

2019 JAN 7 2019

CL-11151823-9854

January 7, 2019

National Highway Traffic
Safety Administration
Attn: Jennifer Timian
Chief, Recall Management Division
Office of Defects Investigations Enforcements
1200 New Jersey Ave., S.E.
Washington, DC. 20590

RE: Recall Campaign No. 18V-755

Dear Ms. Timian:

Over the past 6 months, I have received four (4) "Important Limited Warranty Information" notices and one (1) recall from BMW North America regarding my vehicle. The four (4) notices were for:

- (1) High Pressure Fuel Pump
- (2) Engine Exhaust-Gas Recirculation (EGR) Valve
Engine Exhaust-Gas Recirculation (EGR) Cooler
- (3) Oxygen Sensor
- (4) Nitrogen Oxide Sensors (NOx)

RECALL:

- (5) Exhaust Gas Recirculation (EGR) Cooler

My car stopped in mid traffic, without any warning on the morning of October 12, 2018 around 7:15 am just before the morning rush traffic. I could not move my car out of harms way. A police officer parked behind me to keep me safe. My expensive, high tech car NEVER gave me any indication that it was about to fail. There were no check engine lights, ever!

Upon towing my car to the local dealership, I was told that per their diagnostic testing, the issue was the High-Pressure Fuel Pump (HPFP) and that the car would be fix, free of charge under the Limited Warranty listed above.

After three (3) weeks of the dealership having my vehicle, I was told that the HPFP was fixed but there was a timer chain issue with my car, and it would cost me \$21,000 to fix. In shock, I asked the repairman how could that be since no engine light indicators were ever displayed and why didn't their diagnostic testing reveal that specific problem when it revealed the HPFP issue upon initial assessment. He could not answer me but advised me that BMW North America

NM
1/31/19
AS

would offer me a 25% discount in replacing the engine, which would bring the cost to \$17,000. I was still in disbelief.

After several calls, emails and letters to BMW North America and the local dealership (Herrin Gear of Jackson, MS) I received another cost offer of \$11,000. We paid almost \$60,000 for this car and now we're being told we need to hand off another \$11,000 for a car that is only 3 years old. That's \$70,000. Disbelief.

BMW North America has denied my right to have my car fixed per the recall and notices of these defective parts. I don't know how they came to the conclusion they did to charge me \$11,000 - \$21,000 to repair my car. I've requested documents for review to understand what happened to cause engine failure but to no avail. I don't believe my timer chain failed on its own without any of the above listed items being a factor.

The defective EGR cooler on my car has caused my engine to fail. The failure of this item, along with the other items listed above have caused catastrophic failure on my engine. I simply cannot believe that my car, while in the care of the Herrin Gear of Jackson for three (3) weeks, did not inspect the EGR Cooler to see if the engine manifold needed to be replaced per their notices of the Limited Warranty Campaign that was officially issued in August, 2018, 5 months prior to the RECALL.

The RECALL notice was mailed in December but it states REMEDY NOT YET AVAILABLE. Per the PART 573 SAFETY RECALL REPORT 18v-755 page 5, BMW North America states the following **Description of Remedy:**

The EGR cooler will be inspected and, if necessary, replaced. If it is determined that the EGR cooler has internally leaked, the engine intake manifold will also be replaced. The EGR pipe connecting the cooler to the manifold will be cleaned.

Owners will be notified by First Class mail and instructed to take their vehicle to an authorized BMW center to have the remedy performed for free. Owners who have replaced the EGR cooler at their own expense prior to the recall notification may be eligible for reimbursement according to BMW Group's reimbursement plan in accordance with 49 CFR 573.13 and 49 CFR 577.11

I'm having a hard time understanding why BMW North America would submit a report to the NHTSA stating a remedy was available but RECALL notices to the consumers stating the remedy was not available. (see attachment)

My car has been at the local dealership since October. I have in good faith asked the dealership to pay for the repairs in full, refund me in part for my purchase of this vehicle or provide another vehicle equal to the value of my vehicle, but to no avail.

Per this letter, I am requesting a full investigation into the actions of BMW North America and Herrin Gear BMW of Jackson regarding willful misconduct and withholding of information regarding the pending repairs for my vehicle.

Sincerely,



Attachments

Cc: Herrin Gear
Better Business Bureau
MS Attorney General's Office

BMW



5-777-00943-0002164-001-1-000-000-000-000



CLINTON MS

November 2017

This **"Important Limited Warranty Information"** applies to the BMW vehicle with the Vehicle Identification Number (VIN) of **WBAXA5C50ED**

Dear BMW Owner/Lessee:

BMW is committed to delivering the ultimate in product satisfaction to our customers.

Towards that end, BMW is extending the limited warranty for the engine's:

- **High Pressure Fuel Pump**

On the above-referenced vehicle to:

- **10 years/120,000 miles as determined by your vehicle's original in-service date.**

This "component-specific" limited warranty extensions apply to defects in materials or workmanship. This coverage is subject to the same vehicle eligibility requirements, limitations, and exclusions that apply to the BMW New Vehicle Limited Warranty for Passenger Cars and Light Trucks.

This is notice of a "limited warranty extension." This is not a notice of a Recall or Service Action.

If a repair to this component is required, please contact your nearest authorized BMW center in the United States or Puerto Rico to schedule an appointment. Your authorized BMW center will determine the vehicle's eligibility and review the scope of repairs that are covered by this component-specific limited warranty extension(s).

After vehicle inspection and diagnosis, eligible repair work will be performed by the authorized BMW center in the United States (including Puerto Rico) free of charge.

Repairs performed on ineligible vehicles, eligible vehicles operated and repaired outside the United States and Puerto Rico and/or the diagnosis and repair of other unrelated issues are not covered by this limited warranty extension. This exclusion applies to repairs, including consequential, that were performed using non-genuine BMW parts and/or used passenger car or light truck parts.

The integrity of our products is essential to BMW's success and our customers' trust. We are determined to exceed your expectations and hope this warranty extension further enhances your ownership experience.

Sincerely,

BMW of North America, LLC

Company
BMW of North America, LLC
BMW Group Company

Mailing Address
PO Box 1227
Westwood, NJ
07675-1227

Telephone
(800) 831-1117

E-mail
Customerrelations@
bmwusa.com

Website
bmwusa.com

777-3000-0714



P.O. Box 619063
Dallas, TX 75261-9063
DO NOT MAIL REPAIR ORDER TO THIS ADDRESS



6-777-01080-0002293-001-1-000-000-000



CLINTON MS

August 2018

This **"Important Limited Warranty Information"** applies to the BMW vehicle with the Vehicle Identification Number (VIN) of **WBAXA5C50ED**

Dear BMW Owner/Lessee:

BMW is committed to delivering the ultimate in product satisfaction to our customers. Towards that end, BMW is extending the limited warranty for the:

- **"Engine Exhaust-Gas Recirculation (EGR) Valve"**
- **"Engine Exhaust-Gas Recirculation (EGR) Cooler"**

On the above-referenced vehicle to:

- **10 years/120,000 miles as determined by your vehicle's original in-service date.**

This "component-specific" limited warranty extensions apply to defects in materials or workmanship. This coverage is subject to the same vehicle eligibility requirements, limitations, and exclusions that apply to the BMW New Vehicle Limited Warranty for Passenger Cars and Light Trucks.

This is notice of a "limited warranty extension." This is not a notice of a Recall or Service Action.

If a repair to this component is required, please contact your nearest authorized BMW center in the United States or Puerto Rico to schedule an appointment. Your authorized BMW center will determine the vehicle's eligibility and review the scope of repairs that are covered by this component-specific limited warranty extension(s).

After vehicle inspection and diagnosis, eligible repair work will be performed by the authorized BMW center in the United States (including Puerto Rico) free of charge.

Repairs performed on ineligible vehicles, eligible vehicles operated and repaired outside the United States and Puerto Rico and/or the diagnosis and repair of other unrelated issues are not covered by this limited warranty extension. This exclusion applies to repairs, including consequential, that were performed using non-genuine BMW parts and/or used passenger car or light truck parts.

The integrity of our products is essential to BMW's success and our customers' trust. We are determined to exceed your expectations and hope this warranty extension further enhances your ownership experience.

Sincerely,

BMW of North America, LLC

Company

BMW of North America, LLC
BMW Group Company

Mailing Address

PO Box 1227
Westwood, NJ
07675-1227

Telephone

(800) 831-1117

E-mail

Customerrelations@
bmwusa.com

Website

bmwusa.com



P.O. Box 619063
Dallas, TX 75261-9063
DO NOT MAIL REPAIR ORDER TO THIS ADDRESS



6-777-01220-0002310-001-1-000-000-000-000



CLINTON MS

December 2018

This **"Important Limited Warranty Information"** applies to the BMW vehicle with the Vehicle Identification Number (VIN) of **WBAXA5C50ED**

Dear BMW Owner/Lessee:

BMW is committed to delivering the ultimate in product satisfaction to our customers.

Towards that end, BMW is extending the limited warranty for the:

- **Nitrogen Oxide Sensors (NOx)**

On the above-referenced vehicle to:

- **10 years/120,000 miles as determined by your vehicle's original in-service date.**

This "component-specific" limited warranty extension applies to defects in materials or workmanship. This coverage is subject to the same vehicle eligibility requirements, limitations, and exclusions that apply to the BMW New Vehicle Limited Warranty for Passenger Cars and Light Trucks.

This is notice of a "limited warranty extension." This is not a notice of a Recall or Service Action.

If a repair to this component is required, please contact your nearest authorized BMW center in the United States or Puerto Rico to schedule an appointment. Your authorized BMW center will determine the vehicle's eligibility and review the scope of repairs that are covered by this component-specific limited warranty extension.

After vehicle inspection and diagnosis, eligible repair work will be performed by the authorized BMW center in the United States (including Puerto Rico) free of charge.

Repairs performed on ineligible vehicles, eligible vehicles operated and repaired outside the United States and Puerto Rico and/or the diagnosis and repair of other unrelated issues are not covered by this limited warranty extension. This exclusion applies to repairs, including consequential, that were performed using non-genuine BMW parts and/or used passenger car or light truck parts.

The integrity of our products is essential to BMW's success and our customers' trust. We are determined to exceed your expectations and hope this warranty extension further enhances your ownership experience.

Sincerely,

BMW of North America, LLC

Company

BMW of North America, LLC
BMW Group Company

Mailing Address

PO Box 1227
Westwood, NJ
07675-1227

Telephone

(800) 831-1117

E-mail

Customerrelations@
bmwusa.com

Website

bmwusa.com



P.O. Box 619063
Dallas, TX 75261-9063
DO NOT MAIL REPAIR ORDER TO THIS ADDRESS



6-777-01219-0002421-001-1-000-000-000-000



CLINTON MS

December 2018

This **"Important Limited Warranty Information"** applies to the BMW vehicle with the Vehicle Identification Number (VIN) of **WBAXA5C50ED**

Dear BMW Owner/Lessee:

BMW is committed to delivering the ultimate in product satisfaction to our customers. Towards that end, BMW is extending the limited warranty for the:

- **Oxygen Sensor**

On the above-referenced vehicle to:

- **10 years/120,000 miles as determined by your vehicle's original in-service date.**

This "component-specific" limited warranty extension applies to defects in materials or workmanship. This coverage is subject to the same vehicle eligibility requirements, limitations, and exclusions that apply to the BMW New Vehicle Limited Warranty for Passenger Cars and Light Trucks.

This is notice of a "limited warranty extension." This is not a notice of a Recall or Service Action.

If a repair to this component is required, please contact your nearest authorized BMW center in the United States or Puerto Rico to schedule an appointment. Your authorized BMW center will determine the vehicle's eligibility and review the scope of repairs that are covered by this component-specific limited warranty extension.

After vehicle inspection and diagnosis, eligible repair work will be performed by the authorized BMW center in the United States (including Puerto Rico) free of charge.

Repairs performed on ineligible vehicles, eligible vehicles operated and repaired outside the United States and Puerto Rico and/or the diagnosis and repair of other unrelated issues are not covered by this limited warranty extension. This exclusion applies to repairs, including consequential, that were performed using non-genuine BMW parts and/or used passenger car or light truck parts.

The integrity of our products is essential to BMW's success and our customers' trust. We are determined to exceed your expectations and hope this warranty extension further enhances your ownership experience.

Sincerely,

BMW of North America, LLC

Company

BMW of North America, LLC
BMW Group Company

Mailing Address

PO Box 1227
Westwood, NJ
07675-1227

Telephone

(800) 831-1117

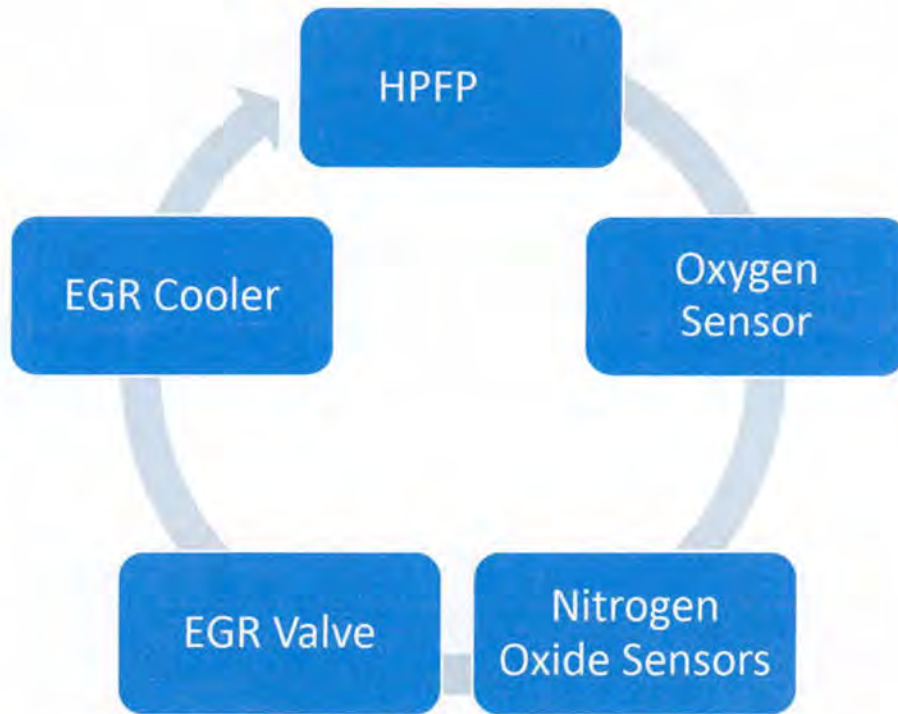
E-mail

Customerrelations@
bmwusa.com

Website

bmwusa.com

CATASTROPHIC ENGINE FAILURE



(1) Notice – Important Limited Warranty Information – Oxygen Sensor

Symptoms of a Bad Oxygen Sensor. When you have a bad oxygen sensor, your vehicle will run less efficiently, it can sometimes have a poor idle, erratic jerking at steady throttle, hard starting problems, cause the check engine light to come on, and will cause high fuel consumption.

(2) Notice – Important Limited Warranty Information – Nitrogen Oxide Sensors (NOx)

A rich mixture results in a fuel that is not burned that creates pollution. A lean mixture generates nitrogen-oxide pollutants, which can lead to decreased vehicle performance and engine damage. ... If your oxygen sensor fails to function properly, your engine management computer cannot determine the air to fuel ratio.

(3) Notice – Important Limited Warranty Information – Engine Exhaust-Gas Recirculation (EGR) Valve

However, no diesel engine works with anything like complete efficiency and, over time, the carbon dust inside the exhaust gases begins to clog up the EGR system, reducing the movement of the EGR valve. This clogged EGR valve causes the engine to run badly due to an imbalance in the fuel/air mixture.

(4) Notice – Important Limited Warranty Information – Engine Exhaust-Gas Recirculation (EGR) Cooler

Exhaust leak. Another issue of a problem with the EGR cooler is exhaust leaks. If the EGR cooler gaskets fail, or the cooler gets damaged for any reason, it can cause an exhaust leak to develop. ... This will reduce the efficiency of the EGR system, and negatively affect engine performance.

(5) Notice – Important Limited Warranty Information – High Pressure Fuel Pump

Black Smoke from a diesel exhaust. Black smoke emitting from your exhaust is due to an air to fuel ratio imbalance. This occurs when the diesel fuel system is delivering either too much fuel into the engine or there is not enough air. Valves clogged within cylinder head due to EGR being faulty.

BMW



IMPORTANT SAFETY RECALL – Remedy Not Yet Available

This notice applies to your vehicle, WBAXA5C50ED [REDACTED]
Recall Campaign No. 18V-755: Exhaust Gas Recirculation (EGR) Cooler

December 2018

Dear BMW Owner / Lessee:

This notice is sent to you in accordance with the National Traffic and Motor Vehicle Safety Act. BMW AG has decided that a defect, which relates to motor vehicle safety, exists in certain Model Year 2013-2018 BMW 3 Series, 5 Series, 7 Series, X3 SAV and X5 SAV vehicles with a diesel engine. Our records indicate that you are the owner of a potentially affected vehicle.

Why are we contacting you?

We are informing you of a safety recall on your vehicle although we are not able to perform the remedy at this time. We will notify you with a follow-up letter as soon as we are able to perform this safety recall.

What could happen?

The engine's EGR cooler could develop an internal leak. The cooling fluid could mix with typical diesel engine soot deposits. With high temperatures normally present in the EGR module, this might result in smoldering particles. In some cases, these particles could contact the engine intake manifold and create small holes due to melting. If this occurs, it would increase the risk of a fire.

Your vehicle may be experiencing this issue if one or more of the following occurs; a reduction in engine power, a warning symbol indicating a loss of engine coolant. You may notice an unpleasant odor (e.g., exhaust), and/or hear an unusual noise from the engine. If this occurs, carefully move away from traffic and pull over to a safe location as soon as possible. All occupants should carefully exit the vehicle and move to a safe location away from traffic. Do not open the hood. Do not continue to drive the vehicle. Contact BMW Roadside Assistance at 1-800-332-4269 immediately to have your vehicle brought to the nearest authorized BMW center.

If you are not the only driver of this vehicle, please advise all other drivers and passengers of this important information.

What will BMW do?

When the remedy is available, the EGR cooler will be inspected and, if necessary, replaced. If the EGR cooler leaked, the engine intake manifold will also be replaced. This service will be performed for free and take approximately one hour. If you already had this repair performed at your own expense, our follow-up letter will contain information regarding possible eligibility for reimbursement.

What if I am not the current owner of this vehicle?

You can update the vehicle ownership or your contact information by completing the enclosed postage-paid card or by registering at <http://www.bmwusa.com/myBMW>. If you are a vehicle lessor, Federal Regulations require you to forward this notice to your lessee within ten days.

What if I have questions or experience problems?

For the latest updates to this recall, please visit www.bmwusa.com/recall. Should you have any questions about this recall, please contact your authorized BMW center. If you need additional assistance, contact BMW Customer Relations and Services at 1-800-525-7417 or at CustomerRelations@bmwusa.com.

If your BMW center is unable to remedy the defect without charge or within a reasonable period of time, you may notify the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590, call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153), or go to <http://www.safercar.gov>.

Please be assured that your safety is important to us, and we sincerely apologize if this recall causes any inconvenience. We recommend that you and your passengers wear your safety belt at all times.

Sincerely,
BMW of North America, LLC

Spanish translation on back side
Traducción en español en el lado inverso



0040039
0040522

Company
BMW
of North America, LLC
BMW Group Company

Mailing Address
PO Box 1227
Westwood NJ 07675-1227

Telephone
(800) 525-7417

Fax
(201) 930-8362

E-mail
CustomerRelations@bmwusa.com

Internet
bmwusa.com

preliminary information indicated that a thermal event would not occur. BMW also stated that it would continue to closely monitor the field.

In October 2018, further in-depth analyses indicated that it was possible that one incident could be attributed to this issue.

BMW vehicle assembly records were reviewed to determine the number and production range of potentially affected vehicles.

On October 19, 2018, in an abundance of caution, BMW decided to conduct a voluntary safety recall.

BMW has not received any reports, nor is BMW otherwise aware, of any accidents or injuries related to this issue.

Description of Remedy :

Description of Remedy Program : The EGR cooler will be inspected and, if necessary, replaced. If it is determined that the EGR cooler has internally leaked, the engine intake manifold will also be replaced. The EGR pipe connecting the cooler to the manifold will be cleaned.

Owners will be notified by First Class mail and instructed to take their vehicle to an authorized BMW center to have the remedy performed for free. Owners who have replaced the EGR cooler at their own expense prior to the recall notification may be eligible for reimbursement according to BMW Group's reimbursement plan in accordance with 49 CFR 573.13 and 49 CFR 577.11.

How Remedy Component Differs from Recalled Component : Recalled Component: EGR cooler; p/ n – model dependent (7823210, 8517724, 8513693)

Identify How/ When Recall Condition was Corrected in Production : NR

Recall Schedule :

Description of Recall Schedule : Notification to dealers is planned to begin and end on October 25, 2018. Notification to owners is planned to begin and end on December 17, 2018.

Planned Dealer Notification Date : OCT 25, 2018 - OCT 25, 2018

Planned Owner Notification Date : DEC 17, 2018 - DEC 17, 2018

Clinton, MS.

09 JAN 2013 PM



NHTSA
ATTN: Jennifer Timian
Chief, Recall Management Division
Office of Defects Investigations Enforcements
1200 New Jersey Ave., S.E.
Washington, DC. 20590

20590-

