

SCHULMAN, SCHULMAN & MEROS

Attorneys at Law
An Association of Professional Corporations
55 Public Square, Suite 1055
Cleveland, Ohio 44113-1901

Tel (216) 621-0580
Fax (216) 621-5428
schulman.meros@gmail.com

Jack M. Schulman
Howard A. Schulman (Retired)
John C. Meros

INFORMATION REDACTED PURSUANT TO THE FREEDOM
OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

January 14, 2019

NHTSA Headquarters
1200 New Jersey Ave., S.E.
Washington, DC 20590

RE: Subject Vehicle : 2006 Cadillac XLR Roadster
VIN Number : 1G6YV36A46 [REDACTED]
Owner : [REDACTED]
Date of Incident : 08/31/2018

****PRODUCT COMPLAINT****

TO WHOM IT MAY CONCERN:

This letter is to provide the National Highway Traffic Safety Administration ("NHTSA") with notice of an incident and product complaint involving [REDACTED] the owner of the above-identified 2006 Cadillac XLR automobile. I am one of the attorneys representing [REDACTED] along with the law firm of Friedman, Domiano & Smith Co., LPA.

On August 31, 2018 at 10:00 a.m., [REDACTED] became entrapped in his Cadillac XLR in his garage in Cleveland, Ohio, when his electric door release buttons stopped working. The automobile had suddenly and unexpectedly experienced a loss of power with [REDACTED] inside the vehicle, rendering the automobile's power door release buttons useless. [REDACTED] was entrapped in the automobile for nearly 14 hours as the windows and doors would not operate, and he could not forcefully exit the vehicle by other means.

NEF-010

CL-11175590-1370

NM
2.6.19
LD

██████████ was sweating profusely throughout the ordeal, passing out several times with moisture accumulating inside the car creating a sauna-type environment, adding to his dehydration and weakening condition. He screamed repeatedly, pounded on the windows, and tried to attract anyone nearby to rescue him. He had to urinate in his shoes, that are still in the car on the floor. Contemplating impending death, he wrote notes to his nephew explaining the ordeal with a loving, final goodbye.

When finally found at approximately 11:15 p.m. by a neighbor who called Cleveland firefighters after the 14-hour ordeal, ██████████ was lucky to have barely survived. He did not have a cell phone or the owner's manual inside of the automobile. He was not aware, and was never informed, that there was a remotely located release lever on the floor that would mechanically open his door. He was treated by paramedics at the scene and was conveyed to Cleveland Clinic Lutheran Hospital, where he was kept overnight and treated. (See attached Cleveland Fire Department and Cleveland EMS reports documenting this incident).

This automobile's design foregoes a mechanical door handle/release as found in most automobiles. There is no signage or warning inside the automobile stating that, in the event of entrapment, or fire, or other emergency, there are manual release levers on the floor. There is no "easy to read" warning on the dashboard, on the door, or on the sun visor. An occupant is not provided with any warning inside the vehicle concerning the risk of entrapment in the event of the loss of power.

There is no instruction program at Cadillac dealerships to warn consumers on the risk of entrapment in the event of the loss of power, and to demonstrate that there is an emergency release lever on the floor. ██████████ was never instructed or warned by the seller-dealership, Morris Cadillac in North Olmsted, Ohio, of the risk of entrapment and the presence, and operation of, a mechanical release lever.

General Motors does not incorporate a fail-safe electrical backup system on this or its similar autos to prevent vehicle entrapment. Unsuspecting owners can be entrapped, with the potential for death, by not being aware of the remote release lever on the floor, just the same as an operator can be entrapped who is not the owner, who never had access to an owner's manual.

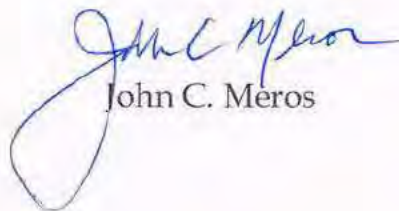
As a result of ██████████ ordeal, several national news organizations and television stations told this incredible story, on websites and in print medium, found

in Gannett newspapers, *Newsweek*, written by people such as Washington Post writer, Lindsey Bever (September 10, 2018), and Detroit Free Press writer, Jamie LaReau (September 11, 2018).

As a result of the national exposure, several other claimants called the law offices of Friedman, Domiano & Smith to report that they, too, had been entrapped in a Cadillac XLR as a result of a power failure, not being aware of how to escape the vehicle, and needing to call for emergency help.

In sum, these autos, with this design, with all-electric features and no fail-safe electrical backup systems, with inadequate warnings, should be recalled. There are also similarly manufactured vehicles with all electrical systems that risk vehicle entrapment for the operator. NHTSA should be investigating all complaints of vehicle entrapment without further delay.

Sincerely,



John C. Meros

JCM/kme
Enclosures

cc: Via email:
Jeffrey H. Friedman, Esq./Marco G. Bocciarelli, Esq.
FRIEDMAN, DOMIANO & SMITH CO., LPA



Cleveland Fire Department

Station: **L23**
Shifts Or Platoon: **A**

Location: [REDACTED] Cleveland OH [REDACTED]	Incident Type: 331 - Lock-in (if lock out , use 511)
Lat/Long: N 41° 29' 17.26" W 81° 45' 45.98"	EMSID: FDID: 18027 Incident #: 2018-49350 Exposure ID: 34305322 Incident Date: 08/31/2018 Dispatch Run #: F18049350
Zone: B-3 - Battalion 3 Location Type: 2 - Intersection Cross Street, Directions or National Grid: W 112TH ST	

Report Completed by:	Englehart, Bradley J	ID: 3574	Date: 09/13/2018
Report Reviewed by:	Englehart, Bradley J	ID: 3574	Date: 09/13/2018
Report Printed by:	Watson, Terrence R	ID: 94519	Date: 10/8/2018 Time: 16:53

Aid Given or Received:	None	Primary action taken:	52 - Forcible entry
Total # of apparatus on call:	1	Total # of personnel on call:	4

Narrative from dispatch:

** LOI search completed at 08/31/18 22:23:39 CLEVELAND ** Recommended unit E23 for requirement ENGINE (1.3 mi) ** Recommended unit L23 for requirement LADDER (1.3 mi) ** Recommended unit TR2 for requirement RS (2.4 mi) ** Recommended unit B03 for requirement BC (1.1 mi) LOCKED IN CAR FOR HRS Duplicate Event:Location = [REDACTED] CLEV, Cross Street 1 = W 112TH ST, Cross Street 2 = W 115TH ST, Type = EMER 32 EMERGENCY OTHER THAN FIRE OR MEDICAL, Caller Name = Verizon Wireless, Caller Ph Number = [REDACTED] Caller Address = 01 - E CLIFTON BLVD APT [REDACTED] E SECTOR CLEVELAND, Call Source = ANI/ALI, Alarm Level = 0 CLEVELAND End of Duplicate Event data ** LOI search completed at 08/31/18 22:23:39 ** Recommended unit E23 for requirement ENGINE (1.3 mi) ** Recommended unit L23 for requirement LADDER (1.3 mi) ** Recommended unit TR2 for requirement RS (2.4 mi) ** Recommended unit B03 for requirement BC (1.1 mi) LOCKED IN CAR FOR HRS Duplicate Event:Location = [REDACTED] CLEV, Cross Street 1 = W 112TH ST, Cross Street 2 = W 115TH ST, Type = EMER 32 EMERGENCY OTHER THAN FIRE OR MEDICAL, Caller Name = Verizon Wireless, Caller Ph Number = [REDACTED] Caller Address = 01 - E CLIFTON BLVD APT [REDACTED] E SECTOR CLEVELAND, Call Source = ANI/ALI, Alarm Level = 0 RED CADDY ** Recommended unit CAPT1 for requirement (1.2 mi) ** Recommended unit MED23 for requirement (1.3 mi) ** Recommended unit MED04 for requirement (3.1 mi) ** Recommended unit MED07 for requirement (3.3 mi) ** Recommended unit MED39 for requirement (3.8 mi)

NARRATIVE (2)**Narrative Title:** n/a**Narrative Author:** Costello, John**Narrative Date:** 08/31/2018 23:41:28**Narrative Apparatus ID:** L23**Narrative:**

called to a man locked in his car [REDACTED] was locked in his car for over 10 hours were able to use second vehicle to power first and extricate man from car

APPARATUS

Unit	L23
Type:	Truck or aerial
Use:	Suppression
Response Mode:	()
# of People	4
Alarm	08 /31/2018 22:23:39
Dispatched	08 /31/2018 22:23:44
Enroute	08 /31/2018 22:25:46
Arrived	08 /31/2018 22:30:52
Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	08 /31/2018 23:14:50
In Quarters	08 /31/2018 23:14:50
In Service	08 /31/2018 23:14:50

Number Of People not on apparatus: 0**CUSTOM FIELDS FORM**

Arrived Prior to EMS	Not Applicable
Accompanied EMS Unit to hospital?	Not Applicable
AED - Applied	Not Applicable
AED - Shock	Not Applicable
AED - Patient Improved?	Not Applicable
Naloxone\NARCAN Administered?	Not Applicable
Naloxone\NARCAN - Patient Improved?	Not Applicable
Naloxone\NARCAN Dosage? (#)	0

Member Making Report (BC Bradley J Englehart): _____

Incident Reviewer (BC Bradley J Englehart): _____

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.



US POSTAGE

\$01.42

First-Class

Meter From 44113

01/14/2019

032A 0061603242

SCHULMAN, SCHULMAN & MEROS

Attorneys at Law
An Association of Professional Corporations
55 Public Square, Ste. 1055
Cleveland, Ohio 44113-1901

TO:

NHTSA Headquarters
1200 New Jersey Ave., S.E.
Washington, DC 20590

