

NEF-010

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

EL-10971077-1917

[REDACTED]
Loudonville, NY [REDACTED]

MAY 17 2017

National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
West Building
Washington, DC 20590

May 6, 2017

Dear Colleagues,

For a year, I've tried to get AUDI to address a serious airbag safety issue. Audi has been unresponsive despite numerous entreaties to them.

I first contacted AUDI about a year ago after learning about the Takata airbag recall. Since then, I have been waiting for Audi to correct the safety issue. It is irresponsible for Audi to expect that drivers should be subjected to potentially serious consequences because of air bag defects. After waiting nine months for resolution, I was forced to trade in the vehicle and suffered a financial loss in doing so. This was necessitated by not being willing any longer to put myself and my family in jeopardy in the event of an accident.

Audi's boilerplate response is that they are taking this issue seriously and that Audi is working around the clock to address the concerns. This statement is belied by the fact that it's been at least a year since the company has become aware of this problem and has in effect, done nothing to mitigate it. Is this another example of a Volkswagen scandal where the public is being deceived? It is significantly worse than equipping cars with software to cheat on emissions testing. Putting drivers and passengers at risk is indefensible. Will it take a series of fatal accidents before the company is moved to make the necessary repairs? Replacing an airbag is not rocket science.

I have enclosed correspondence received from Volkswagen Group of America as well as a letter sent to me by the NY State Division of Consumer Protection.

I sincerely hope you can act on behalf of citizens who are put at risk by this issue. Audi should not postpone resolution any longer and should at minimum, make restitution to owners who have suffered financial loss as a result of wanting to protect against serious injury.

[REDACTED]

DR

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DIVISION OF CONSUMER PROTECTION

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

TELEPHONE: (518) 474-8583

FAX: (518) 486-3936

CONSUMER COMPLAINT HELPLINE: 1-800-697-1220

WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

April 28, 2017

[REDACTED]
Loudonville, NY [REDACTED]

File No.: [REDACTED]

Re: Audi of America, Inc.

Dear [REDACTED]

Thank you very much for filing a consumer complaint with the Division of Consumer Protection (DCP). Attached is a copy of the reply we received from Volkswagen Group of America (Audi of America).

Please be advised that the through mediation we strive to find a fair and amicable solution to disputes between consumers and businesses. However, instances do exist where we are unable to bring about a satisfactory resolution of a complaint. Because mediation is a voluntary procedure we cannot compel either businesses or consumers to settle complaints. If you are dissatisfied with the outcome of your complaint and wish to pursue this matter further, it is suggested that you seek legal assistance or contact the National Highway Traffic Safety Administration (NHTSA). I have listed the NHTSA's address below for your convenience:

National Highway Traffic Safety Administration
1200 New Jersey Ave SE
West Building
Washington DC 20590

The DCP makes every effort to mediate disputes to a satisfactory conclusion and we regret being unable to resolve this matter.

Sincerely yours,


Georgeann Stevenson
Consumer Advisor



NEW YORK
STATE OF
OPPORTUNITY

Department
of State

VOLKSWAGEN

GROUP OF AMERICA

April 24, 2017

State of NY-Div of Consumer Protection
One Commerce Plaza 99 Washington Ave.
Albany, NY 12231

RE: 2011 Audi S5
VIN: WAUVGAFH7BN [REDACTED]
CASE: [REDACTED]

Nicole B.
Specialist
Customer Resolution & Retention
(844) 862-8942
(248) 754-6274
Crr14@vwgoa.com

Name
Title
Department
Phone
Fax
E-Mail

Volkswagen Group of America
3800 Hamlin Rd.
Auburn Hills, MI 48326
Telephone 1-844-982-5246
Fax 1-248-754-6602

Dear Ms. Stevenson:

This will acknowledge receipt and response to [REDACTED] request regarding their vehicle. We sincerely apologize for any service-related difficulties they may have experienced with their vehicle.

We have thoroughly reviewed the service history of [REDACTED] vehicle. Audi of America, Inc., an organizational unit of Volkswagen Group of America, Inc., has determined that the history does not merit a financial settlement as a result of the recent news regarding the Takata Airbag Recall.

The National Highway Traffic Safety Administration ("NHTSA") has instituted a Coordinated Remedy Program (the "Program") to replace Takata airbags according to a schedule that reflects NHTSA's own determination of the relative risks facing drivers. The Program requires manufacturers to adhere to the recall schedule that NHTSA developed in accordance with its own risk assessments of airbag rupture. (See U.S. Department of Transportation Expands and Accelerates Takata Air Bag Inflator Recall To Protect American Drivers and Passengers, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (May 4, 2016).)

According to NHTSA, "[t]his recall schedule ensures the inflators will be recalled and replaced before they become dangerous, giving vehicle owners sufficient time to have them replaced before they pose a danger to vehicle occupants." (*Id.* at 1 (emphasis added).) NHTSA has mandated that "replacement inflators will be made available to the highest-risk vehicles first," and determined that it will take "6 to 25 years" of "service life" before any of the Takata airbag inflators will "pose an unreasonable risk to safety." (See May 3, 2015 NHTSA Amendment to Nov. 3, 2015 Consent Order ¶ 8.)

The trust of our customers and the public is our most important asset. While the repair history of [REDACTED] vehicle does not meet state or federal requirements for a repurchase or replacement, please know that we are working closely with the manufacturer to secure the necessary parts, tools and defining the procedure(s) to rectify this issue. As these items become available [REDACTED] will be notified to bring their vehicle in for service to complete the recall.

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GROUP OF AMERICA

To verify if [REDACTED] vehicle is impacted by this recall, enter their 17-character Vehicle Identification Number (VIN) using the VIN search tool available on the following website: <http://www.vw.com/owners-recalls/>. Additional information may also be found on the U.S. National Highway Traffic Safety Administration (NHTSA) website: <http://www.safercar.gov/>.

We will continue to work within the terms of any applicable manufacturer's warranties to address any verifiable concerns with [REDACTED] vehicle. Should there be additional information regarding [REDACTED] vehicle's service history that you would like us to consider, contact Customer Resolution & Retention at (844) 862-8942 or crr14@vwgoa.com.

Sincerely,



Nicole B.
Customer Resolution & Retention Specialist

LOUDONVILLE, NY

ALBANY NY 120

US MAY 2017 PM 11



W41-306

National Highway Traffic Safety Administrator
1200 New Jersey Avenue, SE
West Building,
Washington, DC

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