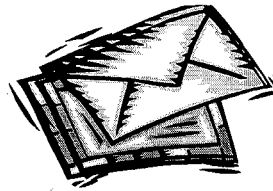


NHTSA ccmMercury Routing Slip



CL-10852182-1402

Printed: 8/5/2016

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

NHTSA #: ES16-003907

XREF #:

Delivery: EML

Rec'd Date: 8/5/2016

Doc Type: CNG

Address To: DOT/I

Referred By: NAD-200

Doc Date: 8/4/2016

Due Date: 9/5/2016

S10 #:

DOT/I #: H- 2016 156

RMP #:

**Subject: LETTER FROM CONGRESSMAN MULLIN ON BEHALF OF CONSTITUENT [REDACTED] RE
2013 BUICK LACROSSEE DEFECTS**

Ack Date:

**Sign Office: DIRECTOR,
GOVERNMENTAL AFFAIRS**

Cleared Date:

File Loc:

Added By: CBUTLER x60180

Ack By:

Signature: ALISON PASCALE

Cleared By:

XREF File:

Modified By: Chris.Butler

Signed For:

Cleared For:

Closed Date:

Most Recent Comment:

Author:

THE HONORABLE MARKWAYNE MULLIN
U.S. HOUSE OF REPRESENTATIVES
3109 AZALEA PARK DRIVE
MUSKOGEE, OK 74401
Tel: Fax: **E-mail:**

AUG - 9 2016

Assigned To	Task	Asgn Date	Deadline	Returned Date
NEF-010	REPLY	8/5/2016	9/5/2016	
NGA-010	SIGN	8/5/2016		

RR
8916
SMD



FAX

U.S. Congressman Markwayne Mullin

Representing Oklahoma's Second District

3109 Azalea Park Drive • Muskogee, OK 74401

Phone: 918-687-2533 • Fax: 918-686-0128

Mary.bower@mail.house.gov

DATE: 08/04/16

PAGES (excluding cover): 12

TO: Department of Transportation, Mr. Dana Gresham, Assistant Secretary for Governmental Affairs, U.S. Department of Transportation 1200 New Jersey Ave., SE Washington, DC 20590

FAX: 202-366-3675/7346

PHONE: 202-366-4573

FROM:

☐ Congressman Mullin

☐ Vivian Loving

☒ Mary Bower

☐ Debbie Dooley

RE: [REDACTED]

Social Security #: [REDACTED]

Attached is a privacy release and pertinent case information for the constituent.

Could you please look into this situation and advise?

Thank you in advance for your assistance in this matter.

Mary Bower

ES16-003907



Congressman Markwayne Mullin
Second District of Oklahoma
Privacy Release and Information Form

In keeping with the restrictions of the Privacy Act of 1974, I hereby authorize Congressman Mullin and/or his representative to request information from agencies or departments on my behalf. This release does not constitute a power of attorney.

Please complete the following:

I am having a problem or difficulty with: *Department of Transportation*
General Motors due to an vehicle accident

Name: [REDACTED]

Address: [REDACTED]

City / State / Zip *Tahlequah, OK*

Telephone

Home

Work

Retired - TBU

Cell [REDACTED]

Fax [REDACTED]

Email [REDACTED]

Date of Birth [REDACTED]

Social Security Number [REDACTED]

On February 25, 2016 as I was slowly easing into a business parking space, gently tapping and releasing the brake pedal, my car accelerated, jumped the parking block, the curb, traveled through a flower bed, and smashed into the porch of the building.

My chin hit the steering wheel, my knees hit the dash. My right knee was damaged more than the left knee.

As I began to exit the vehicle with the business staff's help who had heard the crash, my seat belt was fastened and as I turned to unfasten the seat belt and shift the car into park, I discovered the vehicle was in neutral.

I filed a claim with General Motors which they denied. I am enclosing documentation relating to this accident which includes more detailed information.

If release of information on your case to another party or your attorney is authorized, please specify: *1. Senator Sinagra*

I hereby authorize the Office of Congressman Mullin, and authorize Congressman Mullin and his staff to work on my behalf with any federal agency relevant to the matter described above, to receive any information contained in my file and, if necessary, to forward any pertinent correspondence sent by me regarding this matter.

Signature [REDACTED]

Date

8/2/16

If signed with a mark: Witnessed by: _____

Date _____

Please provide more information on the next page

[REDACTED]
Tahlequah, OK [REDACTED]

July 14, 2016

F. Scott Pruitt, Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

Dear Attorney General Pruitt,

On February 25, 2016, my vehicle accelerated as I was parking in a small business parking space. The vehicle is a 2013 Buick LaCrosse. A report was made and claim filed with General Motors and an investigation was made. The claim was denied.

The first written report I made was to the U. S. Department of Transportation National Highway Traffic Safety Administration, Office of Defective Investigation NEF 100, 1200 New Jersey Avenue SE, Washington, DC 20077-9382 on April 13, 2016. This report was made after I had given them a brief oral report by phone and they asked that I correct or add to their report. A copy of this handwritten dated report is enclosed.

Several other documents related to this accident are enclosed. They are:

1. The Tahlequah (OK) Police Report of the accident
2. Medical summary release form from the hospital the day of the accident
3. Copy of a printout of Recall Information on 2013 Buick LaCrosse automobiles
4. The letter of denial from General Motors
5. A 4-page handwritten letter to the U. S. Department of Transportation with a copy to GM dated May 25, 2016.

When General Motors informed me by phone the claim had been denied and I asked a question, they told me all the information was in the written report sent to me. The report came in two (2) stapled parts. One was 26 pages; the other

45 pages. Since the claim was denied I verbally asked for a written statement saying the vehicle was safe, which they verbally denied.

Most of the report I could not understand. One part I did understand said my seat belt was unbuckled at the time of the accident. That is not correct. When I began to exit the vehicle after the accident, I was restrained by the seat belt. When I turned to unbuckle the seat belt, I saw that my car was in neutral. Also, the report indicated that I did not have my foot on the brake within a given time of a few seconds before the accident.

My vehicle, a 2013 Buick LaCrosse, was manufactured in February 2013. There have been problems with the Power Train on these vehicles manufactured from April 25, 2012 through March 6, 2013.

Twice before the February 25, 2016 accident, while sitting at a traffic signal waiting for the light to change, the engine revved up and jumped forward slightly. This car has been sitting in my garage since the accident repairs were completed as I believe the vehicle is unsafe and I will not drive it. Also, I have not attempted to trade or sell it because I did not want to accept the responsibility for any injuries, including possible death, of persons involved in the next accident.

When I filed the report and claim, I wanted the problem fixed and the repair and medical bills paid to avoid any personal accident report on my insurance record which could easily affect premiums.

Now, since I have been inconvenienced creating a great deal of stress for more than four (4) months, I feel a settlement of at least \$20,000 is in order in addition to payment of the expenses incurred. Also, the problem should be corrected or the car purchased by GM. The 4-page handwritten letter to the U.S. Department of Transportation gives more detail of the accident, the inconvenience and stress endured due to the accident during the past four (4) months..

Sincerely,

[REDACTED]

Report Date: 4/13/16

After making three left turns into a small parking lot, I made a right turn into a parking space.

With my foot on the brake, I was gently releasing the brake to move forward to touch the concrete parking blocks. After doing that a couple of times, I looked at the car on my right and realized I was as close in as it was.

At that point I began to shift into park with my foot still on the brake.

The car accelerated forward over the parking lot block and over a curb and across a small flower bed into the porch of a business. After shutting off the engine, I noticed the car was in neutral.

As a result of the accident I sustained a very black chin and black on my neck. Also both knees were damaged. The right sustained more damage than the left knee.

Longitude Railroad Crossing Number Roadway Orientation Pg 4 of 4

N W Unit Number 01 NE SW E Unit Number NE SW



3611400

CIRCULAR PROPERTY

Now to 2nd

COLLISION EVENTS

Unit	First Event	Second Event	Third Event	Fourth Event	Fifth Event	Sixth Event	Final Event for the Cub Scout Cub Scout
01	34	52	44	00	34		34
Unit	First Event	Second Event	Third Event	Fourth Event	Fifth Event	Sixth Event	

- 00 Not Applicable
- 01 Overtaken/Rightover
- 11 Fire/Explosion
- 12 Immersion
- 13 Jackknife
- 14 Cargo/Equipment Loss or Shift
- 15 Equipment Failure (Blown Tire, Brake Failure, etc.)
- 16 Separation of Units
- 17 Departed Road Right
- 18 Departed Road Left
- 19 Cross Median/Centerline
- 20 Downhill Runaway

- 21 Field/Knocked From Motor Vehicle
22 Thrown or Falling Object
23 Other Non-Collision
PERSON, MOTOR VEHICLE, OR NON-
FIXED OBJECT:
30 Pedestrian
31 Pedal Cycle
32 Railway Vehicle (train, engine)
33 Aircraft
34 Motor Vehicle in Transport
35 Parked Motor Vehicle
36 Struck by Falling, Shifting Cargo or
Anything Still in Motion by Motor Vehicle

- 37 Work Zone Assistance
- 38 Express
- 39 Non-Read Object
- FOED OBJECT:
- 40 Barrier (Cable)
- 41 Barrier (Concrete)
- 42 Barrier (Other)
- 43 Fence Pole
- 44 Fence
- 45 Traffic Signal Support
- 46 Traffic Sign Support
- 47 Utility Pole/Light Support
- 48 Other Post/Pole/Support
- 49 Guardrail/Guardrail Face
- 50 Guardrail End
- 51 Culvert
- 52 Curb
- 53 Island
- 54 Sand Barrels
- 55 Impact Attenuator/ Crash
- 56 Cushion

- | | |
|----|-------------------------------|
| 86 | Pavement Drop-Off |
| 87 | Ditch |
| 88 | Embedment |
| 89 | Tree (Standing) |
| 90 | Dividing Strip |
| 91 | Retaining Wall |
| 92 | Bridge Abutment |
| 93 | Bridge Pier or Support |
| 94 | Bridge Rail |
| 95 | Bridge Post |
| 96 | Bridge Curb |
| 97 | Bridge Super Structure (Beam) |
| 98 | Bridge Overhead Structure |
| 99 | Deliminator |
| 00 | Mailbox |
| 71 | Other Fixed Object |
| 72 | Other Highway Structure |
| 73 | Ground |
| 99 | Unknown |

Resources

UNIT ONE WAS PARKED IN A PARKING SPACE ON PRIVATE PROPERTY. UNIT ONE WENT AHEAD AND STRUCK THE CURB AND FENCE RAIL AROUND THE PORCH OF THE BUSINESS.

General Instructions
Northern Health System Tallahassee
Emergency Department
1401 E. Dowdy, Tallahassee, FL 32304-3418-400-2191
08/26/2016 12:53



Thanks you for visiting the Northern Health System Tallahassee Emergency Department. You have been evaluated today by Chris Rogers, APRN-CNP for the following condition(s):

Multiple contusions to the shin, right knee and anterior right leg knee.
 Motor vehicle run-over accident involving a vehicle and a fixed object. Car involved.

INSTRUCTIONS

Apply ice for 15-20 minutes four times a day followed by dry and moist heat 15-20 minutes four times a day for weeks on and off until better. Do not apply ice directly to skin, don't use while asleep and don't use high setting or heating pad.

Warnings: **GENERAL WARNING:** Return or contact your physician immediately if your condition worsens or changes unexpectedly, if not improving as expected, or if other problems arise.

Follow-up:
 Follow up with your doctor at two days if not better.

Understanding of the discharge instructions explained by patient and family.

You have been given the following additional information:
 MVC, No Serious Injury
 MVC, Seat Belt Contusion
 MVC, General Precautions
 Contusion, Soft Tissue



Patient Signature

Hospital Representative 08/26/2016

1513

Search TSBS and Recalls.

Search By Vehicle

Select Year

Select Make

Select Model

Go

2013 Buick Lacrosse Power Train Recall 13V097000

Action Number: N/A

Service Bulletin Number: 13V097000

Report Date: Mar 15, 2013

Component: Power Train

Potential Units Affected: 26582

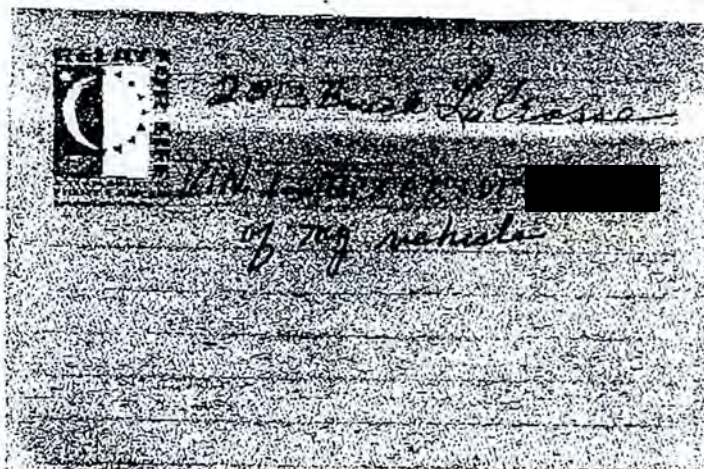
Manufacturer: General Motors LLC

Summary: General motors (gm) is recalling certain model year 2013 buick lacrosse vehicles, manufactured between april 25, 2012, through march 6, 2013, and model year 2013 cadillac srt vehicles, manufactured between may 29, 2012, through february 18, 2013 for failing to comply with the requirements of federal motor vehicle safety standard (fmvss) no. 102, "transmission shift lever sequence, starter interlock, and transmission braking effect." a software problem may cause the transmission to inadvertently shift to sport mode removing any transmission-related engine braking effect.

Consequences: If engine braking is unexpectedly removed, it may increase the risk of a vehicle crash.

Remedy: Gm will notify owners, and dealers will reprogram the transmission control module free of charge. The recall began on april 3, 2013. Cadillac owners may call 1-866-982-2339. Buick owners may call 1-866-694-6546.

Notes: General motors' number for this recall is 13053. Customers may contact the national highway traffic safety administration's vehicle safety hotline at 1-888-327-4236 (tty: 1-800-424-9153), or go to www.Safercar.Gov.



ESIS®

ESISGM Central Claims Unit
P.O. Box 300
Mail Code 462 C19 B61
Detroit, MI 48265-3000

800.888.0164 tel
248.778.1759 fax

Paul Olle
Claims Administrator

May 12, 2016

[REDACTED]
TAHLEQUAH, OK [REDACTED]

RE: Claimant: [REDACTED]
Our File No.: [REDACTED]
Our Client: General Motors LLC
Date/Event: 2/25/2016
Vehicle: 2013 Buick LaCrosse
VIN: 1G4GC5ER3DF [REDACTED]

Dear [REDACTED]

This will confirm that we have completed our review of your claim regarding alleged defects to the 2013 Buick LaCrosse. At this time, based on all documentation received and reviewed, ESIS, on behalf of General Motors LLC, will not be in a position to honor your request for damages. If you have any additional evidence that supports your claim of a product defect, please forward it to my attention for further review.

Sincerely,

Paul Olle

Paul Olle

Jak Dequah, OK
May 25, 2016

U. S. Dept of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NEF 800
1200 New Jersey Ave, SE
Washington, D.C 20027-9382

On February 25, 2016 my car, a 2013 Buick
LaCrosse, accelerated as I was parking in a
business parking lot. I pulled into a
parking space and was gently tapping and
releasing the brake since the car had not
touched the parking block.

Suddenly, my car accelerated, jumped the parking
block, jumped the curb, traveled through
a flower bed, and smashed into the porch
of the business.

A claim was submitted to GM which they
denied. Therefore, I verbally asked for a
written statement saying the car was safe
which they also verbally denied. I have
enclosed their statement of denial of the
claim.

Since I believe this may happen again,
I felt you should be aware of the situation.

At least twice before the February 25, 2016
accident while waiting in a lane of traffic
with my foot on the brake for the signal
light to change, the engine revved up and
the car jerked forward.

I refuse to drive this unsafe car and it
has been sitting in the garage since the
repairs were completed by the body shop
for the accident damage. I would like to
trade it but my concern is that the next
time the car accelerates on its own, it
could result in more serious injury,
even death, and considerably more
damage to other cars and/or buildings.

I was fortunate that I had only a very black eye,
a black neck, and damage to both knees.
My right knee sustained more damage than
the left knee indicating the right knee was
closest to the dash, further indicating the
right foot was on or near the brake and
not on the accelerator.

This has been a very stressful and most inconvenient situation since, even though retired, I have a very busy life with obligations in community organizations and church activities.

Also, my husband has numerous health issues requiring multiple visits to various specialists in Tulsa (a 150-mile roundtrip), back surgery in January 2016 and hospitalization in Tahlequah for a 3-day stay. Since he was unable to drive from September 2015 until the first of April 2016, it has been necessary to depend on friends and/or out-of-town employed family to drive us to appointments. He finally ^{was} released from Home Health and a Physical Therapist on May 25, 2016.

According to information secured on-line, I find there have been some 2013 Buick LaCrosse Power Train recalls manufactured between April 25, 2013 and March 6, 2013. My vehicle was manufactured February 2013.

A Question!! How hard would a person need to stomp on the accelerator for a car to

jump the parking block, jump a curb, travel through a flower bed and smash into a building when the vehicle was very near the parking block - possible as much as 12 inches from touching the parking block?

2nd Question!! How could a 5' (almost) 120 pound, [REDACTED] year old woman with arthritis in both knees who wears a size 4 1/2 shoe accomplish such a feat?

I believe this situation is worthy of further investigation so that no one else is injured. I appreciate any help which you may provide in this important matter.

Sincerely,

[REDACTED]

CC: ESIS/HM Central Claim Unit denial



2014 House Input Form for Governmental Affairs
Correspondence Control Sheet (I-10), W85-328



EXECUTIVE SECRETARIAT
RECEIVED-NHTSA

2016 AUG -5 P 3 14

Control Number H - 2016 156

General

Date DOT Received 8/5/2016
Date DOT Entered 8/5/2016
Member's Date 8/4/2016
Member Last Name Mullin
Member First Name Markwayne
Member Organization U.S. House of Representation
Address1 3109 Azalea Park Drive
Address2
City Muskogee
State OK
Zip 74401

Constituents

File Name [REDACTED]
Date 8/5/2016
Subject
Action Office NHTSA
Action Code
Due Date

Contacts

Member Contact
Phone (918) 687-2533
Pending ✓
Closed Date
Remarks
DOT Contact Gov. Affairs Office (202) 366-4573

Notes: