

NEF-010

CL-10918333-2960

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

[REDACTED]
Mahopac, NY [REDACTED]

OCT 13 2016

October 3, 2016

NHTSA Headquarters
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590

Re: Ford Motor Company-Case # [REDACTED]
VIN: 3FA6P0HR4ER [REDACTED]

Despite numerous attempts to get Ford Motor Company to send an engineer from Dearborn to the dealership where I purchased my car for the purpose of correcting the software glitch that has caused my electronic parking brake on my 2014 Ford Fusion from intermittently disengaging while the car is idling in neutral (it is a standard "1@#" manual transmission) Ford continues to insist that it is the service department's responsibility and as the problem is intermittent, and they can't duplicate the problem, Ford will not provide the resources necessary to correct the software glitch. As this is a serious safety issue which has caused the car to roll on several occasions in the past two years when the EPB disengages, and on one occasion when I was standing outside the car and had to chase it and dive in to prevent it from hitting someone or something, I am now referring it to you as the NYS Office of the Attorney General has been unsuccessful in their efforts to convince Ford to reprogram to EPB software.

For your further edification I am enclosing copies of all correspondence with Ford and the NYS Attorney General's office so that you can see exactly what the problem is, how serious it is, and how frustrating it has been to get someone to help resolve this problem. I would like to remind you that despite the spin that Ford has put on this telling the NYS Attorney General office it is about money and repurchase, it is absolutely not. I want Ford to correct this problem before somebody is seriously injured. It seems Ford would rather twist the facts than ensure public safety.

Sincerely,
[REDACTED]

ET
10/20/16
SMP

[REDACTED]
Mahopac, N.Y. [REDACTED]
[REDACTED]

March 1, 2016

Ford Motor Company
Customer Relationship Center
PO Box 6248
Dearborn, MI 44826

Re: Unresolved Vehicle Defects
2014 Ford Fusion
VIN: 3FA6POHR4ER [REDACTED]
Approximate mileage 13,000

COPY

To Whom It May Concern:

Since purchasing the above referenced vehicle in August of 2014 from Park Ford in Mahopac, I have REPEATEDLY reported problems that the service department has been unable to rectify, partly because the issues are intermittent (although serious and dangerous) and partially because they have not received assistance from the factory technicians. Although some are just annoyances (yet still need to be fixed) and others are a serious potential safety hazard. I shall list these below, which I sincerely hope that you will not ignore and will take appropriate steps to see that they are corrected immediately. As a point of reference this auto is equipped with a 6 speed MANUEL transmission.

1. **Electric emergency brake releases by itself** after starting. Although it is impossible to recreate as the problem is intermittent, the emergency break releases after starting while the car is idling in neutral. This is an extreme potential safety issue as the car will roll after the emergency brake disengages on its own and on several occasions, if not for my attentiveness and overall situation awareness, it would have rolled into either other cars or stationary objects and on **two occasions began to roll toward pedestrians**. The emergency brake is ALWAYS engaged by me prior to leaving the car as well as leaving it in gear as extra safety. This morning I turned the key to the ON position (and the emergency dashboard signal displayed), disengaged the clutch, activated the ignition stating the car, ensured that it was in neutral, lifted the clutch pedal, AND AS I WATCHED THE DASHBOARD EMERGENCY BRAKE DISPLAY THE LIGHT SUDDENLY WENT OUT AND THE EMERGENCY BRAKE DISENGAGED! I was in my driveway and there is no slope thus the car did not roll. However had I been on a slope it certainly would have.
2. Shifter now refuses to go into reverse and sometimes first gear with the clutch fully disengaged as the transmission and RPM synchronization is incorrect. This is a recent

problem and only began about 3 months ago. In order for the transmission shifter to fully engage, it is necessary to change the engine RPMs until it smoothly slips into gear. The problem has progressively increased in frequency to the point where I now anticipate it, however besides being annoying it is probably not good for the car. However the **serious safety issue** is that there have been occasions where I needed to react swiftly while operating the car due to traffic situations **AND IT JAMS UP AND WON'T GO INTO GEAR LEAVING ME UNABLE TO MOVE THE CAR WHILE I TRY TO FIND THE CORRECT RPMs** the allow the transmission to engage. So far this problem is only reverse and sometimes first; however initially it was only reverse and after time the problem evolved to include first gear. The dealer service technicians have no idea as to the cause of the problem or how to correct it. However being as your factory technicians are aware that the vehicle has a transmission and engine revolution synchronization mechanization, I am certain they know the problem but just don't bother to return Park Ford's emails.

3. The driver's side heat warmer system goes on by itself. Like the situation with the Electric emergency break, although I first thought it was me when I passed my hand past the dashboard controls, I actually witnessed this occur this morning while preparing to leave my house. Now beside the annoyance of having a hot !@# this is indicative of the computer system in this car which is, shall I say, FUBAR.
4. Navigation system: I have entered the navigation system dash display and while attempting to enter a destination address after entering the street address and city (state is NY as default) it then does nothing. There is nothing to say to go or set as destination. Then on several occasions I reset the system and re-entered the destination. SURPRISE!! Instead of seeing letters to enter for street or city names, I see either hieroglyphics or worst yet, sometimes nothing is lit. Fortunately I have been able to override this by using voice navigation.

The bottom line is that there is a serious problem with the entire computer system in this vehicle. The existing problems are bad enough and some are safety issues. However this is indicative of other things to go wrong in the future. Of this I am certain.

With all due respect, I paid \$30,000 for this overpriced broken computer that doesn't even get the advertised local driving estimated gas mileage, not even close. Personally I think it is either an overpriced piece of junk or that the car I got is a lemon. Either way I expect it to be either restored to correct factory standards or give me a 2016 Titanium as I only have 13,000 miles on this car.

Sincerely,



Since Purchase-Solution can't be found

- **Emergency break disengages intermittently** after first starting while idling. As this car has a standard shift this is dangerous as car rolls. Nearly rolled into pedestrians waking behind the car in parking lot twice and rolled forward nearly hitting car parked in front.
 - Per manual procedure for starting standard shift car is 1) insert ignition key and ensure parking brake is engaged. 2) Depress clutch **WITHOUT STEPPING ON FOOT BREAK** as once foot break is engaged auto disengage is activated to enable moving car in forward or reverse without releasing parking break which disengages automatically.
 - Previously told by Ford service that as this is intermittent it is impossible to determine the cause.
 - My opinion is that the cause is in the computer system that disengages parking break without stepping on foot break first. Most of the time while idling and parking break is engaged if you attempt to disengage parking break by pressing break button dash message appears stating that break cannot be disengaged without stepping on break.
- Dash Board touch controls engage without being touched
 - Electric heat warmer persistently activates without being touched.
 - Occasionally radio goes on without touching instruments.
- One time situation: Temperature controls went haywire when leather gloved finger accidentally pressed two controls. Problem corrected after shutting car and restarting in 5 minutes.

New Situations since last service

- **SHIFTER HANGS UP**-Occasional unable to engage reverse and sometimes first gear from neutral as if either the clutch is not fully disengaged, fluid level low or speed control "flags" are loose. Depressing clutch several times often corrects situation.
- Shifter sometimes "rough" when engaging reverse and first gear.
- Intermittent **clutch plate "groaning" sound** when in first gear a) when transmission is cold and b) in first gear driving up steep engagement. Increasing in frequency.
- One time only while attempting to enter a destination address unknown to system the system changed language. Had to manually change back to English
- While driving Low Tire Pressure warning appeared on dashboard although pressure was perfect. Had to bring to dealer to reset sensor on all four wheels.
- One time while moving up steep hill from a dead stop the dashboard "Open Wrench" symbol lit up. Turned off ignition-removed key- let stand 5 minutes and message disappeared.
- After warming up car during this past snowstorm the ignition was turned off and key removed. One half hour later entered car and found the entire dash board lit with white screen (the same as when the ignition key is initially entered but before starting.

[REDACTED]
Mahopac, NY [REDACTED]

August 24, 2016

Re: Automobile Electric Parking Brake Computer Software Glitch
2014 Ford Fusion SE-6 speed manual transmission
Electric Parking Brake intermittently disengages without operator control
VIN: 3FA6POHR4ER [REDACTED]

COPY

To whom it may concern:

I am reluctant to make this an official complaint as doing so will result in substantial loss in value of the vehicle; however, unless this problem is corrected it can lead to potentially endangering the welfare of pedestrians or property.

Since purchasing the above mentioned vehicle new on 8 August of 2014 I have (on numerous occasions) experienced what I assume is a software glitch, whereby after starting the engine and idling in neutral, the electric parking brake intermittently disengages without notice often causing the vehicle to roll. Although I have asked Park Ford Service to obtain assistance from Form engineering to correct this problem, which probably means reprogramming the electric parking brake computer software, I am told that as the problem occurs intermittently and cannot be duplicated by the service technicians, that it impossible to correct the problem and, accordingly, nothing is done. The problem continues without warning or notice. Once it rolled forward causing the bottom of the front bumper to scrape on a parking curb causing paint damage. Other times the car nearly rolled into both pedestrians and other vehicles but my alertness and response was able to prevent that. Another time I was standing aside the car and heard the brake release and the car rolled through the parking lot and fortunately I was able to chase it, jump in the open door and set the brake before it hit something or someone. I suffered bruising when the car came to an abrupt halt. I wrote to Ford headquarters and left the car at Park Ford several days and as the problem could not be duplicated it was never fixed yet returned to me. The problem has repeatedly occurred since then and although I mention it whenever I go in for service it is now some kind of joke, However, it won't be a joke when someone is killed because this car takes itself out of park and begins to roll and is not noticed in time by me, which can easily happen if the radio is on and I don't hear the electric brake release and I am reading something before I begin to drive the car. This happened this morning and as far as I am concerned this will never happen again. I refuse to wait until someone is injured while I am behind the wheel or, although I have never allowed anyone else to operate this vehicle since purchasing it, God forbid if for some reason someone else is behind the wheel and not alert to this problem.

FORD DEFECT-Electric Parking System Software
August 24, 2016
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In my last letter to Ford headquarters customer service I told them that unless this problem is corrected I would be notifying the NHTSA as well as the NYS Office of the Attorney General, AND, that I expect that this car, which I do not trust, be exchanged for either a brand new Fusion with the same identical features, unless there is one available with 17,000 miles or less, with ALL the same identical features with a brand new car full bumper to bumper manufacturer's warrantee for the time period as if the car were new to ensure that I am fully protected for any manufacturer's defects that are unknown to me OR damage caused by operation of the vehicle by others that has not become obvious.

As the vehicle that I purchased is the last Fusion with a clutch operated manual transmission replacing it will be difficult if not impossible, and as this vehicle has a full leather package with all luxury features absent only AWD, front sensors and automatic parking, this will only add to the problem of replacing it with identical features. Thus, either the car is fixed and I am provided with assurance that the problem is corrected and will never occur again, and I am fully legally protected should the problem occur again, causing either property damage or personal injury or death or I want a new car that I can rely on.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Copy sent to NHTSA, NYS Attorney General. Ford Motor Company and Park Ford-Mahopac.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE
CONSUMER FRAUDS & PROTECTION BUREAU

September 1, 2016

[REDACTED]
Mahopac, NY [REDACTED]

Our File Number: [REDACTED]
Company: Ford Motor Company

COPY

Dear [REDACTED]

On behalf of Attorney General Eric T. Schneiderman, I am writing to notify you that we have received and reviewed your complaint.

It is the policy of the Attorney General's Bureau of Consumer Frauds and Protection to intervene in an individual consumer dispute if we believe our mediation might help bring about a resolution. I am forwarding a copy of your complaint to the company to request a statement of their position and a possible adjustment.

If you wish to contact us, please do so in writing. Be sure to mention our file number and the full name of the company. Please understand that we cannot serve as a consumer's private attorney.

I hope our efforts are successful. I will contact you again when there are developments to report.

Very truly yours,

Kathryn Mullikin Van Aken

Kathryn Mullikin-Van Aken
Bureau of Consumer Frauds and Protection

PLEASE INCLUDE ABOVE FILE NUMBER ON ALL CORRESPONDENCE



COPY

September 8, 2016

Kathryn Mullikin-Van Aken
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Re: [REDACTED] Complaint [REDACTED] VIN: 3FA6P0HR4ER [REDACTED]

Dear Ms. Mullikin-Van Aken:

A complaint was filed with your office by [REDACTED] regarding his 2014 Ford Fusion. You asked Ford Motor Company to review and provide your office with our written response. Our Consumer Affairs Department has reviewed [REDACTED] concern regarding the parking brake and his request for a vehicle replacement.

According to our records, the servicing dealership was unable to duplicate [REDACTED] concerns with parking brake disengaging; as such, we are unable to comply with [REDACTED] request for repurchase or replacement. We recommend that [REDACTED] take his vehicle to the dealership immediately for inspection and repair when the concern occurs.

Thank you for bringing this matter to our attention. Please consider this our closing report.

Sincerely,

Amanda Bemiller
Consumer Affairs Legal Analyst

cc: [REDACTED]
Mahopac, NY [REDACTED]

[REDACTED]
Mahopac, NY [REDACTED]

September 13, 2016

Amanda Bemiller
Consumer Affairs Legal Analyst
Ford Customer Service Division
PO Box 6248, MD 45-B
Dearborn, MI 48126

Re: Complaint # [REDACTED]
VIN: 3FA6POHR4ER [REDACTED]

COPY

Dear Amanda Bemiller,

As regards your letter (copy attached) regarding the faulty computer system in my 2014 Ford Fusion electric brake system, please be advised that this is now going on for two years and I am tired of hearing the excuse that the dealership is unable to duplicate the problem, therefore there is nothing that Ford is will to do to remediate the problem whereby the electrical emergency brake intermittently disengages while the car is in neutral, causing the car to roll. As further edification of the word "intermittent" it is an adjective that means "alternately functioning or malfunctioning without predictability", which is what the service department at Park Ford indicate would be their biggest problem. However, regardless of whether or not they are able to duplicate the problem, it is still a serious malfunction that has not only resulted in body damage to the underside of my front bumper and also resulted in the car rolling down a graded parking lot whereby I was lucky enough to be able to chase and dive into the opened door and manually engage the brake which prevented a serious collision but caused me to slam against the steering wheel from the halting of inertia.

I too, have attempted on numerous occasions to recreate the problem as a means of assisting the Park Ford service technicians. Unfortunately, the situation may not occur for a month, and then occur three times in one day, which was the case on 24 August when I wrote my last letter of complaint. I had just had the car serviced the week prior and suddenly the brake disengaged and I rolled into a parking lot curb scraping the paint beneath my front bumper (which by the way are the only scrapes on my car).

As far as a replacement or repurchase I prefer that one of your engineers come to Mahopac to complete a comprehensive review of the vehicle's computer system so that I am assured of the safety concerning this vehicle. As you know, this may well be the last vehicle manufactured

Amanda Bemiller
Ford Customer Service Division
September 13, 2016
Page 2

with a stick shift built into a Ford Fusion and I keep this car cleaner and in better condition than any of your used cars with less than 18,000 miles for sale on any of your lots.

As far as revisiting the Park Ford service department, this is a total waste of my time and theirs as they have admitted that as they are not engineers they have no idea what may be causing the problem. Accordingly, I suggest that Ford arrange for a software engineer to meet me at the Park dealership and do whatever is necessary to reprogram the computer software system that controls the electric braking system. This is far beyond the capability of the Park Ford dealership. They are very courteous but this is an engineering computer software problem far more advanced than their training.

Now I am not an automotive software engineer, however I do possess a rudimentary comprehension of mechanical engineering and computer software algorithms, and I have little doubt that a Ford engineer who was presented with the problem could narrow down a handful of causations accompanied by determining that which would be necessary to ensure that the situation never occurred again. Now I realize that you are only a legal analyst, but I am sure that if you work for Ford that you realize that if the system is functioning properly, there are only four possible ways for the electric brake to either go on, or off:

1. To manually engage the electric parking brake, the only means is to lift the button, which sends a signal through the computer system to engage the brakes.
2. To disengage the brake there are two possibilities:
 - a. Manually disengage the brake by depressing the control switch.
 - i. However, if the system is functioning properly, for this to work the foot brake pedal must be engaged (IE stepped on). If the foot pedal is not engaged pushing the brake switch will only trigger a dashboard warning that the brake will not disengage without stepping on the brake first.
 - b. Place the car in drive or reverse and step on the gas. When the computer sensors detect sufficient resistance the parking brake will disengage automatically.
3. The car also has a safety feature that causes the brakes to hold temporarily while on a hill to prevent rolling back while moving the right foot from the brake to the gas. Great idea.

Thus if you overly simplify it, the algorithm is "If This Then That". So if you have an automatic transmission, provided the car is in Park, even if the brake is disengaged, the car cannot roll. As I own one of the very few manual transmission equipped Ford Fusions (which Ford no longer manufactures) it is not surprising that the dealer is not familiar with this problem. However, with a manual transmission, the only thing preventing the car from rolling is the brake. So if at

Amanda Bemiller
Ford Customer Service Division
September 13, 2016
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any time the electric braking computer malfunctions or senses that it should disengage, even if it should not, the brake will disengage and the car will roll. As I previously reported once I was standing next to the car while the brake was engaged, the manual transmission in neutral, and I heard the brake disengage (it whines) and the car rolled causing me to run after it to dive in and prevent a collision. Thank God there was not a person walking in front of the car at the time. Accordingly, I have no doubt that an engineer from Ford can analyze the software code and determine All they need to do is diagnose the software code and determine under what conditions this event would occur and they could recreate a theoretical range of possibilities that would cause the parking brake to disengage "intermittently" when it should not be doing so, reprogram my car's software, and problem solved.

Now here is a hint that may be helpful. I could be driving and suddenly realize that the seat was hot because the heat warmer went on for some unknown reason. Somehow the computer sensors are activated. In the same way the brake sensors are "fooled" into thinking that the operator is trying to voluntarily move the car, thus it disengages the brake. Why would a car, especially with a manual transmission, be equipped with a parking brake that automatically disengages when it senses pressure of motion anyway. I once owned a 1977 Thunderbird that had the emergency brake disengage when the shifter was removed from Park. Although it was a fancy feature, Ford soon discontinued the feature. Could it be that the computer senses that when the clutch is depressed in order to start the car that SOMETIMES it "thinks" that the car is in DRIVE because there was no separate software code written for manual transmissions and only automatics?

These are questions that I expect Ford engineers to address before someone is hurt or killed by Ford's pig headed refusal to attempt to correct this problem. And don't say to bring it to the dealer as they are not mechanical engineers. Don't be a legal jerk.

Sincerely,



Copy sent to Katherine Multikin-Van Aken, Office of NYS Attorney General and Park Ford



September 14, 2016

[REDACTED]
Mahopac, NY [REDACTED]

Case # [REDACTED]

Dear [REDACTED]

COPY

Thank you for contacting Ford Motor Company. We have received your recent correspondence informing us of the electronic brake concern that you are experiencing with your 2014 Fusion.

We can understand how frustrating it is when there is a concern with your vehicle.

According to our files, you have elected to have your concern reviewed by the Dispute Resolution Program (DRP), in conjunction with the Better Business Bureau. Ford Motor Company has agreed to be bound by the decision of the DRP. In accordance with this agreement, we consider the DRP's decision to be final. The DRP will contact you directly with their decision.

If you need additional assistance please contact our Customer Relationship Center at 1-800-392-3673. Hours of operation are: 8:00 a.m. to 8:00 p.m. (Monday to Friday) and 9:00 a.m. to 5:30 p.m. (Saturday), Eastern Standard Time. Hearing-impaired callers with access to a TDD may contact 1-800-232-5952.

Thank you for bringing this matter to our attention.

Sincerely,

Teresa Wesley
Customer Service Representative
Ford Motor Company

[REDACTED]
Mahopac, NY [REDACTED]

September 21, 2016

Teresa Wesley
Customer Care Representative
Ford Customer Service Division
PO Box 6248, MD 45-B
Dearborn, MI 48126

COPY

Re: Case # [REDACTED]
VIN: 3FA6POHR4ER [REDACTED]

Dear Ms. Wesley,

I am in receipt of your letter dated 14 September 2016 (attached), stating that "according to <your> files that <I> have elected to have the concern reviewed by the Dispute Resolution program (DRP) in conjunction with the Better Business Bureau. As a matter of accuracy, although I have notified Ford on several occasions regarding the seriousness of this problem, which needs to be corrected before someone is physically hurt or killed, however I have not made any "election to have the concern reviewed by the DRP". Accordingly, the information that you claim is in your files is inaccurate, although I do expect that this problem will be addressed and corrected by Ford Motor Company before someone is killed.

As you are aware the problem regarding the intermittent EPB disengagement while the car is idling in neutral has existed, and was first reported to Park Ford Service, since shortly after purchasing the vehicle on 8 August 2014, Unfortunately as they are technicians and not engineers they are clueless as to why this has been happening and unable to receive assistance from Dearborn. Their response, which is reiteration of their instructions from Dearborn is that unless they are able to duplicate the problem they have no way so solve it.

I recently received a copy of a letter sent to the Office of the NYS Attorney General reiterating their position that because the service technicians at the Ford dealership is unable to duplicate the problem, that the problem will not be investigated or attempts made to correct the problem nor will the car be recalled, repurchased or exchanged. In my response to the Legal Analyst I reiterated the fact that my car, a fully loaded Fusion with a 6 speed stand shift transmission and currently only 17,000 miles and, other than the EPB problem, is in showroom perfect condition and cannot be duplicated. I suggested that they send an automotive engineer to Park Ford, after studying the manufacturing mechanical and software design specifications to

Teresa Wesley
September 21, 2016

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identify possible conditions that could affect the functionality of the EPB system, for the purpose of doing whatever is necessary to correct what seems to be a programming glitch in the EPS system.

Now I should not be having to spend days researching the possible cause of your problem; however, as I am concerned for safety reasons (the car has already not only self-released the EPB while I was in the car whereby I rolled into a parking curb scraping the paint surface beneath my front bumper. On another occasion it rolled back and nearly hit someone walking behind the car in a parking lot and another time as I stood outside the car with the door open, the engine idling (transmission in neutral) with the emergency parking brake ON) I heard the EPB system disengage and the car rolled forward down a hill and I had to chase it, dive in the car and set the brake switch before nearly hitting another car. While Ford thinks this is a game, I see it as a serious safety issue.

I would have expected after writing to Ford the first time in March of 2016, after the dealer was unable to identify the problem after complaining for 19 months (saying if it is intermittent and they can't duplicate the problem they can't fix it) that Ford would have shown some concern regarding the safety ramifications and intervened by addressing possible causes and solutions to remediate the problem instead of making up excuses.

So once again I will share with you, and hopefully you will share with your engineers, my thoughts after researching the system design in connection with my experiences with this vehicle. First, although I have not been able to find complaints on Fusion internet forums regarding the EPB system "disengaging", there are a number of complaints of the system failing to disengage, and in some cases "engaging" while the vehicle is in motion. What is of particular interest however, is that Volkswagen has had numerous issues with their Passat model that are identical with mine (as well as the problem of the EPB getting "stuck" and failing to disengage). In every instance, the problem is intermittent. Certainly Ford is aware of this and the engineers are aware of the cause of this problem, have the ability to isolate possible causes and remediate the problem.

There are four primary issues that are applicable to isolating the possible problem, three of them that need to be addressed when installing a remote starter system (which I do not have as the dealer stated that he could not find anyone locally qualified to install this (which I now believe is less than truthful and suspect that Dearborn advised him against it because they were possibly aware that the EPB system could fail, resulting in personal injury). One is the fact that with a manual transmission there is a clutch start interface. The ignition will not engage unless the clutch is fully disengaged before the start interface is operable. This prevents the engine from starting while the transmission is engaged (and of course for it to idle the transmission needs to be in neutral). The SECOND and most IMPORTANT EPB feature is that unless the brake

Teresa Wesley
September 21, 2016

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pedal is pressed, the EPB should NOT release. In fact, in most instances if I were to attempt to disengage the EPB using the console switch, a message appears on the console display that to disengage the EPB, one must step on the brake while pressing the switch. This is a safety feature to ensure that the parking brake does not release by accidentally pressing the switch without intentionally stepping on the brake pedal. Going back to the remote starter system, this is why a manual transmission remote start system has what is known as a "reservation mode", whereby the engine will not start remotely if it senses that it is not in reservation mode meaning that the EPB system is not engage (IE the parking brake is not on). **Accordingly, if the brake pedal is not depressed, the EPS system should not release and an alert appears on the control. Therefore the EPB should NEVER release while the car is stationary and idling in neutral as the system has a CONTROL MODULE to operate the EPB motor, with input coming from a driver operated EPB switch on the console.**

Now there are two other features that may possibly affect the functionality of the braking system as well. One is an acceleration auto release function whereby if the module senses sufficient pressure (the driver has engaged the transmission and accelerating the car by stepping on the gas pedal) the EPB switch automatically releases. I have read that it should only work when the vehicle is in forward gear and not reverse; however, in my car the EPB releases when I accelerate in reverse. I mention this only as a point of interest. The second feature is hill assist, whereby if the vehicle senses while the foot brake pedal is held down that it is on a steep incline, the brakes will hold for a few seconds giving the driver time to move the right foot from the brake to the gas pedal. Although neither of these two functional features should have a direct bearing on whether or not the EPB holds when the car is idling in neutral, I would imagine if due to some fault is wither the programing or control system malfunction the sensors detect "sufficient pressure" while the car is idling the EPB may release, even though the clutch has not been disengaged with the transmission put into gear or reengaged as it would if it was accelerating. In short, a faulty sensor could be a simple cause; however as the problem is intermediate, I am guessing that when engine is turned off whatever was faulty, is "reset" (as when your computer has a glitch and you need to reboot it).

Now there is one other interesting observation that I have made which makes no sense to me at all. Although the vehicle is supposed to be designed so that the EPB does not release without driver intervention by stepping on the brake pedal, there are times (not always) that without stepping on the brake pedal if I step on and release the clutch pedal (which should only affect the pressure plate and electronically, the clutch start interface), that the EPB switch on the console will, if pressed, release the parking brake. Again, this is an intermittent thing, as sometimes it does and sometimes it does not allow the EPB to release. **Therefore, it is possible that when the clutch is depressed to engage the clutch start interface, that it sends a signal to the EPB control module that it is safe to release the EPB if the system senses any pressure.**

Teresa Wesley
September 21, 2016

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Accordingly, after a period of time has passed, if the car is on an incline it will sense pressure and release the EPB.

I am finished speculating and trying to assist Ford in doing their job, as I paid a lot of money for this car and I am losing a lot of money by researching and trying to determine the cause of the problem and writing these letters. Instead of me paying Ford Credit monthly payments, Ford should be paying me for both my time and the aggravation. So please just make a note that your files are incorrect regarding that I have "elected to have my concern reviewed by the DRP in conjunction with the BBB" and pass this letter to whomever is responsible for determining the cause and solution regarding this problem. Let me remind you that failure to do so may well result in any combination of property damage and personal injury. It is a safety issue so please stop playing games. Up until now the only property damage has been a scrape to the underside of my front bumper that got caught on a parking curb and my shoulder when I dove in the car to hit the EPB switch when the car was rolling away while I stood next to it with the door open. The longer this problem is left uncorrected to greater the risk that someone, such as that person who nearly was hit when the car rolled back in the A&P parking lot where fortunately I sensed the car rolling and stepped on the foot brake, may not be so lucky. Again, not being able to trust the car and install a remote starter is an inconvenience, but the possibility that someone could be personally injured or worse is unacceptable. Ford needs to step up the plate and do the right thing and fix this safety problem.

Sincerely,



PS: A copy of this correspondence, as with others, is being provided to the case advocate Ms. Katherine Multikin-Van Aken of the Office of NYS Attorney General in order to document my continued attempt to resolve this matter with Ford.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE
CONSUMER FRAUDS & PROTECTION BUREAU

September 27, 2016

[REDACTED]
Mahopac, NY [REDACTED]

Our File Number: [REDACTED]
Company: Ford Motor Company

Dear [REDACTED]

We have received a response to your complaint. Despite our efforts, the company has refused to make any refund or other adjustment.

I regret that we cannot assist you further. In the case of individual complaints, our role is limited to that of mediator. Mediation is a voluntary procedure and we are not empowered to make judgments of fact. Therefore, we cannot force a settlement. Only a court may determine what rights you have in this matter.

Small Claims Courts are the most convenient forums in which to file suit. In New York State, you may sue in Small Claims Court for up to \$5,000, except in Town and Village Courts where the limit is \$3,000, exclusive of interest and court costs. Also, in New York State you must file a small claims suit in the county where the defendant resides, is employed or has an office. An attorney may represent you but is not required.

Contact your local Small Claims Court for further information and, in New York State, for a booklet explaining how to use the Court. Free assistance in preparing a small claims case is available from the New York Public Interest Research Group ("NYPIRG"). The telephone number for NYPIRG's Small Claims Court Action Center is (518) 436-0876.

If you have not already done so, you may wish to discuss this matter with a private attorney. In the event you need a referral, I suggest you contact your county bar association.

Typically, initial consultations are relatively inexpensive and do not commit you to further representation. This office cannot represent consumers in court nor give individual legal advice.

Civil Court's procedures may be more formal than those in Small Claims Court, and you should carefully consider the advisability of proceeding without counsel.

I regret that our efforts have not led to a resolution of your complaint. We will keep a record for future reference.

Very truly yours,

Kathryn Mullikin-Van Aken

Kathryn Mullikin-Van Aken
Bureau of Consumer Frauds and Protection

COPY



March 9, 2016

[REDACTED]
Mahopac, NY [REDACTED]

Case [REDACTED]

Dear [REDACTED]

Thank you for contacting Ford Motor Company. We have received your letter providing details of your concern with your 2014 Fusion.

We sincerely regret the circumstances you described. While we believe your experience with your vehicle to be far from typical of Ford products, we certainly apologize for the inconvenience you were caused as a result.

We have escalated your concern to our Customer Care Team. This team will review your request, and will work with you and your dealership to resolve the issues.

The Customer Care Team may have already been in contact with you. If you have not heard from a Customer Service Manager upon receipt of this letter, please contact the Customer Relationship Center and provide them with your case number, located at the top of this letter.

Our Customer Relationship Center can be reached at 1-800-392-3673. Hours of operation are: 8:00 a.m. to 8:00 p.m. (Monday to Friday) and 9:00 a.m. to 5:30 p.m. (Saturday), Eastern Standard Time. Hearing-impaired callers with access to a TDD may contact 1-800-232-5952.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Gueye".

B. Gueye
Customer Service Representative
Ford Motor Company

[REDACTED]
Mahopac, NY [REDACTED]

October 3, 2016

Ms. Kathryn Mullukin-Van Aken
Office of NYS Attorney General
Consumer Protection
The Capitol
Albany, NY 12224-0341

COPY

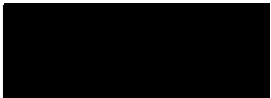
Re: File No. [REDACTED]
Ford Motor Company

Dear Ms. Mullukin-Van Aken:

Thank you for your unsuccessful attempts to resolve the safety issue regarding my Ford Fusion electronic parking brake which Ford refuses to address by referring this to one of their engineers to resolve. As a reminder, although Ford has attempted to twist this by making it a financial issue, it is actually a serious safety issue and I now realize that I should be referring this to the National Highway Traffic Safety Administration instead. Accordingly, this will not be going before any small claims court but rather will be referred to the NHTSA and possibly the news media to ensure it is properly addressed.

Sincerely,

[REDACTED]



Mahopac, N.Y



NHTSA HEADQUARTERS
1200 New Jersey Ave S.E.
WEST BEND
WASHINGTON, D.C. 20590

W4-304