

February 16, 2022

CL-11455176-9800

Jack Danielson, Executive Director
NHTSA
1200 New Jersey Avenue SE
West Building
Washington, DC 20590

Mr. Danielson:

I write to you to seek your counsel.

I bought a 2022 BMW X4 M40i October 2021. It lunge, rocks and jerks when brakes are applied. I have owned more than 20 BMWs, all new, and have never experienced rough braking like this before. I notified the dealer of this issue and a road test was conducted October 13. Copy of that test is enclosed.

The road test verified my complaint. They agreed that my car lunge, rocks and jerks when applying brakes. And they wrote my car is "*operating as designed*". I have written four times to Sebastian Mackensen, President and CEO of BMW NA, asking if my car is "*designed*" to lunge, rock and jerk when brakes are applied. The responses (enclosed) would seem to indicate that they either do not understand the question....or do not want to answer it.

I would appreciate an opinion from you. Should a \$68,000 BMW be *designed* to lunge, rock and jerk when brakes are applied?

Thank you.

Very truly yours,

[REDACTED]

[REDACTED]

Laguna Woods, CA

[REDACTED]

Enclosures

7/21

INVOICE

9881 Research Drive · Irvine, CA 92618
DIRECT LINE TO SERVICE DEPARTMENT
(949) 380-4860

PAGE 1

FAX (949) 583-9538
www.irvinebmw.com

AGUNA WOODS, CA

CME: [REDACTED] CONT: [REDACTED]
US: [REDACTED] CELL: [REDACTED]

SERVICE ADVISOR: 50246 GARY TEMEL

COLOR	YEAR	MAKE	MODEL	VIN	LICENSE	MILEAGE IN/ OUT	TAG
300	22	BMW	X4M40T	5UX43DT08N9 [REDACTED]		1050/1060	[REDACTED]
DEL DATE	PROD DATE	WARR EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
1SEP21 DD			19:00 12OCT21		0.00	CASH	13OCT21
R.O. OPENED	READY	OPTIONS:	SOLD-STK	ENG:			
3:31 12OCT21	14:44 13OCT21	TRN:205	[REDACTED]	3.0 Liter Turbo			
INE OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL	

CUSTOMER STATES WHEN BRAKES ARE APPLIED AND THE CAR COMES TO A STOP IN STOP AND GO TRAFFIC, OR A STOP SIGN OR RED LIGHT, THE CAR LUNGES SHARPLY FORWARD. THE CAR STOPS BUT THE BODY LUNGES FORWARD CREATING A PRONOUNCED JERKING OR ROCKING MOTION THAT FEELS LIKE THE BODY IS NOT ATTACHED TO THE CHASSIS, PLEASE CHECK AND ADVISE.

ENC001 CUSTOMER STATES WHEN BRAKES ARE APPLIED AND THE CAR COMES TO A STOP IN STOP AND GO TRAFFIC, OR A STOP SIGN OR RED LIGHT, THE CAR LUNGES SHARPLY FORWARD. THE CAR STOPS BUT THE BODY LUNGES FORWARD CREATING A PRONOUNCED JERKING OR ROCKING MOTION THAT FEELS LIKE THE BODY IS NOT ATTACHED TO THE CHASSIS, PLEASE CHECK AND ADVISE.

50896 ISPS

(N/C)

1060 PERFORMED ROAD TEST WITH CLIENT. VERIFIED THE CLIENT'S CONCERN, BUT DETERMINED THAT THE VEHICLE IS OPERATING AS DESIGNED. DUE TO POTENTIAL SAFETY CONCERN, PERFORMED VISUAL INSPECTION OF BRAKE SYSTEM AND CHASSIS. NO FAULT FOUND. PERFORMED ROAD TEST WITH TSE DURING DEALER VISIT AND DETERMINED THAT THE VEHICLE IS OPERATING AS DESIGNED. PLEASE NOTE THAT THE VEHICLE HAS SPORT OPTIONS STANDARD. SPORT BRAKES AND SUSPENSION HAVE MORE AGGRESSIVE TENDENCIES THAT CAN CHANGE THE COMFORT OF THE DRIVING EXPERIENCE.

PERFORM IRVINE BMW COMPLIMENTARY (MPI) WORLD CLASS VEHICLE INSPECTION (INCLUDES A KNOW YOUR VEHICLE REPORT).

MPI PERFORM IRVINE BMW COMPLIMENTARY (MPI) WORLD CLASS VEHICLE INSPECTION (INCLUDES A KNOW YOUR VEHICLE REPORT).

50896 ISPS

(N/C)

CLIENT IS BEING PROVIDED A BMW LOANER VEHICLE. IT IS LOANED OUT ON A 24HR. BASIS ONLY. FAILURE TO RETURN THE VEHICLE UPON REQUEST OR WITHIN 3HRS. OF NOTIFICATION THE CLIENT'S VEHICLE IS COMPLETE

ORIGINAL ESTIMATE	AUTHORIZED ADDITIONS	DESCRIPTION	TOTALS
\$	\$	LABOR AMOUNT	
		PARTS AMOUNT	
		GAS, OIL, LUBE	
		SUBLET AMOUNT	
		H. W. DISPOSAL	
		TOTAL CHARGES	
TOTAL REVISED ESTIMATE			

STATEMENT OF DISCLAIMER: The factory warranty constitutes all of the warranties...
CUSTOMER SIGNATURE: _____
I, BMW OF AMERICA, hereby certify that the information contained herein is accurate and that the vehicle shown is a BMW of America vehicle.

January 10, 2022

Sebastian Mackensen, President and CEO
BMW of North America
300 Chestnut Ridge Rd.
Woodcliff Lake, NJ 07677-7731

Mr. Mackensen:

I have written to you three times.... October 20, November 15 and December 7, 2021about a problem I am experiencing with my 2022 X4 M40i. The issue remains unresolved. I refer you to the inspection report from Irvine BMW dated October 13 (enclosed) which writes "when brakes are applied and the car comes to a stop in stop and go traffic, or a stop sign or red light, the car lunges sharply forward. The car stops but the body lunges forward creating a pronounced jerking or rocking motion that feels like the body is not attached to the chassis." The inspection report continues "1060 performed road test with client. Verified the client's concern, but determined that the vehicle is operating as designed."

BMW Irvine confirms/agrees in its October 13 inspection report that my car lunges, jerks and rocks when brakes are applied, and writes that it is "operating as designed". Consequently, I have asked BMW NA, repeatedly, if my car is "designed" to lunge, jerk or rock when brakes are applied, and BMW NA has refused to answer this question. BMW NA's cryptic and terse reply has been "your vehicle is operating as designed"..... and "Have a nice day". This reply is unresponsive, evasive.....and sophomoric.

I respectfully request an answer to the following questions:

BMW Irvine confirms/agrees that when my car lunges, jerks and rocks when applying brakes it is "operating as designed". BMW NA has written, repeatedly, that my car is "operating as designed". If my car is "operating as designed" is my car "designed" to lunge, jerk and rock when applying brakes? Please answer "Yes" or "No".

Do all 2022 X4 M40i's lunge, jerk and rock when applying brakes? "Yes" or "No".

Why does my 2022 X4 M40i lunge, jerk and rock when applying brakes?

Can my 2022 X4 M40i be modified/alterd to eliminate/mitigate the lunging, jerking and rocking when applying brakes? "Yes" or "No".

I await your reply.

Very truly yours



December 7, 2021

Sebastian Mackensen, President and CEO
BMW of North America
300 Chestnut Ridge Rd.
Woodcliff Lake, NJ 07677-77831

Mr. Mackensen:

October 12 I delivered a letter to BMW Irvine which said that my new 2022 BMW X4 M40i was lungeing, jerking and rocking when brakes are applied. BMW Irvine conducted an inspection of my car and on October 13 issued a report which "verified"....that is agreed....that my car did, in fact, lunge, jerk and rock. And then, it wrote, that my car was "operating as designed".

Gabrielle Dorcean of BMW NA Customer Relations in New Jersey has not driven my car. Nonetheless, based on the content of the October 13 BMW Irvine inspection report that confirms that my car is lungeing, jerking and rocking she apparently believes that these are the characteristics of a vehicle that is "operating as designed", and has so advised in several E-Mails.

That my car lunges, jerks and rocks when braking is confirmed by BMW test engineers who write that it is "operating as designed". This flies in the face of common sense and, in my opinion, is dishonest. Why would BMW knowingly/ deliberately "design" a car that lunges, jerks and rocks. The answer is: they wouldn't. My car is an anomaly. Few, *very few* BMWs...if any... have this deficiency or BMW would not be the leading car company in the world. This lungeing, jerking and rocking in my car could be corrected....*if BMW wanted to.*

Finally, my wife and I have purchased more than 20 BMWs, all new....1's, 3's, 5's and 7's since 1977. We are loyal customers. We think we deserve better treatment.

Very truly yours,

[REDACTED]

cc: Adam McNeill VP Engineering

[REDACTED]

November 15, 2021

Sebastian Mackensen, President and CEO
BMW of North America
300 Chestnut Ridge Rd.
Woodcliff Lake, N. J. 07677-7731

Mr. Mackensen:

I wrote to you October 20 regarding an issue with a 2022 X4 M40i. Copy of that letter, copy of my letter dated October 12 to BMW Irvine, and copy of the October 13 BMW Irvine's "Invoice" are enclosed.

My October 12 letter to BMW Irvine said, in part: "At issue: When brakes are applied and the car comes to a stop in stop-and-go traffic, or at a stop-sign or red light, the car "lunges" sharply forward. The car stops but the body lunges forward creating a pronounced jerking or rocking motion that feels like the body is not attached to the chassis".

BMW Irvine's report (invoice) dated October 13 writes "Performed road test with client. Verified the client's concern", i.e., "At issue" set forth in my letter of October 12..... but determined that the vehicle is operating as designed".

That my car is lungeing, jerking and rocking is not in dispute by BMW Irvine; these characteristics are "verified" in the BMW Irvine report dated October 13. The question, Mr. Mackensen, are these the characteristics of a car that is "operating as designed"?

Very truly yours,

[REDACTED]
Laguna Woods, CA [REDACTED]
[REDACTED]

October 20, 2021

Sebastian Mackensen, President and CEO
BMW of North America
300 Chestnut Ridge Rd.
Woodcliff Lake, NJ 07677-7731

Mr. Mackensen:

I purchased a new 2022 BMW X4 M40i on September 1, 2021 from Irvine BMW. I have owned more than 20 BMWs, all new...1's, 3's, 5's and 7's....since 1977. All have excelled. This new BMW, the 2022 X4 M40i...unlike any previous BMWs...has a problem. When applying the brakes, and coming to a complete stop at a red light, stop sign, or in stop-and-go traffic, the car rocks back and forth..... lungeing sharply forward, then rocking backward and then forward.... as if the body were not attached properly to the chassis. This aberration, jerking occupants in the car forward, backward and forward every time the car stops.... creates an unacceptably rough and unpleasant ride.

On October 8 I advised Irvine BMW of the problems I was experiencing and a "test drive" was scheduled for October 12. I presented the enclosed letter addressed to Irvine BMW dated October 12 to a "Shop Foreman". I demonstrated the problem to the Shop Foreman and he asked that I leave the car for "testing".

The car was "tested" for 24 hours and I am enclosing copy of their report. BMW agreed....."verified the client's concern".....that "when brakes are applied and the car comes to a stop in stop and go traffic, or a stop sign or red light, the car lunges sharply forward. The car stops but the body lunges forward creating a pronounced jerking or rocking motion that feels like the body is not attached to the chassis".

One would believe that BMW, acknowledging these defects, would want to correct them. Astonishingly, BMW "determined that *the vehicle is operating as designed*"..... meaning, apparently, the X4 M40i, is designed to lunge sharply, and jerk and rock when brakes are applied. BMW writes, further, that "sports brakes and suspension have more aggressive tendencies that can *change the comfort of the driving experience*".

I do not believe that BMW would deliberately....knowingly... produce a luxury car with brakes and suspension that causes the car to operate in this manner. If this be the case BMW is obligated to inform the buyer of this aberration *before purchase* not after delivery. I do not believe, however, this is a problem

inherent in 2022 BMW X4 M40i's. Buyers of this luxury car would not tolerate being rocked back and forth every time the brakes are applied. I believe this is a "production" defect in my particular car and that it can be remedied.

I have not been able to find any written material on the internet relating to this issue. Perhaps providing Road & Track and Motor Trend, and select automobile engineering experts, with copies of the Irvine BMW road test, will elicit some insight into this issue.

BMW, arguably, is the best car maker in the world. I have dealt with multiple BMW dealerships and my experience with BMW Irvine has been very positive. I have had multiple Service Advisors in the past and Gary Temel is, unquestionably, the best I have ever had. Nonetheless, this car is unacceptable in its present condition. I respectfully request that you resolve this issue by (1) doing whatever correction/modification is necessary to eliminate the lungeing and rocking issue in this car, or (2) replace this car with a new X4 M40i that does not have this problem.

I await your reply.

Very truly yours,

[REDACTED]
Laguna Woods, CA [REDACTED]
[REDACTED]

cc: Roger See
BMW Irvine
9881 Research Dr.
Irvine, CA 92618

Gabrielle.Dorcean@bmwgroup.com

2 Dec 2021, 13:47

to me

Good afternoon [redacted]

BMW NA is in receipt of the letter you sent on 11/15/2021.

As per the vehicle inspection on 10/12/2021 performed at Irvine BMW, it was determined there is no defect in material or workmanship with the vehicle. The vehicle is operating as designed.

Have a nice day

Best,
Gabrielle

BMW Group

Gabrielle Dorcean
Executive Customer Care
Customer Relations and Services

BMW of North America, LLC

P.O. Box 1227 - Westwood, NJ 07675-1227

Tel: 1-800-831-1117 ext. 5994

Fax: 201-930-8484

Mail: gabrielle.dorcean@bmwgroup.com

Web: bmwusa.com

RE: Heiney, VIN: 9J17774, 2022 X4 M40i, Irvine BMW

BMW Customer Relations casemanagement@bmwna.com

Thu, 23 Dec 2021, 11:49

to me

Good afternoon [redacted]

BMW NA is in receipt of the letter you sent on 12/07/2021.

As per the vehicle inspection on 10/12/2021 performed at Irvine BMW, it was determined there is no defect in material or workmanship with the vehicle. The vehicle is operating as designed.

Have a nice day

Best,

BMW Group

Gabrielle Dorcean
Executive Customer Care
Customer Relations and Services

BMW of North America, LLC

P.O. Box 1227 - Westwood, NJ 07675-1227

Tel: 1-800-831-1117 ext. 5994

Fax: 201-930-8484

Web: bmwusa.com

Gabrielle.Dorcean@bmwgroup.com

14:03 (2 Reads)

to me

Good afternoon [redacted]

BMW NA is in receipt of the letter you sent on 11/18/2022.

As per the vehicle inspection on 10/12/2021 performed at Irvine BMW, it was determined there is no defect in material or workmanship with the vehicle. As a result of the inspection, no repairs are recommended or required as the vehicle is operating as designed.

Have a nice day.

Best regards,

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SANTA ANA CA 926
16 FEB 2022 PM 5 L



Jack Danielson, Executive Director
NHTSA
1200 New Jersey Avenue SE
West Bldg
Washington DC 20590

20590-

