

GRAND JUNCTION, CO

JUL 30 2018

CL-11117968-8294

July 23, 2018

**HAND DELIVERY**

Red Rock Nissan – Service Manager  
2582 Highway 6 and 50  
Grand Junction, CO 81501

Re: Vehicle: 2008 Altima Coupe  
VIN: 1N4BL24E68C  
Date of Purchase: March 22, 2008  
Current Odometer: 117,134

Ladies/Gentlemen:

I am writing to initiate an extended warranty claim for my vehicle's Continuously Variable Transmission (CVT). In a period of two days, my vehicle went into "limp mode" twice.

On a recent trip out-of-town, I traveled approximately 225 miles, stopping several times along the way. I checked into a motel, made a couple of phone calls, and drove to dinner. Unfortunately, approximately 1 mile from the motel the vehicle slowed to nearly a stop. The accelerator could be pressed to the floor with no acceleration; however, the vehicle would travel at a very slow rate and I was able to "limp" it off the street and out of traffic. I sat there for over an hour. At first the vehicle would start but would not move. In "park" there were RPMs, but in "drive" there were no RPMs. I was forced to call a towing service to have the vehicle towed back to the motel. The next day I tried to start the vehicle and it would not start. I contacted an auto repair shop and had the vehicle towed to the repair shop. Diagnostics only indicated a low battery. I asked the mechanic to replace the battery. After replacing the battery, the vehicle seemed to run normally.

I drove the vehicle approximately 150 miles on the open highway and through various towns. Coming into a town, I slowed for a traffic light and the vehicle again went into "limp mode." I was able to limp it off the highway and into a parking lot. I waited for approximately a half hour to see if the vehicle would start. It did not. I called a towing service and the vehicle was towed to Red Rock Nissan - 60 miles from the location of breakdown.

A couple of days later, Service Advisor, Nicole Brienzi, contacted me to tell me that the transmission was most likely overheating due to the transmission fluid *possibly* being overfilled, and therefore failing, and that was what caused the "limp mode." Ms. Brienzi asked me if I wanted her to price a new transmission. I said, No. Ms. Brienzi then suggested that I leave the vehicle so

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it could be driven until the failure was duplicated. I made an appointment to leave the vehicle on July 30 (when Ms. Brienzi returns from leave). However, I do not feel comfortable with this approach. I was told that the problem is CVT failure. There is no way to determine how many miles will need to be driven before a failure duplication.

The Complimentary Multi-Point Inspection records for my vehicle indicate the following with regard to automatic transmission fluid:

- 2/10/17 May need future attention
- 7/3/17 Checked and OK at this time
- 6/5/18 Not inspected at this time
- 7/14/18 Checked and OK at this time

All service records prior to February 10, 2017 and between July 3, 2017 and June 5, 2018, indicate that the transmission fluid checks OK. The July 14, 2018 inspection report states that the transmission fluid was "checked and OK at this time." However, the description section states, in part, that: "No codes in vehicle, checked CVT level and found HE CVT overfilled by 1 quart. Overfilled may cause CVT to overheat on long drives and go into fail safe or limp mode. Test drove twice a total of 13 miles and checked codes again, nothing further found at this time." A review of service records dating back to 2008 show that at no time has the transmission fluid been refilled.

There are several class-action lawsuits which allege that vehicles equipped with continuously variable transmissions slip, jerk, bind, lag, and *stop suddenly without warning*. Other Nissan CVT lawsuits claim that the automaker has known about the transmission issues for at least 10 years. Nissan markets the CVT as being new and more durable than other transmissions. However, it is alleged that the CVT does not last as long as the typical automatic transmission. In fact, most of them only last around 100,000 miles or less. Even more important is the fact that when they fail, 9 times out of 10 they must be replaced as a repair does not remedy the failure.

When purchasing a vehicle, the consumer relies on the integrity of the automaker. In the case of the CVT, the failure is a defect and a tremendous void in motorist safety. Consumers expect that their vehicle will be safe to drive, and it is in the automaker's interest to make sure that their vehicles are indeed safe. Automakers have become more adept at catching potential defects earlier and fixing problems before the need to open investigations and issue recalls. To that end, in 2009 Nissan extended the 5 year/60,000 mile warranty on 2003-2010 vehicles equipped with a CVT to 10 years/120,000 miles.

I frequently travel alone, and the recent out-of-town trip was under 600 miles. It's not uncommon for me to drive the vehicle to Wyoming, Florida or California. A breakdown is a malfunction, and transmission failure in a remote area, or on a congested freeway or interstate could be extremely dangerous or even deadly. Ensuring the safety of the vehicle and its occupants should be a priority.

Red Rock Nissan

July 23, 2018

Page 3

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The CVT in my vehicle is covered under the extended warranty, and the failures experienced are unsafe. Without a replacement transmission, failures are likely to become more frequent and my safety is being seriously compromised.

I look forward to hearing from you at your earliest convenience.

Sincerely,



Courtesy Copies:

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Consumer Affairs Department  
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Franklin, TN 37068-5003

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Washington, DC 20001

Auto Masters Corp.  
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[Redacted]  
Grand Junction, CO [Redacted]

GRAND JUNCTION CO 815

23 JUL 2018 PM 11:45



National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
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