

JUN 21 2018



CL-11071881-4366

COMMONWEALTH of VIRGINIA
Office of the Attorney General

Mark R. Herring
Attorney General

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
FAX 804-225-4378

June 12, 2018

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

Re: [REDACTED] VS Triumph Motorcycles America, Ltd.

Dear Sir or Madam:

The Virginia Attorney General's Office has received the enclosed complaint. Upon review of the information provided, it appears that your agency has proper jurisdiction over this matter. Accordingly, I respectfully submit it for your evaluation and action.

The complainant has been advised of this referral and should be contacted directly if more information is needed. I may be reached at (800) 552-9963, if calling from Virginia, or (804) 786-1381 if calling from the Richmond area or outside Virginia. If you prefer, I can be contacted by e-mail at aboling@oag.state.va.us.

Sincerely,

Althea A. Boling
Intake Specialist Senior
Counseling, Intake & Referral Unit

Enclosure

AM
6-22-18
W

OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA - CONSUMER PROTECTION SECTION
OFFICIAL CONSUMER COMPLAINT FORM

SECTION 1 - Your Information

Mr/Mrs/Ms. <input checked="" type="radio"/>			[Redacted]		
Mailing address [Redacted]					Apt. or suite number
City Fairfax		State VA		Country, if not U.S.	
[Redacted]					fax number, including area code
City or county of residence Clarke					
Do you prefer to be contacted at home, work or by e-mail? e-mail			Best time to reach you between 9AM and 5PM? work		

SECTION 2 - Name of Company Against Which You Are Complaining

Full name of company Triumph Motorcycles America Ltd					
Mailing address 100 Hartsfield Centre				Office or suite number 200	
City Atlanta		State GA		Zip code 30354	
Company's internet address (URL) triumphmotorcycles.com					
Telephone number, incl. area code (678) 854-2010		Fax number, including area code ()		Other contact number, including area code ()	

SECTION 3 - Complaint Information

Type of product, item, or service involved (For motor vehicles, please specify if automobile, boat, motorcycle, etc.) motorcycle					
Manufacturer, make or brand Triumph			Model Bonneville T120		Year 2016
Serial number, Vehicle Identification Number (VIN) SMTD40HL2G [Redacted]					
Date of purchase or lease 4/9/16			Was this a new or used item? new		
Did you sign a contract or a lease? Yes [] or No [X]		If yes, please indicate the following		Starting date: 5/19/16 Expiration date:	
Total amount paid \$13,361.90		Total amount in dispute 0		How was payment made? (cash, credit card, check) Freedom Road Financial	
Did you buy an extended service contract? Yes [] or No [X]		If yes, name of company responsible for extended service contract or extended warranty			
For automobile complaints, indicate type of repairs or services performed (Air conditioner, brakes, oil change, transmission, etc.) Safety Recall SB546 / NHTSA Recall 17V035					
Before any work was performed, did you ask for and receive a written copy of the cost estimate? NA Yes [] or No [X]					
Did you authorize any changes to the original estimate? NA Yes [] or No [X] If yes, provide details on the next page					
Were the completed repairs different from what you had authorized? Yes [] or No [X] If yes, provide details on the next page NA					

SECTION 4 - Resolution Attempts You Have Made

Have you contacted the company? Yes [] or No [X]		If yes, name of person most recently contacted		Their phone number, incl. area code	
What resolution are you seeking? Better representation for consumers. Products are too well protected & consumers not at all.					
List any other organizations you have contacted (i.e., other consumer protection offices, Better Business Bureau, etc.) NHTSA, Center for Auto Safety					
Do you have an attorney in this case? Yes [] or No [X]		If yes, name of your attorney		Attorney's number, incl. area code	
Has your complaint been heard or is it scheduled to be heard in court? Yes [] or No [X] If yes, where and when?					

RECEIVED
JUN 07 2016
CONSUMER PROTECTION SECTION



Triumph Motorcycles America Ltd.
100 Hanfield Centre Parkway
Suite 200
Atlanta, Georgia 30354

16 February 2017

TIME OF MAIL DELIVERY BY MAIL

ADDITION OF SPACER, RH HANDLEBAR END WEIGHT

Safety Recall: S5546
NHTSA Recall: 17V035

This notice applies to your motorcycle:
Model: Bonneville T120
VIN: SMTD40HL2GT

Dear [Redacted]

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act. Triumph Motorcycles Ltd has decided that a defect which relates to motor vehicle safety exists in certain Bonneville T120 and T120 Black motorcycles. Your motorcycle, with the VIN shown above, may be affected. Triumph is conducting a safety recall to address the condition.

The reason for this recall notice: Your motorcycle is supplied with heated handlebar grips. When engaged, the grips will heat up. Triumph includes a small air-gap between the end of the throttle twist grip rubber and the handlebar end weight to accommodate a small amount of expansion of the rubber grip once heated. The expansion air-gap on your motorcycle may be too small. A grip, when heated, could therefore expand beyond its air-gap and make contact with the handlebar end weight. In the event of contact, the throttle will no longer return as intended to its positive stop via spring force only, but will require some manual intervention to close the throttle. This presents an increased risk of a loss of control and vehicle crash. A cold (non-heated) grip has adequate clearance and will not bind as described above.

What Triumph Motorcycles Ltd & your dealer will do: Triumph Motorcycles Ltd has authorized your dealer to fit a spacer between the end of the handlebar and the end weight that will provide an acceptable air-gap. This repair will be performed free of charge to you, including parts and labour. This repair should take less than 3 minutes. However, it may be necessary to make your motorcycle available for a longer period of time.

What you must do to ensure your safety: Please make an appointment with your authorized Triumph motorcycles dealer to have this important remedy performed on your motorcycle as soon as possible.

Federal regulations require that any vehicle owner receiving this recall notice forward a copy of this notice to the lessee within 10 days.

If you need help: Please contact your authorized Triumph dealer should you have any questions or encounter any difficulty regarding this recall. In the event your dealer is unable to remedy your motorcycle, please contact Triumph Motorcycles America on 1-878-854-2010.

If an authorized Triumph dealer or Triumph Motorcycle America Ltd fails or is unable to perform this remedy without charge within a reasonable amount of time, you may contact the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, D.C., 20590, or call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153); or go to <http://www.nhtsa.gov>.

If you no longer own the motorcycle listed above, please contact Triumph at 1-878-854-2010 and provide any information you can furnish that will assist us in locating the new owner.

We apologize for any inconvenience this may cause you. However, we have taken this action in the best interest of your safety and your continued satisfaction with your Triumph motorcycle. We appreciate your attention and cooperation in this important matter.

Sincerely

> SECTION 5 - Full Description of Complaint - Use additional sheets if necessary

My [redacted] husband [redacted] died in a crash on this motorcycle on 11/19/16. On 2/21/17, I received the recall which I believe was the cause of his death.

The motorcycle is in my possession.

[redacted] was a master mechanic who owned his own auto repair business.

He had been riding motorcycles since the 1960s. He had a 1966 Triumph so was so excited to purchase this 2016 retro bike.

His many friends & I will always believe this recall caused his death. And, that if the recall had come just three months earlier that [redacted] would still be here.

An expert witness, [redacted] with FORCON International in Richmond told Michie Hamlett attorneys Bryan Slaughter & Kyle McKnew that bike was too damaged to prove recall caused death.

(Use additional sheets if necessary)

> SECTION 6 - Disclaimers and Affidavits

- The information requested on this form and on any subsequent requests for additional information is subject to the Virginia Government Data Collection and Dissemination Practices Act, Va. Code Section 2.2-3800 et seq.
- All information provided to this Office is available for public inspection under the Virginia Freedom of Information Act (FOIA), Va. Code Section 2.2-3700 et seq., except in the case of ongoing investigations. Closed complaints will be retained until they are destroyed in accordance with established procedures for destroying public records.
- You have the option to request that your personal contact information not be included with any copy of your complaint that is provided in response to a FOIA request. If you do not make this request, your contact information will be included.
- By signing this form, you authorize the Office of the Attorney General and any other local, state or federal agencies to which we may refer your complaint, to evaluate your complaint, to contact you and to take whatever lawful actions are deemed appropriate with regard to your complaint.
- By signing this form, you certify that the statements made herein or on any attached documentation are true and complete to the best of your knowledge, information and belief.

By checking this box, I request that my personal contact information NOT be made available for purposes of FOIA requests.

By checking this box, I understand that my personal contact information will be made available for purposes of FOIA requests.

[redacted signature]

6/6/18
Date

(Revised 05/2016)



OFFICE OF
 ATTORNEY GENERAL OF VIRGINIA
 RICHMOND 23219

202



U.S. POSTAGE >> PITNEY BOWES



ZIP 23219 \$ 000.47⁰
 02 4W
 0000336620 JUN 13 2018



2059030001 0000

