

 <p>U.S. Department of Transportation National Highway Traffic Safety Administration</p>		<p><b>DOT Auto Safety Hotline</b></p> <p><b>Vehicle Owner's Questionnaire</b> To Report Vehicle Safety Defects 1-888-DASH-2-DOT (1-888-327-4236) INTERNET: www.nhtsa.dot.gov/hotline</p>		<p>FOR AGENCY USE ONLY 100148</p>	
<p><b>OWNER INFORMATION (Type or Print)</b></p>		<p>Date Received</p> <p>21-FEB-2018 <b>APR 12 2018</b></p>	<p>Repository <input type="checkbox"/></p>	<p>Reference No. 11074047</p>	
<p>Name</p> <p>Address</p> <p>City PLACITAS State NM Zip Code</p>		<p>Daytime Telephone Number</p> <p>Evening Telephone Number</p>	<p>E-mail Address</p>		
<p><i>The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).</i></p>					
<p align="center"><b>VEHICLE INFORMATION</b></p>					
<p>17 digit Vehicle Identification Number Located at bottom of windshield on driver's side SUXFF0C56A</p>		<p>Make BMW</p>	<p>Model X5</p>	<p>Model Year 2010</p>	
<p>Date Purchased</p>	<p>Dealer's Name and Telephone Number</p>		<p>Engine: No. Cylinders</p>	<p>Fuel Type: <i>Diesel</i></p>	
<p>Original Owner <input type="checkbox"/></p>	<p>Dealer's City</p>	<p>State</p>	<p>Zip Code</p>		
<p>Transmission Type <i>auto</i></p>	<p><input checked="" type="checkbox"/> Antilock Brakes <input checked="" type="checkbox"/> Cruise Control</p>	<p>Powertrain <i>Twin T, 3.4 V6</i></p>	<p>Multiple Failure: <i>Yes</i></p>	<p>Incident Date(s) 06-FEB-2018</p>	
<p align="center"><b>FAILED COMPONENT(S)/PART(S) INFORMATION</b></p>					
<p>Vehicle Component Codes: 110000 ELECTRICAL SYSTEM, FUEL/PROPULSION SYSTEM (PWS)</p>			<p>Failure Mileage <del>57000</del> <i>14000 &amp; 28000</i></p>	<p>Failure Speed <i>N/A</i></p>	
<p align="center"><b>ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE</b></p>					
<p>Tire Make</p>		<p>Tire Model (Name or Number)</p>		<p>Tire Size (Example P215/65R15)</p>	
<p>DOT No. (Example: DOTM19A8C036)</p>		<p><input type="checkbox"/> Original Equipment <input type="checkbox"/> Prior Repair</p>	<p>Failure Location:</p>		
<p>Tire Component Code</p>			<p>Tire Failure Type:</p>		
<p align="center"><b>ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE</b></p>					
<p>Make:</p>		<p>Date Manufactured:</p>		<p>Model No./Name:</p>	
<p>Seat Type:</p>		<p>Installation System:</p>			
<p>Child Seat Component Code:</p>		<p>Failed Part:</p>			
<p align="center"><b>APPLICABLE INCIDENT INFORMATION</b> <i>(Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)</i></p>					
<p>Crash <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Fire <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Number of Persons Injured 0</p>	<p>Number of Deaths 0</p>	<p>Reported to Police N</p>	
<p><b>Narrative Description of Incident(S), Crash(es), and Injury(ies).</b> Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e. parts repaired or replaced (and if old part is available).</p>					
<p>TL* THE CONTACT OWNS A 2010 BMW X5. THE CONTACT STATED THAT THE VEHICLE FAILED TO START. IN ADDITION, THE BATTERY FAILED WITHOUT WARNING. THE FAILURE ONLY OCCURRED WHEN THE VEHICLE HAD BEEN PARKED IN BELOW FREEZING TEMPERATURES. THE VEHICLE WAS TAKEN TO THE DEALER (SANDIA BMW, 6001 PAN AMERICAN FWY, ALBUQUERQUE, NM 87109), BUT THE FAILURE COULD NOT BE DUPLICATED. THE VEHICLE WAS NOT REPAIRED. THE CONTACT REFERENCED NHTSA CAMPAIGN NUMBER: 13V339000 (FUEL SYSTEM), BUT THE VIN WAS NOT INCLUDED IN THE RECALL. THE MANUFACTURER WAS NOTIFIED AND STATED THAT <del>THEY WOULD GET BACK IN TOUCH WITH THE CONTACT.</del> THE FAILURE MILEAGE WAS <del>57,000</del>. <i>Two events - see attached sheet for full summary</i></p>					
<p align="right"><i>The recall is closed.</i></p>					
<p>Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. <span style="float: right;">ATTACH ADDITIONAL SHEETS IF NECESSARY</span></p>					
<p>The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.</p>					

Ref# 11074047

(H): [REDACTED] • [REDACTED] • Placitas, NM [REDACTED]  
(C): [REDACTED] • [REDACTED]

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3/7/18

Subject: BMW X5 Recall –NHTSA Campaign 13V339000 (BMW recall began 9/26/13)  
Recall detail summary: 2009-2010 X5 Diesel fuel filter heater can cause electrical overload and drain the battery and potentially cause a fire. See attached web page.

My Vehicle: 2010 BMW X5 35d (diesel), VIN 5UXFF0C56AL [REDACTED]

-bought new from ABQ BMW, delivered late Nov 2009 (1<sup>st</sup> 2010 X5 delivered to ABQ BMW dealership)

Vehicle problem history summary related to above recall

1. Never notified of recall
2. Late Jan 2011 Los Cruces NM – overnight temp well below freezing. Wife, daughter and 3 grandkids stuck in motel parking lot with dead battery at 8 AM. X5 parked ~ 6pm following evening after long drive from Tucson AZ. Vehicle parked and locked with no lights/radio etc left on – all turned off. X5 subjected to below freezing temp for ~14 hrs. No reason for dead battery – auto/battery only one year old (14k miles). After truck driver jumpered X5 to start it, family cut vacation short and drove home to Placitas without turning off engine.
3. I terminated my business trip in NJ and flew home to address X5 problem so my family would have reliable transportation. ABQ BMW service dept analyzed problem (02/01/11) and reported "limit use of accessories to avoid battery drain" THEIR ANALYSIS IS NOT APPLICABLE.
4. Fast forward ~2 years in winter. I stayed overnight in Taos with family members. Temp dipped to well below freezing. X5 parked ~11 pm to 5 AM. X5 subjected to well below freezing for ~6 hrs. Attempted to start X5 at 5 AM- motor labored to turn over – battery almost dead. X5 did start – engine maint light now on (~28k miles). Cut vacation short and drove home to Placitas without turning off engine. Engine warning light went off before Santa Fe. X5 running fine – no issues and no trouble code messages.
5. Since Nov 2009 thru present Feb 2018 X5 has only been subjected to well below freezing temps overnight **twice and both times battery was drained**. X5 is always garaged with temp never below 45F. It does not take a rocket scientist to figure out the connection between X5 dead battery events and the 13V339000 recall.
6. I gave ABQ BMW a chance to address this issue (Jake Mueller 2/15/18) but was ignored.
7. I called BMW customer relations on 2/21/18 and was told this recall is now closed.
8. I registered a complaint on 2/21/18 with NHTSA on this issue and again with BMW customer relations on 2/22/18.
9. This is not the kind of service I expect after spending \$72k for an "Ultimate Driving Machine".

[REDACTED]

# Your Auto and SUV Crash Legal Experts

(https://[REDACTED])

Ref #11074047

(877) 822-1212

info@uscaraccidents.com

(mailto:info@uscaraccidents.com)

(http://[REDACTED])

## BMW X5 Recall (NHTSA Campaign: 13V339000)

Your Auto and SUV Crash Legal Experts (https://www.[REDACTED]) > Mitsubishi Recalls & Defects  
(https://www.[REDACTED])  
Auto Recalls  
(https://www.[REDACTED])  
> BMW X5 Recall (NHTSA Campaign: 13V339000)

BMW Of North America, LLC has issued a recall for the BMW X5.

### Description of Recall

BMW is recalling certain model year 2009-2010 x5 xdrive35d cars equipped with a diesel engine and manufactured from June 13, 2009, through November 9, 2009. The fuel filter heater, which is used for warming up the diesel fuel during car operation at low outside temperatures, could experience an electrical overload condition and become permanently activated.

### Severity of the Defect

The fuel filter heater could remain activated even when the ignition is off and lead to a dead battery. The unit could also overheat, possibly resulting in a car fire.

### BMW's Recommended Action

BMW will notify owners, and dealers will replace the fuel filter heater, free of charge. The safety recall began on September 26, 2013. Owners may contact BMW customer relations at 1-800-525-7417.



We want to be your lawyers. Whether you have been injured in an auto accident or a loved one has died or been injured in an auto accident, the attorneys at the Serna & Associates law firm

Law Offices in San Antonio,  
Houston, Dallas, and Austin. We  
accept cases from all states.

fight hard to get the compensation and justice you deserve.  
With a proven track record, we have recovered millions in  
compensation for our clients injured in auto accidents.

**Hablamos Español**

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