

2/10/2021

BMW of North America, LLC - [REDACTED]

Results

Subject: **BMW of North America, LLC - [REDACTED] - Results**

Date: 2/10/2021 11:34:30 AM Eastern Standard Time

From: Valerie.Brenner@bmwna.com

To: [REDACTED]

CL-11417452-2342

Hello Tony:

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

My coordinator is not in the office until Tuesday, February 16, 2021, due to COVID restrictions. Therefore, she will not be able to send the results to you via FedEx until then.

In the meantime, I am sending you a copy of the results via e-mail. Once I have the FedEx tracking number, I will send it to you.

Regards,

Valerie

BMW of North America, LLC

Valerie Brenner

Executive Customer Care

Customer Relations and Services

P.O. Box 1227

Westwood, NJ 07675-1227

Tel: 1-201-571-5828

Fax: 201-205-1413

E-mail: valerie.brenner@bmwna.com

Web: bmwusa.com

BMW



February 5, 2021

[REDACTED]
High Point, NC [REDACTED]

Dear [REDACTED]:

RE: 2019 M850i xDrive Coupe, VIN: WBABC4C50[REDACTED]

As a follow up to our conversation, BMW of North America, LLC ("BMW NA") inspected your vehicle on January 21, 2021 at Crown BMW, Greensboro, NC. The inspection was performed by our Technical Support Engineer and the results were forwarded to our National Engineering Group for further review.

The electronic diagnosis of the vehicle's fault memory revealed no error codes that would indicate a defect was present or a malfunction occurred.

During the visual inspection the engineer noted impact damage to the front end. There was damage to the right and left rocker panels and both front wheels, the right motor mount and the right front output shaft were also damaged.

The engineer closely examined all hydraulic connections both underneath the vehicle and in the engine compartment and found no leaks at the master cylinder, brake booster or any of the brake lines or brake assemblies. All hydraulic connections were found to be properly routed and securely fitted. The brake pads and the rotors displayed normal service wear for the age and mileage of the vehicle.

The brake and accelerator pedals appeared to be firmly attached, undamaged and generally in good working condition. The engineer then proceeded to test brake pressure and the operation of the brake booster. All tests were completed successfully, and no pressure leaks were observed. A torque converter stall test was performed wherein the engine is started, the gear selector is placed in the Drive or Reverse position and the brake and accelerator pedals are fully depressed simultaneously. During this test, the hydraulic braking system held the vehicle stationary against the maximum torque produced by the engine.

Finally, a 3.1-mile dynamic road test was performed without incident. The vehicle was subjected to both aggressive and normal acceleration and braking maneuvers while in stop and go traffic and at speeds up to 45 MPH. Function of the transmission shifter and corresponding display in the instrument cluster were checked with no defects found.

Data collected from the vehicle's event data recorder (EDR) at the time of the inspection recorded one frontal event. The data confirmed the accelerator was depressed in the last 2.5 seconds before impact with 0% brake application prior to impact.

Based upon the results of the inspection, we are technically confident that there were no faults, defects, or malfunctions present in your vehicle at the time of our inspection that could have contributed to your concern of brake failure and unintended engine speed.

Accordingly, BMW NA cannot accept responsibility for any damage, injury, or loss associated with the incident that occurred on or around January 14, 2021.

Thank you for allowing us the opportunity to review your concerns and share our observation with you. Your patience and cooperation in this matter are greatly appreciated.

Sincerely,

Valerie Brenner
Executive Customer Care Representative
Customer Relations and Services

Company
BMW of North America, LLC

Postal Address
PO Box 1227
Westwood, NJ
07675-1227

Telephone
(201) 571-5828

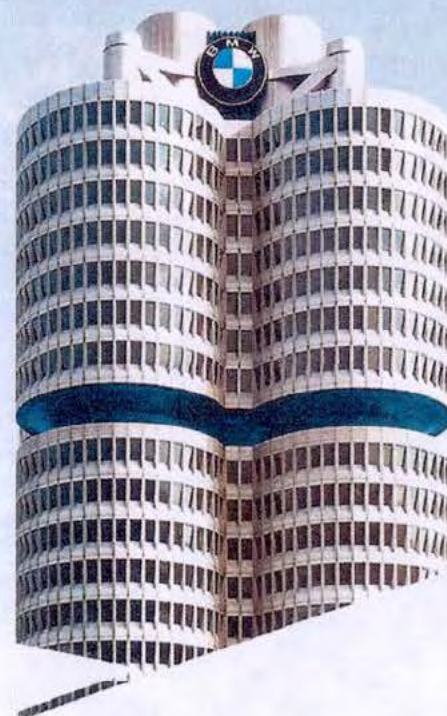
Fax
(201) 930-8484

E-mail
Valerie.brenner@bmwna.com

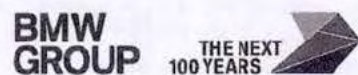
Website
bmwusa.com

CRASH ANALYSIS

VIN: E [REDACTED]
20210121-135736_EDR-REPORT



Date: 1/28/2021 2:30:55 PM



VEHICLE DATA.

VIN: B [REDACTED]

Production date: 12.04.19

Mileage: 7,816 miles

Operatingtime: 19523 minute

ECU operatingtime: 1171381880 ms

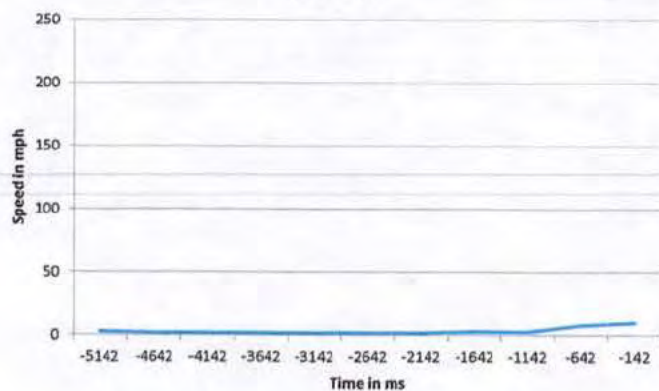
PRECRASH DATA

Crash-EDR

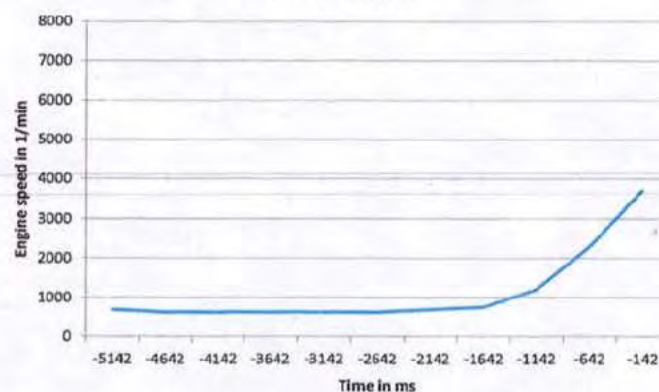
	-5142	-4642	-4142	-3642	-3142	-2642	-2142	-1642	-1142	-642	-142	t0
Time (ms)	3	2	2	2	2	2	2	3	3	8	10	10
Speed (mph)	0	0	0	0	0	2	11	21	87	100	84	?
Accelerator pedal (%)	Off	Off	Off	Off	Off	Off	Off	Off	Off	Off	Off	?
Brake	Off	Off	Off	Off	Off	Off	Off	Off	Off	Off	Off	?
Steering Angle (°)	250	250	250	250	250	250	250	250	250	250	250	?
ABS	Off	Off	Off	Off	Off	Off	Off	Off	Off	Off	Off	?
DSC	Off	Off	Off	Off	Off	Off	Off	Off	Off	Off	On	?
Engine Speed (RPM)	704	640	640	640	640	640	704	768	1216	2304	3712	?

PRECRASH.

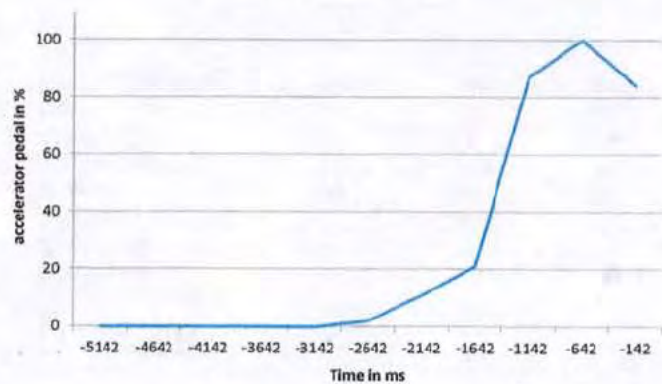
Speed (91)



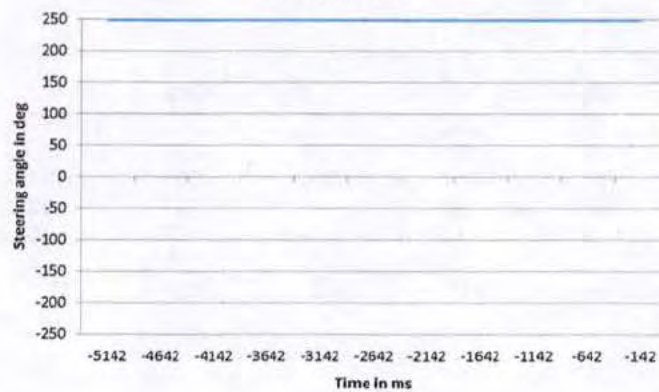
Engine speed (93)



Accelerator pedal (92)



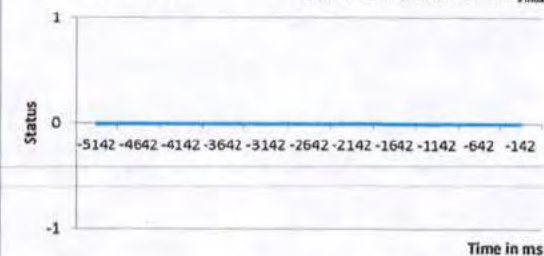
Steering angle (94)



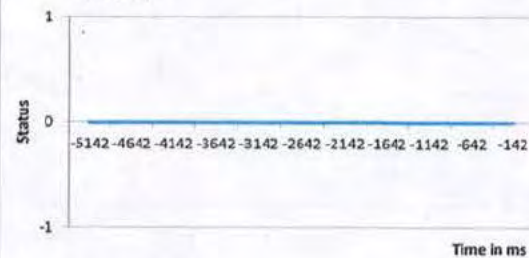
Legend (Brake / ABS / DSC)

Off: 0
On: 1
DSC deactivated by driver: 2
DSC in DTC mode: 3
Data not available or invalid: -y_{max}

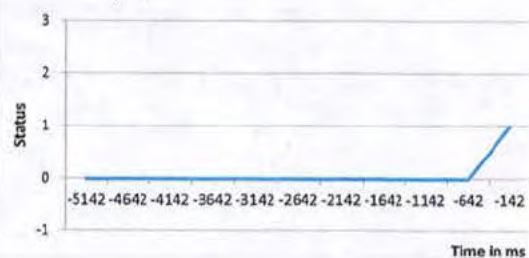
Brake (95)



ABS (96)



DSC (97)



INCRASH.

Status:

Event type: frontal
AWL: off

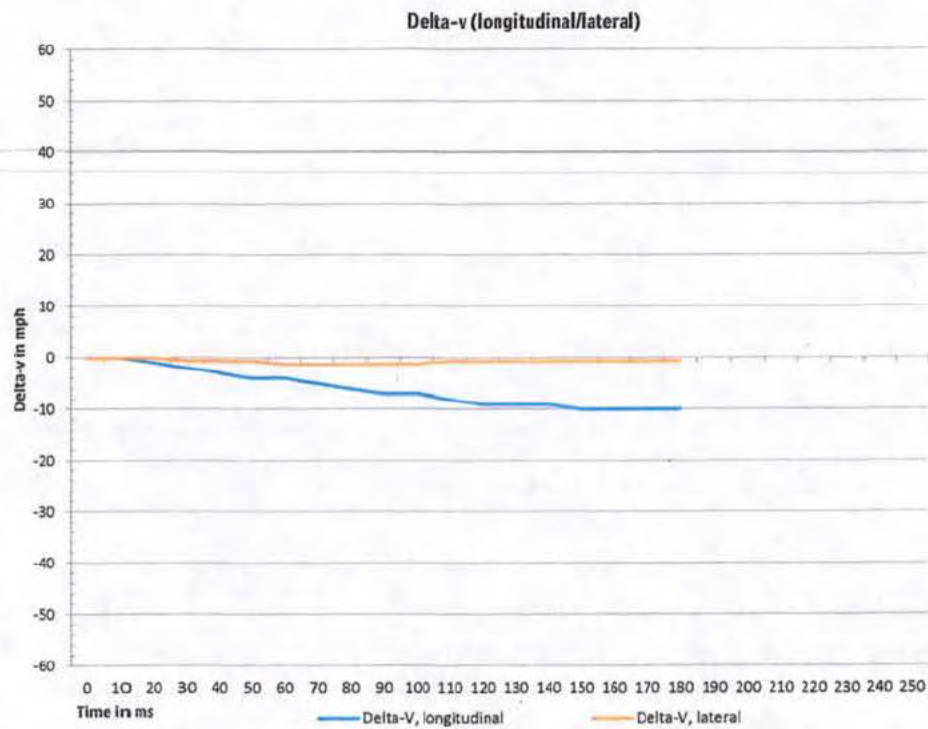
Driver: belted
Driver position: not foremost (middle/rear)

Passenger (belt status / occupancy): not belted / empty/child
Passenger position: not foremost (middle/rear)

2nd row (left/middle/right): not belted / not belted / data not available

3rd row (left/middle/right): data not available / data not available / data not available

INCRASH.



Delta-v max, longitudinal: -10 mph

Delta-v max, lateral: -1 mph

Subject: **Your claim has been submitted**
Date: 1/14/2021 11:01:10 AM Eastern Standard Time
From: no-reply@erieinsurance.com
To: [REDACTED]



[REDACTED]

We are sorry you've experienced a loss, and want to assure you that we're here to help.

Your **claim number** is [REDACTED]. Please keep this number on hand.

A claims representative will be in contact by the end of the next business day to explain [the claims process](#) and to answer any questions you may have.

At any time, you can check the status of your claim through your online account:

[VIEW MY CLAIM STATUS](#)

Your agent can also help along the way.

John Williams
(336) 299-5185
staff@gladwellinsurance.com

Thank you for choosing Erie Insurance.

DRIVER EXCHANGE FORM

☐ Non-Reportable

Date 01/14/2021 mm/dd/yyyy	Time 09:44 (24 Hour Clock)	County GUILFORD	Local Report Number [REDACTED]	Officer Name NANCE, N. E.
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Unit #1

Driver **[REDACTED]**
First Middle Last

Address **[REDACTED]**

City **HIGH POINT** State **NC** Zip **[REDACTED]**

Same Address on Driver's License? ☐ Yes ☒ No
Driver's Phone Numbers W ()

D.L. # **[REDACTED]** State **NC**
CDL License ☐

DOB **08/01/1954**
mm/dd/yyyy

Owner **[REDACTED]**
Same as Driver? ☐

Address **[REDACTED]**
Same Address as Driver? ☐

City **HIGH POINT** State **NC** Zip **[REDACTED]**

Plate # **[REDACTED]** Plate State **NC** Plate Year **[REDACTED]**

VIN **WBABC4C50K [REDACTED]**

Vehicle Make **BMW** Vehicle Year **2019**

Insurance Company **ERIE INSURANCE COMPANY**

Policy # **[REDACTED]**

Driver **[REDACTED]**
First Middle Last

Address **[REDACTED]**

City **[REDACTED]** State **[REDACTED]** Zip **[REDACTED]**

Same Address on Driver's License? ☐ Yes ☐ No
Driver's Phone Numbers W ()

D.L. # **[REDACTED]** State **[REDACTED]**
CDL License ☐

DOB **[REDACTED]**
mm/dd/yyyy

Owner **[REDACTED]**
Same as Driver? ☐

Address **[REDACTED]**
Same Address as Driver? ☐

City **[REDACTED]** State **[REDACTED]** Zip **[REDACTED]**

Plate # **[REDACTED]** Plate State **[REDACTED]** Plate Year **[REDACTED]**

VIN **[REDACTED]**

Vehicle Make **[REDACTED]** Vehicle Year **[REDACTED]**

Insurance Company **[REDACTED]**

Policy # **[REDACTED]**

Driver **[REDACTED]**
First Middle Last

Address **[REDACTED]**

City **[REDACTED]** State **[REDACTED]** Zip **[REDACTED]**

Same Address on Driver's License? ☐ Yes ☐ No
Driver's Phone Numbers W ()

D.L. # **[REDACTED]** State **[REDACTED]**
CDL License ☐

DOB **[REDACTED]**
mm/dd/yyyy

Owner **[REDACTED]**
Same as Driver? ☐

Address **[REDACTED]**
Same Address as Driver? ☐

City **[REDACTED]** State **[REDACTED]** Zip **[REDACTED]**

Plate # **[REDACTED]** Plate State **[REDACTED]** Plate Year **[REDACTED]**

VIN **[REDACTED]**

Vehicle Make **[REDACTED]** Vehicle Year **[REDACTED]**

Insurance Company **[REDACTED]**

Policy # **[REDACTED]**

Driver **[REDACTED]**
First Middle Last

Address **[REDACTED]**

City **[REDACTED]** State **[REDACTED]** Zip **[REDACTED]**

Same Address on Driver's License? ☐ Yes ☐ No
Driver's Phone Numbers W ()

D.L. # **[REDACTED]** State **[REDACTED]**
CDL License ☐

DOB **[REDACTED]**
mm/dd/yyyy

Owner **[REDACTED]**
Same as Driver? ☐

Address **[REDACTED]**
Same Address as Driver? ☐

City **[REDACTED]** State **[REDACTED]** Zip **[REDACTED]**

Plate # **[REDACTED]** Plate State **[REDACTED]** Plate Year **[REDACTED]**

VIN **[REDACTED]**

Vehicle Make **[REDACTED]** Vehicle Year **[REDACTED]**

Insurance Company **[REDACTED]**

Policy # **[REDACTED]**



Regional Auto Center

505 Edwardia Dr, Greensboro NC 27409
Phone: (336) 808-0887

Impound Invoice

Printed 1/14/2021

Individual
Released To

Call #
Stock #

Bill To

CAS

COD

Account

Greensboro Police Department

Date/Time Impounded:

1/14/2021 12:21 PM

Date/Time Released:

1/14/2021 3:44 PM

Days Held in Impound

1 days

High NC

Phone:

Reason for
Impound

Accident

VIN Number

W8ABC4C50

Model

2019 BMW 8 Series (Blue)

License Plate

[REDACTED] (NC)

Drivable

Yes

Keys

Yes

Towed from

520 N Elam Ave, Greensboro, NC 27403, USA (520 North Elam Avenue)

Stored at

Regional Auto Center
505 Edwardia Dr, Greensboro NC 27409

Storage charges	Quantity	Price	Line Total
(Storage - Storage Fees) Impounds/Storage: Daily Impound Rate	1	\$25.00	\$25.00
Towing charges	Quantity	Price	Line Total
(Towing) Accident Call	1	\$169.00	\$169.00
(Towing) Winching	4	\$30.00	\$120.00
(Towing) second Truck	1	\$93.00	\$93.00
(Towing) Towing - Flatbed	1	\$75.00	\$75.00
		Towing Subtotal	\$457.00
		Storage - Storage Fees Subtotal	\$25.00
		Subtotal	\$482.00
		Taxes	\$0.00
		Grand Total	\$482.00
		Amount Due:	\$0.00 / Paid
Cash payment (Ref # CASH[TB:R]) of \$482.00 applied on 1/14/2021			

Signature: _____ Date: _____

USDOT: 2151264

Complaint Information Response

The following is additional follow-up information regarding our complaint submitted on February 5, 2021.

- **Location of the incident –**

LeBauer Gastroenterology/ Endoscopy

520 North Elam Street

Greensboro, NC 27407

Contact: Jeff Shepard (336)908-6938

- **Documentation –**

I was pulling into a parking spot at this location on January 14, 2021. I had the park assist cameras on so I could see how close I was to the brick retaining wall, since the front of my car sits low , I am cautious to any surfaces that my scrape the lower edges of the front edges. When I knew I was approximately twelve inches from the retaining wall, camera indicator beeper showed, I put my right foot on the brake pedal, proceeded to put my thumb on the gearshift to depress the Park button, then I usually pull up the lever for the parking brake. However, I never got to fully depress the parking button, the engine revved up to full power. It sounded like two four barrels carburetors kicking in,

causing the car to surge forward, over the retaining wall, into the building's second floor.

The car's engine was still revved, running wide open. When the car surged forward, the force threw me back against the driver's seat with tremendous force, when the car hit the building, I was thrown forward, also with great force, my sunglasses flew off of my face and were later found in the air defroster vent. During all of this activity, I tried to turn the car off, disengage the transmission, anything to make the car turn off, to no avail. Eventually, the engine turned off on it's own. I repeatedly hit the ignition button, park button and pull the gear shifter into neutral, to no avail. I could see and hear the car to continue to move forward, the car was trying to move forward and the brick in the side of the building was crunching, making a grinding noise. Smoke came out from under the driver's side of the car, the air bag never deployed, all I could think of was to get out of the car for fear of the car catching fire and/or falling into the space between the building and the retaining wall.

The building manager advised that the car hit the side of the building that it forced the interior wall inward by 4 to 6 inches. Everyone was quick to assume I had confused my brake pedal with the accelerator, I know without a doubt this was not the case! I know my foot

was on the brake pedal so I could put the car in park mode. You cannot do this with your foot on the accelerator.

Also, I brought to BMW's attention that about a month prior to this I was driving through the small town of Jamestown, speed limit 35mph, when suddenly an alarm went off, bright read display of a red car with graphics shows up on the dashboard and the braking system brought the car to an abrupt stop. It was early in the morning, no other cars around, I saw one car over in the shopping center at Food Lion, far from my location that was moving. The guy at BMW said "well maybe a squirrel ran out in front of you"! Really! If that's the case braking system should happen with every car approaching me from any direction!

- I am familiar with high performance cars. I am certain that something went wrong with this car and is a dangerous car. As a result of this incident, I could not bring myself to ever getting back in this car for fear of something happening beyond my control. Thanks be to God that where this car hit the building, was the ONLY unoccupied space in the medical center!
- In good faith, I could not sell this car to another person for the same fears mentioned above. So, I was locked into getting another BMW vehicle because no other

dealer would what to touch this car. I believe that the car malfunctioned in some matter relating to the numerous computer boards and gadgets. I also believe that the technicians that looked this car over did find something wrong.

- Enclosed are pictures and additional documents regarding the accident.

Subject: **RE: U.S Dept. of Transportation: Additional Information Needed - 2019 BMW 850i**
Date: 3/31/2021 3:53:37 PM Eastern Standard Time
From: juan.aristy.ctr@dot.gov
To: [REDACTED]

Good afternoon,

This is a **second request** for information in regards to your complaint. We would greatly appreciate your assistance on this matter. Please see the original request below.

Best regards,

Juan Aristy

Technical Information Specialist

CyberBahn Federal Solutions, LLC

c/o National Highway Traffic Safety Administration, Department of Transportation

direct line: 202-366-7176

fax: 202-366-3081

juan.aristy.ctr@dot.gov

From: Aristy, Juan CTR (NHTSA)

Sent: Monday, March 22, 2021 5:03 PM

To: [REDACTED]

Subject: U.S Dept. of Transportation: Additional Information Needed - 2019 BMW 850i

U.S Department of Transportation
National Highway Traffic Safety Administration
1200 New Jersey SE
Washington, DC 20590

Dear [REDACTED]

I would like to request additional information related to a complaint submitted on **February 5, 2021**. The review process of your complaint can be completed more thoroughly when the following information is provided; some of which may be missing from your original complaint.

- **Location** of the incident (ex. Name of the Interstate, Highway, Road, Intersection, City, State, and County)
- Any **documentation** you have related to your complaint, such as **Police Accident Report** and **Crash Photos**, if available.
- **Manufacturer Complaint (i.e. reference) Number**, if you have already made a complaint to the manufacturer of your vehicle. If you have not, it may be beneficial to both our investigative efforts and the likelihood of the manufacturer addressing your specific issue. Should you choose to contact the manufacturer, we would greatly appreciate your complaint number.

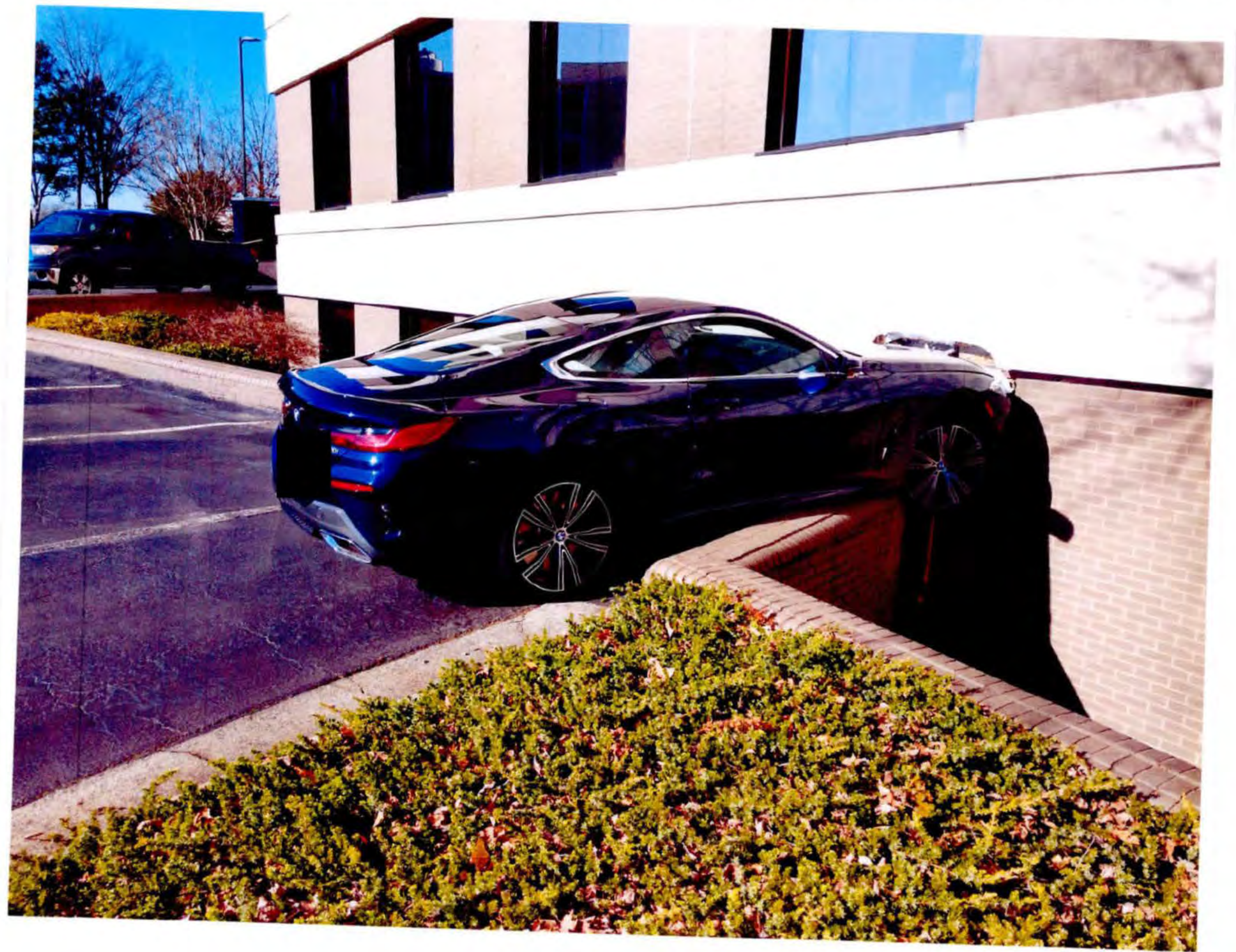
If you could please send the missing information to me via email at juan.aristy.ctr@dot.gov that would be preferable. It can also be mailed to:

U.S. Department of Transportation
NHTSA NVS-211 Room W46-403
1200 New Jersey Ave. SE
Washington DC, 20590

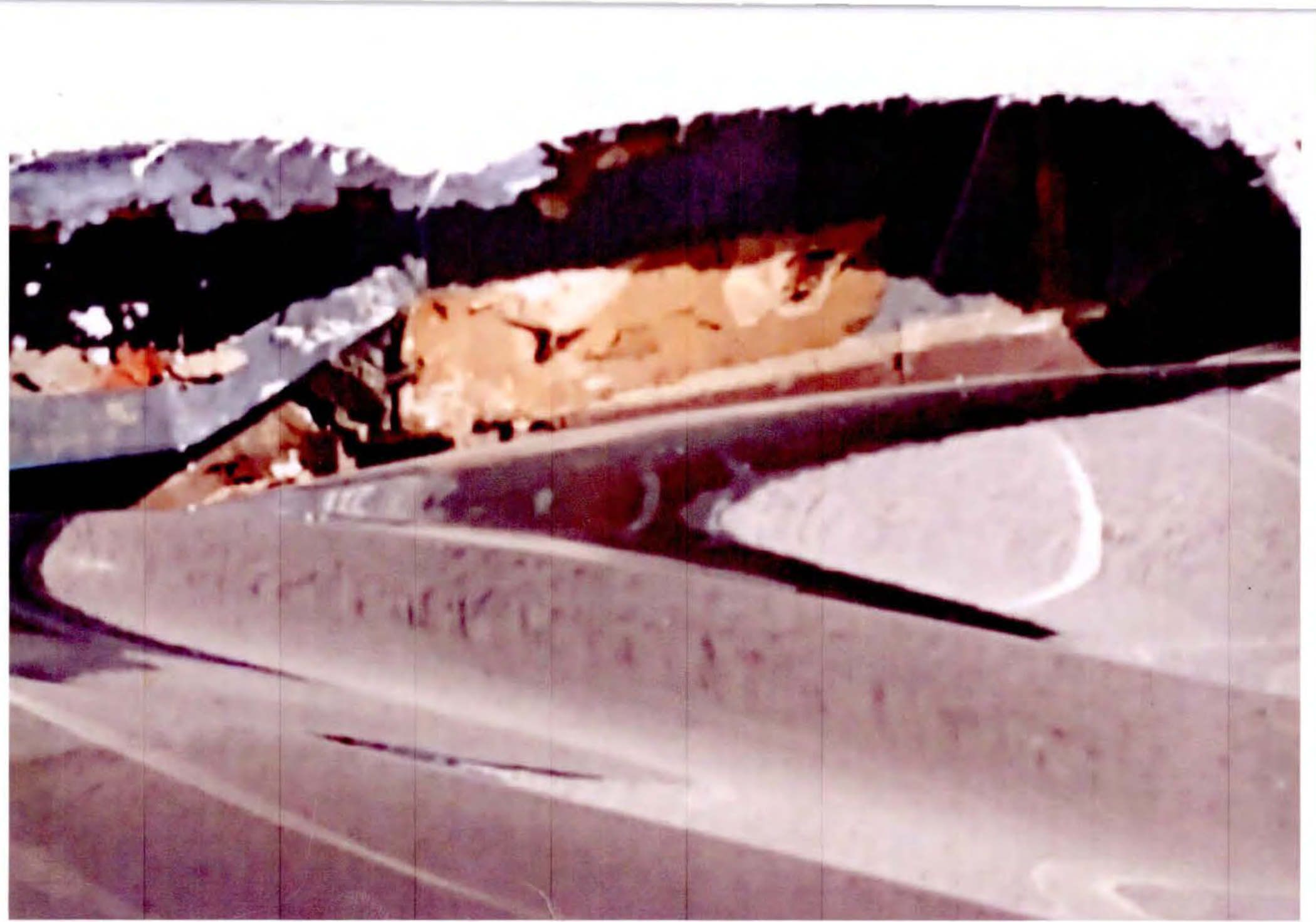
If you have further questions, I can be reached via email.

Respectfully,

Juan Aristy
Technical Information Specialist
CyberBahn Federal Solutions, LLC
c/o National Highway Traffic Safety Administration, Department of Transportation
direct line: 202-366-7176
fax: 202-366-3081
juan.aristy.ctr@dot.gov













[Redacted]
High Point, NC



1004



20590

U.S. POSTAGE
PAID
JAN 27 2014
AMOUNT
\$8
R2308

EXPECTED DELIVERY DAY: 04/30/21

USPS TRACKING® #



9505 5108 4252 1117 5316 90

U.S. DEPARTMENT OF TRANSPORTATION
NHTSA NVS-211 ROOM 46-403
1200 NEW JERSEY AVE SE
WASHINGTON DC 20590



Department of Transportation

To: W48-226
Location Code: DOT
Cost Center: 4 West
Mail Point: NVS-200, 210, 201
External Carrier: DELIVERY CONFIRMED
Sender:
Manufacturer:
Purchase Order:
DOT



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W48