

[REDACTED]
Austin, TX [REDACTED]

4/30/2017

MAY 11 2017

Johnny Byers, General Manager
BMW of Austin
7011 McNeil Drive
Austin, TX 78729

Dear Mr. Byers,

I opened the mail today to find yet another safety recall notice for our 2012 BMW X5 (VIN 5UXZV4C54CL [REDACTED]) which we initially leased and then purchased from you. This is the fourth safety recall the vehicle has been under which is four more than any other vehicle I've owned. It is also the number of transactions I've made with BMW of Austin for BMW vehicles (two leases and two purchases.) Here is the safety recall summary:

- 1) Notified June 2014 of recall #14V-176 VANOS assembly bolts. This has been repaired. The letter stated " ... **the engine could stall which could lead to a crash**"
- 2) Notified March 2016 of recall #16V-071 Driver's front airbag module. This has not yet been repaired despite being over a year old. The letter stated "In the event of a crash ... excessive internal pressure could cause rupturing of the air bag inflator, resulting in metal fragments striking the **driver or other passengers potentially resulting in serious injury or death.**"
- 3) Notified March 2017 of recall #17V-020 Passenger's front airbag module. This has not been repaired and we were notified parts are not available. The letter stated "In the event of a crash ... excessive internal pressure could cause rupturing of the air bag inflator, resulting in metal fragments striking the **driver or other passengers potentially resulting in serious injury or death.**" The recommendation from BMW is not to ride in the front passenger's seat for now.
- 4) Notified April 2017 of recall #17V-138 Front driveshaft. This has not been repaired because according to the letter you "do not have parts available." I do not understand how you would not still carry parts for the front driveshaft. The letter stated in the event of a failure, "power to the front axle would no longer be available ... after prolonged operation damage to additional components could occur, and **continued driving would no longer be possible, increasing the risk of a crash.**" Which, I assume, may result in the deployment of the faulty airbags which could result in "**serious injury or death.**"

I have owned 3 other BMW vehicles, including a previous X5, which have not had the problems this X5 has had.

The last 12 months have not been good regarding the vehicle even absent the safety recall issues. We've become accustomed to the frequent brake and tire replacements but after being notified of the March 2016 recall, the coolant pump and thermostat failed and were replaced in

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9-15-17
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September 2016 (plus brakes again) for around \$2,150. Then in mid-December 2016, the engine malfunction light came on (the one that says stop driving or slow down immediately) after the car began making disturbing noises at idle and also when starting. Two hundred and forty-two dollars later, we were told the software just had to be updated, but no problems relating to the noises could be found. The noises continued but things seemed okay until we were out of town two weeks later over Christmas when the light came on again during the first day of a multi-day trip. Since it was Christmas eve and you were closed, the next morning I drove back to Austin slowly at 3 AM so as not to miss the Christmas day's activities and retrieved our Tahoe, returning by mid-morning. This was so my family could continue our trip in a dependable vehicle. After we returned from the trip, I took it in to you yet again and was eventually told the reason the light came back on was because the service department had not reset the software correctly (although it was not reflected in this way on the bill.) At this time, I requested again that the noises be investigated as I had done some research on my own which indicated that the self leveling suspension in the rear could be to blame. This time, the diagnosis was both rear air springs needed to be replaced, but also there was oil leaking and the oil gasket needed to be replaced as well. The charge for all was around \$2,500. I was not sure why these problems weren't discovered two weeks earlier when it was there. Unfortunately we were not done, however; on the way home from BMW of Austin Service Center, the coolant level light came on and in our driveway (fortunately) the engine shut off. So, the same day we picked it up, it had to be towed back to your shop. I spoke to Andy Hathaway, your service manager, having lost all faith in our service advisor, and he explained that somehow absolutely coincidental to bringing in the car for the above, the coolant tank had cracked and all the coolant had leaked out. We had a reasonable conversation but I expressed my disbelief at our luck. I agreed to pay the nearly \$500 to repair the coolant leak and he agreed to pay for the tow. Somewhat unbelievably, during this same time I was contacted repeatedly by your service department cashiers, because they had made an error charging my credit card - I was undercharged \$180 - when I picked up the car after the air spring, oil gasket and software "mis-programming" repair.

I considered writing this letter several months ago, but after 13 years as a BMW customer, this experience was an outlier, so I decided not to contact you.

However, after receiving notification of the March 2017 passenger's side safety recall and the subsequent notification that the March 2016 driver's side safety recall would not be remedied within the 12 month time frame the NHTSA had given BMW to replace the defective airbags in Zone A (which includes Texas), I sought counsel. I learned that the time frame for the 2016 driver's airbag recall repair had been extended until August of 2017, and so I again decided not to contact you until then. Although we could not sell the car due to the two ongoing safety recalls and were stuck driving a defective vehicle, it seemed reasonable to wait a few more months.

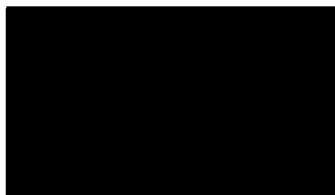
Receipt of the most current notice of yet another defect and safety recall (the front driveshaft issue) was the final straw. **We've spent around \$5,500 in repairs over the last several months, the vehicle is now under 3 safety recalls without plans for repair, and the letters from BMW of North America clearly indicate the vehicle is unsafe to drive.** I would respectfully ask you to put yourself in our position: **Do you think this is a satisfactory vehicle for your family and children to be in?**

I am aware that others around the country in our position have received long term loaners (of similar vehicles) while they await parts and repairs to return their vehicles to safety. Although

this may be a potential resolution to our problem, the other option is for you to buy back the vehicle so we can move on. I think we have been more than patient and reasonable.

At your earliest convenience, please contact me by email or phone so we can discuss a resolution. Thank you in advance for your time and attention to this matter.

Sincerely,



cc:

BMW of North America, LLC
300 Chestnut Ridge Road
Woodcliff Lake, NJ
07677-7731

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

TIN TX

ADMINISTRATOR, ATTN: SAFETY RECALLS
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W48-226

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