

CL-10933508-5041

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

[REDACTED]
Succasunna, New Jersey
[REDACTED]

November 16, 2016

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Infinity Corporation
Nissan North America Corp., Corporate Office
Carlos Ghosn, CEO
One Nissan Way
Franklin, TN 37067

NOV 23 2016

Re: **2003 Infiniti 2003 QX4**
Vehicle Identification Number: 1 JNRDR09Y73W [REDACTED]

Dear Mr. Ghosn:

I am writing you due to a serious issue concerning my daughter's 2003 Infiniti 2003 QX4.

Last week my daughter took her Infiniti 2003 QX4 to our mechanic, of over twenty years, for general maintenance. Upon performing the general maintenance our mechanic noticed **severe rusting and cracking** with the vehicles front "strut tower." He contacted me immediately and advised that this was an extremely dangerous situation and that my daughter should immediately stop driving the car. He also stated that there had been a "recall" for this problem and to contact our local Infiniti dealer.

I immediately contacted Duane Salerno Infiniti of Denville, located in Denville, New Jersey. I was advised that this recall had been performed on this vehicle approximately four (4) years ago. I was also informed that the "warranty" had elapsed and that they were not able to assist my family. They advised me to contact Infiniti Consumer Affairs, located in Tennessee. I immediately did so. My Case Number with Infiniti Consumer Affairs is [REDACTED] I was again advised, and thereby determined literally in a three-minute telephone conversation with an Infiniti Consumer Affairs representative, that the "warranty" had expired on the **recall**. I inquired as to why a "recall" would be issued a "twelve-month warranty." I basically never received a decisive and acceptable answer. In my opinion, and I believe most consumer's opinion is that a recall is a defective part. A "defect" should be the sole liability and responsibility of the Corporation and not the consumer. It has nothing to do with your average day-to-day normal wear and tear such as brakes, tires, etc. Also, if the "recall" had been "repaired properly" I ask myself and your corporation -- why four years later are the exact issues initiating the "recall" (severe rusting/cracking) **now** an issue with my daughter's vehicle.

Mr. Ghosn, my daughter, [REDACTED] she is attending the Nursing Program at Caldwell University in West Caldwell, New Jersey; she travels 24.6 miles each way, five days a week. The lack of assistance I have received from this situation has been extremely unprofessional. The vehicle was recalled for possible damage to the strut tower which could cause harm. Obviously, if the vehicle had been repaired properly or correctly I would not be writing this letter. Four years after the repair, the "recall's worst possible damage exists." Below please find verbiage from the website of The National Highway

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repaired properly or correctly I would not be writing this letter. Four years after the repair, the "recall's worst possible damage exists." Below please find verbiage from the website of The National Highway Traffic Safety Administration ("NHTSA") regarding the Recall Notice for said vehicle (a copy of which is attached hereto as Exhibit A):

SUMMARY

NISSAN IS RECALLING CERTAIN MODEL YEAR 1996-2004 PATHFINDER AND MODEL YEAR 1997-2003 INFINITI QX4 VEHICLES . . . IN AREAS OF THE COUNTRY IN WHICH HEAVY CONCENTRATIONS OF ROAD SALT ARE USED. A MIXTURE OF SNOWWATER AND SALT MAY ENTER AN ASSEMBLY LOCATION HOLE IN THE *UPPER STRUT HOUSING* CAUSING WATER TO COLLECT AT THE MATING SURFACE OF THE *STRUT HOUSING PANEL* AND THE INNER HOOD LEDGE ASSEMBLY OVER TIME. THIS SNOWWATER AND SALT INTRUSION MAY RESULT IN *CORROSION OF THE STRUT TOWER HOUSING* IN SOME SUBJECT VEHICLES [emphasis added].

THE STRUT HOUSING MAY CRACK AND PULL AWAY FROM THE INNER HOOD LEDGE ASSEMBLY. THIS MAY LEAD TO GRINDING NOISES, INCREASED STEERING EFFORT, AND POSSIBLY THE STEERING COLUMN TO BREAK, RESULTING IN THE LOSS OF STEERING CONTROL, WHICH COULD RESULT IN A CRASH.

Mr. Ghosn, also below is a description from the NHTSA's answers to frequently asked questions regarding Safety Recalls Attached (a copy of which is attached hereto as Exhibit B):

What is a safety-related defect?

The United States Code for Motor Vehicle Safety (Title 49, Chapter 301) defines motor vehicle safety as "*the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident and includes nonoperational safety of a motor vehicle.*" A defect includes "*any defect in performance, construction, a component, or material of a motor vehicle equipment.*" Generally, a safety defect is defined as a problem that exist or item of motor vehicle equipment that:

poses a *risk to motor vehicle safety*, and may exist in a group of vehicles of the same design or manufacture, or items of equipment of the same type and manufacturer [emphasis added].

Examples of defects considered safety-related?

Steering components that break suddenly causing partial or complete loss of a motor vehicle control;

Critical vehicle components that break; fall apart; or separate from the vehicle, causing potential loss of vehicle control or injury to persons inside or outside the vehicle [emphasis added].

Mr. Ghosn, if our mechanic did not notice this extremely serious situation, my daughter, [REDACTED] would still be driving her vehicle to school five days a week on the highway, in excess speeds of over 55 m.p.h. I cannot even allow myself to think of the serious and devastating consequences that could have happened to my child or someone else on the road because a "recall" that was "deemed to have been taken care of and completed," approximately four years ago, has **not** in fact been done properly and/or correctly. Again, I reiterate and stress, a "**recall**" is a recall of the vehicle to be repaired by the manufacturer-- a recall is a **defect**. A recall is **not** -- and more importantly -- simply a "band aid -- or temporary fix with a limited warranty" to haunt the consumer repeatedly.

Lastly, Mr. Ghosn, on a personal note, I would like to take this time to relay to you that my daughter is an extremely genuine and caring person who is pursuing her dream of becoming a nurse. She is an extremely hard-working and focused young lady who is very determined to achieve her goals. She does not look to take from others she has always been a giver. She pays for all expenses and repairs for her vehicle -- the vehicle that she purchased and depends upon to get her to and from Caldwell University so that she may accomplish those dreams. She is not looking to take advantage of the Infiniti Corporation or Nissan North America Corporation. She is simply -- and deserves to -- have a situation involving a "recall of the strut tower" that was issued -- and more importantly -- should have been taken care of by Infiniti and Nissan North America Corporation before she even owned this vehicle.

I look forward to your anticipated cooperation, as well as hearing from you, someone from your management team, or one of your service representatives regarding a solution to this extremely dangerous situation. I may be reached at the number above.



cc: Salerno Duane Infiniti of Denville (certified mail, return receipt requested)
Infiniti Consumer Affairs (certified mail, return receipt requested)
National Highway Traffic Safety Administration (certified mail, return receipt requested)

Exhibit A

You are here: Home / Vehicle Owners / Recalls

Search Safety Problems
Vehicles

Car Seats

Tires

Equipment

Recalls by VIN

Recalls FAQ

Report Safety Problems
Vehicle (Online)

Vehicle (via PDF)

Non-Vehicle

Drive Safer

Technology

Driving Tips

Tires

Passenger Van Safety

Emergency Response
Vehicles

Theft Prevention

Frequently Asked Questions

Get answers to the most frequently asked questions about Safety Ratings

Motor Vehicle Defects and Safety Recalls: What Every Vehicle Owner Should Know

[Download PDF Version](#)

Introduction

In 2009, approximately 30,000 lives were lost on our Nation's highways. Although 30,000 reflect a 28% decrease in traffic fatalities since 2006, much can still be done to address this issue on our Nation's highways. Traffic crashes are the primary cause of debilitating injuries in the United States and the number one killer of Americans under the age of 34. In addition to staggering emotional costs, the annual economic loss to society because of these crashes, in terms of worker productivity, medical costs, insurance costs, etc., is estimated at more than \$230 billion. Clearly, there is a need for dramatic improvement in motor vehicle safety. Getting unsafe vehicles off the road is integral to improving safety and saving lives.

The National Traffic and Motor Vehicle Safety Act (originally enacted in 1966 and now recodified as 49 U.S.C. Chapter 301) gives the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) the authority to issue vehicle safety standards and to require manufacturers to recall vehicles that have safety-related defects or do not meet Federal safety standards. Since then, more than 390 million cars, trucks, buses, recreational vehicles, motorcycles, and mopeds, as well as 46 million tires, 66 million pieces of motor vehicle equipment, and 42 million child safety seats have been recalled to correct safety defects.

Manufacturers voluntarily initiate many of these recalls, while others are either influenced by NHTSA investigations or ordered by NHTSA via the courts. If a safety defect is discovered, the manufacturer must notify NHTSA, as well as vehicle or equipment owners, dealers, and distributors. The manufacturer is then required to remedy the problem at no charge to the owner. NHTSA is responsible for monitoring the manufacturer's corrective action to ensure successful completion of the recall campaign.

Purpose

The purpose of this *Motor Vehicle Safety Defects and Recalls Booklet* is to answer the most commonly asked questions about how and why recall campaigns are initiated, and to inform consumers of their rights and responsibilities when a vehicle or item of motor vehicle equipment is recalled. In these pages, you'll discover how to report a safety-related problem to NHTSA, as well as how participation by citizens like you helps to keep motor vehicles as safe as possible. See the following section for comprehensive answers to some of the most frequently asked questions (FAQs) NHTSA receives on recalls.

Frequently Asked Questions

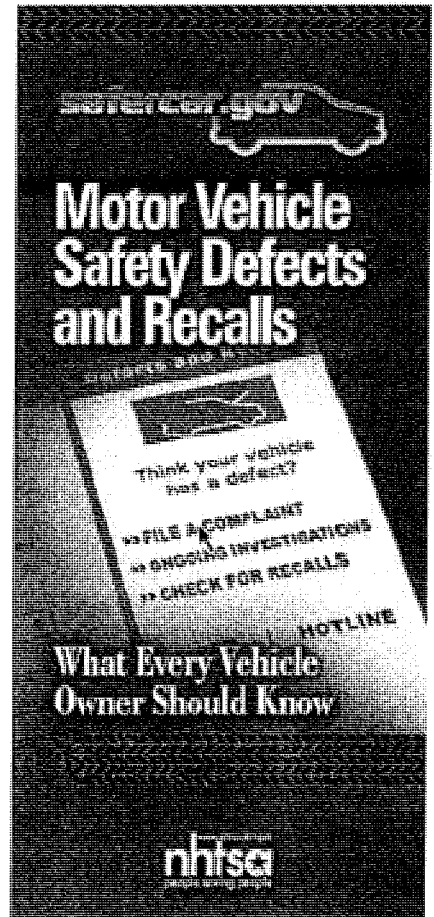
When is a recall necessary?

- When a motor vehicle or item of motor vehicle equipment (including tires) does not comply with a Federal Motor Vehicle Safety Standard.
- When there is a safety-related defect in the vehicle or equipment.

Federal Motor Vehicle Safety Standards set minimum performance requirements for those parts of the vehicle that most affect its safe operation (brakes, tires, lighting) or that protect drivers and passengers from death or serious injury in the event of a crash (air bags, safety belts, child restraints, energy absorbing steering columns, motorcycle helmets). These Federal Standards are applicable to all vehicles and vehicle-related equipment manufactured or imported for sale in the United States (including U.S. territories) and certified for use on public roads and highways.

What is a safety-related defect?

The United States Code for Motor Vehicle Safety (Title 49, Chapter 301) defines motor vehicle safety as "the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle." A defect includes "any defect in performance, construction, a component, or material of a motor vehicle or motor vehicle equipment." Generally, a safety defect is defined as a problem that exists in a motor vehicle or item of motor vehicle equipment that:



- poses an risk to motor vehicle safety; and
- may exist in a group of vehicles of the same design or manufacture, or items of equipment of the same type and manufacture.

Examples of defects considered safety-related

- Steering components that break suddenly causing partial or complete loss of vehicle control.
- Problems with fuel system components, particularly in their susceptibility to crash damage, that result in leakage of fuel and possibly cause vehicle fires.
- Accelerator controls that may break or stick.
- Wheels that crack or break, resulting in loss of vehicle control.
- Engine cooling fan blades that break unexpectedly causing injury to persons working on a vehicle.
- Windshield wiper assemblies that fail to operate properly.
- Seats and/or seat backs that fail unexpectedly during normal use.
- Critical vehicle components that break, fall apart, or separate from the vehicle, causing potential loss of vehicle control or injury to persons inside or outside the vehicle.
- Wiring system problems that result in a fire or loss of lighting.
- Car ramps or jacks that may collapse and cause injury to someone working on a vehicle.
- Air bags that deploy under conditions for which they are not intended to deploy.
- Child safety seats that contain defective safety belts, buckles, or components that create a risk of injury, not only in a vehicle crash but also in non-operational safety of a motor vehicle.

Examples of defects NOT considered safety-related:

- Air conditioners and radios that do not operate properly.
- Ordinary wear of equipment that has to be inspected, maintained and replaced periodically. Such equipment includes shock absorbers, batteries, brake pads and shoes, and exhaust systems.
- Nonstructural or body panel rust.
- Quality of paint or cosmetic blemishes.
- Excessive oil consumption.

How can I report a safety problem to NHTSA?

If you think your vehicle or equipment may have a safety defect, reporting it to NHTSA is an important first step to take to get the situation remedied and make our roads safer. If the agency receives similar reports from a number of people about the same product, this could indicate that a safety-related defect may exist that would warrant the opening of an investigation. In order to make it convenient for consumers to report any suspected safety defects to NHTSA, the agency offers three ways to file such complaints.

Vehicle Safety Hotline

NHTSA operates the U.S. Department of Transportation's (DOT) Vehicle Safety Hotline telephone service to collect accurate and timely information from consumers on vehicle safety problems. You can call 1-888-327-4236 or 1-800-424-9393 toll free from anywhere in the United States, Puerto Rico, and the Virgin Islands to register complaints or receive recall information about a vehicle. The Hotline also has Spanish-speaking representatives and offers a dedicated number, 1-800-424-9153, for use by persons with hearing impairments.

When you call the Hotline to report a vehicle-related safety issue, you will be asked to provide certain critical information that agency technical staff needs to evaluate the problem. The information you provide is filed on a Vehicle Owner's Questionnaire (VOQ), entered into the agency's consumer-complaint database, and forwarded to NHTSA technical staff for evaluation.

VOQs filed through the Hotline will be mailed to you for verification of data. In addition, you will receive an explanation of how your report will be used, as well as a request for written authorization allowing NHTSA to provide your personal identifiers (e.g., name, address and telephone number) to the manufacturer of the alleged defective product you own. Note that you are not required to provide such authorization. However, sometimes sharing this information with the manufacturer can help facilitate the recall process.

Safercar.gov

You can also report a vehicle safety issue to NHTSA online at our vehicle safety Web site: www.safercar.gov. Select "File a Complaint" within the Defects and Recalls section of the home page. The information you submit via the Web site is recorded in VOQ format, entered into our consumer complaint database, and provided to our technical staff for evaluation.

When you fill out a VOQ online, you will be given the option of checking a box to authorize or not authorize the release of your personal identifiers to the manufacturer of the alleged defective product you own. Again, while you are not required to provide such authorization, doing so can sometimes help facilitate the recall process.

U.S. Mail

To report a safety complaint to NHTSA by mail, send your letter to:
U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation (NVS-210)
1200 New Jersey Avenue SE
Washington, DC 20590

How will my report be used?

Information you provide on the questionnaire is entered into the NHTSA consumer complaint automated database, and catalogued according to vehicle make, model, model year, manufacturer, and the affected part, assembly, or system. These reports, with the consumer's personal identifiers removed, are listed on www-odi.nhtsa.dot.gov/complaints and updated weekly. Citizen and consumer reports help NHTSA and manufacturers to determine if a safety recall is warranted, and also provide motorists with valuable information about potential safety problems currently under review.

Will I be contacted?

Search Results

2003 INFINITI QX4

Exhibit B

Recalls	Investigations	Complaints	Manufacturer Communications
2 Result(s)	1 Result(s)	15 Result(s)	29 Result(s)

RECALLS: Displaying 1 - 2 out of 2

— RECALL Subject : Passenger Air Bag Inflator may Rupture

Report Receipt Date: MAY 15, 2015
NHTSA Campaign Number: 15V287000
Component(s): AIR BAGS

All Products Associated with this Recall ▼

Details ▲

21 Associated Documents ▼

Manufacturer: Nissan North America, Inc.

SUMMARY:

Nissan North America, Inc. (Nissan) is recalling certain model year 2001-2003 Nissan Maxima, 2002-2004 Pathfinder, 2002-2006 Sentra, 2002-2003 Infiniti QX4 and I35, 2003 FX35 and FX45, and 2001 I30 vehicles. Upon deployment of the passenger side frontal air bag, excessive internal pressure may cause the inflator to rupture.

CONSEQUENCE:

In the event of a crash necessitating deployment of the passenger's frontal air bag, the inflator could rupture with metal fragments striking the vehicle occupants potentially resulting in serious injury or death.

REMEDY:

Nissan will notify owners, and dealers will replace the passenger air bag inflator, free of charge. The recall began on June 15, 2015. Owners may contact Nissan customer service at 1-800-647-7261. Note: On December 18, 2015 Nissan informed NHTSA of an amendment of this recall to remove 2004-2005 Infiniti FX35 and FX45 vehicles.

NOTES:

Owners may also contact the National Highway Traffic Safety Administration Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to www.safercar.gov.

Use our VIN Look-Up tool to see if your vehicle is affected
by this recall (major light vehicles only):

Search for Recalls by VIN ➔

— RECALL Subject : FRAME/BODY STRUCTURE CORROSION , 1 INVESTIGATION(S)

Report Receipt Date: APR 20, 2011
NHTSA Campaign Number: 11V244000
Component(s): STEERING , SUSPENSION

All Products Associated with this Recall ▲

Vehicle Make	Model	Model Year(s)
INFINITI	QX4	1997-2003
NISSAN	PATHFINDER	1996-2004

Details ▲

26 Associated Documents ▼

Manufacturer: NISSAN NORTH AMERICA, INC.

SUMMARY:

NISSAN IS RECALLING CERTAIN MODEL YEAR 1996-2004 PATHFINDER AND MODEL YEAR 1997-2003 INFINITI QX4 VEHICLES ORIGINALLY SOLD, OR CURRENTLY REGISTERED IN, CONNECTICUT, DELAWARE, IOWA, ILLINOIS, INDIANA, MASSACHUSETTS, MAINE, MARYLAND, MICHIGAN, MINNESOTA, MISSOURI, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, OHIO, PENNSYLVANIA, RHODE ISLAND, VERMONT, WASHINGTON D.C., WEST VIRGINIA AND WISCONSIN. IN AREAS OF THE COUNTRY IN

WHICH HEAVY CONCENTRATIONS OF ROAD SALT ARE USED, A MIXTURE OF SNOW/WATER AND SALT MAY ENTER AN ASSEMBLY LOCATION HOLE IN THE UPPER STRUT HOUSING, CAUSING WATER TO COLLECT AT THE MATING SURFACE OF THE STRUT HOUSING PANEL AND THE INNER HOOD LEDGE ASSEMBLY. OVER TIME, THIS SNOW/WATER AND SALT INTRUSION MAY RESULT IN CORROSION OF THE STRUT TOWER HOUSING IN SOME SUBJECT VEHICLES.

CONSEQUENCE:

THE STRUT HOUSING MAY CRACK AND PULL AWAY FROM THE INNER HOOD LEDGE ASSEMBLY. THIS MAY LEAD TO GRINDING NOISES, INCREASED STEERING EFFORT, AND POSSIBLY THE STEERING COLUMN TO BREAK, RESULTING IN THE LOSS OF STEERING CONTROL, WHICH COULD RESULT IN A CRASH.

REMEDY:

NISSAN WILL INSPECT THE STRUT HOUSING AND REPAIR THE VEHICLES AS NECESSARY, FREE OF CHARGE. AN INTERIM NOTIFICATION LETTER WAS SENT OUT IN MAY 2011. THE SECOND NOTICE WAS MAILED ON JULY 25, 2011. OWNERS MAY CONTACT NISSAN AT 1-800-647-7261.

NOTES:

OWNERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-9153), OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

Use our VIN Look-Up tool to see if your vehicle is affected
by this recall (major light vehicles only):

Search for Recalls by VIN 

1 Associated Investigation(s) ▲

NHTSA Action Number: PE11004 Frame/Body Structure Corrosion ▲

SUMMARY:

In their Defect Information Report (DIR) of April 20, 2011, Nissan North America, Inc. (Nissan) notified NHTSA that it would conduct a safety recall of certain 1996-2004 Nissan Pathfinder and 1997-2003 Infiniti QX4 vehicles to repair corrosion damage to the driver's side front strut tower. The vehicles included in the recall are those that were originally sold, or are currently registered in salt belt states including Connecticut, Delaware, Iowa, Illinois, Indiana, Massachusetts, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia. The DIR states in part, "...the strut housing may crack and pull away from the inner hood ledge assembly. This could lead to the strut housing panel separating and contacting the steering column lower shaft." Contact with the steering column lower shaft can cause steering difficulties and may require an increase in steering effort by the driver. If the steering column lower shaft completely fractured it would result in a total loss of steering control. In some cases, the strut housing panel can contact or affect adjacent brake system components. Complainants reported experiencing either steering or brake system issues, and in some cases, both. Nissan dealer's will inspect the strut housing and, based on the level of corrosion found, make an assessment as to how to remedy the vehicle (see defect information report for additional details). Brake system components adjacent to, and in the area of, the strut tower (i.e., brake master cylinder, left front brake line, ABS wire harness, etc.) will also be inspected.

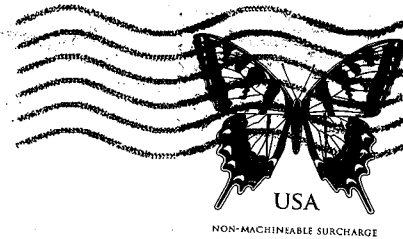
1200 New Jersey Avenue, SE, West Building Washington DC 20590 USA 1.888.327.4236 TTY 1.800.424.9153

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Administration
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