

[REDACTED]
Tallahassee, Florida [REDACTED]

En [REDACTED]

May 7, 2024

Mr. Michael Cottone
CEO, Volvo Car USA, LLC
1800 Volvo Place
Mahwah, NJ 07430

Mr. James Myers
President, Capital Eurocars, Inc.
6001 34th Street North
St. Petersburg, FL 33714

VIA CERTIFIED MAIL RETURN RECEIPT

Dear Sirs:

Enclosed is a Notice of Gross Negligence pertaining to the replacement of the recalled driver airbag for my 2004 XC 90 Volvo within a reasonable time. The Notice makes you responsible for any damages or injuries to persons permitted to drive or ride in the automobile and requires your immediate attention.

[REDACTED]
Enc.

cc: National Highway Traffic Safety Administration
Federal Trade Commission

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NOTICE OF GROSS NEGLIGENCE

THIS NOTICE is hereby served by Certified Mail upon Volvo Car USA, LLC (VOLVO CAR), and Capital Eurocars, Inc., d/b/a Capital Volvo ("CAPITAL VOLVO"), including their subsidiaries, contractors, employees, and agents, responsible for the continuing negligence in the repair and replacement of the driver airbag of a Volvo S60 automobile, VIN YV1RS592X6 [REDACTED] ("the Automobile") owned by the below undersigned person. The Automobile is part of a national recall (21V-766) issued on May 9, 2023, by the National Safety Council (NSC) of Volvo S60 automobiles, model years 2001-2009.

The Safety Recall Notice of the NSC, in pertinent part, states:

"Volvo car investigations have identified a problem regarding the driver airbag. In the event of a crash where the driver airbag is activated, the driver might be struck by metal fragments from inside the inflator, resulting in **serious injury or death**. . . . [A]ny authorized Volvo retailer will fix your safety recall." (Emphasis in original.)

Since on or about June 13, 2023, I have contacted our local Volvo retailer, CAPITAL VOLVO, 3963 West Tennessee, Tallahassee, Florida, (877)399-3234, multiple times by telephone requesting an appointment to bring the Automobile into them for repair and replacement of the driver airbag. On my first telephone call to CAPITAL VOLVO on June 13, 2023, my personal identification information, as well as the Automobile information, was provided to a CAPITAL VOLVO representative. The representative stated that I would receive a call back with an appointment time. I called CAPITAL VOLVO again on June 23, 2023. As before, the representative stated I would receive a call back. Finally, on October 5, 2023, I contacted CAPITAL VOLVO. The lady representative identified my previously submitted information in her computer system, then went to talk with the Service Manager, Ryan, who told her that he would contact me later. The CAPITOL VOLVO Service Manager, nor anyone else at CAPITAL VOLVO, has ever contacted me about confirming an appointment nor the specific reasons for not replacing the driver airbag on the Automobile during the past five months.

On September 19, 2023, I contacted VOLVO CAR and spoke with representative Carlos. He opened a Case No [REDACTED] to investigate the above-

described situation related to the continued failure to get a driver airbag replaced on my Automobile. On September 23, 2023, Gabrielle of VOLVO CAR responded, in pertinent part:

"Thank you for contacting Volvo Car USA. While we regret to learn you have been unable to schedule a service appointment to get the airbag recall performed. Regrettably we are unable to assist with this concern, however I did contact the retailer on your behalf and ask the service manager to give you a call and schedule your appointment." (Emphasis added.)

On October 5, 2023, not having received a call back, I once again contacted CAPITAL VOLVO, Tallahassee, Florida, about setting up an appointment to replace my Automobile air bag. The CAPITAL VOLVO representative stated that the service manager, Ryan, has a list of customers and orders the repair parts and would call to set an appointment to bring my Automobile in for repair.

Subsequently, on February 9, 2024, VOLVO CAR forwarded to me the National Highway Traffic Safety Administration (NHTSA) Recall Notice (Recall R10125) on my Automobile pertaining to the faulty driver air bag. The VOLVO CAR letter from Vincent D'Auria, Senior Manager Product, Safety and Compliance, included the following language:

"Required Action:

Contact your authorized Volvo retailer today to schedule an appointment. We will promptly replace the front driver airbag with a new unit **free of charge**. While this procedure typically takes one hour, please be prepared for the possibility of a longer wait due to service scheduling.

* * * *

We have notified the National Highway Traffic Safety Administration (NHTSA) of this recall. If you encounter any difficulties in having this procedure performed at no cost and within a reasonable timeframe, please consider contacting the NHTSA Administrator for assistance. . . .

Your safety is of paramount importance to us, and we sincerely appreciate your immediate attention to this matter." (Emphasis in original.)

On February 21, 2024, I telephoned NHTSA and filed a complaint (Case No. 115737121), reiterating my repeated attempts to have my Automobile's air bag

replaced and the continued failure of VOLVO CAR and CAPITAL VOLVO to promptly set an appointment and replace the driver air bag in my Automobile.

As of the date of this Notice, no one from CAPITAL VOLVO has ever contacted me about setting an appointment to have my Automobile driver air bag replaced, nor has VOLVO CAR otherwise aided in remedying the situation.

The above-described facts manifest a full and complete abdication of VOLVO CAR and CAPITAL VOLVO's duties and responsibilities to promptly replace the recalled air bag in my Automobile pursuant to the recall Notices from the NHTSA and the NSC. The conduct further reflects intentional gross negligence in the prompt replacement of a driver airbag in my Automobile and a total disregard of my safety and those riding in my Automobile. Moreover, I doubt that the above-mentioned failure and negligence of CAPITOL VOLVO and VOLVO CAR is an isolated incident.

ACCORDINGLY, I HEREWITH NOTIFY CAPITOL VOLVO and VOLVO CAR that: (1) CAPITOL VOLVO and VOLVO CAR are grossly negligent in the reasonable and timely replacement of my Automobile driver airbag, and (2) CAPITOL VOLVO and VOLVO CAR shall be held liable from the date of this Notice for any and all damages to my Automobile and for any and all injuries to me or my passengers while in or near my Automobile caused, directly or indirectly, by CAPITOL VOLVO's and VOLVO CAR's failure to promptly replace the driver airbag in my Automobile.

May 17 2024

Date

Tallahassee, Florida

JACKSONVILLE FL 320

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National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
West Building
Washington, D.C. 20590

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