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

OFFICE OF THE ATTORNEY GENERAL LETITIA JAMES
STATE OF NEW YORK DEPARTMENT OF LAW

OCT 0 8 2019

CL-1126747I-9129

BUREAU OF CONSUMER FRAUDS AND PROTECTION
44 South Broadway
White Plains, NY 10601-5008
Tel: (914)422-8794 | Fax (914)422-8792

Consumer Hotline
(800)771-7755
TDD (800)788-9898
http://www.ag.ny.gov

Intake Id	[redacted]
Complaint Bureau	
Bureau Where You Filed Your Complaint	WESTCHESTER
Your Information	
Salutation	
First Name	[redacted]
Last Name	
Your Business/Organization Name	
Street Address	
Address Line 2	
City/Town	Yonkers
State/Province	NY
County	WYOM
Zip/Postal Code	[redacted]
Country	US
Email Address	[redacted]
Phone Number	
Alternate Phone Number	
Gender	F
Subject of Your Complaint	
Are you complaining about a person or a company?	COMPANY
Business Name	Nissan
Street Address	
Address Line 2	
City/Town	
State/Province	
Zip/Postal Code	
Email Address	
Phone Number	
Website	
Additional Complaint Information	
Location of Incident/Transaction	Yonkers, New York
Date of Incident/Transaction	2019-08-13
Name of Product or Service	
Cost of Product or Service	

T GO
10/9/19
45

Method of Payment

Complaint Description

My name is [redacted] and in 2014, my husband, [redacted] bought a 2014 Nissan Pathfinder from a dealership in Florida. Over the past 5 years, my vehicle was service at a Nissan dealership in New York. I had mainly one issue with my Pathfinder over the past 5 years and after several complaints to the New Rochelle dealership, and they stating that they couldn't find anything wrong or reproduce the problem, I took it to the dealership in Yonkers, NY and they helped to resolve that issue. Other than that, I had no other issues with my Pathfinder. Let me also add that my vehicle was current with it's yearly inspections. No issues reported! On Tuesday August 13, 2019, I drove to the bank, drove home, drove to my niece's house (she lives on a hill), drove back to my house left my house with my niece and we drove to the supermarket. As we were returning from the supermarket my niece received a phone call and we had to returned to her house. We got to her house, I reversed into her driveway, waited for her and once she returned to the car, I pulled out her driveway. As I was driving down the hill, I suddenly realized that my car wasn't slowing down and I had no brakes. My emergency brake light turned on proceeded by all the lights on my dashboard turning on. Nothing was working and my car kept rolling! I had no other choice but to crash into a fence and a tree! My car was inspected in June 2019 and I had no issues with my brakes. How could I suddenly lose my brakes which caused me to crash! I reported my accident to Nissan the same day. I also reached out to multiple mechanics in order to get a sense as to what happened. The feedback I received from the mechanics prompted me to do some research on sudden brake failures with the 2014 Nissan Pathfinders, and I did find multiple complaints on different sites from people reporting similar incidents. I also located an NBC article that was published in 2013 regarding a recall of 2014 Pathfinders and

Did you sign a contract?

Was product or service advertised?

Have you already complained to company/individual?	Y
How?	BY TELEPHONE
Complaint Date	2019-08-13
Person contacted	Customer Service
Job title	
Nature of response	Complain by phone and email. Company stated that they were not responsible.
Date of response	2019-09-19
Has matter been submitted to another agency or attorney?	N
Is court action pending?	N

What form of relief are you seeking, e.g., refund, credit, exchange, repair?

(con't) Infinty. A specialist from Nissan did reach out to me on Thursday August 15 and informed me that the company was not liable. As I wasn't satisfied with that response, I reached out to upper leadership of Nissan and the customer service agent who called me stated that the specialist and the company itself did an investigation and determined that they were not liable. I did asked her how could they do an investigation without having possession of my car! I also requested that she emailed/mailed me the results of their investigation and a recap of our conversation, to date I haven't received anything.

All I'm looking for is a replacement vehicle from Nissan!

Manufacturer of Product	Nissan
Street Address	
City/Town	
State/Town	
Zip/Postal Code	
Product Model or Serial Number	Vin - 5N1AR2MN3EC[redacted]
Warranty Expiration Date	
Did Business Arrange Financing?	Y
Name and Address of Bank or Finance Company	Nissan

Uploaded Documents

User Uploaded Document Names	BF-Police Report-8-13-19.pdf
	Brake failure (1)-8-13-19.jpg
	Brake failure (2)-2014NP.jpg
	Brake Failure (3)-8-13-19.jpg
	Brake failure (2)-8-13-19.jpg

In filing this complaint, I understand that:

The Attorney General is not my private attorney, but represents the public in enforcing laws designed to protect the public from misleading or unlawful business practices. My filing this complaint does not mean that the Attorney General has initiated a lawsuit or proceeding on my behalf or that it will do so.

The Attorney General cannot give me legal advice or represent me in court. If I have any questions concerning my legal rights or responsibilities, I should contact a private attorney.

In order to resolve my complaint, the Attorney General may send a copy of my complaint and any documents I provide to the person or business about whom I am complaining and I authorize that person or business to release information concerning my complaint to the Attorney General.

The Attorney General works with other state, local and federal government agencies to investigate complaints and coordinate law enforcement and may also share my complaint with them. In addition, the Attorney General may use information from my complaint in legal proceedings to establish violations of law.

Any false statement made in this complaint are punishable as crimes, including under Section 175 and/or Section 210 of the Penal Law.

Signature	[redacted]
Date of Affirmation	09-26-2019

Page 1 of 2 Pages

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A

Local Codes [redacted]

☐ AMENDED REPORT

DMV COPY

Accident Date (Month / Day / Year)	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene / Accident Reconstructed	Left Scene	Police Photos
08/13/2019	TUESDAY	11:28	1	2	0	☐ / ☐	☐	☐ Yes ☒ No

VEHICLE 1

VEHICLE 1 - Driver License ID Num: [redacted] State of Lic: NY

Driver Name - exactly as printed on license: [redacted]

Address (Include Number & Street): [redacted] Apt. No.

City or Town: YONKERS State: NY ZIP Code: [redacted]

Date of Birth: [redacted] Sex: F Unlicensed: ☐ No. of Occupants: 2 Public Property Damaged: ☐

Name - exactly as printed on registration: [redacted] Sex: M Date of Birth: [redacted]

Address (Include Number & Street): [redacted] Apt. No. Haz. Mat. Code Released ☐

City or Town: YONKERS State: NY ZIP Code: [redacted]

VIN: [redacted] State of Reg: NY Vehicle Year & Make: 2014 NISS Vehicle Type: SU Ins. Code: 737

Ticket/Arrest Number(s):

Violation Section(s):

Check if involved vehicle 1 is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

	1	2
Box 1 - Point of Impact		
Box 2 - Most Damage	3	2

Enter up to three more damage codes	3	4	5
	1	12	14

Vehicle Towed: By COUNTY TOWING To 53 FULLERTON AVE

VEHICLE 2

☐ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

VEHICLE 2 - Driver License ID Number: FIXED OBJECT (FENCE) State of Lic:

Driver Name - exactly as printed on license:

Address (Include Number & Street): Apt. No.

City or Town: State: ZIP Code:

Date of Birth: Sex: Unlicensed: ☐ No. of Occupants: 0 Public Property Damaged: ☐

Name - exactly as printed on registration: Sex: Date of Birth:

Address (Include Number & Street): Apt. No. Haz. Mat. Code Released ☐

City or Town: State: ZIP Code:

Plate Number: State of Reg: Vehicle Year & Make: Vehicle Type: Ins. Code:

Ticket/Arrest Number(s):

Violation Section(s):

Check if involved vehicle 2 is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

Box 1 - Point of Impact	-	-
Box 2 - Most Damage	-	-

Enter up to three more damage codes	3	4	5
	-	-	-

Vehicle Towed: By To

Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.

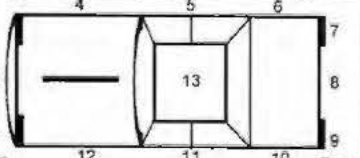
Rear End (1) | Left Turn (3) | Right Angle | Right Turn (5) | Head On (7 ☒)
Overtaking (2) | Left Turn (0) | (4) | Right Turn (6) | Side Swipe (8)

ACCIDENT DIAGRAM

9.

VEHICLE DAMAGE CODING:

1-13. SEE DIAGRAM ON RIGHT.
14. UNDERCARRIAGE 17. DEMOLISHED
15. TRAILER 18. NO DAMAGE
16. OVERTURNED 19. OTHER



Cost of repairs to any one vehicle will be more than $1000: ☒ Yes ☐ No

Reference Marker	Coordinates (if available)	Place Where Accident Occurred
	Latitude/Northing: 40.958046	County WESTCHESTER ☒ City ☐ Village ☐ Town of Yonkers YNK
	Longitude/Easting: -73.862852	Road on which accident occurred [redacted] (Route Number or Street Name)
		at 1) intersecting street (Route Number or Street Name)
		or 2) Feet Miles ☐ N ☐ S ☐ E ☐ W of (Milepost, Nearest intersecting Route Number or Street Name)

Accident Description/Officer's notes

DRIVER #1 RELATED THAT WHILE APPROACHING STOP SIGN AT [redacted] HER VEHICLE STALLED AND SHE WAS UNABLE TO STOP VEHICLE AFTER APPLYING BRAKES. DRIVER #1 RELATED HER VEH. CONTINUED EAST UNTIL CRASHING INTO A FENCE AT [redacted] DRIVER #1 RELATED A MINOR FACIAL INJURY (NOSE) AND PASS#1 RELATED A MINOR RIGHT HAND INJURY. BOTH WERE TREATED AT SCENE BY EMPRESS #875 AND RELEASED. YFD ENGINE 10 @ SCENE.PROPERTY FOREMAN, JAMES ACEVEDO NOTIFIED.

USE COVER SHEET: N

ALL INVOLVED

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A	1	1	9	1	[redacted]	F	2	12	6	-	-	[redacted]	
B	1	2-7	9	1		F	8	12	6	-	-		
C													
D													
E													
F													

Officer's Rank and Signature	Badge/ID No.	NCIC No.	Precinct/Post Troop/Zone	Station/Beat Sector	Reviewing Officer	Date / Time Reviewed
Print Name in Full: SAPONARA, ANTHONY	720728	5907	1	104	GOMEREZ, DAWN	08/14/2019 14:49:04

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A

Local Codes

[redacted]

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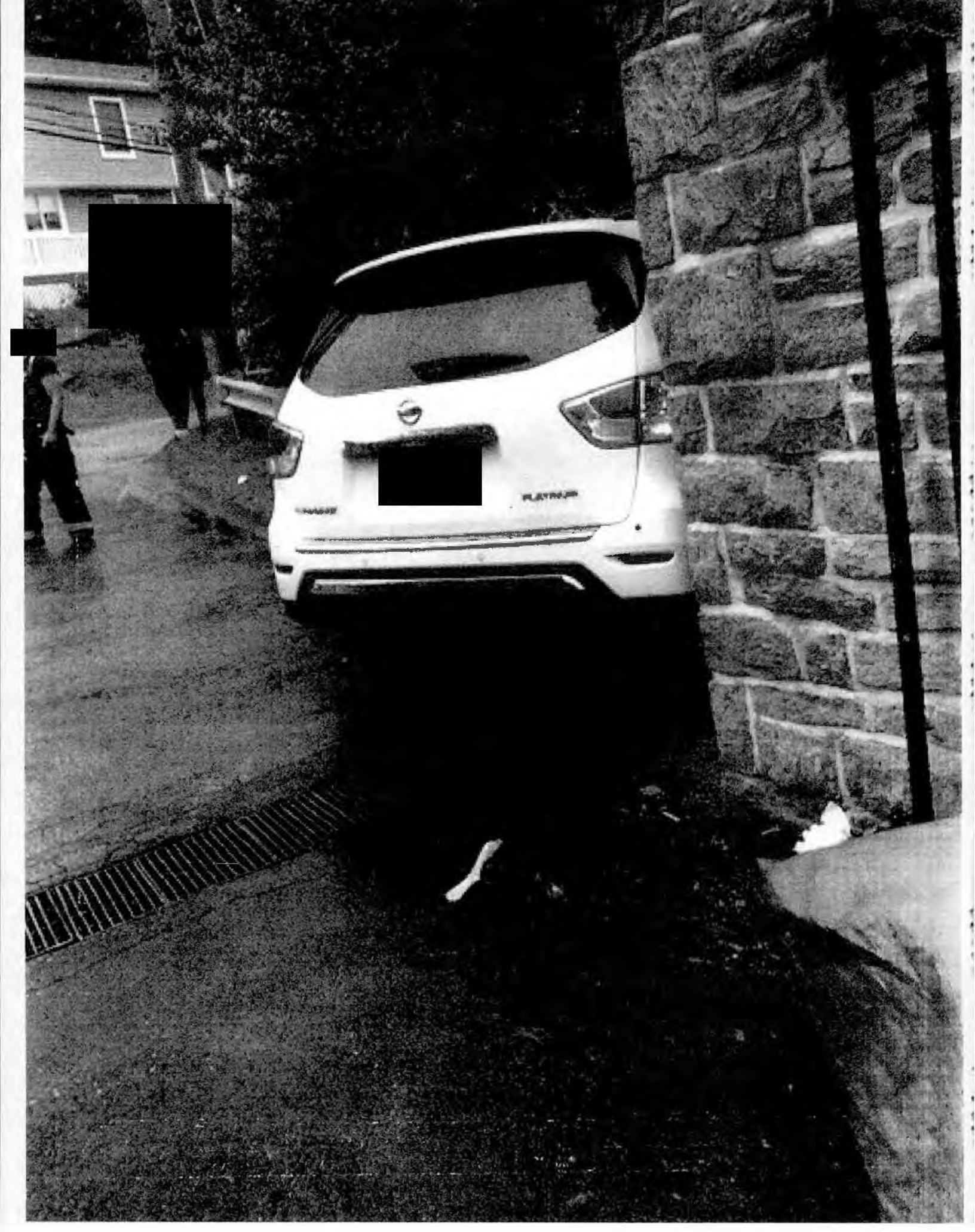
ACCIDENT DIAGRAM

Officer's Rank and Signature		Badge/ID No.	NCIC No.	Precinct/Post Troop/Zone	Station/Beat Sector	Reviewing Officer	Date / Time Reviewed
Print Name in Full	SAPONARA, ANTHONY	720728	5907	1	104	GOMEREZ, DAWN	08/14/2019 14:49:04



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
WESTCHESTER REGIONAL OFFICE
44 SOUTH BROADWAY
WHITE PLAINS, NY 10601

National Highway Traffic &
Safety Admin.
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590