

OF INFORMATION ACT (FOIA), 5 U.S.C.552(B)(6)

**From:** [ArtemisSupport](#)  
**To:** [NHTSA ODI CRD](#)  
**Cc:** [EVOO \(NHTSA\)](#)  
**Subject:** ArtemisSupport Inbox - VOQ# 11495139 [REDACTED] - Long Story - Thanks for Letting Us Know About Your Safety Problem.  
**Date:** Thursday, December 8, 2022 3:42:02 PM  
**Attachments:** [REDACTED]

Attention CRD Inbox,  
 Consumer loves German engineering but German Customer Service, not so much.  
 Don't know if this information already exists in the Complaint. (see below)

Thanks,  
 [REDACTED]  
 Artemis Modernized Help Desk  
[artemis@dot.gov](mailto:artemis@dot.gov)

**From:** [REDACTED]  
**Sent:** Thursday, December 8, 2022 8:46 AM  
**To:** ArtemisSupport <ArtemisSupport@dot.gov>  
**Cc:** NHTSA-ODI-Consumer-communication@service.govdelivery.com  
**Subject:** NHTSA case 11495139

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please add this to your file and confirm receipt.

- >>
- >> 1). About the Fault
- >>
- >> How did the fault occur:
- >>
- >> The vehicle was at the Audi of Marin dealership for a manufacturer auto recall for faulty airbags. A bomb cyclone rainstorm was forecast the week before. This is a type of intense rainstorm. The dealership left the car outside despite repeated public warnings on the intensity of the storm. During the storm the water levels in the outside storage lot rose during flooding. The dealership said they came up to the window, although subsequent events suggest this was unlikely.
- >>
- >> How did you notice the fault:
- >>
- >> The dealership called me to arrange delivery of the repaired vehicle. I paid the outstanding

amount by credit card over the phone without seeing the damaged vehicle. They later called me and said there had been flooding and the amount of damage was uncertain. That same afternoon they called again to say there had been a short circuit in the front seats due to water damage and a fire which melted part of the plastic frame of the seat causing the release smoke and destroying the motors that adjusted the two front seats.

>>

>> See attached Photos 1, 2, & 3.

>>

>> What results occurred:

>>

>> I contacted head of the dealership and wrote Herbert Diess the head of Volkswagen.

>>

>> See email:

>>

>> From: [REDACTED]

>> Date: October 26, 2021 at 9:54:13 AM PDT

>> To: [herbert.diess@volkswagen.de](mailto:herbert.diess@volkswagen.de), [janus.smalbraak@pon-cat.com](mailto:janus.smalbraak@pon-cat.com), [markus.duesmann@audi.de](mailto:markus.duesmann@audi.de)

>> Subject: Audi A-8 dealership total loss

>>

>>

>> Lieber Herr Diess,

>>

>> I have written you before about my historical relationship with the Volkswagen group. This includes purchase of three Volkswagens, three Audis and one Porche. Unfortunately, my iconic, mint condition 1999 Audi A-8 was destroyed while in the Audi Marin lot while awaiting return to me after service and minor repairs.

>>

>> Unexpectedly, the dealership is denying financial responsibility, with the exception of any insurance deductible. They also collected approximately \$1300 from me for the repairs promising to deliver the vehicle that day, only to inform me two hours later that there was a problem due to water damage which they were evaluating. I asked how much water damage and they said the water came up to the door. They did not specify where on the door. Four hours later they called to say the water had come up to the window outside, and the seats inside. There was also a short circuit caused by the water suggesting fire damage.

>>

>> For the week prior to the weekend storm, the media had been forecasting a major weather event. This should have put the dealership on notice that flooding was a possibility and they needed to take preventive action for their customers. They did not and in my opinion this was grossly negligent resulting in the loss of my car. They seem to be trying to put responsibility for the loss back to the owner insurance companies rather than taking responsibility themselves. They clearly want to avoid making a claim on their own insurance to avoid increased premiums or loss of coverage due to flooding risk. The dealership is in a low lying area in San Rafael near San Francisco Bay. They should have known, and may have had water damage issues in the past.

>>

>> They claim the loss was due to a natural disaster so they have no responsibility. Whether the

storm rises to that level is a matter of dispute. It clearly did not cause the degree of flooding you had in Germany recently. In any case, since there was a week of prior warning they had the obligation to act and prevent. Failure to do so was willful, conscious, disregard as seen by any reasonable person.

>>

>> They kindly picked up the car at my home in San Francisco. The goods were delivered to them for a specific purpose without transferring ownership. The A-8 was in their possession on a verbal agreement for service and was at their premises and within their control. They were responsible for it and consequently should repair or replace. It costs them much less to do this than me. They refused.

>>

>> As I am sure you know, the auto industry is highly regulated in California. There are various avenues for a complaint including our Bureau of Automotive repairs, California Consumer Bureau or our Governor and future US President Gavin Newsom. The dealership is very protective of its public image and since there are other affected parties this could show up in the court of public opinion. California is a big market for your products, as is the United States.

>>

>> My own preference is to amicably resolve this matter, but the dealership actions have been finely calibrated suggesting a scheme to shift financial responsibility to its customers rather than accepting it themselves. This would seem inconsistent with the high ethics and standards of the Volkswagen Group. That is why I am writing you.

>>

>> Without Volkswagen Group participation the dealership will likely allow this matter to spiral out of control. I respectfully request that the VW Group is involved with the dealership to responsibly resolve this matter.

>>

>> Vielen dank noch einmal,

>>

>> [REDACTED]

>> San Francisco

>>

>> End email.

>>

>> Since I had purchased five or six vehicles from the company I thought they would stand behind their product. I owned many German produced vehicles and they are superb. I never received a response from him. The dealership head was initially cooperative. He said he wanted to make me happy. I told him I either wanted the car repaired or replaced with an equivalent vehicle. We talked about the current market for these cars and I sent him information from the internet. I also wrote Pon Holdings the Dutch owner of the dealership The dealership later declined responsibility and said I should make a claim under my own comprehensive insurance. I did not have comprehensive coverage. I then filed a complaint with the California bureau of auto repairs who said the dealer was absolutely liable for damages while the car was in their possession. The dealership declined invitations to arbitrate both from the bureau of automotive repairs and the Marin District Attorneys office. They made a small offer of settlement which at the time appeared inadequate since they said the car was a total loss.

>>

>> After over a year on their lot I asked them to deliver the car to avoid further damage in another forecasted rainstorm. They did so and I had it towed to another auto mechanic.

>>

>> See attached Photo 4.

>>

>> It became evident that the water damage only went to the bottom of the seats and not higher which is why the fire was not extinguished by the water. The toxic smell however, was persistent. The new mechanic found that there was only one module damaged outside the sealed bottom of the car which he replaced. We were able to return the car to the road where its operation has been problematic but acceptable. The engine is running louder and the toxic smell causes headaches. I called the dealership to inform them that their analysis of the water damage was wrong and asked them to replace the damaged seats and diagnose the engine noise. They failed to respond. I also wrote Oliver Blume the new CEO of Volkswagen.

>>

>> See email:

>>

>> From: [REDACTED] >

>> Date: November 21, 2022 at 7:00:51 AM PST

>> To: [oliver.blume@volkswagen.de](mailto:oliver.blume@volkswagen.de)

>> Subject: Volkswagen faulty design and toxic materials development

>>

>>

>> Dear Mr. Blume,

>>

>> Congratulations on your new position. I have written to your predecessor before without any success. Keine ehrfahrung mit Kunden. I am hoping you might take a fresh look at this case and achieve a resolution.

>>

>> Below is correspondence with a class action law firm. I hope further action will not materialize.

>>

>> Vielen dank fur ihre hilfe,

>>

>> [REDACTED]

>> Regarding

>> Audi WAUBG34D7XM [REDACTED]

>> Water Damaged at Audi of Marin, California

>>

>>

>> Begin forwarded message:

>> From: [REDACTED]

>> Date: November 21, 2022 at 5:43:16 AM PST

>> To: Kevin Budner <[kbudner@lchb.com](mailto:kbudner@lchb.com)>, [dberstein@lchb.com](mailto:dberstein@lchb.com)

>> Subject: Volkswagen faulty design and toxic materials development

>>

>> Hi Kevin,

>>

>> There is a bit of a twist on my case with Volkswagen. As you may know they have a new CEO.

>>

>> It turns out the dealer assessment of water damage was wrong. Only one small engine component had to be replaced to get the car back on the road at minimal cost, which it now is.

>>

>> The real problem is about product design and the use of toxic materials in construction. Audi sold a car where the circuitry of the seat catches fire if exposed to water. Counterintuitive. The burning plastics of the seat frame then emit highly toxic fumes.

>>

>> The problem now is getting the fumes out of the car. We have made some progress but I still have a reaction when I drive it.

>>

>> The car has the reputation of being over engineered. It seems the heating design in the seats is defective and there should have been a product liability recall. In addition the plastics being used are highly toxic when burning and should have never been used in construction..

>>

>> Is this an EPA or regulatory issue? It affects all the A-8 and other Audis sold to all their owners from inception of the design to the present day. Clearly the seats need to be replaced or modified on all those vehicles.

>>

>> It now seems that the prospective class is very large. Also that it is right in the center of use of toxic materials and dangerous design litigation. What do you think? Is this now of interest to you?

>>

>> Best regards,

>>

>> [REDACTED]

>> [REDACTED]

>>

>> End email.

>>

>> Because of Dieselgate where Volkswagen contested US court jurisdiction unsuccessfully, Volkswagen management refuses to engage.

>>

>> I am contacting the KBA because the design of the seat is defective. It should not catch on fire when exposed to water. Further the plastic framing of the seat is toxic when ignited. These defects should be repaired by the company or subject to a recall.

>>

>>

>> 2). About the vehicle

>>

>> Registration Certificate:

>>

>> See attached Photo 5.

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>> Mileage: 153663

>>

>> Last Repairs:

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>> The seats could not be repaired. The vehicle was regularly maintained at Audi of Marin and other local service providers. The car undergoes an annual smog certification required for registration renewal.

>>

>> No significant accident damage. Body work to repair a dent in the right front door years ago. I also replaced the transmission when it failed five or so years ago with an Audi rebuilt one, at considerable cost.

>>

>> I am the sole owner of the car. It was garaged since purchase and was in excellent condition. See vehicle photographs:

>>

>> See attached Photos 6 & 7.

>>

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>> I consent to providing any and all of the above information to the manufacturer.

>>

>> 

>> Owner

**Photo 1-IMG\_6113-Seat Damage**



**Photo 2-IMG\_6121-Seat Damage**



**Photo 3-IMG\_6142-Seat Damage**



# Photo 4-IMG\_6898-Repair bill Emerald

**Emerald Repair**  
 2941 Geary Blvd.  
 San Francisco, CA 94118  
 (415) 751-7860  
 BAR #261617 EPA #

Invoice # [REDACTED]

[REDACTED]	1999 Audi A8 Quattro Base	License # [REDACTED]	Inv Date: 9/27/2022
San Francisco, CA [REDACTED]	VIN: WAUBG34D7AM [REDACTED]	Odom: 153205	Service Writer: Jim Gurney
[REDACTED]	Engine: V8 4.2L 4172cc, DOHC, GAS, Fl. Cl	Color:	Status: Posted
	Trans:	Mfg. Date:	Driver: [REDACTED]
		Unit #	PO # [REDACTED]

Vehicle Problems	Requests for Service	Services Performed	Hrs	Qty	Price	Ext
<b>Technician states that: Inspect Water Damage</b>						
Labor Service - Courtesy Inspection			0.30			0.00
Labor Service - Replace neutral safety switch LN			1.70		175.00	297.50
New 18-0935 NEUTRAL SAFETY SW				1.00	577.00	577.00
Labor Service - Replace battery			0.20		175.00	35.00
Rebuilt 49MF Battery 900CCA - 100 Amp Hour				1.00	189.95	189.95
Core 49MF Core Received				1.00	0.00	0.00
<b>Technician states that: Vehicle Won't Start</b>						
<b>Technician states that: Pass front seat has electrical problem and wires were smoking</b>						
Labor Service - Repair seat			1.00		175.00	175.00

<p><b>Warranty</b> All repair work is warranted for 12 months or 12,000 miles which ever comes first.</p> <p>I hereby authorize the repair work listed herein, including sublet work, to be done along with necessary materials. You and your employees may operate the described vehicle for the purpose of testing, inspection or delivery to my use. An express lien is acknowledged on said vehicle to secure the amount of repairs herein. You will not be held responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control. Customer agrees to pay all collection costs and/or attorney's fees in the event that default is made in any payment due. If vehicle is returned to customer without repair service being performed, a diagnostic and handling fee (provided necessary) may be charged. I have read and understand the above and acknowledge receipt of an estimate.</p> <p><input checked="" type="checkbox"/> Terms/Conditions arrangements made prior to authorization. Vehicles left after repair is completed may be subject to a storage fee.</p> <p><input checked="" type="checkbox"/> Customer acknowledges receipt of goods and/or services in the amount shown herein and agrees to perform the obligations set forth by the card member's agreement with the issuer.</p>	<p>Posted 11/11/22 11:01AM</p> <p>Visa 1,449.22</p>	<p><b>Invoice Summary</b></p> <p>Parts 886.95</p> <p>Labor 507.50</p> <p>Sub Total 1,374.45</p> <p>Sales Tax (CA) 74.77</p> <p><b>Inv Total 1,449.22</b></p>
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# Photo 5-IMG\_6897-Registration Certificate



REGISTRATION CARD VALID FROM: 03/08/2022 TO: 03/08/2023

MAKE	YR MODEL	YR 1ST SOLD	PLP CURR	FYR 1ST	FYR 2ND	TYPE LIC	
AUDI	1999	1999	BS	120	11		
VEHICLE TYPE	NO	NO				VEHICLE ID NUMBER	
SD	0	DI				WA0BG34D7XN	
VEHICLE TYPE		DATE LESSED	CC-CLASS	CC-PRN RATIO	PTD		
AUTOMOBILE		09/27/22	3B	09/27/22	9		
						PR EXP DATE: 03/08/2022	
						AMOUNT PAID	
						\$ 331.00	



SAN FRANCISCO  
CA

ISSUED



AMOUNT PAID	AMOUNT PAID
\$ 331.00	CASH : 331.00
	CHEQ :
	CROT :



**Photo 6-IMG\_2454-Condition of Car**



**Photo 7-IMG\_2455-Condition of Car**

