

JUN 25 '21 10:25 AM

EX-100 109 MAIL

[REDACTED]
Birmingham, AL [REDACTED]

June 6, 2021

Mr. Martin W. Smith
Royal Automotive, Inc.
3100 Columbiana Road
Vestavia Hills, AL 35216-0239

Re: 2021 XC 40
Volvo
VIN: YV4162UK8M [REDACTED]

Dear Martin:

I appreciate you and your team's investigation into the problems of our 2021 XC 40, but frankly, I am appalled at Volvo's cavalier attitude when it comes to putting consumers at a known risk of potential serious physical injury or death. Please see below:

- As you know on May 18, 2021, we reported that the 2021 XC 40 vehicle will periodically not restart - may be something to do with the safety key or some other electrical malfunction. See (Exhibit "A"). As you are aware, the dashboard shows the battery symbol when the car will not restart as if the vehicle is dead (no electrical connection). Also, when the start button is depressed the dashboard illuminates with the dead battery signal, but otherwise, it seems the button is not connected to the vehicle in that the engine does not respond. In response to this complaint, your team called Volvo and they suggested that your team remove a Dyer and Dyer (Atlanta) installed GPS location device that was hard wired in the car that we had asked Dyer and Dyer to remove before selling the car, but they failed to remove it, as we had requested. Your team had reported this to Volvo, but Volvo reported they had no idea what could have caused this vehicle not to re-start other than the improperly installed GPS device,

which may interfere with the vehicle's electrical systems. It appears that Volvo knew about dealers doing this, but they have not taken any action against dealers that continue this practice and put the car at risk of defective performance.

- Also, we had an issue where the vehicle, while we were beginning to stop at a stop sign, went dead and was not responsive.
- The "Start/Stop" function, although engaged in the center console, is often not operational and will show in the dashboard that it is not operational, but then, randomly (not consistent with the reasons itemized in the Volvo manual for why the start/stop function may not work), will work on a few stops for that particular drive and then revert back to not being operational on the next trip, although it is engaged to be "on" in the center console. Again, this appears to be a sign or symptom of some sort of electrical malfunction.
- Now, most recently, my wife and daughter were driving the vehicle, and it lost power and shut off in the middle of the road, horrifying these two individuals and greatly upsetting me that a vehicle sold by Volvo would perform so poorly and create a significant hazard to driver and passengers of the vehicle (not to mention others on the roadway). Again, and clearly, there appears to be some sort of electrical malfunction.

Through my own independent research, I have learned that there is a current recall on the 2021 Volvo XC 40 Recharge (the electric version of this vehicle). See (Exhibit "B").

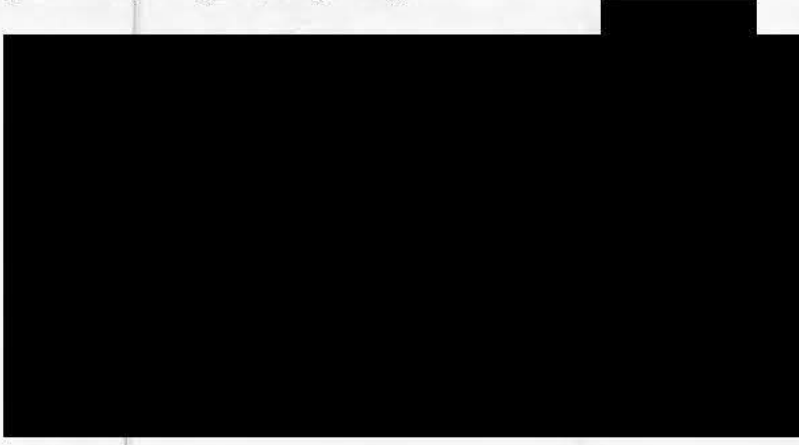
Apparently, Volvo has known since February 24, 2021 of a problem with Lear Automatic Electronics causing the vehicle to "suddenly stall while driving." According to the attached, the "problem is the battery energy control module microprocessor that can reset and cause high-voltage electrical system to disconnect." *Id.*

Clearly, what we first reported to Volvo on May 18, 2021 was an electrical problem that Volvo had an idea or knowledge (knew or should have known) that was or may be similar to the problem they had already issued a recall for on the XC 40 recharge. To send this car back out with, "go see what happens next and let us know," is about the worst decision and advice with the

knowledge that Volvo has a subset of vehicles out there from the same manufacturing year with electrical problems. On May 18, 2021, I had no idea that Volvo already knew it was having electrical problems with 2021 vehicles. To say I am mad and disgusted is stating it mildly. It is clear that Volvo just did not want to go through the expense of replacing the battery energy control module microprocessor, and instead, would rather put my family at risk. Disgusting.

Volvo is supposed to be an industry leader in promoting safe vehicles. To not recall this vehicle is clearly an issue of attempting to save money while putting consumers at risk of serious injury. I seriously doubt that our XC 40 is the only non-recharge vehicle with reports of electrical issues. With that in mind, there should have been sufficient information or feedback by May 18, 2021 to address this vehicle's battery energy control module microprocessor or to dig deeper in resolving this vehicle's electrical problem. To fail, either negligently, wantonly or purposely, to consider that this vehicle may have a same or similar problem to the XC 40 Recharge, was reckless at best, and put my family in danger of serious, if not fatal injury.

Volvo knew there was a problem with this vehicle or at least knew that the root problem was an electrical issue and very likely could be the same Lear Automotive Electronics battery energy control module microprocessor. See (Exhibit "C"). If you have seen the 2007 movie *Michael Clayton*, you know there is a scene where the center console of a Mercedes is not functioning properly and later the car explodes. The electrical issue was a symptom of something more dire. In the movie, the actor did not know what was next, but in real life, in this case, Volvo did. Volvo knew they already had electrical problems, but they declined to dig deeper on May 18, 2021. Again, do not walk around crowing about the safety of your vehicles when you purposely put consumers at risk in order to save money. Was that what you were relying on, the safety of your vehicle to protect the consumer in a crash that you could foresee that was likely or at a minimum, a real possibility? Again, disgusting.



Martin W. Smith
June 6, 2021
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/gwf
Enclosures

cc: Volvo USA

National Highway Traffic Safety Administration



EXHIBIT

A

Customer Number [REDACTED]

Invoice [REDACTED]



Royal Automotive Inc.
3010 Columbiana Road
(205) 823-3100
VESTAVIA HILLS, ALABAMA 35216-0239
The dealership that's different

Home [REDACTED] Email: [REDACTED] home

Cell [REDACTED]

SERVICE ADVISOR: 956 MARTIN W SMITH

Client: [REDACTED] name: [REDACTED] SERVICE ADVISOR: 956 MARTIN W SMITH

COLOR	YEAR	MAKE/MODEL		VIN	LICENSE	MILEAGE IN / OUT		TAG
WHITE	20	VOLVO XC40		YV4182UK8 [REDACTED]		627 / 627		[REDACTED]
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED		RATE	PAYMENT	INV.	
01JAN20			17:00 27MAY21		0.00	CASH	18MAY21	
R.O. OPENED		READY		OPTIONS:				
11:01 17MAY21		15:59 18MAY21						
LINE OPCODE TECH TYPE HOURS					LIST	NET	TOTAL	

A CUSTOMER STATES THE CAR WILL NOT START
CSV CUSTOMER STATES THE CAR WILL NOT START
560 IPOL (N/C)
627 CAR CRANKING AS DESIGNED AT THIS TIME, NO CODES STORED IN VEHICLE. CONTACTED VOLVO TECHNICAL ASSISTANCE, THEY WANTED US TO SEE IF THERE ARE ANY AFTERMARKET ACCESSORIES INSTALLED UNDER DASH, DID FIND A GPS TRACKED THAT WAS HARD WIRED INTO OBD2/DLC--TECHNICAL ASSISTANCE STATED FOR US TO REMOVE TRACKING DEVICE AND RETURN CAR TO CUSTOMER REMOVED GPS DEVICE--CUSTOMER TO DRIVE AND MONITOR

B CUSTOMER STATES WHEN THE CAR WAS RUNNING, SHE WAS HAVING A HARD TIME GETTING IT TO TURN OFF?
CSV CUSTOMER STATES WHEN THE CAR WAS RUNNING, SHE WAS HAVING A HARD TIME GETTING IT TO TURN OFF?
560 IPOL (N/C)

EST: 0.00 17MAY21 11:01 SA: 956
CONTACT:

WARRANTY STATEMENT AND DISCLAIMER: PLEASE SEE THE DEALERSHIP'S LIMITED WARRANTY ON THE REVERSE SIDE OF THIS REPAIR INVOICE.		*SHOP SUPPLY COSTS: We have added a charge equal to 10% of the total cost of labor and parts, not to exceed \$38.00, to the Repair Order for shop supplies used in connection with this repair.	DESCRIPTION	TOTALS
By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.		ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED.	LABOR AMOUNT	\$ 0.00
			PARTS AMOUNT	\$ 0.00
			GAS, OIL, LUBE	\$ 0.00
			SUBLET AMOUNT	\$ 0.00
			MISC. CHARGES *	\$ 0.00
			TOTAL CHARGES	\$ 0.00
			LESS INSURANCE	\$ 0.00
DATE	CUSTOMER SIGNATURE	AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE	SALES TAX	\$ 0.00
			PLEASE PAY THIS AMOUNT	\$ 0.00

EXHIBIT

B



Volvo XC40 Recharge Recall To Prevent Stalling

Volvo says 2021-2022 XC40 SUVs may have high-voltage electrical systems that suddenly disconnect.

By [David A. Wood](#), CarComplaints.com • Posted in [Recalls](#)

March 2, 2021 — A Volvo XC40 Recharge recall has been issued for the U.S. and Canada after the automaker learned the SUV can suddenly stall while driving.

Volvo said errors made by the supplier, Lear Automatic Electronics, can cause the 2021-2022 XC40 Recharge SUVs to lose their drive power.

The problem is the battery energy control module microprocessor that can reset and cause the high-voltage electrical system to disconnect.



The affected SUVs include those from the start of XC40 Recharge production to February 24, 2021, when new software was introduced into production.

According to Volvo, the worst-case scenario during driving is losing propulsion without warning, which is bad enough because it could cause a crash. However, all steering and braking remain active, and there have been no reports of crashes or injuries related to a stalled XC40 Recharge.

Volvo dealerships will update software on the XC40 Recharge electric vehicles or over-the-air software updates will be sent to the SUVs.

The 2021-2022 XC40 Recharge recall is expected to begin May 18, 2021.

Volvo XC40 Recharge customers with questions should call 800-458-1552, then use recall reference number R10078.

More Volvo News:

[Volvo Sunroof Leak Lawsuit Still Seeks Class Certification](#)

[Volvo Recall Includes V60, V90, XC60 and XC90 Vehicles](#)

EXHIBIT

C

1 Recalls

for 2021 VOLVO XC40 T5

FILTER RECALLS BY AFFECTED COMPONENTS

All (1)

ELECTRICAL SYSTEM (1)

February 24, 2021

NHTSA CAMPAIGN NUMBER: 21V109000

High Voltage Disconnect May Cause Drive Power Loss

A disconnected high voltage system can cause a loss of drive power, increasing the risk of a crash.

NHTSA Campaign Number: 21V109000

Manufacturer Volvo Car USA, LLC

Components ELECTRICAL SYSTEM

Potential Number of Units Affected 2,278

Summary

Volvo Car USA, LLC (Volvo Car) is recalling certain 2021-2022 XC40 Recharge vehicles. The Battery Energy Control Module (BECM) microprocessor may reset and cause the high voltage system to disconnect.

Remedy

Volvo Car will notify owners, and dealers will install a software update, free of charge. The recall began March 30, 2021. Owners may contact Volvo Car customer service at 1-800-458-1552. Volvo Car's number for this recall is R10078.

Notes

Owners may also contact the National Highway Traffic Safety Administration Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to www.safercar.gov.

BIRMINGHAM, AL



National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590