

[REDACTED]
Chelsea, MA
Email: [REDACTED]

June 16, 2020

Attorney General Maura Healy
Commonwealth of Massachusetts
1 Ashburton Place
Boston, MA 02108-1698

Dear Attorney General Healey

RE:Automotive Lemon Law

I would like to bring to your office's attention my recent experience purchasing a new SUV in MA from a MA dealer and Brand.

I was sold a vehicle with a computer defect that proved to be dangerous and the dealer Michaud Mitsubishi in Danvers and Mitsubishi Motors of NA did their level best to hide and avoid taking responsibility.

The primary defect was computer and possibly electronics. Which caused a major safety concern. Despite my repeated requests the problem were never fully resolved.

The dealer Michaud Mitsubishi tried to drag the time frame to one year and or 15000 miles under MA Lemon Law so they could wash their hands of the problem, leaving me with a defective automobile and a depreciated value. Mitsubishi motors NA was no help then or now either.

My observation today's vehicles need a longer time frame under the lemon law from one year 15000 miles to two years and 24000 miles as the problems that are encountered in today's computerized vehicles take longer time to manifest due to software.

Similar to what Boeing encountered in 737 Max or Boeing 787 or Bombardier manufactured in Canada. The common theme with all these products is software glitches and all of these software was written by Indian software companies, similar to software written on the Mitsubishi Eclipse SEL.

I have retained attorneys to resolve this issue with my vehicle at the time, but if I need help I will not hesitate to approach your esteemed office again.

The purpose of writing this letter is for you to look into the business practices of Michaud Mitsubishi and Mitsubishi Motors of NA. There are shennigans I don't have the expertise or resources to investigate

Thanking you again for your time and attention to this letter.
Sincerely

[REDACTED]
CC:Center for Auto Safety CAS
CC:Council of Better Business Bureaus
CC:National Highway Traffic Safety Administration

RR

NARRATIVE OF AUTOMOTIVE PROBLEMS

June 15, 2020 Revised

We ([REDACTED]) purchased a new 2018 Mitsubishi Eclipse SEL Vin No JA4AT5AA6J [REDACTED] SUV from Michaud Mitsubishi in Danvers MA on June 30, 2018, with 2 miles on the odometer, and traded in our 2014 Toyota Camry LE for \$11000.00 with a balance owed of \$2411.00 owed to previous lender, and transferred our old plates to the new Mitsubishi Eclipse SEL.

The car ran fine for a few months, we received a recall notice for software updates. I took the vehicle in for updates as required.

Then few days later I and my spouse were returning home on Oct 22, 2018, around 6.30 PM. The car just shut down on a busy rt 1 Tobin Bridge and warning lights on dash display came up. we were able to exit on Beacon Street exit. The vehicle went into a limp home mode after a full stop on side street after a full shut down and restarting, would drive between 5-10 miles per hour.

1st time I called the dealer Michaud Mitsubishi and explained the problem. The car drove normally to dealership and was turned in for repair on Oct 23, 2018 at 3626 miles under tag no 6405. necessary repairs/updates were conducted by dealer Michaud Mitsubishi and vehicle returned to me the same day.

At this time I requested to the service dept that the computer be replaced with a new one. Without checking with the Mitsubishi the service advisor told me that Mitsubishi would not approve of replacing the onboard computer with a new one. And continued trying to troubleshoot the current onboard computer without any success.

2nd time Again on March 06, 2019 while driving to work south on 95 in MA with an 18 wheeler behind me that nearly creamed me, the car just shut down on me driving at 70 miles per hour or so. The dash lighted up with various warnings. swiftly and carefully I navigated to the side of the road. I took camera pics with my iphone of the dash warning lights. Shut down the vehicle completely and restarted I called Michaud Mitsubishi service dept and went immediately to them by this time they knew that I had a problem with this vehicle. I stopped work and went to their service immediately The car was taken in on tag no [REDACTED] at 6473 miles. The codes were found on vehicle and necessary work/updates were done by dealer. The vehicle was released the same day.

3rd time On Aug 15, 2019 the same occurred the vehicle again shut down while being driven. I called in to Michaud Mitsubishi and took the car in on 16th of August 2019 under repair tag # [REDACTED] at 11218 miles on the odometer I told service Paul it was a software glitch as the previous two times. I at this point decided to notify NHTSA and told Michaud Mitsubishi about the notification. No codes were found according to service dept.

I went online on 16th August and filled out a NHTSA complaint form with all the relevant information on Complaint # [REDACTED] describing the issues, mileage on vehicle was 11400.

4th time I and my wife were returning from a childrens birthday party on March 07, 2010 from Newton MA around 1415 hrs. We came to a traffic light, it was red so we stopped and when the light turned green I accelerated the vehicle, it would not move there was no torque or acceleration it felt like the vehicle was in the 5th gear. I struggled to move, and was afraid for my and my wifes safety as it was a single lane road with vehicles approaching us at a very fast pace from both directions and was afraid to get rear ended. I somehow managed to pull in a homes driveway. I shutoff the vehicle and restarted it. I took the vehicle in on March 10, 2020 under tag [REDACTED] at 15235 miles. The vehicle was examined for codes with no satisfactory resolution. While leaving dealership service dept I was told by Greg service advisor if I bring in the vehicle again next time I would have to pay for service charges even though the vehicle had 5 yrs 60k miles manufacturers warranty which is on the MSRP sticker. Greg told me because vehicle was in a economy drive mode hence we encountered that problem. I have been driving for 50 years now and never heard that. we have and had Toyota and Honda vehicles earlier with no computer issues.

I talked to my friend and colleague the software engineer, he explained that I should consider pursuing this matter under MA lemon law. On March 19, 2020 I sent out a letter by certified mail AD to Mr. Fred Diaz president & CEO of Mitsubishi NA at their TN headquarters. Which was received by them on March 26, 2020

I received a call from a Mr Grafton from customer care on April 03, 2020 at 4.19 PM eastern time from customer service on my cell. The summary of the call was, due to corona virus emergency they could not do anything until the emergency was lifted. He gave me a case # [REDACTED] and gave me their no. in case I had any questions or needed to call them at 1 888 648 7820 M-F 7am-4pm central time. I asked him to send me by email case no. as I was in the vehicle without pen or paper. I told them they had 30 days to resolve the problem.

After discussing these issues with my spouse, who has lost confidence in driving with me in this so called new Mitsubishi Eclipse. She refuses to ride with me any longer. I would like to get out of this vehicle and a detailed financial breakdown I am attaching on a seperate sheet of paper. If it was not for shoddy quality I would not be trading in this vehicle so early in its life. I hope this clarifies everything.

FCM Module lights up with error messages and I do have repair orders on it too.

Regards

[REDACTED]

[REDACTED]

Mitsubishi Recalls 68,000 SUVs Over Bad Software

Two separate issues mean key systems aren't working as intended

By Patrick Olsen
September 24, 2018
114 SHARES

Mitsubishi is recalling 68,000 SUVs because of bad software in two different engine-control units (ECUs), according to the National Highway Traffic Safety Administration.

In one of the two actions, the automaker is recalling 58,916 of its 2018 [Eclipse Cross](#), 2017 to 2018 [Outlander](#), and 2018 [Outlander Sport](#) SUVs because of faulty software in the hydraulic unit ECU—the computer control system for the brake system.

According to NHTSA, the software problem could cause some features—such as adaptive cruise control (ACC); forward-collision mitigation (FCM), which is a combination of forward-collision warning and automatic emergency braking; and antilock brakes (ABS)—to not work as expected.

Stay informed about recalls that might affect your vehicle using our [Car Recall Tracker](#). Create a free account now to become a CR member.

More Car Safety News

[Nissan Recalls Cars, SUVs for Brake-Related Fire Risk](#)

[Over-the-Air Update Left Tesla Model 3 Without Key Safety Features](#)

[GM Recalls More Than 1 Million Trucks, SUVs for Steering Problem](#)

[Toyota Recalls Avalons for Seat Belt and Airbag Issues](#)

In the second action, Mitsubishi is recalling 9,166 of its 2018 Eclipse Cross, 2017 to 2018 Outlander, and 2018 Outlander Sport SUVs because of bad software in the computer control for the FCM system.

According to NHTSA, if the FCM system detects a pedestrian in front of the vehicle who could be hit, that ECU may activate the brake for longer than necessary, even when the obstacle is no longer detected. There's concern that when this happens, the driver may provide additional braking, making the SUV slow rapidly and increasing the risk of a rear-end collision, NHTSA says.

Mitsubishi did not immediately respond to an emailed request for comment and details.

Stay informed about recalls that might affect your vehicle using our [Car Recall Tracker](#). Create a free account now to become a CR member.

The Details for the Hydraulic ECU Recall

Vehicles recalled: 58,916 SUVs, including:

- 2018 Mitsubishi Outlander Sport SUVs equipped with FCM system manufactured in the

- Okazaki, Japan, plant from Aug. 8, 2017, through March 13, 2018
- 2017 to 2018 Mitsubishi Outlander SUVs equipped with ACC and/or electric parking brake (EPB) system manufactured in the Okazaki plant from Aug. 1, 2016, through April 6, 2018
- 2018 Mitsubishi Outlander SUVs equipped with ACC and/or EPB, manufactured in the Gifu, Japan, plant from Nov. 3, 2017, through April 6, 2018
- 2018 Mitsubishi Outlander PHEV SUVs equipped with ACC and/or EPB manufactured from Nov. 13, 2017, through April 9, 2018
- 2018 Mitsubishi Eclipse Cross SUVs equipped with ACC system and/or EPB, built from Dec. 26, 2017, through April 12, 2018
- 2018 Mitsubishi Outlander Sport SUVs equipped with FCM, manufactured in Kurashiki, Japan, from Dec. 21, 2017, through April 13, 2018

The problem: Because of inappropriate software in the hydraulic unit ECU, the ECU can reset. If that happens, the following conditions may occur:

- If the ACC and/or FCM system is in operation, automatic braking will be canceled.
- If ABS is in operation, wheels will lock momentarily.
- If ESC is in operation, it will be will be canceled momentarily.
- If brake auto hold is in operation, the brake will be released. According to Mitsubishi, brake auto hold keeps a vehicle stationary even if drivers release their foot from the brake pedal.

The fix: Owners of affected vehicles will be notified, and dealers will reprogram the hydraulic unit ECU software. The repair will be performed at no charge to owners. The recall is expected to begin Oct. 16, 2018.

How to contact the manufacturer: Owners may contact Mitsubishi customer service at 888-648-7820. Mitsubishi's number for this recall is SR-18-008.

NHTSA campaign number: 18V621

The Details on the FCM ECU Recall

Vehicles recalled: 9,166 SUVs equipped with FCM, including:

- 2018 Mitsubishi Outlander PHEV SUVs built from Nov. 13, 2017, through June 25, 2018
- 2018 to 2019 Mitsubishi Eclipse Cross SUVs built from Dec. 26, 2017, through June 21, 2018
- 2018 Mitsubishi Outlander SUVs built in the Okazaki, Japan, plant from Aug. 8, 2017, through Dec. 4, 2017
- 2017 to 2018 Mitsubishi Outlander SUVs built in the Okazaki plant from Aug. 1, 2016, through June 13, 2018
- 2018 Mitsubishi Outlander SUVs manufactured in the Gifu, Japan, plant from Nov. 3, 2017, through June 13, 2018
- 2018 Mitsubishi Outlander Sport SUVs manufactured in Kurashiki, Japan, from Jan. 12, 2018, through June 25, 2018

The problem: Faulty software in the FCM ECU. When the FCM system detects a pedestrian in front of the vehicle who could be hit, the FCM ECU may activate the brake for longer than necessary. Drivers may be prompted to slam the brake when not necessary. This could increase the risk of a rear-end collision, NHTSA says.

The fix: Owners of affected vehicles will be notified, and dealers will reprogram the FCM ECU

software. The repair will be performed at no charge to owners. The recall is expected to begin Oct. 16, 2018.

How to contact the manufacturer: Owners may contact Mitsubishi customer service at 888-648-7820. Mitsubishi's number for this recall is SR-18-007.

NHTSA campaign number: 18V620

Check to see whether your vehicle has an open recall: NHTSA's [website](#) will tell you whether your vehicle has any open recalls that need to be addressed.

If you plug your car's 17-digit vehicle identification number into NHTSA's website and this recall doesn't appear, it means your vehicle doesn't currently have any open recalls. Because automakers issue recalls often, and for many older vehicles, we recommend checking back regularly to see whether your vehicle has had a recall issued.

114 SHARES

Trusted Advice Delivered Straight To Your Inbox

Get insights and tips from our experts on everyday decisions.

[Privacy Policy](#)



I've been a journalist for decades, and I got my love of cars from growing up in Los Angeles, where you have to drive, even if you're just going a few doors down the block. I'm a huge movie, music, and TV fan, and really just a devotee of good storytelling.



Complaint Number: 11244413

Vehicle Identification Number: ja4at5aa6j [REDACTED]

Your Vehicle's Make Model and Model Year: MITSUBISHI ECLIPSE CROSS 2018

Note: Your VIN, make, model, and year are all protected under the Privacy Act.

What part of your car was affected? Unknown or Other

What happened?

while driving the above vehicle on the freeway the car shut down. I pulled over safely to the side, shut the vehicle off completely and then restarted it. the dash was lit up like a Christmas tree and the car started and was to drive home in a limp mode in. called the dealer the car had recall for software update. the dealer Michaud Mitsubishi in Danvers MA updated the software and cleared codes. Few days back the car refused to up-shift while driving and would not exceed more than 35 to 40 miles per hour. I notified the above dealer and took it back to them no error code was found. I continued driving. on wed 8/14/19 the car again would not up-shift and stayed in 2nd gear and rpm went up to 5000. I pulled over and shut off the vehicle. restarted it and it drove normally. I again made an appointment for Friday 8/16/19 to the dealer to show them what was happening. I was driving yesterday 08/15/19 around 10:15 am on the freeway at approximately 70 miles an hour with an 18 wheeler behind me. The car shut off 2nd time in its life and the dashboard lit up like a Christmas tree again. I quickly and safely pulled over before I was rear ended by the 18 wheeler. I took pics of dashboard as it was showing error codes. I called the dealer and asked that I could bring the car now. The lady answering the phone was hostile and ultimately turned over the call to owners son Zack. I went to dealer by noon yesterday and talked to Paul in service/sales. The vehicle was examined and the same error codes had again been regenerated by on board computer. I was told to leave the vehicle while dealers service dept was trying to get in touch with Mitsubishi service dept. as of today 08/16/19 I dont have a status update on the vehicle

When did this happen? 08/15/2019

Was there a Crash? No

Was there a Fire? No

Was there an injury or fatality? No

How fast were you going? (in mph) 70

About how many miles were on your vehicle at the time of the incident? 11400

First Name: [REDACTED]

Last Name: [REDACTED]

Email: [REDACTED]

Address 1: [REDACTED]

Address 2: [REDACTED]

City: chelsea

State : MASSACHUSETTS

ZIP Code : [REDACTED]

Phone: [REDACTED] Ext. :

Alt. Phone:

Selections made -

NHTSA may share my complaint with the vehicle manufacturer prior to the start of an investigation or recall, and in the interest of safety.: Yes (box unchecked)

I wish to receive safety recall alerts from NHTSA.: Yes (box unchecked)

[REDACTED]
Chelsea, MA

Email: [REDACTED] Cell: [REDACTED]

March 19, 2020

Mr Fred Diaz President & CEO,
Mitsubishi Motors North America Inc.,
P. O. Box 689040,
Franklin, TN 37068

Dear Sir,

Notice of Final Opportunity to Repair

I believe that my car is a "lemon" under the Massachusetts Lemon Law (Massachusetts General Laws; c. 90 Sec. 7N1/2). I am hereby making a written demand for relief under the Lemon Law and the Massachusetts Consumer Protection Act (Massachusetts General Laws, c. 93A, Sec.9).

I purchased a Mitsubishi Eclipse SEL on June 30, 2018 from MICHAUD MITSUBISHI in Danvers MA.

The vehicle identification number or VIN number is JA4AT5AA6 JZ [REDACTED] Since I bought the vehicle, I have had to return it to the dealership a total of 4 times. My vehicle has been out of service for repairs for a total of (see attached work orders) business days. My vehicle has been in MICHAUD MITSUBISHI for repairs on the following dates for repair of the following defects: Onboard computer malfunction
See attached work orders

I am having the following problems with my vehicle at this time: Computer shuts down the vehicle while being driven on the freeway, this has happened three times and now the vehicle shifts into high gear from complete stop with total loss of power and acceleration randomly, causing safety issues for myself and my spouse. My spouse refuses to ride with me as we never know when the next malfunction will occur, and what will be the outcome in terms of our own physical safety. If we had any inkling of these problems we would have stayed with our previous brands Honda and Toyota.

I have previously notified NHTSA, MMNA and MICHAUD MITSUBISHI about the safety issues and they are aware of it. We would have not purchased Mitsubishi Eclipse if we had any inkling of the issues involved. This has created uncertainty, apprehension and fear in our lives.

These remaining defects substantially impair the use, market value and safety of my vehicle. I am hereby allowing you one final repair opportunity. If these repairs are not completed within seven business days of receipt of this letter, I am entitled to a replacement vehicle acceptable to me or a refund calculated in accordance with the Lemon Law. Failure to comply with the Lemon Law is a violation of Massachusetts General Laws, c. 93A, and you may be subject to double or treble damages as well as attorney's fees and court costs if this matter is taken to court. I look forward to hearing from you soon.

Signature:
[REDACTED]

Inquiries

Home > Inquiries

Please confirm your profile and comments.
If you are ready to send your message, click 'Submit.'
If you would like to make any corrections, click 'Back' and return to the previous page.



Comment/Inquiries(up to 1 000 letters)

I purchased a new mitsubishi eclipse sel vin # j34at5aa6 jz [redacted] in 2018 from Michaud Mitsubishi in Danvers ma. The car shuts down while driving on the freeway I have taken it back to the dealer 3 times for diagnostics. The software was updated. Now the vehicle drops into high gear from complete stop and has caused safety issue. I have previously notified NHTSA. I took the car back to dealer for the new issue of shifting to high gear there were no diagnostic codes in the computer. I was told by service advisor greg if I bring in again I have to pay for it myself. the car has currently 15100 miles or so and is old 19 months from date of purchase. I have all the documentation, including previous service calls. Please advise how to proceed.

Mr./Ms

Mr

Name

[redacted]

Company/Organization Name

E-mail

[redacted]

E-mail (confirmation)

The Country you live in

USA

Back

Submit





To

NATIONAL HIGHWAY TRAFFIC SAFETY ADMIN
1200 New Jersey Avenue SE
West Building
WASHINGTON DC 20590

