



THOMAS J. MILLER  
ATTORNEY GENERAL

CONSUMER PROTECTION DIVISION

## Department of Justice

NEF-010  
CL-10918293-5449  
ADDRESS REPLY TO:  
Hoover Bldg., 1305 E. Walnut Street  
Des Moines, Iowa 50319

Telephone: 515-281-5926  
Toll Free: 888-777-4590 (In Iowa)  
Fax: 515-281-6771  
www.IowaAttorneyGeneral.gov

September 30, 2016

[REDACTED]  
Iowa City, IA [REDACTED]

OCT 13 2016

Dear [REDACTED]

We have received and reviewed your letter about the above referenced matter. From the information you provided, it appears your inquiry may more appropriately be reviewed for possible action by the agency listed below. Therefore, by copy of this letter, your information was **forwarded** to that agency for review. We anticipate the agency will respond to you after reviewing the information.

The agency may or may not take action based on your complaint. If the agency decides not to take action, you may wish to consult with a private attorney of your choice or consider filing a small claims court lawsuit.

Sincerely,

A handwritten signature in cursive script that reads "Marti Quigley".

MARTI QUIGLEY  
Investigator  
[Marti.Quigley@iowa.gov](mailto:Marti.Quigley@iowa.gov)

cc: National Highway Traffic Safety Administration  
Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

NH  
10/20/16  
SMD

August 15, 2016

RECEIVED  
16 SEP -2 AM 10:17  
CONSUMER PROTECTION DIV.

Tom Miller  
Iowa Attorney General  
Consumer Protection Division  
Hoover State Office Building  
1305 East Walnut Street  
Des Moines IA 50319 0106

Honorable Attorney General Miller:

On January 21, 2015 I had the misfortune to purchase a new 2014 Ford Focus from Deery Ford in Iowa City, Iowa. I say "misfortune" because the car has a manual transmission, disguised as an automatic transmission, that drives like a manual transmission operated by a novice, who has yet to master the synchronization of depressing the clutch pedal with shifting gears manually.

In September, 2015 after driving my new car about 6,000 miles I brought it in to Deery for service due to frequent significant transmission slippage. The service advisor, Warren, admitted that he knew exactly what the problem was, without even test driving my car. It was then reprogrammed and replacement clutch parts were ordered.

In October, 2015 the clutch was replaced.

In March, 2016 I returned to the Deery service department with complaints of significant transmission shudder and an easily detectable (loud!) rattling sound. Jared Martz, Service Director, test drove the car with me and heard the rattling noise. He admitted that it is "in the nature" of this particular transmission. Otherwise, he said that no abnormal engine performance codes were generated. He further advised that "some slippage is 'normal' with this transmission." He said that Ford had come out with no further updates to address this issue. *Although I frequently experienced very noticeable shuddering and shaking of my entire car, he still maintained that the readouts were within normal limits. He*

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*offered no remedy, although my car was still within the original warranty period. He repeatedly strongly encouraged me to call Ford Customer Assistance.*

In April, 2016 I did call Ford. They advised that they could do nothing for me, based on what Deery was telling them about my car; i.e. that my car was functioning within normal limits. Given the fact that automatic transmissions don't act like this, unless they are in need of adjustment, repair or replacement, there was nothing "normal" about this transmission's performance. It was becoming very clear by this time just exactly what they meant by "normal". They must have meant *there's nothing we can do to permanently correct this problem, so we're telling you to live with it, since it's "normal", in our world.*

In April I also spoke to the owner of Deery Ford, Patrick Eads. He suggested I trade my Focus in for a different car. Any additional cost would be absorbed by me, not Deery or Ford. I therefore question how "sorry" he actually was, despite his words to the contrary. Maybe, like me, he truly was sorry he had ever laid eyes on a 2014 Ford Focus like mine.

Wilson Campos, a salesman, called me shortly after I spoke to Mr. Eads. Wilson offered to "make things right" by giving me a \$3,000 incentive to trade my Focus in on a new car. While I like Wilson, who seemed "new" to auto sales, I took the opportunity to ask him why Deery was selling supposedly defect-free new cars that were, in fact, not defect-free, then expecting its customers to just "live with" the annoying and potentially dangerous transmission defects that such cars contained. I had him stumped there. Also, why would Deery think that \$3,000 was a fair and reasonable offer of compensation, when my actual loss is more like \$20,000, conservatively?

I own a lemon, one that Deery and Ford foisted on me; a car containing well known and documented transmission defects; a car that could not be made to perform as I reasonably expected it to perform. Would Deery or Ford personnel

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accept such transmission performance in their own personal vehicles, instead of the safe and reliable transportation they would insist upon for their own families? No, of course not.

On June 13, 2016 I returned to Deery due to the whole car shaking, worse than ever. Warren Humphrey test drove the car and admitted that, indeed, it was shuddering noticeably. He explained that only by making programming adjustments to the computer "brain" of the car could he improve its performance. He assured me that I would notice considerable improvement in performance, etc. He also supposedly conferred with Ford about the situation, to what effect he never indicated. Jared Martz called again to say that my car was now performing "within normal limits" and he could offer nothing more to address my concerns, once again stating that there were no "updates" from Ford to address the unacceptable performance of this transmission. I then received what appeared to be a contrived attempt to mischaracterize my complaints and issues, since the invoice I received indicated I was experiencing a "slight shudder" originating in the transmission.

(Now I understand why Warren wouldn't give me a copy of the service ticket, which I requested, when I was standing with him there face to face. He claimed he needed to hold onto it in order to talk to Ford about it. In fact, what he intended to do, and did do, was to phony up a service ticket that indicated I was experiencing a *slight* transmission shudder. Warren most assuredly full well knew, having spoken to me at some length in person, in the presence of my friend [REDACTED] [REDACTED] who heard the whole conversation between Warren and me, that my whole car was shaking violently. Clearly, to indicate that on my service ticket, would be contrary to how Deery and Ford treat their supposedly valued customers. What other conclusion can I reasonably reach, based on my sad and exasperating experience with these people?)

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Deery and Ford certainly made many misrepresentations of a "knowing" character including, but not limited to, the following:

1. Selling me a car with a "manual" transmission disguised as an "automatic" transmission. If I had wanted a car with a manual transmission I would have so specified.
2. The true nature of this transmission was never disclosed to me at the time of purchase.
3. Ford and Deery knew about the defective transmission in their 2014 Focus, but failed to disclose it to me at the time of purchase, thus intentionally misrepresenting it to be free of defects, when they knew full well that it was *anything but* free of defects.
4. After the sale and various failed repair attempts they finally disclosed that this transmission slips and shudders. ("That's its nature.")
5. There is no way Deery could have reasonably believed that I was experiencing "slight" transmission slippage, since I repeatedly advised them by phone and in person of the precise nature of my complaint, no aspect of which I ever, at any time, described as "slight". (Maybe they meant that my car didn't slip, shudder and shake nearly as badly as some of the Fords that have come back in repeatedly for service?)

Deery sells other brands. They could have sold me a comparable car that was free of defects, manufactured by a competitor of Ford, but chose not to.

They could have made things right by refunding my price of purchase and financing in full, but chose not to do so. That would have been "right" because that is what, in fact, they do owe me, and will ultimately pay me, one way or the other. Note that I'm willing to forego recovery for my frustration, worry,

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annoyance, fear of driving this car on the highway, and overall emotional upset and turmoil. I don't know what dollar value to attach to such damages. I'm told, though, that properly instructed jurors usually have no such difficulty.

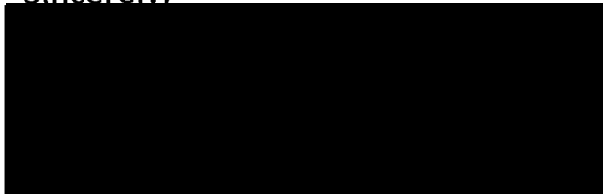
Even cursory internet research reveals the widespread nature of these Ford transmission problems. That they are the basis of many ongoing legal actions, including class action law suits, is hardly surprising.

***A car that cannot be counted on to smoothly accelerate from a full stop or slower speed is, in fact, unsafe at any speed. Ford's characterization of my car performing within normal limits is a joke. "Normal" for this dismal failure of a transmission, they mean? That they and their dealers can look people in the eye when they utter such offensive nonsense I still struggle to understand. Standard operating procedure, apparently, at Ford and Deery.***

How Deery and Ford can expect any customer to put up with what I've been through is beyond me. Their unspoken message, *so sue us*, comes through crystal clear. I've never sued anybody. But, then, I've never been treated so shabbily. I guess that's why we have lemon laws and class action law suits, by which just compensation can be obtained from hucksters who sell shoddy products to the unsuspecting public.

Unless I receive a realistic and adequate offer of monetary compensation, I do not wish to be contacted again by anyone associated with Deery or Ford Motor Company. Rest assured, I'm forever done with both.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

Iowa City, IA 



c: Patrick Eads

Deery Brothers Ford Lincoln, Inc.  
2343 Mormon Trek Boulevard  
Iowa City, IA 52246

c: Ford Motor Company

Customer Relationship Center  
Post Office Box 6248  
Dearborn, MI 48126

c: Capstone Law APC

1840 Center Park East, Suite 450  
Los Angeles, CA 90067  
ATTN: Carla Rubalcava

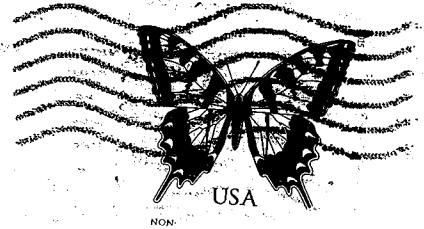


Iowa City, Ia



CEDAR RAPIDS IA 524

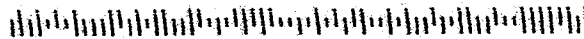
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Tom Miller  
Iowa Attorney General  
Consumer Protection Division  
Hoover State Office Building  
1305 East Walnut Street  
Des Moines, Iowa

50319-0106

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State of Iowa  
Department of Justice  
CONSUMER PROTECTION DIVISION  
Second Floor, Hoover Building  
Des Moines, Iowa 50319-0109

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