

APR 17 2019

[REDACTED]  
Saddle River NJ [REDACTED]

CL-11202510-4271

April 3, 2019

Mr. Anthony Cirelli  
Service Director, BMW of Ramsey  
985 State Highway 17  
Ramsey, NJ 07446 (Via Certified Mail)

Dear Mr. Cirelli:

This correspondence is in regard to my 2007 BMW X5, VIN:5UXFE83577L [REDACTED], approximately, 80,000 miles and a vehicle which has been meticulously cared for and serviced, at least twice a year, since new, exclusively by your dealership, with the exception of an emergency service by BMW of New London CT, as detailed below.

The problem began simply enough: around the middle of February 2019, a message appeared when starting or shutting off the vehicle with a notification that the right rear break bulb was not functioning and needed to be replaced. As always, I made an appointment with your dealership and brought the vehicle in to replace the defective bulb; this seemed like a straightforward, simple issue. Unfortunately, it turned into a nightmare scenario that ultimately endangered my life and the lives of anyone riding in the vehicle on two occasions.

I was advised that the bulb could not simply be replaced, but that an entire new rear light bulb assembly was required, along with associated wires. Ultimately, the parts arrived, the repair was made, and the vehicle returned.

About 2 weeks later, while driving the vehicle in Ridgewood, NJ, a series of messages began to flash: "Dynamic Drive inactive", "Trans. malfunction", "break failure", "Continued driving may not be possible". Indeed, the vehicle shut down, in the middle of an intersection, could not be re-started, and could not be moved by pushing, towing, etc.; it was locked in the "Park" mode and completely immobile.

AAA was called and attempted to jump start the vehicle, unsuccessfully. Since the vehicle was locked in "Park", the tow truck operator had to drag it, with great difficulty, and over a period of about 1/2 hour, onto a flatbed tow truck. Since the rear wheels were locked, he could drag the vehicle for only a few seconds, then had to get behind the steering wheel, still with no power, and straighten the front wheels, so the vehicle would not be dragged off the side of the flatbed. The Ridgewood police responded with at least two patrol cars, closed down several streets, and attempted to re-rout traffic. Meanwhile, my wife, who was driving the vehicle, suffered severe anxiety.

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The vehicle was flat bedded to your dealership. You kept it for several days and announced that you could not find anything of significance, wrong with it (see attached receipts). I picked up the vehicle, and a few weeks later, took it to South Kingstown, RI for the weekend, approximately, mid -November 2018.

On the return trip to NJ, while driving on Route 1 in Westerly, RI, EXACTLY THE SAME SITUATION AS DESCRIBED ABOVE, RE-OCCURRED: "Trans. malfunction", "break failure", "Continued driving may not be possible", etc. Again, the vehicle shut down, on a busy highway, was immobilized in "Park", could not be re-started OR MOVED, and we were stranded on the highway with other vehicles whizzing by us at 50 mph, our lives in danger. Once again, AAA responded with a flat bed tow truck. Once again, the vehicle could not be restarted or jump started, and had to be DRAGGED, with great difficulty, onto the truck; once again, my family and I feared for our lives, and my wife suffered from anxiety.

The vehicle was flat bedded to the closest BMW dealership, BMW of New London, CT, and we returned to NJ in a rented vehicle. They kept the vehicle for several weeks and made significant mechanical changes, replacing, among other parts, the alternator and battery, and noted that the bladder had been punctured (see attached receipts).

Since then, the vehicle has functioned normally except that, a few weeks ago, a message again appeared announcing that the right rear break bulb was defective and needed to be replaced. Please note that this is the identical message to the one that began this sorry and dangerous saga.

Since the multiple and life endangering problems that we have experienced began when you attempted to fix what seemed like a very, very simple problem, i.e. light bulb replacement, I am notifying you that the original problem has reoccurred. (Why would the same bulb fail in a matter of a few months?) Please contact me so that I can make an appointment for you to try to rectify this problem. Please find someone competent to service my vehicle, and please make sure that you do not leave me and my family stranded again, on the highway, endangering our lives. Perhaps, there is someone, competent, in the BMW universe who can fix a light bulb without endangering lives. Please coordinate with BMW and try to find that person. In executing this repair, please ensure that the vehicle does not catastrophically fail and require dragging onto a flatbed tow truck.

I also note that when I advised BMW North American headquarters in Woodcliff Lake of these issues, I was told that: "vehicles with 80,000 miles break down". While this does not seem like a very good ad for BMW, and while vehicles may break down, no vehicle should break down twice on the highway WITH EXACTLY THE SAME CATISTROPHIC PROBLEM, AND NO VEHICLE SHOULD BE ALLOWED TO ENDANGER THE LIVES OF ITS OCCUPANTS BY BECOMING TOTALLY IMMOBILE IN TRAFFIC, LOCKED IN PARK, AND UNABLE TO BE MOVED, EXCEPT FOR DRAGGING

WITH THE WHEELS LOCKED. I suggest that this is an inherently dangerous design defect that must be addressed.

In this regard, and separately, I am filing a complaint with the National Highway Traffic Safety Administration, based on the facts discussed above. The facts of this case speak for themselves. The design of this vehicle renders it fundamentally unsafe and your less than adequate repair of a lightbulb resulted in 2 life endangering incidents.

Very truly yours,



cc: Mathew Bibbo, General Manager, BMW Of Ramsey  
Bryan DeBoer, CEO, Lithia Motors, Inc. (via certified mail)  
Bernhard Kuhnt, CEO, BMW North America (via certified mail)  
Jack Danielson, Executive Director, NHTSA, Washington, DC

Attachments: as stated

SADDLE RIVER, NJ

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