

December 28, 2017

Grand Prairie, TX

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation (NVS-210)
1200 New Jersey Avenue SE
West Building
Washington, DC 20590

CL-11051430-6134

RE: ID 11051430

JAN 30 2018

To whom it may concern:

I am contacting you in the form of a request and complaint offering my July 16, 2017 statement of events. I have also included attached documentation and photographed evidence. To which, I am seeking your help in resolving a problem that can, and will escalate involving a motor vehicle manufacturing defect.

The defect may not have been intended, but never the less a defect that departs from its intended design, and proved to be more dangerous than any consumer would expect the product to be.

As of 2015 I became the proud owner of a BRP 2013 Can Am Spyder RT Limited (Roadster), with only 877 miles. Can Am Spyder Serial/VIN # 2BXNBBC18DV model # 000B9DC00. BRP has mass-advertised throughout the United States and beyond that this vehicle is the safest of its kind. This helped to create a safety confidence that the Can Am Spyder, being a part of the motorcycle family would offer a degree of stability that I could not receive in most common bikes. The Roadster is manufactured by the BRP Corporation with serving offices in the United States, Mexico, Finland, Austria, as well as Canada. BRP is licensed to do business in each of these regions.

List of Documents and Photographed Evidence

Exhibit (ex.):

- a. BRP relevant parts diagram with each part numbered. (PDF)
- b. Photograph of the Odometer displaying 7900 miles, as well as being rated for up to 200 miles an hour.
- c. Photograph of the riding Seat displaying dislodging point.
- d. Photo of Rear Support Ass'y displaying Seat and Storage Ass'y dislodging points. On (ex. A) part 203.
- e. Photograph of the Storage Ass'y. On (ex. A) part 39.
- f. Photograph of the LH Inner Fender & RH Inner Fender. On (ex. A) part 185 & 186.
- g. Photograph of the original Rear Fender. On (ex. A) part 153.
- h. Photograph of the Right wheel ball joint dislodging at the scene.
- i. Photograph at the scene displaying no top damage as a result of any crash.
- j. Photograph at the scene displaying only rear disintegration of bike.
- k. Diagram depicting RH Knuckle Ass'y. Part number 610.
- l. Last maintenance and recall update documentation.
- m. Can Am Spyder's continued BRP Factory warranty.
- n. BRP Communication exchange documentation.
- o. Proof of ownership.
- p. Photograph of the original Can Am Spyder date of purchase.

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Statement of Events

On July 16th 2017 around 3:40 pm headed East on Interstate 20, right before the Duncanville Road exit. The 2013 Can Am Spyder RT Limited (Roadster) sustained a rear tire blowout. As I attempted to bring the bike to a safe and secure stop, the force of the flapping rubber of the steel belted car rated tire ripped off the Rear Fender, part 153 on (ex. A).

The Rear Fender composed of flexible plastic bolts to the Storage Ass'y (ex. E) with 3 bolts at the top of the Rear fender. The Rear Fender also bolts to both Right and Left Cargo Compartments; part 205 on (ex. A) with 2 bolts each at the bottom of the Rear Fender. Part 205 is also composed of a plastic composite.

As the Rear Fender was being ripped away, the Storage Ass'y, also composed of plastic was ripped apart as well. The lower end of the Rear Fender buckled the Right and Left Cargo Compartments and popped open both compartment doors causing them to be damaged as well. The main body of the Rear Fender was nowhere to be found for recovery. The Storage Ass'y was also bolted to the Rear Support Ass'y (ex. D), as its main mount support. The Rear Support Ass'y also supports and anchors the riding Seat, as shown in (ex. C & D).

During the above stated chain of events, while I was attempting to bring the bike to a safe and complete stop off to the side of the Interstate. The right ball joint dislodged from the right wheel throwing the bike in a clockwise spin, finally coming to a complete stop facing the oncoming traffic, see (ex. h). To add, it was later found that the RH Knuckle Ass'y part 610 on (ex. K), made of some type of molded metal, actually broke while dangerously releasing the right ball joint. This contributed to the violent clockwise spin that led to the passenger Seat breaking away having no remaining back support due to the destruction of the bike's rear end. As a result the passenger was also dislodged hitting the highway pavement suffering a multitude of injuries. A number of oncoming drivers stopped to assist, bringing water, towels, and making the call to emergency services.

The Sheriff Department, Duncanville police, Fire Department, EMT, and the Texas Department of Transportation road side assistance arrived to lend a hand bringing traffic back to a flowing state. The Duncanville Police had to push the bike off road with one of their vehicles as shown in (ex. J).

Proposed Manufactured Defect

The tire for this bike is a KENDA.225/50/15 #705501604; with only 7900 miles on the date of incident.

As a historical fact, a tire can hit something on the road; have hidden blemishes, or even some type of inserted foreign object that can cause blowouts. This holds true no matter the normal wear and tear of any size or make tire.

In any case, a tire blowing out should not cause the full rear end of any motor vehicle to self-destruct, nor dislodge the passenger or passenger seat. Especially a vehicle in where no seat belt is required.

Commonly with cars or trucks, without the driver losing control of the vehicle in the event of a blowout, the most damage is the inner wheel well liner. Which is either snapped, bolted, or riveted to some part of such vehicles metal or fiberglass structural build. Also with two or three wheel motor bikes, it's uncommon that a blowout would take out the full back end of the vehicle, nor the rider's seat. With most two and three wheel motor bikes, the seats are anchored with metal hocks, and the rear fender of these type bikes are not composed of soft Flexible plastic. In most cases fiberglass is used, which have the ability to breakup into large or smaller pieces before pulling away from anything that it may be bolted or riveted to.

The flexible Rear Fender of the Can Am Spyder RT Limited is bolted to critical parts of the bike in the path of a possible blown tire or any object from the road that could hit and dislodge the fender causing damage directly or indirectly to stored items, rider and seat back support, on to the most important aspect the, rider's seat. A seat that happens to be totally anchored with a bolt assembly that is composed of breakable non flexible plastic as shown in (ex. C & D).

To add, the Rear Fenders plastic flexibility scientifically supports the ability to stretch and bend, which decreases the percentile of it simply breaking away leaving other parts intact. Such as in the case of a blown tire, as the tire rotated with each turn, the loose hot rubber and metal belts strikes the flexible plastic causing the Rear Fender to flex in and out until either enough heat or pressure caused the Fender to rip the 3 bolt attached Storage Ass'y made of hard none flexible plastic away, splitting the Storage Ass'y into two mangled parts. There by exposing the consumer to life threatening danger and injury.

Lastly, the material used for casting the Knuckle Ass'y should be revisited as to its safety rating. This part is displayed in (ex. K) part 610. The Knuckle Ass'y proved that it was not built to withstand slowing down the vehicle while merging to the right. In fact, the right side of the bike is also the very same side that the Knuckle Ass'y malfunctioned. The Knuckle Ass'y break occurred at the point of the bolted front end assembly that compresses the lower ball joint. The right lower ball joint supports suspension and wheel stabilization.

BRP Communication Exchange

I attempted to contact BRP requesting information that should be public record as it related to testing of the stated events. Their response was that the requested information was not made available to the public. I also requested information concerning the proper person or department that I could discuss this issue with, as well as send my statement and photo's that would possibly lead to offering BRP my help in solving this issue. I then requested information that would lead me to the proper person or department that could consider a complaint or claim.

The response was that I should take the bike to an authorized dealer and let them diagnose the problem. In short, while my credentials depict me as an engineer or architect, I could not offer them a self-diagnoses or an opinion, all while never seeing or agreeing to accept my statement or photographs.

I then responded to BRP stating that the vehicle was no longer mobile, which was an open request for BRP to send someone such as an adjuster that possibly could determine the cause or potential danger.

As it stands, after our initial communication BRP would now have me to trust a multi-billion dollar corporation that has determined it's in their best interest to block and deflect any attempts to contact the proper individual or department that would actually consider not deflecting blame or responsibility.

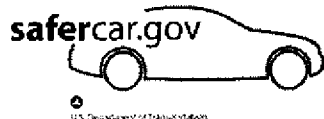
Sought Resolution

I [REDACTED] request and pray that your office accepts this complaint, leading to assigning an independent investigator, adjuster, or engineer that would either examine the physical motor vehicle or photographs to determine the probability of this consumers claim that the Can Am Spyder RT Limited possesses a dangerous design flaw that possesses such a manufactures defective.

Sincerely;

[REDACTED]

CC: BRP US Inc. 10101 Science Drive Sturtevant, Wisconsin USA 53177

**Complaint Number: 11051430****Vehicle Identification Number:** 2BXNBBC18DV[REDACTED]**Your Vehicle's Make Model and Model Year:** CAN-AM SPYDER RT 2013

Note: Your VIN, make, model, and year are all protected under the Privacy Act.

What part of your car was affected? Body, Seats, Suspension**What happened?**

See the attach NHTSA_Complaint.pdf The vehicle was in motion, Can Am Spyder Serial/VIN # 2BXNBBC18DV[REDACTED] model # 000B9DC00, I have put that I was going 75 miles per hour, not sure of the number as this is a bike. My goal is to keep up with traffic. However the speed limit on the highway is 75 mph.

Files you uploaded.

NHTSA_Complaint.pdf

Exhibit A.pdf

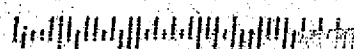
Exhibit F.pdf

Exhibit D.pdf

Exhibit C.pdf

When did this happen? 07/16/2017**Was there a Crash?** No**Was there a Fire?** No**Was there an injury or fatality?** Yes**Number of fatalities:** 0**Number of injuries:** 1**Medical Attention Required?** Yes**How fast were you going? (in mph)** 75**About how many miles were on your vehicle at the time of the incident?** 7900**First Name:** [REDACTED]**Last Name:** [REDACTED]**Email:** [REDACTED]**Address 1:** [REDACTED]**Address 2:****City:** Grand Prairie**State :** TEXAS**ZIP Code :** [REDACTED]**Phone:** [REDACTED]**Alt. Phone:** [REDACTED]

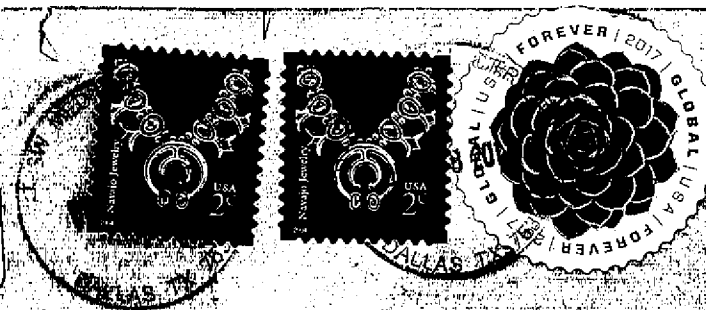
CD
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SECURITY
DOCUMENT SCAN



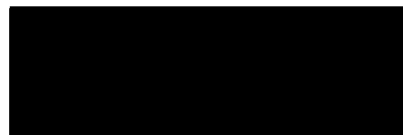
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ZIP 75235
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From:



Grand Prairie, TX



To:

**U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation (NVS-210)
1200 New Jersey Avenue SE
West Building
Washington, DC 20590**