

February 21, 2018

CL-11067336-9265

[REDACTED]
Syracuse, NY [REDACTED]

RE: Date of Loss: November 28, 2017
Vehicle: 2018 Toyota Camry XSE
VIN: 1T1B61HK1JU [REDACTED]
Incident No: [REDACTED]

Legal Claims Department
Toyota Motor North America, Inc.
6565 Headquarters Drive
Plano, TX 75024

To Whom it May Concern

I am writing in response to your denial of claim letter dated February 1, 2018 relative to the unintended braking of my vehicle. Your letter stated that my vehicle was inspected by one of your field technicians and the Pre-Collision System (PCS) was found to be operative at the time of the incident. Your letter states that based upon the data read from the vehicle, a PCS activation was not recorded. In response to this, I consulted with a biomechanical engineer who is familiar with the Event Data Recorders in your vehicles. The engineer I consulted with identified that a delta V (change of velocity) of 5mph or greater is necessary to "wake up" and record an event. Events are possible at speeds less than 5mph and it is possible that data is not recorded or that the data is so minute that it is buried in the rest of the data or what he called "the rest of the noise". He identified that Toyota vehicles are more sensitive than most and that they are seeing a lot of minor cases with no data written when the system deploys. When there is a high enough impact, a ton of data gets written but in order for that to occur, a collision with a delta V of greater than 5mph is generally necessary. I have enclosed photos of the car wash where the loss occurred. The vehicles are in neutral and according to the car wash, are pulled through at a speed well below 5mph, likely closer to 1-2 mph. While your letter may or may not be correct that no data was recorded, what was explained to me by the biomechanical engineer I consulted appears to explain why it may not have been recorded. I respectfully request that you review this with your engineers and respond accordingly since based upon this information, the incident is clearly related to an unintended deployment of the autonomous braking system and the performance of the Pre-Collision System on this vehicle.

There are several manuals included with the 2018 Camry, two of which are the one titled "Quick Reference Guide" and the one you reference titled "Owners Manual".

The manual titled "Quick Reference Guide" summarizes basic vehicle operations. It does not contain any warnings regarding the Pre-Collision System.

AM
3.5.18
WJ

pk

On page 18 of the Quick Reference Guide, it references the Intelligent Clearance Sonar. Just prior to the system deploying in my situation, I recall the picture of the vehicle in the instrument cluster having various "arc's" (like those that show the strength of a WiFi signal on a phone) flashing across the front and front corners of the vehicle.

In response to your reference to the owners manual, the manual is unclear and in conflict with itself. Your letter references page 248 in the Owner's Manual, "Conditions under which the system may operate even if there is no possibility of a collision-when using an automatic car wash". The section you are referring to, "Conditions under which the system may operate even when there is no possibility of a collision" actually begins on page 247 of the Owners Manual. It contains over 23 bullet point conditions, one of which is the one stated in your letter. However, all of them are normal everyday common situations including passing under a low traffic sign, under an object, passing a vehicle or pedestrian, changing lanes while overtaking a preceding vehicle, etc... all common situations in which it is not reasonable to turn off the Pre-Collision System or we would be turning them off all of the time every day. I would like to point out that nowhere in the section that you reference, does it say that you should disable the system prior to encountering any of the 23 situations listed, including when using an automatic car wash.

Please refer to page 244, WARNING "When to disable the pre-collision system" where it states the following:

In the following situations, disable the system, as it may not operate properly, possibly leading to an accident resulting in death or serious injury:

- When the vehicle is being towed
- When your vehicle is towing another vehicle
- When transporting the vehicle via truck, boat, train or similar means of transportation.
- When the vehicle is raised on a lift with the engine running and the tires are allowed to rotate freely.
- When inspecting the vehicle using a drum tester such as a chassis dynamometer or speedometer tester, or when using an on vehicle wheel balancer.
- When a strong impact is applied to the front bumper or front grille, due to an accident or other reasons.
- If the vehicle cannot be driven in a stable manner, such as when the vehicle has been in an accident or is malfunctioning.
- When the vehicle is driven in a sporty manner or off-road.
- When the tires are not properly inflated.
- When the tires are very worn.
- When the tires of a size other than specified are installed.
- When tire chains are installed.
- When a compact spare tire or an emergency tire puncture repair kit is used.

- If equipment (snow plow, etc.) that may obstruct the radar sensor or camera sensor is temporarily installed to the vehicle.

The Owners Manual contains 23 conditions when under which the system may operate or deploy even if there is no possibility of a collision. It does not identify that you should disable the system during those common, everyday situations. The owners manual does not instruct one to disable the system when going through an automatic car wash.

THEORY OF LIABILITY:

Toyota Motor Corporation did not consider when data is and is not recorded in their analysis. Toyota Motor Corporation owes a duty to owners and operators of their vehicles to properly warn them when to disable certain safety systems in order to prevent personal injury and/or property damage. Toyota Motor Corporation was aware of potential unintentional braking situations. Toyota Motor Corporation breached that duty by not including in it's warning, to disable the system when going through a car wash. These systems are so new in automobiles that a reasonably prudent individual would not know to do so. In failing to warn it's consumers, Toyota Motor Corporation is allowing their vehicles to be used by operators in everyday situations where they would not be aware that they need to disable the system, which has caused property damage.

I encourage you to speak to your engineers, designers, legal and customer service departments and look forward to your response.

cc: Office of the Attorney General
The Capital
Albany, NY 12224-0341

Better Business Bureau Serving North Central Texas
1601 Elm Street, Suite 1600
Dallas, TX 75201-3093

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

Consumer Reports
101 Truman Avenue
Yonkers, NY 10703

Customer Relations
Incident Number [REDACTED]
Toyota Motor North America, Inc.
6565 Headquarters Drive
Plano, TX 75024

Romano Toyota
6400 Basile Rowe
East Syracuse, NY 13057

TOYOTA

Sandee Estrada
Direct Phone (469) 292-4369

Toyota Motor North America, Inc.
6565 Headquarters Drive
Plano, TX 75024

February 1, 2018

[REDACTED]
Syracuse, NY [REDACTED]

RE: Date of Loss: November 28, 2017
Vehicle: 2018 Toyota Camry [REDACTED]
VIN: 4T1B61HK1JU [REDACTED]

Dear [REDACTED]

Thank you for contacting Toyota's Customer Experience Center regarding the accident that was reported on November 29, 2017.

You stated that your vehicle was in an automatic car wash with the transmission in "Neutral", your foot off the brake and the vehicle's wheels on a roller track. As the vehicle was approaching a wall of cloth strips, the dash lights started illuminating for pedestrian alerts and the vehicle braked on its own, causing it to stop moving on the track. This caused the vehicle behind you to hit your car. You feel that the Pre-Collision System (PCS) malfunctioned, resulting in a collision.

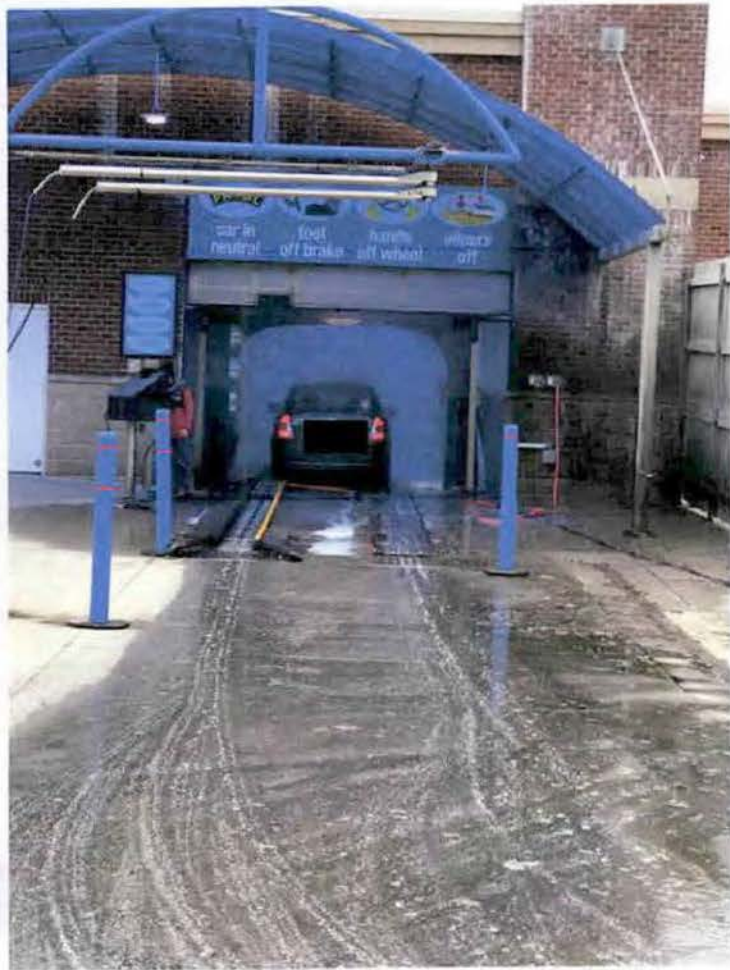
In response to your concerns, the vehicle was inspected on December 13, 2017 at Romano Toyota by one of our field technicians. The vehicle was thoroughly inspected and the Pre-Collision System (PCS) was found to be operative at the time of the incident. Per the electronic data read from the vehicle, a PCS activation was not recorded. The owner's manual states on page 248, "Conditions under which the system may operate even if there is no possibility of a collision - when using an automatic car wash." Based on our inspection of your vehicle, this incident was not related to the performance of the Pre-Collision System.

We are very sorry to hear about this unfortunate incident and we do appreciate the opportunity to address your concerns.

Sincerely,



Sandee Estrada
Legal Claims Administrator
Toyota Motor North America, Inc.



Romano Toyota

6400 Basile Rowe
 East Syracuse, New York 13057
 Tel: (315) 445-2152
 Fax: (315) 445-2226
 New York Repair Shop Reg. No. 7046095
 www.romanotoyota.com

[REDACTED]		VEHICLE ID	MILES IN	MILES OUT	DATE/TIME IN	DATE OUT	RO NO.
[REDACTED]		4T1B61HK1JU [REDACTED]	230		11/29/17 11:22		[REDACTED]
SYRACUSE, NY		VEHICLE DESCRIPTION			TAG NO.	STATUS	
[REDACTED]		2018 TOYOTA CAMRY (RD)					
CONTROL NO.	LICENSE PLATE NO.	CUST. LABOR RATE	PROD. DATE	IN-SERV DATE	DELIV. DATE	DELIV. MILES	PROMISED
[REDACTED]	[REDACTED]			11/24/17	11/24/17	126	
HOME PHONE	WORK PHONE	CELL PHONE	STOCK NO.	SERV. ADV.		RO COMMENT	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	JOHN CRANE (75)			

EXCLUSION OF WARRANTIES
 Any warranties on the parts and accessories sold hereby are made by the manufacturer. The undersigned purchaser understands and agrees that the dealer makes no warranties of any kind, express or implied, and disclaims all warranties, including warranties of merchantability or fitness for a particular purpose, with regard to the parts and/or accessories purchased; and that in no event shall dealer be liable for incidental or consequential damages or commercial losses arising out of such purchase. The undersigned purchaser further agrees that the warranties excluded by dealer, include, but are not limited to any warranties that such parts and/or accessories are of merchantable quality or that they will enable any vehicle or any of its systems to perform with reasonable safety, efficiency, or comfort.

AUTHORIZATION FOR REPAIRS
 I authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond our control or any delays caused by unavailability of parts or delays in parts shipments. I hereby grant you and/or your employee's permission to operate the vehicle herein on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on the vehicle to secure the amount of repairs thereto. The dealership is not responsible for damages from freezing due to lack of anti-freeze.

X _____
 Customer Signature

Preliminary Estimate \$ _____
 REVISED EST.(1) \$ _____ DATE _____ TIME _____ BY _____
 REVISED EST.(2) \$ _____ DATE _____ TIME _____ BY _____
 I HEREBY ACKNOWLEDGE THAT I WAS NOTIFIED & GAVE VERBAL APPROVAL OF THE ABOVE REVISED ESTIMATES:
 X _____
TOOK PICTURES
INSPECTION WITHIN 24 HOURS?

Line	Type	Op-Code	Tech
A	Customer	001991	
Concern Customer States unintended brake activation. property damage to vehicle and another vehicle. occurred 11/28/17 2 pm. customer at dealership for body damage estimate. case number [REDACTED]			

SHOWN BELOW ARE THE MOST RECENT SERVICES PERFORMED ON YOUR VEHICLE

R.O. #	P/T	Date	Miles	Adv.	Op-Code	Tech	Description
[REDACTED]	1	11/24/17	125	75	10	A16	NEW YORK STATE INSPECTION, SAFETY ONLY CUSTOMER REQUEST PERFORM NEW
						RECALL	A01 CHECK FOR OPEN RECALLS AND REPAIR AS NEEDED
						A16	Customer states remove nsow tires from trade, bag for storage and put in new car. install all season

Romano Toyota

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SYRACUSE, NY		VEHICLE ID	MILES IN	MILES OUT	DATE/TIME IN	DATE OUT	INVOICE NO.
		4T1B61HK1JU	835	835	11/29/17 11:22	12/13/17	
VEHICLE DESCRIPTION						STATUS	
2018 TOYOTA CAMRY (RD)						COMPLETE	
CONTROL NO.	LICENSE PLATE NO.	CUST. LABOR RATE	PROD. DATE	IN-SERV DATE	DELIV. DATE	DELIV. MILES	TERMS
				11/24/17	11/24/17	126	No Charge
HOME PHONE	WORK PHONE	CELL PHONE	STOCK NO.	SERV. ADV.		RO COMMENT	
				JOHN CRANE (75)			

Visit us online! www.RomanoToyota.com is the quickest and easiest way to schedule your next service appointment and to view our monthly service specials! Questions or concerns with your visit? Please contact our Customer Relations Manager Jim Apps At 445-2152. Thank you for your patronage!

Line	Op-Code	Fail Code	Tech	Hours	Type	Amount
A	001991		A01	0.00	Internal	
Concern	Customer States unintended brake activation. property damage to vehicle and another vehicle. occured 11/28/17 2 pm. customer at dealership for body damage estimate.					
	case number _____					
Cause	contacted toyota hq. case no _____ provided incident data as known. schedule for field technical inspection.					
B +	001991		A01	0.00	Internal	
Concern	field technical inspection scheduled for 12/13/17. customer presented vehicle for inspection as planned. provided loaner					
Cause	Inspection completed 12/13/17. Data retrieved from camry. A copy of data is on a thumb drive provided to customer. thumb drive is in cuphold					
Correction	er.// customer can expect contact from Toyota customer satisfaction upon completion of analysis.					

Totals

	Amount
Total Amount Due	\$0.00
TOTAL CUSTOMER	No Charge

STATEMENT OF DISCLAIMER
 The factory warranty constitutes all of the warranties with respect to the sale of these item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

- * Shuttle Service Available
- * Rental Cars Available
- * Early Bird Drop Off Available
- * Customer Lounge With Coffee

SHOP RATES
 *Service Department Variable Rate: \$65.00 - \$102.00
 *Body Shop Variable Rate: \$45.00 - \$69.00

Service Hours
 Mon - Thurs 7:30am - 7:00pm
 Fri 7:30am - 5:30pm
 Sat - 8:00am - 3pm

X _____
 Customer Signature

ROMANO TOYOTA COLLISION CENTER

6400 Basile Rowe, East Syracuse, NY 13057

(315) 445-1070

Fax: (315) 437-5634

Email: tserv@romanocars.com

Damage Assessed By: Mike Dorfer
Classification: Drive-In

Deductible: UNKNOWN

Owner: [REDACTED]
Address: [REDACTED] SYRACUSE, NY [REDACTED]
Telephone: Home Phone: [REDACTED]

Mitchell Service: [REDACTED]

Description: 2017 Toyota Camry XSE
Body Style: 4D Sed
OEM/ALT: O
Options: PASSENGER AIRBAG, POWER DRIVER SEAT, POWER LOCK, POWER WINDOW, POWER STEERING REAR WINDOW DEFOGGER, AIR CONDITION, CRUISE CONTROL, TILT STEERING COLUMN AM/FM STEREO, DRIVER AIRBAG, HEATED EXTERIOR MIRROR, REAR (DUAL-ZONE) AC LEATHER SEAT, POWER PASSENGER SEAT, FRONT SIDE AIRBAG WITH HEAD PROTECTION ANTI-LOCK BRAKE SYS., TRACTION CONTROL, ALUM/ALLOY WHEELS, REARVIEW CAMERA TIRE INFLATION/PRESSURE MONITOR, AUXILIARY INPUT BLUETOOTH WIRELESS CONNECTIVITY, HD RADIO, LEATHER STEERING WHEEL SATELLITE RADIO, CD PLAYER, POWER ADJUSTABLE EXTERIOR MIRROR, AUTO AIR CONDITION TRIP COMPUTER, FIRST ROW BUCKET SEAT, SIDE AIRBAGS, AUTOMATIC HEADLIGHTS SECOND ROW SIDE AIRBAG WITH HEAD PROTECTION, REMOTE DECKLID OR TAILGATE RELEASE MP3 PLAYER, DAYTIME RUNNING LIGHTS, DRIVER SEAT WITH POWER LUMBAR SUPPORT ELECTRONIC STABILITY CONTROL, FRONT HEATED SEATS, KEYLESS ENTRY SYSTEM REAR BENCH SEAT, REAR SPOILER, STEERING WHEEL AUDIO CONTROLS

Drive Train: 2.5L Inj 4 Cyl 6A FWD
Search Code: None

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
<u>Luggage Lid</u>							
1	[REDACTED]	BDY	REMOVE/INSTALL	Luggage Trim Panel			INC
2	[REDACTED]	BDY	REMOVE/INSTALL	Luggage Lid Garnish			0.3 #
3	[REDACTED]	BDY	REMOVE/INSTALL	Luggage Lid Spoiler			0.3 #
4	[REDACTED]	BDY	REPAIR	Luggage Lid Panel	Existing		2.0*
5	[REDACTED]	REF	REFINISH	Luggage Lid Outside			C 2.2
6	[REDACTED]	BDY	REMOVE/REPLACE	Luggage Lid Emblem	90975-A2003	33.27	0.2
7	[REDACTED]			Per Toyota Non-Reusable Part			
8	[REDACTED]	BDY	REMOVE/REPLACE	Luggage Lid Adhesive Nameplate	75443-06B60	28.39	0.2
9	[REDACTED]			Per Toyota Non-Reusable Part			
<u>Rear Lamps</u>							
10	[REDACTED]	BDY	REMOVE/INSTALL	R Back-Up Lamp			0.6 #
11	[REDACTED]	BDY	REMOVE/INSTALL	L Back-Up Lamp			0.3 #
12	[REDACTED]	BDY	REMOVE/INSTALL	R License Lamp			0.2 #
13	[REDACTED]	BDY	REMOVE/INSTALL	L License Lamp			0.2 #
<u>Rear Bumper</u>							
14	[REDACTED]	BDY	OVERHAUL	Rear Bumper Cover Assy			1.4
15	[REDACTED]	BDY	REMOVE/REPLACE	Rear Add w/Active Parking Assist			0.4
16	[REDACTED]	BDY	REMOVE/REPLACE	Rear Bumper Cover	52159-06989	307.29	INC

ESTIMATE RECALL NUMBER: 11/29/2017 12:04:14 [REDACTED]

Mitchell Data Version: OEM: OCT_17_V

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Page 1 of 2

Software Version: 7.1.224

17	REF	REFINISH	Rear Bumper Cover		
			<u>Additional Operations</u>		
18	REF	ADD'L OPR	Clear Coat		1.4
19	REF	ADD'L OPR	Finish Sand And Buff		0.6*
20	REF	ADD'L OPR	Raw Substrate Prep		0.5*
			<u>Additional Costs & Materials</u>		
21		ADD'L COST	Paint/Materials	207.00 *	
22		ADD'L COST	Shop Materials	4.00 *	

* - Judgment Item
 # - Labor Note Applies
 C - Included in Clear Coat Calc

Estimate Totals

<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">I. 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Customer Responsibility						0.00																																																																																																																																																															
I. Total Labor:						763.78																																																																																																																																																															
II. Total Replacement Parts:						398.47																																																																																																																																																															
III. Total Additional Costs:						227.88																																																																																																																																																															
Gross Total:						1,390.13																																																																																																																																																															
IV. Total Adjustments:						0.00																																																																																																																																																															
Net Total:						1,390.13																																																																																																																																																															

This is a preliminary estimate.
Additional changes to the estimate may be required for the actual repair.

[Redacted]
Syracuse, NY

SYRACUSE NY 130
24 FEB 2018 PM 3 L



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

20590-

