

October 2, 2015

Administrator,
National Highway Traffic Safety Administration,
1200 New Jersey Ave. S.E.,
Washington, DC. 20590

Re. Recall Notice P52 / NHTSA 14V-519
VIN 1C3ADEAZ0EV [REDACTED] (2014 Dodge Viper)
Dodge Case # / Reference: [REDACTED]

OCT -8 2015

Dear Sir or Madame:

The purpose of this letter is to file a complaint with the NHTSA on the manner in which Fiat Chrysler Automobiles ("FCA") and their Dealer representative, Ourisman's Chrysler Jeep Dodge Inc. ("Ourisman" and collectively referred to as "Dodge") managed the recall process on a 2014 Dodge Viper I purchased in September of 2014.

My complaint is as follows:

1. Dodge knowingly sold me a car with a safety defect and did not disclose it at the time of sale subjecting me and my family to unnecessary risks. I believe this was a violation of the National Traffic and Motor Vehicle Safety act.
2. FCA has failed to remedy this safety defect within a reasonable amount of time. The recall has now been in effect for over a year.
3. Because of the safety hazard, I have been denied the use of the vehicle. After more than a year of ownership, the vehicle still has less than 1000 miles on the odometer and I have not been able to use the vehicle for its intended purpose.

As evidenced by the attached correspondence, I contacted both FCA and Ourisman to settle the matter. The response was superficial and did not address the underlying issue that I had been placed at unnecessary and avoidable risk nor that I had suffered financial damages from the loss of use of the vehicle for a significant period of time.

The sequence of events were as follows:

September 3, 2014 FCA issues recall notice 14V-529 pertaining to 2014 Dodge Vipers; vehicle airbags may deploy at an incorrect velocity resulting in the increased chance of occupant injury.
Source: Mopar Owner Connect. Copy attached.

NM
10/16/15
SMD

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- September 13, 2014 I purchase 2014 Dodge Viper (VIN 1C3ADEAZ0EV [REDACTED]) from Ourisman.
Bill of Sale attached.
- November 1, 2014 Notification of Safety Recall Notice P52 / NHTSA 14V-529 received at my residence via USPS. Said notification informed of a safety defect but "the part required to provide a permanent remedy for this condition is currently not available." The notice went on to say that ***"Chrysler will contact [me] again by mail, with a follow-up recall notice, when the remedy part is available."***
Copy attached.
- I decided to store the vehicle at this point given the proximity to the beginning of the winter season and the inherent risk of the vehicles operation – particularly given its intended purpose of performance driving.
- August 20, 2015 I receive a second notification under Recall Notice P52 / NHTSA 14V-529. The notice, the same that was issued more than 9 months earlier, again cited that the vehicle had a safety defect and that I would be contacted via the USPS once the part became available.
Copy attached.

At this point, the vehicle was effectively still in storage and had less than 980 miles on the odometer. After some research I learned of the actual timing of the recall and contacted both FCA and Ourisman demanding that the vehicle be repaired and that I be compensated for the loss of use.

FCA's response was dismissive (correspondence attached) referring me back to Ourisman. Ourisman claimed that the recall was not in place at the time of sale citing a recall date of Oct 28, 2014 – I believe this is the date that the notice was issued to me but not the actual recall date as per FCA's on-line records.

Ourisman went on to say that the part had been available since February 2015. In my opinion, this fact is not relevant to my claim as the burden was on FCA to proactively communicate parts availability with me via the USPS as per the recall notice. This, in fact, underlines the negligence by which Dodge managed to entire process.

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Bottom line:

- I was sold a vehicle which had an active, uncorrected safety recall;
- I have been deprived of the enjoyable use of the vehicle; and,
- One year later, the safety defect has yet to be corrected.

I respectfully request that the NHTSA investigate this matter and assist me in obtaining restitution for my lost use of my vehicle as well as the time and expense in pursuing this issue.

Sincerely,



Berwyn PA. 



/ Attachments:

Print-out of Mopar Owner Connect

Vehicle Sales Contract

Safety Recall Notice P52 / NHTSA 14V-529 (November 2014)

Safety Recall Notice P52 / NHTSA 14V-529 (August 2015)

Copies:

Chrysler Customer Assistance

P.O. Box 21-8004

Auburn Hills, Michigan.

48321-8004

(800) 247-9753

Mr. Levi Haslup, Vice President - General Manager

Ourisman's Chrysler Jeep Dodge Inc.

12430 Auto Drive

Clarksville, MD. 21029

(410) 988-8100

Chrysler Customer Assistance Center
P.O. Box 21-8004
Auburn Hills, Michigan
48321-8004
Phone: (800) 247-9753

Re: 2014 Dodge Viper Safety Recall
VIN 1C3ADEAZ0EV [REDACTED]

Dear Sir / Madame,

On September 13, 2014, I purchased a new 2014 Dodge Viper from Ourisman Dodge in Maryland.

Shortly thereafter I received recall notice 14V-529 to correct an issue which can result in incorrect airbag deployment which "increase the chance of occupant injury during certain crash conditions". The notification said that the parts to correct this issue were not yet available and that I would be notified by mail when the parts became available. The date of said recall was September 4, 2014.

I received a follow-up notice in August of 2015. The notification again noted "the part required to provide a permanent remedy for this condition is currently not available" and that Chrysler would contact me when the remedy part becomes available. Enclosed is a copy of the follow-up notice.

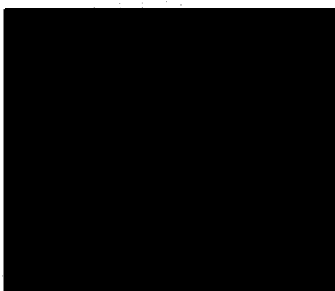
My complaints are as follows:

1. Fiat Chrysler Automobiles ("FCA") and their representatives knowingly sold me a car with a safety defect and did not disclose it at the time of sale subjecting me and my family to unnecessary risks. This is a car designed to travel at speeds in excess of 200 mph.
2. FCA has failed to remedy this safety defect within a reasonable amount of time. The recall has now been in effect for over a year.
3. Because of the safety hazard, I have been denied the use of the vehicle. After more than a year of ownership, the vehicle still has less than 1000 miles on the odometer and I have not been able to use the vehicle for its intended purpose.

As a result of this negligence, I demand that FCA either:

- A. Immediately refunds my purchase price in full, or,
- B. Corrects the defect, reimburses me the equivalent of one year's depreciation (25% of the purchase price, or \$22,631.50) and provides an extended warranty at no cost.

I look forward to your response within 10 days of the date of this letter. If I do not receive an acceptable response, I will file a written complaint with the NHTSA.



Berwyn, PA.



CC. General Manager
Ourisman's Chrysler Jeep Dodge Inc.
12430 Auto Drive
Clarksville, MD. 21029
(410) 988-8100

MOPAR OWNER CONNECT

SEARCH RESULTS

VIN: 1C3ADEAZ0EV [REDACTED]

Year: 2014

Vehicle: DODGE VIPER SRT COUPE TWO
DOOR COUPE

Questions

Please contact the Chrysler Group Recall Assistance Center at 1-800-853-1403

Results Last Updated: September 02, 2015

Do you Qualify for Recall Reimbursement?

If you've had a recall on your vehicle and have incurred recall-related costs you'll need to start the reimbursement request process (all on a case-by-case basis).

[Submit Reimbursement](#)Safety Recalls (What is a Safety Recall? [Learn More](#))

Status	Chrysler Recall #	NHTSA Recall #	Recall Date	Safety Defect/Non Compliance Description and Safety Risk	Repair Description	Recall Status
☐ Incomplete	P52	14V-529	September 03, 2014	THE VEHICLE AIRBAGS MAY HAVE AN INCORRECT AIRBAG DEPLOYMENT VELOCITY DUE TO AN INACCURATE SEAT TRACK POSITION SENSOR GAP. INCORRECT AIRBAG DEPLOYMENT VELOCITY MAY INCREASE THE CHANCE OF OCCUPANT INJURY DURING CERTAIN CRASH CONDITIONS.	THE SEAT TRACK POSITION SENSOR GAP TO THE DETECTION PLATE BRACKET MUST BE MEASURED. SENSORS FOUND WITH AN EXCESSIVE GAP MUST HAVE A DETECTION PLATE SHIM(S) INSTALLED.	INCOMPLETE BUT REPAIR PARTS ARE AVAILABLE
☐ Incomplete	R40	15V-461	July 23, 2015	SOME 2013-2015 MY VEHICLES EQUIPPED WITH SPECIFIC RADIOS HAVE CERTAIN SOFTWARE SECURITY VULNERABILITIES WHICH COULD ALLOW UNAUTHORIZED THIRD-PARTY ACCESS TO SOME NETWORKED VEHICLE CONTROL SYSTEMS. A SUCCESSFUL EXPLOIT OF THIS SECURITY VULNERABILITY COULD RESULT IN UNAUTHORIZED REMOTE MODIFICATION AND CONTROL OF VEHICLE SYSTEMS. FCA US HAS NOT MADE A DETERMINATION THAT THIS SECURITY VULNERABILITY CONSTITUTES A DEFECT. ALTHOUGH FCA US HAS NOT DETERMINED THAT A DEFECT EXISTS, IT HAS DECIDED TO CONDUCT A REMEDIAL CAMPAIGN AS A SAFETY RECALL IN THE INTEREST OF PROTECTING ITS CUSTOMERS. EXPLOITATION OF THE SOFTWARE SECURITY VULNERABILITIES COULD LEAD TO EXPOSING THE DRIVER, THE VEHICLE OCCUPANTS OR ANY OTHER INDIVIDUAL OR VEHICLE WITH PROXIMITY TO THE AFFECTED VEHICLE TO A POTENTIAL RISK OF INJURY.	CUSTOMERS AFFECTED BY THE RECALL WILL RECEIVE A USB DRIVE WHICH THEY MAY USE TO UPGRADE VEHICLE SOFTWARE, PROVIDING ADDITIONAL SECURITY FEATURES INDEPENDENT OF THE NETWORK-LEVEL MEASURES. ALTERNATELY, CUSTOMERS MAY VISIT [REDACTED] <u>UPDATE/</u> TO INPUT THEIR VEHICLE IDENTIFICATION NUMBERS (VINS) AND DETERMINE IF THEIR VEHICLES ARE INCLUDED IN THE RECALL. IF SO, THEY MAY DOWNLOAD THE SOFTWARE THEMSELVES, OR VISIT THEIR DEALERS, WHERE TECHNICIANS WILL PERFORM THE INSTALLATION. THERE IS NO CHARGE FOR THE SOFTWARE OR, IN THE CASE OF DEALER VISIT, INSTALLATION.	INCOMPLETE BUT REPAIR PARTS ARE AVAILABLE

CHRISMAN'S CHRY JEEP DODGE INC.
12430 AUTO DRIVE
CLARKSVILLE MD 21029
(410)988-8100

DATE 09/13/14
STOCK NO. [REDACTED]
DEAL NO. [REDACTED]



STATE OF MARYLAND
VEHICLE SALES CONTRACT

BUYERS FIRST FULL NAME [REDACTED]		MIDDLE		LAST		D.O.B. 09/10/66		
CO-BUYERS FIRST FULL NAME [REDACTED]		MIDDLE		LAST		D.O.B.		
STREET [REDACTED]		CITY BERWYN		STATE PA		ZIP [REDACTED] COUNTY		
BUYERS PHONE HOME () DAY [REDACTED] CELL ()		LIC. NO. [REDACTED]		STATE				
CO-BUYERS PHONE HOME () DAY () CELL ()		LIC. NO.		STATE				
INSURANCE CO. STATE FARM		AGENTS ED HART						
POLICY NO. [REDACTED]		PHONE NO. (610)363-9378		ADDRESS 95 DOWLIN FORGE RD				
EFFECTIVE DATE 1/20/57		AGENT OR BROKER		EXTON PA 19341				
PLEASE ENTER MY ORDER FOR ONE ☒ NEW ☐ USED ☐ DEMONSTRATOR ☐ SHORT TERM RENTAL								
MAKE DODGE		MODEL SRT VIPER		COLOR COMPETITION BLU 2DR CPE		YEAR 2014		
SERIAL NUMBER 1C3AEFA70FV [REDACTED]		STOCK NUMBER BLK SPORT		MILEAGE 8		DATE 09/13/14		
BASE PRICE OF VEHICLE (FOR NEW VEHICLES, INCLUDING ADDITIONAL MANUFACTURER ITEMS AS SHOWN ON WINDOW LABEL)						85300.00		
FREIGHT CHARGE (INCLUDED IN MSRP)						1995.00		
DEALER INSTALLED ITEMS AND CHARGES:								
DEALER PROCESSING CHARGE (NOT REQUIRED BY LAW)						300.00		
TIRE RECYCLING FEE						4.00		
TOTAL						85304.00		
5.00 % TAX						5100.00		
TOTAL						102.00		
TITLE FEES 50.00 SECURITY INTEREST N/A REGISTRATION FEES 9.00 TEMPORARY TAGS 20.00						TOTAL 102.00		
ELECTRONIC REGISTRATION FEE						20.00		
TOTAL CASH DELIVERED PRICE						90525.00		
SERVICE CONTRACT						N/A		
TOTAL PURCHASE PRICE						90525.00		
CREDITS	TOTAL CASH SUBMITTED WITH ORDER						N/A	
	REBATES (RECEIPT IN LIEU OF SPECIAL FINANCING)						N/A	
	ALLOWANCE FOR USED CAR TRADE-IN AS APPRAISED						N/A	
	LESS BALANCE OWING TO -						N/A	
CASH TO BE PAID AT TIME OF DELIVERY						N/A		
DESCRIPTION OF TRADE-IN						TOTAL CREDITS		
MAKE MODEL TYPE YEAR						BALANCE DUE 90525.00		
CURRENT MILEAGE		SERIAL NO.				COLOR		
AGREEMENT TO ARBITRATE DISPUTES								
Purchaser(s) (also referred to as "you") and Dealer agree that if any Dispute (See paragraph 13 on the reverse) will be resolved by binding arbitration by a single arbitrator under the applicable rules of the alternative dispute resolution agency named below, with that arbitrator rendering a written decision with separate findings of fact and conclusion of law. An award by the arbitrator shall be final and binding on all parties to the proceeding. The arbitrator shall apply the substantive law of the State of Maryland and the arbitration shall take place in the county in which Dealer is located. All arbitration costs and expenses shall be borne as determined by the arbitrator. The arbitrator may not award punitive damages. You agree that class-wide arbitration of a Dispute may not be undertaken and that no claim arising from a Dispute (known or unknown) may be adjudicated in or be the basis for compensation as a result of any class action proceeding. Judgement on an award may be entered by either party in the highest local, state, or federal court, or before any administrative body. THE PARTIES UNDERSTAND THAT THEY ARE WAIVING THEIR RIGHTS TO JURY TRIAL AND CLASS CONSIDERATION OF ALL DISPUTES BETWEEN THEM NOT SPECIFICALLY EXEMPTED FROM ARBITRATION IN THIS ARBITRATION AGREEMENT.								
Alternative Dispute Resolution Agency Name and Address				The front and back of this buyer's order, along with other documents signed by Purchaser(s) in connection with this order, comprise the entire agreement between the parties affecting this purchase. No oral agreements or understandings shall be binding. Purchaser(s) acknowledges that he/she has been given the opportunity to review all documents prior to signing them and that he/she has not signed any documents in blank. By executing this Order, Purchaser(s) acknowledges he/she has read all of its terms and has received a fully completed copy. Purchaser(s) certifies he/she is 18 years of age or older. Until made effective, this order is not binding and Purchaser(s) may cancel and recover deposit. THIS ORDER IS NOT VALID UNLESS SIGNED AND ACCEPTED BY DEALER'S AUTHORIZED REPRESENTATIVE.				
NATIONAL ARBITRATION FORUM, BOX 50191 MINNEAPOLIS, MN 55404-0191 (WWW.ARBFORUM.COM) THE AMERICAN ARBITRATION ASSOCIATION 336 MADISON AVENUE, FLOOR 10 NEW YORK, NY 10017-4805 (WWW.ADR.ORG)				[REDACTED]				
JASON W. KERR SALES CONSULTANT				[REDACTED]				
APPROVED BY				CO-PURCHASER				
DATE 09/13/14								

Nov 2014



SEAT TRACK POSITION SENSOR

IMPORTANT SAFETY RECALL

P52 / NHTSA 14V-529

This notice applies to your vehicle (VIN: 1C3ADEAZ0EV [REDACTED]).

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

Dear [REDACTED]

Chrysler has decided that a defect, which relates to motor vehicle safety, exists in certain **2013 through 2014 model year Dodge Viper vehicles**.

The problem is... Some Dodge Viper vehicles may experience an incorrect airbag deployment velocity due to inaccurate seat track position sensor gap. Incorrect airbag deployment velocity may increase the chance of occupant injury during certain crash conditions.

What your dealer will do... Chrysler will repair your vehicle free of charge (parts and labor). However, the part required to provide a permanent remedy for this condition is currently not available. Chrysler is making every effort to provide the part as quickly as possible. Chrysler will contact you again by mail, with a follow-up recall notice, when the remedy part is available.

What you must do to ensure your safety... Once you receive your follow-up notice in the mail, simply contact your Chrysler, Jeep or Dodge dealer right away to schedule a service appointment.

If you need help... If you have questions or concerns which your dealer is unable to resolve, please contact the Chrysler Group Recall Assistance Center at 1-800-853-1403.

Please help us update our records by filling out the attached prepaid postcard if any of the conditions listed on the card apply to you or your vehicle. You may also update this information on the web at www.chrysler.com/ownersreg.

If you have already experienced this condition and have paid to have it repaired, please send your original receipts and/or other adequate proof of payment to the following address for reimbursement: Chrysler Customer Assistance, P.O. Box 21-8007, Auburn Hills, MI 48321-8007, Attention: Reimbursement. Once we receive and verify the required documents, reimbursement will be sent to you within 60 days.

If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590, or call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to <http://www.safercar.gov>.

We're sorry for any inconvenience, but we are sincerely concerned about your safety. Thank you for your attention to this important matter.

Customer Services / Field Operations
Chrysler Group LLC

Note to lessors receiving this recall: Federal regulation requires that you forward this recall notice to the lessee within 10 days.



IMPORTANT SAFETY RECALL**P52 / NHTSA 14V-529**

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Customer Services / Field Operations
Chrysler Group LLC

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Berwyn, PA

CERTIFIED MAIL™



7008 0150 0002 9014 9323

W40
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Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave. S.E.
Washington, DC. 20590

