

MAR 1 2019

CL-11164820-1395

U.S. Department of Transportation
NHTSA Office of Defect Investigation
(NVS-210)
1200 New Jersey Avenue SE
West Building
Washington D.C. 20590

February 27, 2019.

Dear Sir,

I [REDACTED] trying to get justice for not functioning the Air-Beg properly and the X-5, BMW key remote system. I have very bad accident on May 7th, 2017, when I hit the back wall of Church, my car X-5 severely damaged but Air-beg fail to deploy and it hurt by transplank knees and by forehead and eyeglasses. Beside Air-beg, the key mal-functioning, most of the time it lock the door if the you leave the key inside. Most of the time the car starts without inserting the key and some time the car does not start, you have to insert the key to start the ignition.

I contacted BMW Office in New Jersey, they refuse to accept my views and said the accident was not severe enough to deploy the Air-beg and I went to different car specialist and all of them said now a day the air-beg are so sensitive they deploy immediately. The BMW dispatch a letter mentioning the defect of their air-bag and ask me to contact my BMW dealer. After couple of months the dealer changed the air-bag.

Sir, I am forwarding the all papers and correspondence with the BMW and like to have your honest expert advise so I can persue to BMW. Thanking and looking forward to hearing from you at your earliest.

Sincerely,
[REDACTED]

Kenner, LA. [REDACTED]
[REDACTED]
ODI Complain # 11164820

T /ml
03

BMW N.A.LLC.
JENIFER TAVARS
EXECUTIVE CUSTOMER SERVICE
P.O. BOX 1227
WESTWOOD
N.J. 07675

May 26, 2018

Dear Mrs. Jenifer;

Thank you, for calling me, I am sorry I could not reply faster enough because my wife was sick. I am visiting to my Orthopedic Specialist Dr. Richard Meyer MD. He again checks my right shoulder and both knees, he looks satisfy with both knees and for shoulder he gives short and asked me to call if it did not get better. I am regularly going to Ochsner's Fitness center for exercise and fitness. I feel myself better and better. Mrs. Jenifer it was a very serious accident my foot goes on gas instead brakes and hit the back wall of Muslim church located on Power Blvd. Metairie, Jefferson Parish. I got it repaired the damage church. I repaired the car most of the money for repairing the car came from insurance. Thank god life and other things got normal in a very descent way. My no-line bifocal photo lenses were broken too with impact.

After this big accident everyone got surprise that the air-bags did not deployed and they can save my chest, knee and shoulder. It took more than a week to get repaired my car to my satisfaction. My car is running good but still there is slight trouble in changing gear. I am sanding you the car estimation plus I spend about \$ 940.00 (this includes (deductible). By looking this estimates you can evaluate the seriousness of the accident.

I am [REDACTED] years old person but I love my BMW and I will keep driving as long as I can. Thanks again and hopefully this all matter will be solved in quite descent BMW way and looking forward to hear from you at your earliest.

Sincerely yours

[REDACTED]
[REDACTED]
Kenner, LA. [REDACTED]

To protect the privacy of individuals, NHTSA does not make medical records available to the public without authorization. For this reason, documents falling into this category have not been included in this complaint record.

State Farm Insurance Companies
Itemized supplement requests, photos and any applicable invoices should be
emailed to Suppteam3@StateFarm.com and must be approved by State Farm.
A Supplement Request form may be found on b2b.statefarm.com.
If email is unavailable, you may fax to 866-846-0735

*** ESTIMATE ***

05/08/2017 11:20 AM

Owner

Owner: [REDACTED]
Address: [REDACTED]
City State Zip: KENNER, LA [REDACTED]
Work/Day: [REDACTED]
Home/Evening: [REDACTED]
FAX: [REDACTED]

Control Information

Claim #: [REDACTED] Insured Policy #: [REDACTED]
Loss Date/Time: 05/07/2017 Loss Type: Collision
Deductible: \$250.00
Ins. Company: State Farm
Insured: [REDACTED]
Claim Rep: Express Team A - Rental -
Address: [REDACTED] Work/Day: [REDACTED]

Inspection

Inspection Date: 05/08/2017 11:12 AM
Inspection Location: LA VIS Kenner (Kevs Kars)
Address: 1410 Veterans Memorial Blvd.
City State Zip: Kenner, LA 70062
Primary Impact: Front
Driveable: Yes
Assigned Date/Time:
Appraiser Name: Art (CSG5)
Inspection Type: Drive In
Contact:
Work/Day:
FAX:
Secondary Impact:
Rental Assisted:
Received Date/Time: 05/08/2017 09:21 AM
Appraiser License # :

Vehicle

2008 BMW X5 3.0si 4 DR Wagon
6cyl Gasoline 3.0
6-Speed Automatic

Lic.Plate: [REDACTED]
Lic Expire: 03/2019
Prod Date:
Veh Insp#: [REDACTED]
Condition: Good
Ext. Color: MONACO BLUE MET
Ext. Refinish: Two-Stage
Ext. Paint Code: A35

Lic State: LA
VIN: 5UXFE43588L [REDACTED]
Mileage: 97,762
Mileage Type: Actual
Code: 47113A
Int. Color: - Leather Nevada tabak
Int. Refinish: Two-Stage
Int. Trim Code: LUF1

Auto Damage Report 6-Pages

Options - AudaVIN Information Received

| | | |
|---------------------------------|---------------------------------|----------------------------------|
| AM/FM In-dash CD Changer | Air Conditioning | Alarm System |
| Aluminum/Alloy Wheels | Anti-Lock Brakes | Automatic Dimming Mirror |
| Bucket Seats | Center Console | Climate Cntrl Frnt Seats |
| Cruise Control | Digital Signal Processor | Driver Seat Memory |
| Dual Airbags | Dual Power Seats | Dual Pwr Lumbar Supports |
| Electronic Compass | Emergency S.O.S. System | Fog Lights |
| Four Zone Auto A/C | Garage Door Opener | Head Airbags |
| Heated Power Mirrors | Heated W/S Wiper Washers | High Intensity Headlamps |
| IPOD Control | Intermittent Wipers | Keyless Access System |
| Keyless Entry System | Leather Seats | Leather Steering Wheel |
| Lighted Entry System | MP3 Decoder | Navigation System |
| Onboard Computer | Panorama Sunroof | Power Brakes |
| Power Door Locks | Power Liftgate | Power Steering |
| Power Windows | Privacy Glass | Pwr Tilt/Tele. Str Wheel |
| Rain-Sensing W/S Wipers | Rear Climate Control A/C | Rear Side Windw Sunshades |
| Rear Spoiler | Rear Window Defroster | Rear Window Wiper/Washer |
| Rem Trunk-L/Gate Release | Roof/Luggage Rack | Run-Flat/Self-Seal Tires |
| Side Airbags | Split Folding Rear Seat | Stability Cntrl Suspensn |
| Steering Linked Headlmps | Strg Wheel Radio Control | Tachometer |
| Theft Deterrent System | Tinted Glass | Tire Pressure Monitor |
| Tonneau/Cargo Cover | Traction Control System | Trip Computer |
| Upgraded/Addl Speakers | | |

AudaVIN options are listed in bold-italic fonts

Damages

| Line | Op | Guide | MC | Description | MFR.Part No. | Price | ADJ% B% | Hours | R |
|----------------------------------|----|-------|----|---|---|------------|---------|-------|----|
| Stripes And Mouldings | | | | | | | | | |
| 1 | E | 560 | # | Mldg,Wheel Opening LT # = 01, 46 | 51777158427 | \$161.47 | | INC | SM |
| 2 | RI | 561 | | Mldg,Wheel Opening RT | R & I Assembly | | | INC | SM |
| Front Bumper | | | | | | | | | |
| 3 | EU | 6 | | Bumper Assembly,Front >> Note: "Black Textured" | RECYCLED PART Bumper Cover Asmy. | \$355.00 | +30.00 | 1.2 | SM |
| 4 | L | 19 | 13 | Filler,Front Bumper LT | Refinish 0.3 Surface 0.6 Two-stage setup 0.1 Two-stage | | | 1.0 | RF |
| 5 | RI | 19 | | Filler,Front Bumper LT | R & I Assembly | | | 0.2 | SM |
| 6 | L | 20 | | Filler,Front Bumper RT | Refinish 0.3 Surface 0.1 Two-stage | | | 0.4 | RF |
| 7 | RI | 20 | | Filler,Front Bumper RT | R & I Assembly | | | 0.2 | SM |
| Front End Panel And Lamps | | | | | | | | | |
| 8 | E | 41 | | Headlamp Assy,Xenon LT | 63117289001 | \$1,911.24 | | 0.6 | SM |
| 9 | I | 42 | | Headlamp Assy,Xenon RT >> Note: Polish Scuff Marks | Repair | | | 0.6* | SM |
| 10 | RI | 42 | | Headlamp Assy,Xenon RT | R & I Assembly | | | 0.1 | SM |
| 11 | N | 973 | | Headlamps Aim | ADDITIONAL OPERATION | | | 0.4 | SM |
| 12 | RI | 506 | | Lamp Assembly,Fog LT | R & I Assembly | | | 0.2 | SM |
| 13 | RI | 507 | | Lamp Assembly,Fog RT | R & I Assembly | | | 0.2 | SM |
| Front Body And Windshield | | | | | | | | | |
| 14 | RI | 401 | | Lamp,Side Marker LT | R & I Assembly | | | 0.1 | SM |
| 15 | RI | 402 | | Lamp,Side Marker RT | R & I Assembly | | | 0.1 | SM |

| | | | | | | | | |
|----|----|-----|---|--|----------|--------|------|----|
| 16 | EU | 83 | Panel,Hood >> Note: Incs. Frt. Hood Grilles - Left & Right | RECYCLED PART | \$775.00 | +30.00 | 1.1 | SM |
| 17 | L | 83 | Panel,Hood Aluminum | Refinish | | | 5.3 | RF |
| | | | | 3.1 Surface 1.3 Edge 0.9 Two-stage | | | | |
| 18 | E | 71 | Emblem,Hood Panel | 51148132375 | \$37.89 | | 0.2 | SM |
| 19 | E | 30 | 01 Label,Hood | 71227594384 | \$16.07 | | 0.1 | SM |
| 20 | I | 103 | Fender,Front LT >> Note: Incs. Alignment Time. | Repair | | | 6.5* | SM |
| 21 | L | 103 | Fender,Front LT | Refinish | | | 3.0 | RF |
| | | | | 2.1 Surface 0.4 Two-stage 0.5 Feather, Prime & Block | | | | |
| 22 | I | 104 | Fender,Front RT >> Note: Incs. Alignment Time. | Repair | | | 4.0* | SM |
| 23 | L | 104 | Fender,Front RT | Refinish | | | 3.0 | RF |
| | | | | 2.1 Surface 0.4 Two-stage 0.5 Feather, Prime & Block | | | | |
| 24 | RI | 103 | Front Fender R & I LT | R & I Assembly | | | 2.6 | SM |
| 25 | RI | 104 | Front Fender R & I RT | R & I Assembly | | | 2.6 | SM |

Manual Entries

| | | | | | | | | |
|----|-------|--|-------------------------|----------------------|---------|--|------|-----|
| 26 | L | | Corrosion Protection | Refinish | | | 0.2* | RF* |
| 27 | N | | Car Cover | ADDITIONAL OPERATION | \$5.00* | | | SM |
| 28 | N | | Hazardous Waste Removal | ADDITIONAL OPERATION | \$3.00* | | | SM |
| 28 | Items | | | | | | | |

MC Message

| | |
|----|--|
| 01 | CALL DEALER FOR EXACT PART # / PRICE |
| 13 | INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE |
| 46 | PRINTABLE ALTERNATE PARTS COMPARE |

Estimate Total & Entries

| | |
|-------------------------|-------------------------------|
| Gross Parts | \$2,126.67 |
| Other Parts | \$1,138.00 |
| Paint & Materials | 11.9 Hours @ \$34.00 \$404.60 |
| Line Item Markup | \$339.00 |
| Parts & Material Total | \$4,008.27 |
| Tax on Parts & Material | @ 9.750% \$390.81 |

| Labor | Rate | Replace Hrs | Repair Hrs | Total Hrs | |
|------------------|---------|-------------|------------|-----------|------------|
| Sheet Metal (SM) | \$50.00 | 9.5 | 11.5 | 21.0 | \$1,050.00 |
| Mech/Elec (ME) | \$65.00 | | | | |
| Frame (FR) | \$65.00 | | | | |
| Refinish (RF) | \$50.00 | 12.9 | | 12.9 | \$645.00 |

| | | |
|------------------|------------|------------|
| Labor Total | 33.9 Hours | \$1,695.00 |
| Tax on Labor | @ 9.750% | \$165.26 |
| Gross Total | | \$6,259.34 |
| Less: Deductible | | \$250.00- |
| Net Total | | \$6,009.34 |



For more information regarding State Farm's promise of satisfaction relating to new non-original equipment manufacturer (non-OEM) and recycled parts, please visit: <http://st8.fm/7X4> or QR code.

Register online to check the status of your claim and stay connected with State Farm®. To register, go to statefarm.com and select Check the Status of a Claim. If you are already registered, thank you!

Alternate Parts Y/01/00/00/01/01 CUM 01/00/00/01/01 Zip Code: 70508 Louisiana
Recycled Parts Y/4/2 Zip Code: 70501 INV DATE: 05/08/2017
Rate Name (02380) NEW ORLEANS/METAIRIE

Audatex Estimating 8.0.134 ES 05/08/2017 11:48 AM REL 8.0.134 DT 04/01/2017
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1.0 HOURS OF REPAIR TIME WERE ALLOCATED TO FEATHER, PRIME & BLOCK AS INDICATED BY THE ESTIMATE PREPARER'S LABOR ITEMIZATION. FEATHER, PRIME & BLOCK LABOR IS REFLECTED UNDER THE REFINISH OPERATION FOR THE APPLICABLE DAMAGE ENTRY.

2.5 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THESE PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE.

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON.

Op Codes

* = User-Entered Value
EC = ** NON-OEM PART
ET = Partial Replace Labor
TE = Partial Replace Price
L = Refinish
TT = Two-Tone
BR = Blend Refinish
CG = Chipguard
RP = RP-RELATED PRIOR

E = New Part
OE = Replace PXN OE Srpls
EP = ** NON-OEM PART
PM = REMAN/REBUILT PART
PC = RECOND PART
SB = Sublet Repair
I = Repair
RI = R & I Assembly

NG = Replace NAGS
UE = Replace OE Surplus
EU = RECYCLED PART
UM = REMAN/REBUILT PART
UC = RECOND PART
N = ADDITIONAL OPERATION
IT = Partial Repair
P = Check



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State Farm Insurance Companies
 Itemized supplement requests, photos and any applicable invoices should be
 emailed to Suppteam3@StateFarm.com and must be approved by State Farm.
 A Supplement Request form may be found on b2b.statefarm.com.
 If email is unavailable, you may fax to 866-846-0735

Recycled Real Steel Locate Report

Owner Name: [REDACTED]
Claim # : [REDACTED]

Vehicle

2008 BMW X5 3.0si 4 DR Wagon
 6cyl Gasoline 3.0
 6-Speed Automatic

Options

| | | |
|--------------------------|--------------------------|--------------------------|
| AM/FM In-dash CD Changer | Air Conditioning | Alarm System |
| Aluminum/Alloy Wheels | Anti-Lock Brakes | Automatic Dimming Mirror |
| Bucket Seats | Center Console | Climate Cntrl Frnt Seats |
| Cruise Control | Digital Signal Processor | Driver Seat Memory |
| Dual Airbags | Dual Power Seats | Dual Pwr Lumbar Supports |
| Electronic Compass | Emergency S.O.S. System | Fog Lights |
| Four Zone Auto A/C | Garage Door Opener | Head Airbags |
| Heated Power Mirrors | Heated W/S Wiper Washers | High Intensity Headlamps |
| IPOD Control | Intermittent Wipers | Keyless Access System |
| Keyless Entry System | Leather Seats | Leather Steering Wheel |
| Lighted Entry System | MP3 Decoder | Navigation System |
| Onboard Computer | Panorama Sunroof | Power Brakes |
| Power Door Locks | Power Liftgate | Power Steering |
| Power Windows | Privacy Glass | Pwr Til/Tele. Str Wheel |
| Rain-Sensing W/S Wipers | Rear Climate Control A/C | Rear Side Wndw Sunshades |
| Rear Spoiler | Rear Window Defroster | Rear Window Wiper/Washer |
| Rem Trunk-L/Gate Release | Roof/Luggage Rack | Run-Flat/Self-Seal Tires |
| Side Airbags | Split Folding Rear Seat | Stability Cntrl Suspensn |
| Steering Linked Headlmps | Strg Wheel Radio Control | Tachometer |
| Theft Deterrent System | Tinted Glass | Tire Pressure Monitor |
| Tonneau/Cargo Cover | Traction Control System | Trip Computer |
| Upgraded/Addl Speakers | | |

| Line | Part Description | Year/Make / Notes | VIN? | Cleanup | Supplier ID | Stock # |
|------|-----------------------|---|------|---------|-------------|------------|
| 3 | Bumper Assembly,Front | 2009 RH,LH,BARE COVER AND LH RH END PIECE | Y | | S700515 | [REDACTED] |
| 16 | Panel,Hood | 2008 RH,LH,SIL,4.8I TITANIUM GRILLES | Y | | S700203 | [REDACTED] |

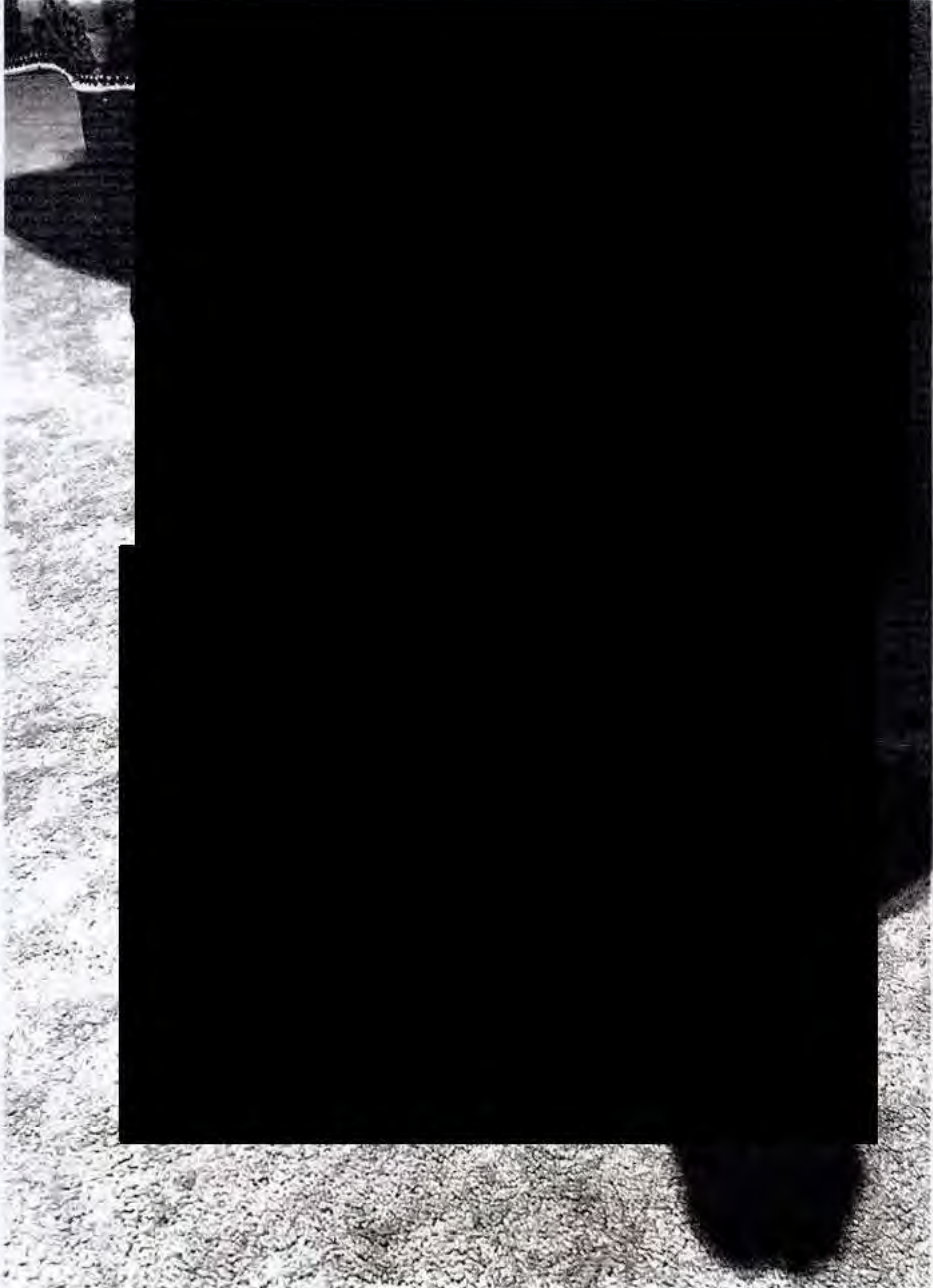
> = ESTIMATE TOTAL IS BASED ON PRICE QUOTED BY THIS SUPPLIER. REPAIRERS MAY USE THE SUPPLIER OF THEIR CHOICE AND MAY NEGOTIATE SPECIFIC TERMS OF PURCHASE WITH THAT SUPPLIER.

Detailed Distributor List

| | | |
|---------|---|---------------|
| S700515 | LKQ SOUTHERN REGION 511 Gap Creek Road Duncan SC 29334 | (800)922-7213 |
| S700203 | LKQ CENTRAL REGION 15206 Kuykendahl Road Houston TX 77090 | (800)460-8714 |

Included Damage for Recycled Real Steel

| Assembly/Part | Replaces | Operation | Description |
|-------------------------|----------|-----------|--------------------|
| Hood (titanium grilles) | | New Part | Grille Assembly LT |



Knee
After
Accident -

BMW N.A. LLC.
Jenifer Tavares
Executive Customer Service
P.O. Box 1227
Westwood
NJ. 07675

February 1st 2018.

Dear Mrs. Jenifer;

First I want to thank you for talking me about my grievances about Airbag not deployed. The accident happened on May 7th, 2017, I was parking my car in Muslim Mosque located on [REDACTED] Metairie, LA. [REDACTED] my feet move accidentally from brake to gas, car got the speed and stuck the back wall of church. It damages kitchen and few things inside kitchen beside wall. This was my mistake. The accident was severing but it does not deploy the airbag. Its damages the car front cost me about \$7000.00, my transplanted knee was hurt and my glasses also damaged. I am enclosing the photograph of my knee. It cost me doctor fees and I suffered pain, suffering and took time to recover.

I am looking for a reasonable settlement, I am an honest person retired from U.S. Department of Interior after working about 37 years. I am retired and looking forward to hear from you at your earliest. I will be out of country from February 7th 2018 to the end of March 2018. I respect and value BMW as a very reputable company in the world. Thank you.

Sincerely yours,

[REDACTED]
Kenner, LA

Phone, Cell
Home [REDACTED]

BMW N.A.LLC.
JEN9FER TAVARS
EXECUTIVE CUSTOKER SERVICE
P.O. Box 1227
Westwood
N.J. 07675.

June 7, 2018



Dear Mrs. Jenifer,

Thank for your Telephone call, I now found the accident pictures and I hope it will give you idea and reason for not deploying of Air bags. I am still suffering because of non-deployment of the air begs. My Shoulder and Knees suffered beside suffering the Chest. Knees got much more better but my shoulder still giving me pain. My health insurance is paying for all this doctor's bill. I never mentioned the reason of all this suffering to insurance company. My suffering may prolong for indefinite time. My BMW is still giving me trouble and I am getting fixed outside dealership because I cannot afford their prices.

Jenifer, I am avoiding to go any attorney for the settlements. I need all your best to settle this matter with all your efforts in best manner and outside the court. This change my life style, in the store I drive the store cart for my walking.

I thank you for your prompt action and looking forward to hear from you at your earliest. I am leaving the country on July 5th, 2018 because my sister is very sick. While I am there I will get some dental work done over there. Beside the dental work I will try to find some help to get fix my shoulder. I will be back after a month.

Sincerely yours


Kenner, LA.
Cell Phone# 









FIRST CLASS

U.S. Department of Transportation
NHTSA Office of Defect Investigation
(NVS-210)
1200 New Jersey Avenue SE
West Building
WASHINGTON D.C. ~~20590~~
20590

