE: 2011 Range Rover Owned by [REDACTED]

Dear Ms. Baker and Messrs. Smith & Wildermudth,

Adelphi, LLP, a full-service litigation firm, has been retained by [REDACTED] in relation to mechanical issues that plague his 2011 Range Rover, purchased at Rosenthal Land Rover & Jaguar on or about July 9th, 2011 (“Vehicle”). As you may know, on or about November 7th, 2013, the Vehicle experienced a total failure of the hydraulic brake system, while [REDACTED] wife and two young children were driving back from the children’s school. [REDACTED] briefly lost control of the Vehicle while driving on a major highway, and was only able to stop the Vehicle from crashing by applying the emergency brake. She now refuses to drive the Vehicle or allow the children to be passengers in it.

This is not the first time that the Vehicle has had issues with the hydraulics. The Vehicle has actually been back to the dealership three times on this issue; after the incident on November 7th, a service manager there in fact stated that there was a

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1936 EASTERN AVE.
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TEL 888.367.0383
WHITAKER@ADELPHILAW.COM

complete failure of the system, and suggested that [REDACTED] remedy was with Range Rover, rather than with Rosenthal.

While the deadline for a "Lemon Law" claim has passed, the Vehicle is still under warranty. However, due to the dangerous and traumatic nature of the November 7th incident, [REDACTED] does not wish to have the Vehicle repaired. He suggests that Range Rover retake possession of the Vehicle, so that it may investigate what issues it has further. Range Rover could then use the Vehicle as credit toward a new vehicle, the difference of which [REDACTED] would pay. In the alternative, [REDACTED] is considering turning the Vehicle over to the United States Department of Transportation National Highway Traffic Safety Administration's Office of Defect Investigation, to receive an official determination as to whether a consumer recall is warranted.

Please contact me at the above-referenced number or e-mail, either in person or through counsel, to discuss further.

Regards,

Joshua Whitaker, Esq.

Enclosures:

c/c [REDACTED]

Subject: Draft Letter to RR

Date: Monday, November 18, 2013 at 11:47:50 AM Eastern Standard Time

From: Joshua Whitaker

To: [REDACTED]

Mr. [REDACTED]

Please see attached for your review.

Regards,

Josh Whitaker

Subject: Re: <no subject>

Date: Monday, February 9, 2015 at 10:49:15 AM Eastern Standard Time

From: [REDACTED]

To: Migliozi, Matthew

Matt

After seeing this article on the web I really question you and your companies integrity.

Land Rover, Jaguar will recall 104,000 vehicles

Associated Press February 7, 2015 6:46 PM



WASHINGTON (AP) — Land Rover and Jaguar are recalling 104,000 vehicles because of problems with the brakes and lights.

The largest recall involves a brake-hose issue that Jaguar Land Rover North America studied and dismissed, only to reopen after an accident.

The National Highway Traffic Safety Administration issued notices on the recalls Friday.

The safety agency said that Jaguar Land Rover North America will recall up to 74,648 Range Rovers because one or both front brake hoses could rupture, causing the loss of braking fluid.

Land Rover dealers will replace the brake hoses for free on the cars, which are model years 2006 through 2012.

According to a history posted by the safety regulators, Jaguar Land Rover first investigated the brake hoses in November 2010 after dealers noticed bulges in the hoses. The case was closed

Related Stories

1. Jaguar Land Rover to Recall Up to 104,000 Cars on Braking Safety [Bloomberg](#)
2. Kia Motors recalls nearly 87,000 Forte sedans in U.S. due to fire risk [Reuters](#)
3. Kia recalling nearly 87,000 Fortes because of fire risk [Associated Press](#)
4. US recalls two million cars again over airbag defect [AFP](#)
5. Honda says Houston death may be linked to faulty airbag [Los Angeles Times](#)

in June 2012 because of the sporadic nature of ruptured hoses and the lack of reports of accidents or injuries.

The company reopened the investigation in November 2014 after a report of an accident and more ruptured hoses, according to the document.

Model year 2013 and 2014 Range Rovers and Range Rover Sports will be recalled because the brake vacuum hose might have been routed improperly, allowing wear that could create a hole and a loss of braking power. Dealers will inspect the hoses and reroute or repair them.

And 4,787 Jaguar XK cars in model years 2012 through 2015 will be recalled because side parking lights could turn off after about five minutes. Dealers will update software controlling the lights.

All the recalls are expected to begin March 13. Owners can contact Land Rover at 1-800-637-6837 or Jaguar at 1-800-452-4827.



From: <Migliozzi>, Matthew <mmiglioz@jaguarlandrover.com>
Date: Tuesday, March 4, 2014 at 11:15 AM
To: [REDACTED]
Subject: Re: <no subject>



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Thank you.

Matthew Migliozzi
Consumer Affairs Specialist
Jaguar Land Rover North America, LLC
555 MacArthur Boulevard
Mahwah, NJ 07430

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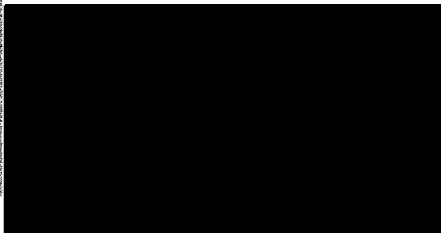
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The car has sat in the garage since the failure. I tried to sell it once but because you have shared with Carfax the brake failure, 3 water pumps and and an electric board the best price I could get was \$38k on a car that I paid almost \$70k in cash for that has 15k miles... as the dealer explained to me the car has a scarlet "A" on it and nobody will pay close to retail.

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Subject: Re: <no subject>

Date: Monday, March 31, 2014 at 1:43:33 PM Eastern Daylight Time

From: [REDACTED]

To: Migliozi, Matthew

Matt

After speaking with my attorney we are giving the car to NTSB. They will then contact you direct as part of the investigation.

I am very disappointed in your customer service, the quality of your product and the amount of my time that was wasted.

[REDACTED]

From: <Migliozi, Matthew <mmigloz@jaguarlandrover.com>>

Date: Monday, March 17, 2014 11:15 AM

To: [REDACTED]

Subject: Re: <no subject>

[REDACTED]

I expect to follow up with you later today or tomorrow morning at the latest. I apologize for the delay and I thank you for your cooperation.

Thank you.

Matthew Migliozi
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Jaguar Land Rover North America, LLC
555 MacArthur Boulevard
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On Tue, Mar 4, 2014 at 12:22 PM, [REDACTED] wrote:

Can you please confirm the attorney has been released. Who is the actual person that can make the decision about my request?

[REDACTED]

From: <Migliozzi>, Matthew <mmigliozi@jaguarlandrover.com<mailto:mmigliozi@jaguarlandrover.com>>

Date: Tuesday, March 4, 2014 11:15 AM

To: [REDACTED]

Subject: Re: <no subject>

[REDACTED]

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The car has sat in the garage since the failure. I tried to sell it once but because you have shared with Carfax the brake failure, 3 water pumps and an electric board the best price I could get was \$38k on a car that I paid almost \$70k in cash for that has 15k miles... as the dealer explained to me the car has a scarlet "A" on it and nobody will pay close to retail.

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[REDACTED]

Subject: Re: <no subject>

Date: Tuesday, March 18, 2014 at 10:01:02 AM Eastern Daylight Time

From: [REDACTED]

To: Migliozi, Matthew

Matt

Unreal your offer of \$2,000 – understand its an insult and rejected as the car has not been driven since it was repaired because my wife and two young daughters were almost injured Understand I have 38 e-mails from my twitter blast from consumers that have experienced the same issue. Please understand its not acceptable and shows a complete lack of understanding of the facts and the risk your car placed my family in. I was trying to do the right thing by just asking for an exchange on the product now I am no longer going to allow that as a settlement and believe your tactics delayed me from sharing information with the NTSB so they can evaluate if a recall in needed.

Understand that we will be filing a lawsuit for the failure of the vehicle as well as damages. You will be hearing from my law firm shortly.

[REDACTED]

From: <Migliozi>, Matthew <mmigloz@jaguarlandrover.com>

Date: Monday, March 17, 2014 10:15 AM

To: [REDACTED]

Subject: Re: <no subject>

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To: [REDACTED]

Subject: Re: <no subject>

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[REDACTED]

Subject: Re: <no subject>

Date: Tuesday, March 4, 2014 at 12:22:09 PM Eastern Standard Time

From: [REDACTED]

To: Migliozi, Matthew

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[REDACTED]

From: <Migliozi>, Matthew <mmigliozi@jaguarlandrover.com>

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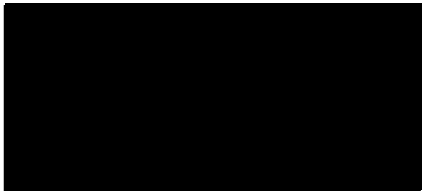
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Subject: Re: <no subject>

Date: Tuesday, March 4, 2014 at 11:29:51 AM Eastern Standard Time

From: [REDACTED]

To: Migliozi, Matthew, Joshua Whitaker

Josh

Can you please confirm

From: <Migliozi>, Matthew <mmigliozi@jaguarlandrover.com>

Date: Tuesday, March 4, 2014 11:15 AM

To: [REDACTED]

Subject: Re: <no subject>

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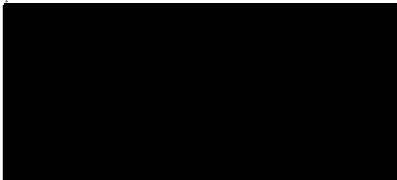
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What you don't seem to understand/care/appreciate is that my children were almost seriously injured because of a brake failure and my wife no longer trusts your car which I purchased for her as a present when our daughter was born.

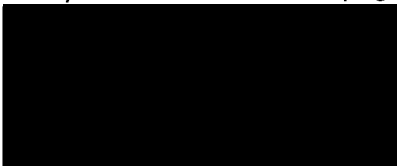
The car has sat in the garage since the failure. I tried to sell it once but because you have shared with Carfax the brake failure, 3 water pumps and an electric board the best price I could get was \$38k on a car that I paid almost \$70k in cash for that has 15k miles... as the dealer explained to me the car has a scarlet "A" on it and nobody will pay close to retail.

All's I want is a new one and not to eat \$30k in depreciation as we keep our vehicles for a long time. Give me what I paid for the car, put me into a new one and I will pay the difference. The alternative is not something that's worth my time or yours. But understand that I am at my whits end with how your company and the dealer has treated me – a brake failure is serious its not like the other mechanical issues and I am sure you can understand why she is not driving it. Also based upon a conversation with Roger to clarify his sarcastic response about what else is she driving. We purchased a GL 450 in July of 13 that was meant for family road trips etc... that's what she drives everyday. I have never had a problem with a car or anything similar to this – I would expect a company that is reputable like yours to do the right thing as you have invested so much in your brand.



Subject: Re [REDACTED] VIN SALS2D48BA [REDACTED]
Date: Wednesday, February 26, 2014 at 2:52:29 PM Eastern Standard Time
From: [REDACTED]
To: Joshua Whitaker

Can you send them a note saying I am not litigating at this time



From: Joshua Whitaker <whitaker@adelphilaw.com>
Date: Wednesday, November 27, 2013 10:37 AM
To: [REDACTED]
Subject: Fwd: [REDACTED] VIN SALS2D48BA [REDACTED]

Do we agree?

----- Forwarded message -----

From: "Migliozi, Matthew" <mmigliozi@jaguarlandrover.com>
Date: Nov 27, 2013 10:36 AM
Subject: [REDACTED] VIN SALS2D48BA [REDACTED]
To: <whitaker@adelphilaw.com>
Cc:

Mr. Whitaker,

Please refer to the attached acknowledgement letter.

Thank you.

Matthew Migliozi
Consumer Affairs Specialist
Jaguar Land Rover North America, LLC
555 MacArthur Boulevard
Mahwah, NJ 07430
Phone/Fax: 201-818-8081

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Subject: Re: [REDACTED] VIN SALS2D48BA [REDACTED]
Date: Tuesday, December 3, 2013 at 2:55:39 PM Eastern Standard Time
From: [REDACTED]
To: Joshua Whitaker

Weak brake pressure. It almost resulted in an accident with my wife and kids. Along with 2 water pumps and an electronic board.

Sent from my iPhone

On Dec 3, 2013, at 1:52 PM, "Joshua Whitaker" <whitaker@adepphilaw.com> wrote:

----- Forwarded message -----

From: "Migliozi, Matthew" <mmigliozi@jaguarlandrover.com>
Date: Dec 3, 2013 2:44 PM
Subject: Re: [REDACTED] VIN SALS2D48BA [REDACTED]
To: "Joshua Whitaker" <whitaker@adepphilaw.com>
Cc:

Mr. Whitaker,

We have evaluated the service history of your client's vehicle and we are not in a position to offer the relief you have requested. We understand your client indicated a concern of weak brake pressure during the visit of November 9, 2013 and the retailer replaced the brake booster to address it.

If your client is indicating that he is still experiencing any concerns, we ask that your client make a service appointment to have the vehicle diagnosed and repaired and we will resume settlement discussions afterwards.

Thank you.

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I hope this does not otherwise interfere with a pleasant Thanksgiving for you and your family.

Regards,

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To: Joshua Whitaker

Ok let them know we are going to file a law suit

Sent from my iPhone

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Subject: Re: [REDACTED] VIN SALS2D48BA [REDACTED]
Date: Saturday, November 30, 2013 at 6:39:09 AM Eastern Standard Time
From: [REDACTED]
To: Joshua Whitaker

Did you get back with them

Sent from my iPad

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<[REDACTED] Acknowledgement Letter.pdf>

Subject: Re: [REDACTED] VIN SALS2D48BA [REDACTED]
Date: Wednesday, November 27, 2013 at 11:16:38 AM Eastern Standard Time
From: [REDACTED]
To: Joshua Whitaker

Yes if they give me a car to drive during the review or they have 1 week

Sent from my iPhone

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[REDACTED] Acknowledgement Letter.pdf>

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Can you call me

Sent from my iPhone

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[REDACTED] Acknowledgement Letter.pdf>



Washington, DC



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National Highway Safety BOARD
Office of defect investigations
Room ~~1018~~ NV5-210
1200 New Jersey Ave, SE
West Building

1000