

CL-10873073-8646

18 May 2016

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

South San Francisco, CA

Administrator  
**National Highway Traffic Safety Administration**  
1200 New Jersey Ave., SE  
Washington, D.C. 20590

**Subject: ACURA AIR BAG SAFETY RECALL**

2011 Acura RDX: VIN 5J8TB1H59BA

American Honda Case No.

JUN - 1 2016

To The NHTSA Administrator:

Enclosed please find a copy of the SAFETY RECALL NOTICE from AMERICAN HONDA, Acura Automobile Division. This notice categorically emphasize that:

***"The defect in these vehicles could kill you or other people in your vehicle."***

As owner of above subject car currently under recall, the purpose of this letter is to inquire about my lawful rights while awaiting replacement and service of the defective air bags.

For over a month, despite American Honda's above notice emphasizing that driving with defective air bags **could kill**, its Acura dealerships continue to claim that there are no available "loaner" vehicles from their own inventories of Acura cars that they can provide.

Your timely response to the following legal matters is kindly requested:

- 1.) Are the Manufacturers recalling their vehicles compelled by current laws to provide a "loaner" vehicle of the **same make and model**? Does one have to accept a vehicle not equivalent in safety?
- 2.) With regard to the car manufacturer's Dealerships, what are the Dealership's lawful responsibilities regarding recalls, if any? Are they compelled to **make available** a "loaner" vehicle of the same make and model **from their own inventories**?

Also enclosed for your perusal are my letters to **American Honda, Mike Harvey Acura, and Acura Of Serramonte**, all dated today, 18 May 2016.

Your help in understanding one's rights pertaining to vehicle safety recalls is very much appreciated. Thank you.

Sincerely,

Owner, 2011 Acura RDX

NM  
6716  
SMD



AUTOMOBILE DIVISION

American Honda Motor Co., Inc.  
1919 Torrance Blvd., - P.O. Box 2215  
Torrance, CA 90509-9870

March 2016

**IMPORTANT SAFETY RECALL**

This notice applies to your vehicle: 5J8TB1H59BA [REDACTED]

Dear [REDACTED]

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

**What is the reason for this notice?**

Acura has decided that a defect which relates to motor vehicle safety exists in certain 2007-2016 model year RDX vehicles.

**The defect in these vehicles could kill or injure you or other people in your vehicle.**

Specifically, in some vehicles, the driver's front airbag inflator could produce excessive internal pressure upon deployment. If an affected airbag deploys, the increased internal pressure may cause the inflator to rupture (break apart) and deploy abnormally. In the event of an inflator rupture, metal fragments could pass through the airbag cushion material possibly causing serious injury or fatality to you or others in the vehicle. Past ruptures like this have killed and injured vehicle drivers.

**What should you do?**

The remedy parts needed to conduct airbag inflator replacements will become available in the Summer of 2016. Acura will send you another letter when parts become available to repair your vehicle.

Until parts become available for repairs, please feel free to discuss your specific needs and concerns with your dealer, including the provision of, or reimbursement for, temporary alternative transportation, as necessary. You may also contact Acura's Client Relations (at the number listed below) to address your needs and concerns.

If you have questions or concerns, we encourage you to visit [www.recalls.acura.com](http://www.recalls.acura.com) or to call Acura Client Relations at 1-800-382-2238, option 4.

**Who to contact if you experience problems?**

If you are not satisfied with the service you receive from your Acura dealer, you may write to:

American Honda Motor Co., Inc.  
Acura Client Relations  
Mail Stop 500-2N-7E  
1919 Torrance Blvd.  
Torrance, CA 90501-2746

If you believe that American Honda or the dealer has failed or is unable to remedy the defect in your vehicle, without charge, within a reasonable period of time (60 days from the date you first contact the dealer for a repair appointment), you may submit a complaint to:

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

You can also call the toll free Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to <http://www.safercar.gov>.

**What to do if you feel this notice is in error?**

Registration records indicate that you are the current owner or lessee of a 2007-2016 Acura RDX involved in this recall. If this is not the case, or the name/address information is not correct, please complete and sign the Information Change Card and return it in the enclosed postage-paid envelope. We will then update our records.

**Lessor Information:**

Federal law requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the lessee within 10 days.

**If you have questions:**

If you have any questions about this notice, or need assistance with locating an Acura dealer, please call Acura Client Relations at 1-800-382-2238, and select option 4. U.S. clients can also locate a dealer online at [www.myAcura.com](http://www.myAcura.com). Clients in U.S. territories, please contact your local dealer/distributor.

We apologize for any inconvenience this recall may cause you.

Sincerely,

AMERICAN HONDA MOTOR CO., INC.  
Acura Automobile Division

Campaign #JY2 / Service Bulletin #16-010

*Anna Ennante / Service  
650 / 985-1000 Dept  
MS.  
Called 1:25 pm 4/11/16 (ODILE)  
Referred me to "Anna" for "car rental"  
waiting list:  
② ODILE called me back & said  
"Anna" will call me later  
re: rental  
③ DANA added  
on waiting list  
4/12/16 @  
3:25  
4/11/2016  
1 pm  
ADDED ON  
WAITING  
LIST  
HARVEN  
MSA Recall 16-010  
579-4258  
Maurice Flores  
SAID TO CA  
800 NO,  
AS they are  
out of cars  
& parts.*

*Mr. RASHAD  
CASE # [REDACTED]  
Mr. LEE  
\$3500  
@ahm.honda.ca  
attached Invoice, stay  
BY Dealer  
② write Car set  
③ IF CLEED IT UP  
WRITE STR  
MEN*

18 May 2016

[REDACTED]  
South San Francisco, CA [REDACTED]

VIA CERTIFIED MAIL

**American Honda Motor Co., Inc.** ←

Acura Client Relations  
Mail Stop 500-2N-7E  
1919 Torrance Blvd.  
Torrance, CA 90501-2746

**Subject:** ACURA AIR BAG SAFETY RECALL

2011 Acura RDX: **VIN 5J8TB1H59BA** [REDACTED]  
American Honda Motor Co., Inc., **Case No.** [REDACTED]

To The Case Manager, Mr. Michael:

The purpose of this letter is to request American Honda to compel its dealership, **Mike Harvey Acura**, to provide **no later than 26 May 2016**, an acceptable "loaner" car **from its own inventory** to use for my impending out-of-town trip on **28 May 2016**.

As discussed today with your case representative, Ms. "Melinda", I have informed **Mike Harvey Acura** of the above need.

Please find enclosed my letter to **Mike Harvey Acura**, ATTN: The Manager, dated today, 18 May 2016.

American Honda's Safety Recall Notice categorically emphasized that:

***"The defect in these vehicles could kill you or other people in your vehicle."***

Recently in the news, a young woman died when her American Honda car's air bag from the same manufacturer deployed -- it was a mere fender-bender accident!

Your timely attention and resolution to this critical safety matter is duly appreciated. Thank you.

Sincerely,

[REDACTED]  
Owner, 2011 Acura RDX

Enclosure: As Noted Above

cc:(w/enclosure)

**Mike Harvey Acura**  
ATTN: The Manager  
1070 Broadway  
Burlingame, CA 94010

18 May 2016

[REDACTED]  
South San Francisco, CA [REDACTED]

VIA CERTIFIED MAIL

**American Honda Motor Co., Inc.** ←

Acura Client Relations  
Mail Stop 500-2N-7E  
1919 Torrance Blvd.  
Torrance, CA 90501-2746

**Subject:** ACURA AIR BAG SAFETY RECALL

2011 Acura RDX: **VIN 5J8TB1H59BA** [REDACTED]  
American Honda Motor Co., Inc., **Case No.** [REDACTED]

To The Case Manager, Mr. Michael:

The purpose of this letter is to request American Honda to compel its dealership, **Acura Of Serramonte**, to provide **no later than 26 May 2016**, an acceptable "loaner" car **from its own inventory** to use for my impending out-of-town trip on **28 May 2016**.

As discussed today with your case representative, Ms. "Melinda", I have informed **Acura Of Serramonte** of the above need.

Please find enclosed my letter to **Acura Of Serramonte**, ATTN: The Manager, dated today, 18 May 2016.

American Honda's Safety Recall Notice categorically emphasized that:

***"The defect in these vehicles could kill you or other people in your vehicle."***

Recently in the news, a young woman died when her American Honda car's air bag from the same manufacturer deployed -- it was a mere fender-bender accident!

Your timely attention and resolution to this critical safety matter is duly appreciated. Thank you.

Sincerely,

[REDACTED]  
Owner, 2011 Acura RDX

Enclosure: As Noted Above

cc:(w/enclosure)

**Acura Of Serramonte**  
ATTN: The Manager  
475 Serramonte Blvd.  
Colma, CA 94014

18 May 2016

South San Francisco, CA

VIA CERTIFIED MAIL

Mike Harvey Acura  
ATTN: The Manager  
1070 Broadway  
Burlingame, CA 94010

**Subject:** ACURA AIR BAG SAFETY RECALL  
2011 Acura RDX: VIN 5J8TB1H59BA  
American Honda Motor Co., Inc., Case No.

To The Manager:

During telephone conversation today, American Honda (Case Representative Ms. "Melinda," tel. 1-(909)-664-9280, and, her Case Manager, Mr. "Michael"), directed me to inform you that because you are unable to provide an acceptable "loaner" car for me, I will be renting a car to use for an impending out-of-state trip on 28 May 2016.

Your representative, Mr. Mauricio Flores, placed me on your "recall waiting list" last 11 April 2016. He stated that I would be contacted when a car is made available. To date, no car has been made available. No one has contacted me.

American Honda's Safety Recall Notice categorically emphasized that:

***"The defect in these vehicles could kill you or other people in your vehicle."***

Compromising one's safety is unreasonable and unacceptable. Accordingly, the car to be rented will be safety-equivalent to the 2011 ACURA RDX regardless of price. Any car less safe is totally unacceptable to drive.

Please contact me at tel. **no later than 26 May 2016**, or as soon as you can provide a car **from your own inventory** that is equivalent to the recalled ACURA RDX. Otherwise, there is no other resort but to rent a car.

Sincerely,

Owner, 2011 Acura RDX

Enclosure: My letter to American Honda Motor Co., Inc., dated today, 18 May 2016.

cc:(w/enclosures)

**American Honda Motor Co., Inc.**  
Acura Client Relations  
Mail Stop 500-2N-7E  
1919 Torrance Blvd.  
Torrance, CA 90501-2746

Continued:

18 May 2016

**VIA CERTIFIED MAIL**

**Subject:** ACURA AIR BAG SAFETY RECALL  
2011 Acura RDX: VIN 5J8TB1H59BA [REDACTED]  
American Honda Motor Co., Inc., Case No. [REDACTED]

P.S.

**NOTE:** Contentions may arise as to who would be liable for the rental car invoices should they become due.

I am compelled, with all due respect, to take this opportunity to advance my contention that I unequivocally believe I am not liable for any rental car incurred expense until the air bags are serviced and replaced.

Resorting to a time-consuming alternative -- as a mean to resolve the liability issues on this *life-threatening* safety matter -- is mutually unproductive. American Honda's support of your determination to provide an acceptable "loaner" car *from your own inventory* is instead a mutually beneficial option.



18 May 2016

[REDACTED]

South San Francisco, CA [REDACTED]

**Acura Of Serramonte**  
ATTN: The Manager  
475 Serramonte Blvd.  
Colma, CA 94014



**VIA CERTIFIED MAIL**

**Subject: ACURA AIR BAG SAFETY RECALL**

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American Honda Motor Co., Inc., Case No. [REDACTED]

To The Manager:

During telephone conversation today, American Honda (Case Representative Ms. "Melinda," tel. 1-(909)-664-9280, and, her Case Manager, Mr. "Michael"), directed me to inform you that because you are unable to provide an acceptable "loaner" car for me, I will be renting a car to use for an impending out-of-state trip on 28 May 2016.

Your representative, Ms. "Anna" and Ms. "Dana", tel. (650)-985-1000, placed me on your "recall waiting list" last 11 April 2016, and, that I will be contacted when a car is made available. To date, no car has been made available. No one has contacted me.

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Compromising one's safety is unreasonable and unacceptable. Accordingly, the car to be rented will be safety-equivalent to the 2011 ACURA RDX regardless of price. Any car less safe is totally unacceptable to drive.

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Sincerely,

[REDACTED]

Owner, 2011 Acura RDX

Enclosure: My letter to American Honda Motor Co., Inc., dated today, 18 May 2016.

cc:(w/enclosures)

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Continued:

18 May 2016

**VIA CERTIFIED MAIL**

**Subject:** ACURA AIR BAG SAFETY RECALL

2011 Acura RDX: VIN 5J8TB1H59BA [REDACTED]

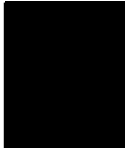
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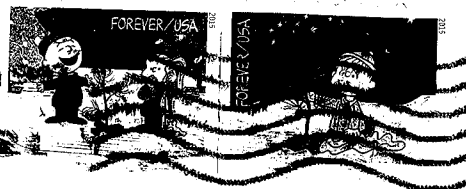
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So. San Francisco, CA

SAN FRANCISCO CA

20 MAY 2016 PM



Administrator  
**National Highway Traffic Safety Administration**  
1200 New Jersey Ave., SE  
Washington, D.C. 20590

20590

