

January 16, 2015

CL-10682302-2080

Department of Transportation, NHTSA  
Office of Defects Investigation/CRD, NVS-216  
1200 New Jersey Ave SE  
Washington, DC 20590

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

To Whom It May Concern,

FEB -5 2015

I am writing about a 2012 Acura TL VIN # 19UUA8F53CA [REDACTED] My concern is due to hesitation or lag when trying to reaccelerate at slow speeds. It occurs more often at speeds between 8 to 17 miles per hour. My bigger concern is that the hesitation or lag is not isolated to just our 2012 TL and this condition increases the risk of an accident. I am writing now because I recently received information that General Motors issued a recall for transmission lag on their 2013 Cadillac SRX which is similar to what the TL does.

On the third trip to the Jones Acura dealership in Lancaster, PA, Alan Eisenhauer, Service and Parts Director stated that the hesitation or lag is normal. He said that he and Marshall Detwiler, the salesman who sold us the car, each have 2012 Acura TLs and it occurs on each of their cars (see his attached letter dated 6/21/13 to the PA Office of Attorney General which is in response to my Lemon Law complaint).

Also attached is my letter dated July 22, 2013 in response to the 6/21/13 letter. The service code used on the 3<sup>rd</sup> visit is different than the code used on the 1<sup>st</sup> and 2<sup>nd</sup> visits. This may be an attempt to conceal the problem from anyone conducting an investigation. Acura Automobile Division is aware of my Lemon Law complaint. The Acura Client Relations Case ID is [REDACTED]

My wife and I sold the car to Bobby Rahal Lexus, Mechancisburg, PA on 10/29/2014. We sold the car because of our continued concern about safety. We sold to Bobby Rahal Lexus because we have dealt with Rahal Lexus before and Bobby Rahal also owns an Acura dealership.

I attempted to use the Safety Complaint Portable Form (Temporary Complaint Number AFN7-49642). I elected instead to write NHTSA and send documents that help validate my complaint and confirms that the hesitation and lag is occurring on at least three 2012 Acura TLs locally.

The 2012 Acura TL is dangerous and I request this problem be investigated. Please contact me if you need copies of service reports or other letters relating to this complaint.

Sincerely

[REDACTED]  
Lititz, PA [REDACTED]  
2 attachments

NM  
2915  
SMD

RECEIVED

JUL 08 2013

06/21/13

OFFICE OF ATTORNEY GENERAL

RE: [REDACTED]

PA Office of Attorney General  
Consumer Protection - Harrisburg

Dear, Sir/Madam:

[REDACTED] purchased a 2012 TL, with 6000 miles on it, from our dealership on 11/30/12. On 03/11/13 [REDACTED] returned to us for a complimentary oil and filter change and for us to look at what were perceived to be three concerns with the vehicle. They included a suspension noise emanating from the rear of the vehicle over certain bumps, the performance of the rear camera and a hesitation when shifting at times. The TL was test driven by our Master Technician after the routine maintenance was performed and found that all the concerns were a normal characteristic of the vehicle. This was explained to [REDACTED] at time of pick up.

On 03/19/13 [REDACTED] made an appointment for us to again look at the rear suspension noise and the shift/hesitation concerns. This time we asked [REDACTED] to ride with our master technician as opposed to the first time when he dropped it off. They first drove his TL which [REDACTED] was unable to duplicate a shift/hesitation concern. They then drove a brand new in stock unit and were able to duplicate the delay in accelerating. We explained this to [REDACTED] that the driving scenario he's noticing is based on throttle pressure being applied by him, the speed at which the vehicle is moving and the operating temperature of the engine. The rear suspension noise was verified to be normal based on comparison of his TL to the in stock unit.

On 04/30/13 [REDACTED] returned to our dealership questioning the hesitation concern. At this point I became involved with the vehicle. As the Service Director of the dealership and an owner of a 2012 TL, I drove [REDACTED] TL. His vehicle has the exact same driving characteristics as mine. I also compared his to one of our sales consultants 2012 TL. All of them the exact same vehicle with various mileages, all three vehicles performed exactly the same. I checked for any tech bulletins or service news from Acura regarding any of [REDACTED] concerns. There were none. I contacted [REDACTED] explained to him our findings and that these were normal characteristics of the vehicle and that as per Acura protocol. We did not and would not be making any attempts to repair a problem which does not exist. I suggested to Mr. [REDACTED] that since his concern was with the product and not the dealership, that he should contact Acura Client Services. He requested and was supplied with the telephone number.

Upon his leaving the Dealership, I forwarded the information regarding [REDACTED] to our Acura District Manager for his review.

Sincerely

A handwritten signature in cursive script that reads "A Eisenhauer". The signature is written in black ink and is positioned above the printed name.

Alan Eisenhauer

Service and Parts Director

Jones Acura

1335 Manheim Pike

Lancaster PA 17601

July 22, 2013

Office of Attorney General  
Bureau of Consumer Protection  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

Re: [REDACTED]

Attention: Karen L. Wilkinson

This letter is in response to Alan Eisenhower's letter dated 6/21/13.

When our car was dropped off at Jones Acura on 3/11/13 I talked to Mr. Eisenhower and explained that my major concern was with the hesitation when slowing to speeds of less than 25 miles per hour and then trying to reaccelerate. I told him that it was unpredictable when it would occur but it had occurred seven times with both my wife and me. I also told him that on two occasions after the car hesitated it then surged forward violently and frightened me. Later that day the car was returned to my home by their technician. Upon reviewing the service documents and seeing item "#4-024: minor transmission," I called Mr. Eisenhower because it appeared they were not taking the hesitation matter seriously. He assured me that he was taking it seriously but the code "024: minor transmission" was the correct code to use. That code was also used the second time our car was taken back; however, that is not the code used when it was returned for the same problem the third time. The code used the third time was "032: chassis electrical."

In the second paragraph, Mr. Eisenhower mentions:

- 1) me driving a "...brand new in stock unit..." Neither my wife nor I have driven a brand new Acura TL.
- 2) "operating temperature of the engine." When I dropped off the car for the third time I explained to him that engine temperature was not a contributing cause for the hesitation. I explained to him that the hesitation on trying to reaccelerate had occurred after driving continually for approximately 80 miles and stopping at a mall near Philadelphia. A few days later it occurred again after driving about 40 miles on our trip from the Jersey shore to our home. On these occasions the outside temperature was in the sixties or seventies.

In the second paragraph, Mr. Eisenhower also states "...the driving scenario he's noticing is based on the throttle pressure being applied by him..." The hesitation problem is occurring with both my wife and me. We are experienced drivers and have driven many different brands of cars. We have owned three Hondas, an Acura Legend, and a Acura RL. We leased a Lexus GS

300 for three years and we own a Lexus GX 470. I have also driven many company cars, rental cars and several rental cars in foreign countries. Additionally I have commuted by car to/from work in horrendous rush hour traffic in northern New Jersey, New Orleans, Atlanta, Kansas City and through Baltimore to and from Washington, DC. In that type of traffic you are frequently slowing down, reaccelerating, slowing down and reaccelerating. In the many years of driving in those conditions I never had a problem applying throttle pressure to any car. We have never owned, leased or rented any car that on occasion hesitates as does our 2012 Acura TL.

Mr. Eisenhower also states "...that he should contact Acura Client Services. He requested and was supplied with the telephone number." I never requested the Acura Client Services number. After the second time the car was taken in, Mr. Eisenhower called me about the car. During that conversation I asked him if he had discussed my problem with the car with the area Acura service representative. He initially said he had not and then corrected himself and stated that he had talked with the Acura service representative but not about my car specifically. Following the third time the car was taken in, Mr. Eisenhower called and advised the car was ready for pickup and there was nothing wrong with the car. I asked him for the name and telephone number of the Acura area service representative. He stated that he could not give that out and to my question of why not, his response was "policy." I asked whose policy, his or theirs, to which he responded "theirs." During that conversation I was told the car would be delivered to my home. A few minutes later I received a call advising that a courtesy vehicle was enroute to pick me up and take me to the dealership. When I arrived at the dealership I was met by Mr. Eisenhower and we went into his office where we were joined by a technician. The technician preceded to explain how the car was designed to work to which my response was that I was concerned with the hesitation that occasionally occurred when slowing to speeds of less than 25 miles per hour and attempting to reaccelerate, not with how it was designed. During that meeting Mr. Eisenhower gave me a copy of the service document which had been printed out before I arrived. Mr. Eisenhower pointed out that he had provided the phone number for Acura Client Services and I should call them. To my question of why should I call Acura Client Services his response was "they will start a file." I advised him that I would put it in writing.

The hesitation after decelerating to speeds of less than 25 miles per hour and attempting to reaccelerate continues to occur. It is unpredictable when the hesitation will occur as it does not hesitate each time you slow to speeds of less than 25 miles per hour. The car is dangerous because it could cause the driver to be involved in an accident. It is especially dangerous to a less experienced driver who might over apply throttle pressure believing that is why the car is not responding. This could result in injury or death to the driver and/or injury or death to another person.

We did not commit to spending as much money as this car cost to accept this potentially dangerous car as "normal characteristics" of any Honda/Acura automobile. In addition to naming Jones Acura in the Lemon Law complaint I also named Acura Automobile Division. I am beginning to think it may be best to explore finding a law firm that specializes in class action suits. The service report for the third visit contains the statement "ALAN AND MARSHALL ROAD TESTED [REDACTED] TL SINCE THEY BOTH HAVE 2012 TLS. THEY NOTICED THE SAME CONDITION AS [REDACTED]. WHICH IS IDENTICAL ON BOTH OF THEIR

CARS.” With this we now have Alan, Marshall, my wife and me saying this is occurring on three different 2012 Acura TLs. Marshall is Marshall Detwiler the sales associate who sold us the car.

Our offer remains as stated in the Lemon Law complaint. The car is getting older and higher mileage each day that passes and more payments that will have to be reimbursed since I filed the Lemon Law complaint. Settlement will not get any cheaper. It may get more expensive. If the car is ok as per Mr. Eisenhower, Jones Acura or Acura Automobile Division will not have any trouble finding another buyer.

Sincerely,

A solid black rectangular redaction box covering the signature area.



Lititz, PA



Department of Transportation, NHTSA  
Office of Hazard Investigation / CRD, NVS-216  
1200 New Jersey Ave SE  
Washington, DC 20590