

5/23/2024

To
NHTSA HEADQUARTERS
WASHINGTON-DC.

From

[REDACTED]

DALLAS - TEXAS -

[REDACTED]

RE DENIAL OF CLAIM (CAR) BY TOYOTA (LEXUS) CORPORATION

SIR / MADAM,

WE ARE HAVING A PROBLEM DUE TO A
MANUFACTURING DEFECT WITH OUR CAR. (LEXUS 460 LS)
THE TOYOTA CORPORATION HAS DECLINED TO REPAIR
THE PROBLEM BASED ON MARGINAL TECHNICALITY

WE REQUEST YOUR ASSISTANCE (AS SUGGESTED
BY ATTORNEY GENERAL OF TEXAS) IN RESOLVING
THIS PROBLEM.

THANKING YOU

SINCERELY YOURS

[REDACTED]

3/22/24

TO NHTSA HEADQUARTERS

SIR/MADAM

WE HAVE A PROBLEM WITH OUR CAR (LEXUS-460LS) AND NEED YOUR HELP IN RESOLVING THE ISSUE - WE PURCHASED THE CAR (NEW-2012 MODEL) FROM SEWELL LEXUS DALLAS AND HAVE BEEN REGULARLY SERVING THE CAR THERE (AS WITH OUR OTHER CAR - LEXUS 460 GS). DURING OUR MOST RECENTLY SCHEDULED SERVICE VISIT (ON 10/23) WE INFORMED OUR SERVICE ADVISOR (MS. ALLY SMALL) THAT THE UPHOLSTERY SPECIALLY THE HAND RESTS OVER THE LAST SEVERAL MONTHS WERE SWEATY, STICKY AND CRACKED TO THE POINT OF PROGRESSIVELY BECOMING PRACTICALLY UNUSABLE. SHE THEN PRESUMABLY AFTER DISCUSSING WITH HER SUPERIORS INFORMED US THAT SEWELL WOULD SEND ALL THE INFORMATION WITH ACTUAL PICTURES TO LEXUS CORPORATION FOR THEIR REVIEW AND GET BACK TO US. WE DISCOVERED AT THIS POINT THIS WAS NOT AN UNCOMMON PROBLEM WITH OUR YEAR MODEL OF CAR. INCIDENTALLY AS TO THE DATE OF THIS LETTER WE HAVE NOT HEARD FROM SEWELL LEXUS IN DALLAS.

NOT HAVING HEARD FROM SEWELL LEXUS (AFTER FOUR WEEKS) WE WROTE TO LEXUS (TOYOTA) CORPORATION EXPRESSING OUR CONCERNS. WE EVENTUALLY HEARD FROM MR. MOSES (CASE MANAGER - BRAND ENGAGEMENT ADVOCATE) LEXUS CORP ON 11/21/23). DURING THE COURSE OF OUR TELEPHONE CONVERSATION HE INFORMED US THAT A LETTER TO ADDRESS THIS PROBLEM WAS REPORTEDLY MAILED TO US INFORMING US ABOUT THIS PROBLEM AND METHOD TO RESOLVE THIS ISSUE. IN 2018 - WE NEVER RECEIVED THIS LETTER. HE THEN INFORMED US THAT THE DEADLINE TO RESOLVE THIS ISSUE HAS EXPIRED THAT THERE WAS NOTHING (AND NO OBLIGATION) THEY COULD DO AT THIS TIME TO RESOLVE THIS PROBLEM - ESSENTIALLY DENYING OUR CLAIM.

WE THEN PLEADED WITH HIM TO RE-CONSIDER HIS DECISION FOR THE FOLLOWING REASONS. (IN SUMMARY)

1. WE DID NOT RECEIVE ANY SUCH LETTER FROM LEXUS CORP
2. WE HAVE RESIDED IN THE SAME LOCATION/ADDRESS FOR MORE THAN 10 YEARS AND SO IT IS UNLIKELY THAT THE LETTER WAS LOST IN TRANSIT OR TRANSFER.
3. HYPOTHETICALLY EVEN IF WE HAD RECEIVED THE LETTER IT IS MOST UNLIKELY WE WOULD HAVE IGNORED OR NEGLECTED TO TAKE APPROPRIATE ACTION—SPECIALLY GIVEN OUR DILIGENT STELLAR SERVICE RECORD. (SEWELL LEXUS CAN ATTEST TO THIS)
4. GIVEN ALL THIS WE FEEL SEWELL HAD SOME RESPONSIBILITY IN BRINGING THIS NOTIFICATION TO OUR ATTENTION—DURING OUR REGULAR SERVICE VISITS.
5. WE HAD NO DISCERNABLE PROBLEM IN 2018 AND HENCE THE ALERT WOULD POSSIBLY HAD ANY SIGNIFICANT IMPACT. WE WONDERED AS LONG HAS LEXUS CORP ACCEPTED THIS AS A MANUFACTURING PROBLEM DO THEY ALSO HAVE A RIGHT TO SET THE TIME TABLE AS TO WHEN THIS CAN HAPPEN?!
6. WE SUGGESTED THAT LEXUS CAN CERTAINLY EXERCISE THEIR DISCRETION TO REMEDY THIS SITUATION.

AT THIS JUNCTURE MR. MOSS CONTINUED TO DECLINE OUR CLAIM. WE THEN REQUESTED HIM TO SEND US A WRITTEN TRANSCRIPT OF HIS DENIAL WHICH HE REFUSED CITING THEIR CORPORATE POLICY NOT TO PROVIDE ANY TRANSCRIPTS UNDER THESE CIRCUMSTANCES.

WE THEN REQUESTED THE TRANSCRIPTS (BY CERTIFIED MAIL) AND HE RESPONDED TO SEND US ONE—AS WE HAD NOT RECEIVED ONE AFTER SEVERAL WEEKS WE SENT THEM ANOTHER REQUEST (ONCE AGAIN BY CERTIFIED MAIL)
(OVER)

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WITHOUT ANY RESPONSE - AS TO THE DAY OF THIS
LETTER TO YOU.

WE ARE VERY SURPRISED AND DISAPPOINTED
THE LEXUS CORP AND SEWELL LEXUS WHO PRIDE
THEMSELVES ON THE EXCELLENCE OF CUSTOMER SERVICE
CAN SO PROFOUNDLY LACK BASIC COMMUNICATION
SKILLS. WE ARE EVEN MORE SADDENED THAT
SEWELL LEXUS WHO REPORTEDLY WROTE THE BOOK ON
CUSTOMER RELATIONS HAS FAILED TO EXTEND THE
COURTESY TO COMMUNICATE WITH US

WE HOPE YOU CAN HELP US TO RESOLVE THIS
PROBLEM TO SATISFACTION OF PARTIES INVOLVED

THANKING YOU FOR YOUR TIME

SINCERELY YOURS

DALLAS - TX -

ENCLOSURES: [COPIES]

LETTERS TO LEXUS (TOYOTA) CORP, SEWELL LEXUS
INITIAL RESPONSE FROM LEXUS CORP
VOICE MAIL RESPONSE (TRANSCRIPT) FROM MR. MOSES - FOR
OUR REQUEST FOR TRANSCRIPTS - CLAIMS DENIAL
COPIES OF CERTIFIED MAIL EVIDENCE

(OVER)

ADDITIONAL INFORMATION

CAR: LEXUS-460-LS

LEC: NO: [REDACTED]

VIN: JTHBL5EFS [REDACTED]

CASE: NO: LEXUS CORP. [REDACTED]

PHONE: LEXUS (TOYOTA) CORP. 1-800-255-3987

SEWELL LEXUS (DALLAS): 214-352-8100

OCT 30/2023

To
LEXUS CORPORATION (CONSUMER RELATIONS DEPT)
6565, HEADQUARTERS DRIVE
PLANO - TEXAS - 75024.

[REDACTED]
2555, [REDACTED]
DALLAS - TEXAS [REDACTED]
R.E. STICKY HAND RESTS, LEXUS - LS 460
VIN: JTHBL5E15 [REDACTED]
LIC [REDACTED]

SIR/MADAM

THIS IS TO BRING TO YOUR ATTENTION A
PROBLEM WITH OUR LEXUS LS 460 - STICKY HAND RESTS.
THIS HAS BEEN PROGRESSIVELY GETTING WORSE OVER
THE PAST SEVERAL MONTHS AND CURRENTLY PRACTICALLY
UNUSABLE.

WE BROUGHT THIS TO ATTENTION OF OUR SERVICE
ADVISOR (WHO WAS HELPFUL WITHIN OUR CAPACITY)
DURING OUR REGULARLY SCHEDULED SERVICE VISIT
- ON 05 OCT 23. WE WERE ASSURED THAT SEWELL WILL
DISCUSS THIS PROBLEM WITH LEXUS CORP AND INFORM
US REGARDING REMEDIAL MEASURES. REGRETTABLY
THE SERVICE MANAGER DID NOT EXTEND THE COURTESY
TO DISCUSS THIS MATTER IN ANY DETAIL IN PERSON
DURING OUR VISIT TO SEWELL SERVICE DEPT.

WE ARE DISMAYED WE HAVE NOT RECEIVED ANY
RESPONSE FROM SEWELL OR LEXUS CORPORATION -
HENCE THIS LETTER.

WE HOPE YOU WILL LOOK INTO THIS MATTER AND
RESOLVE THIS PROBLEM [REDACTED]

REGARDS.
CORTO SEWELL/LEXUS

11/27/23

SIR / MADAM (MR. MOSS OR F. ASHTON)

THANK YOU SO VERY MUCH FOR YOUR RESPONSE
(TELEPHONE ON 11/21/23) REGARDING THE PROBLEM WITH
THE UPHOLSTERY IN OUR LEXUS-L5460 AND THE DECISION
TO DENY OUR CLAIM TO REMEDY THE SITUATION

WE WOULD GREATLY APPRECIATE IF YOU COULD
MAIL A COPY OF THE WRITTEN TRANSCRIPT OF
YOUR DESIGN (DENYING OUR CLAIM) AT YOUR
EARLIEST CONVENIENCE TO THE ADDRESS MENTIONED BELOW

CASE: N

SINCERELY YOURS

DALLAS - TEXAS

12/22/2023

SIR/MADAM (MR. MOSS OR M/S. ASHTON)

THANK YOU SO VERY MUCH FOR YOUR RESPONSE
(TELEPHONE ON 1/21/23) REGARDING THE PROBLEM
WITH THE LEATHER HOLSTERY IN OUR LEXUS-460-LS
AND YOUR DECISION TO DENY OUR CLAIM TO
REMEDY THE SITUATION,

WE WOULD GREATLY APPRECIATE IF YOU
COULD MAIL A COPY OF THE WRITTEN TRANSCRIPT
OF YOUR DECISION (DENYING OUR CLAIM) AT
YOUR EARLIEST CONVENIENCE TO THE ADDRESS
MENTIONED BELOW,

CASE NO. [REDACTED]

SINCERELY YOURS
[REDACTED]

SECOND
SECOND ND REQUEST

DALLAS-TEXAS-
[REDACTED]

COMMENTS**ADD NEW COMMENT AND
ATTACHMENTS**Brand Engagement Advocate
November 17, 2023 at 03:40 PM

We appreciate you taking the time to contact the Lexus Brand Engagement Center. I am the Case Manager assigned to your case for handling and follow up. I apologize my recent attempt to reach you by telephone was unsuccessful.

Please contact our office at 800-255-3987 to speak with myself or another Case Manager who may be able to further assist you. Case Managers are available Monday through Friday from 8:00 a.m. - 8:00 p.m. ET.

Thanks!

-Ashton
Lexus Brand Engagement Center



Better Business Bureau®
Dallas-Lubbock-Wichita Falls
1601 Elm St., Suite 1600
Dallas, TX 75201
214-220-2000
www.bbb.org

Thursday, March 21, 2024

[REDACTED]
Dallas, TX [REDACTED]

Dear [REDACTED]

This message is in regard to your complaint submitted on 3/5/2024 against Toyota Motor North America, Inc.. Your complaint was assigned ID [REDACTED]

BBB has received a formal written response from Toyota Motor North America, Inc.. We ask that you review the response and advise us of your position on the matter within **10 calendar days**.

We understand that the response provided by the business may contain information or details you disagree with. BBB does not expect both parties to come to a complete agreement on what led to the dispute, but is instead focused on developing an action plan for moving forward. As such, we request that when you are evaluating the business' response, you primarily focus on any solutions or remedies that may have been offered.

What if I am satisfied with the business' response?

Please confirm that the dispute has been settled to your satisfaction. This will prompt us to notify the business of your acceptance and close the case accordingly.

What if I am not satisfied or disagree with the business' response?

Please confirm that the dispute has not been settled to your satisfaction and provide a detailed explanation of your remaining concerns. It is important to keep your response focused on the facts of the matter and what you feel is a fair resolution to move forward. You are encouraged to submit any documentation that supports your case, as this helps both the business and BBB staff develop a full understanding of your perspective. Your comments and/or documentation will be shared with the company directly as we work toward a final resolution.

Try to identify any areas of possible agreement or understanding, as this can be an effective way to build trust and keep the conversation moving forward in a positive direction.

What is the deadline for my response?

In order to keep the dispute resolution process moving, we are requesting your written response within the next 10 calendar days. If we do not hear back from you, BBB will assume you are satisfied with the business' response and will automatically close your complaint as answered. If you miss the deadline, please simply reach out to BBB with the additional information and we should be able to re-open the case and/or evaluate for next steps.

If you received this complaint via Postal Mail, you may respond online using the link below or respond by mail using the address above.

To access/respond to this complaint online:

Go to: <https://respond.bbb.org>

Enter the following code [REDACTED]

What information will be published to the website?

Once a complaint is closed, it is reported on the business' public profile for three years. Please note the text of your response will be publicly posted on the BBB website (BBB reserves the right to not post in accordance with BBB policy). Please do not include any personally identifiable information in your response. By submitting your response, you are representing that it is a truthful account of your experience with the business. BBB may edit your complaint to protect privacy rights and to remove inappropriate language.

Sincerely,

Dispute Resolution Department
Better Business Bureau®
Dallas / Lubbock / Wichita Falls
complaints@nctx.bbb.org

MESSAGE FROM BUSINESS:

BBB Complaint ID [REDACTED]

We have reviewed the complaint filed by the guest through our Brand Engagement Center, and regret to hear of the concerns reported by the customer.

Toyota issued the Customer Support Program ZLZ providing coverage for the identified concern. This warranty enhancement program was an extension of the vehicle's Basic Warranty. Primary coverage for this program expired on March 31, 2021. Secondary coverage for your vehicle expired 10 years after the date of first use: October 2, 2012. The vehicle was inspected 10/05/2023. Once the vehicle is outside of the program parameters, the cost of repairs becomes the owner's responsibility, as the component is now outside of all factory and extended coverage.

In reviewing the case, we find that Toyota has met its obligations in regard to all expressly written warranties, and are unable to grant the Guest's request at this time.

WEDNESDAY - MARCH 27, 2024

To. BETTER BUSINESS BUREAU
1601, ELMS STREET - SUITE 1600
DALLAS - TX - 75201

From

RE:

SIR/MADAM

THIS IS IN RESPONSE TO YOUR LETTER DATED 3/21/24 AND RECEIVED ON 3/26/24 REGARDING MY COMPLAINT AGAINST TOYOTA MOTOR NORTH AMERICA, INC.

WE ARE NOT ENTIRELY SATISFIED BY THEIR RESPONSE FOR THE FOLLOWING REASON. WE CONTEND THAT

1. WE NEVER RECEIVED ANY NOTIFICATION FROM TOYOTA (VERBAL, WRITTEN OR ELECTRONIC) REGARDING THEIR CUSTOMER SUPPORT PROGRAM)
2. THE PROBLEM SURFACED ONLY RECENTLY (AFTER EXPIRY OF THEIR PROGRAM) THE NOTIFICATION WOULD NOT HAVE SOLVED THE PROBLEM. THIS IS A MANUFACTURING DEFECT (AS EVIDENCED BY THEIR OFFER TO FIX THIS) AND IT SHOULD BE THEIR RESPONSIBILITY TO RESOLVE THIS PROBLEM. - SPECIALLY THE CAR HAS BEEN SERVICED AND MAINTAINED THRU AUTHORISED DEALER (JEWELL LEXUS DALLAS)

WE SEEM TO HAVE REACHED AN IMPASSE - HENCE WE PROPOSE THAT WE WILL BE SATISFIED IF TOYOTA WILL ALSO COMPROMISE AND SHARE COST OF REPAIRS TO SOLVE THIS PROBLEM TO OUR MUTUAL SATISFACTION,



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 13, 2024

[REDACTED]
[REDACTED]
Dallas, TX
[REDACTED]

Thank you for your recent letter. We appreciate your contacting the Office of the Attorney General.

Please understand the role of this office is to advise and represent state entities and interests as specified in the Texas Government Code. Under Texas law, the Office of the Attorney General is prohibited from providing legal advice, analysis or representation to private individuals. However, I hope the following information is helpful.

To formally report the matter to this agency's Consumer Protection Division (CPD), please complete our consumer complaint form online in the consumer protection section of our website at www.texasattorneygeneral.gov/consumer-protection/file-consumer-complaint. If additional information is needed, CPD will contact you. Your complaint will be kept on file to assist us in monitoring business practices and in determining priorities for enforcement efforts. We appreciate your assistance in this effort.

Consumer complaints sometimes form the basis for an investigation or other action against a company by this office. Please know we are prohibited from commenting on or acknowledging possible investigations. Any legal action that this office may take against a company would be on behalf of the state of Texas, not an individual or privately-owned business. For more information and additional options, you may wish to read the consumer protection section of our website.

The Texas Department of Motor Vehicles (DMV) licenses and regulates car dealerships and takes complaints about the business practices of dealers. The DMV also administers the Texas Lemon Law which can help consumers who buy or lease new motor vehicles and have repeated problems getting their vehicles properly repaired under the manufacturer's original warranty. You can reach the DMV at:

Texas Department of Motor Vehicles
Enforcement Division
4000 Jackson Ave
Austin, Texas 78731
(512) 465-3000

(888) 368-4689

www.txdriv.gov

The National Highway Traffic Safety Administration (NHTSA) within the United States Department of Transportation has federal authority to conduct defect investigations and administer safety recalls. The NHTSA may order manufacturers to recall and repair vehicles and equipment when there is a compromise to, and risk of injury or death resulting from, vehicular design, construction or performance. The NHTSA also reviews and monitors consumer complaints to make determinations ensuring motor vehicle, highway and public safety. You may wish to contact the agency as follows:

NHTSA Headquarters
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590
(202) 366-4000
(888) 327-4236
www.nhtsa.dot.gov

You may wish to contact the Legal Hotline for Texans which may be able to address your specific legal concerns. While we do not endorse business associations or nonprofits, you may find their information helpful. Persons eligible for services are Texans 60 years of age or older, Medicare (not Medicaid) recipients of any age; nursing home residents of any age, and victims of violent crime and their family members who are indigent and either 60 years of age or older, a person with a disability, or a person unable to access legal services locally. They can be reached at (800) 622-2520 or on their website at <https://www.tlsc.org/seniors>.

Again, thank you for writing. Please feel free to contact the Office of the Attorney General if we



Office of the Attorney General of Texas

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conditions

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locations. Delivery by
10:00 AM the next business
day. Delivery is selected.

Overnight

Faster delivery to select
locations. Delivery by
10:00 AM the next business
day. Delivery is selected.

2 or 3 Business Days

FedEx 2Day AM
Second business morning.
Saturday Delivery NOT available.

FedEx 2Day

Second business afternoon.
Thursday shipments
will be delivered on Monday unless Saturday
Delivery is selected.

FedEx Express Saver

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Saturday Delivery NOT available.

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☐ FedEx Box

☐ FedEx Tube

☐ Other

3 10
Recipient's
Name

Phone

Company

Address

We cannot deliver to P.O. boxes or R.O. ZIP codes.

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Use this line for the HOLD location address or for continuation of your shipping address.

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State

ZIP

Hold Weekday
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FedEx Next Overnight.

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FedEx location address
REQUIRED Available ONLY for
FedEx 2Day to select locations.

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Package may be left without
obtaining a signature for delivery.

☐ Direct Signature

Signature of recipient or
other designated person
may sign for delivery.

☐ Indirect Signature

If no one is available at recipient's
address, someone at a neighboring
address may sign for delivery. For
residential deliveries only.

Does this shipment contain dangerous goods?

One box must be checked.

☒ No ☐ Yes ☐ Yes, Attached
Shipper's Declaration, not required.

Restrictions apply for dangerous goods — see the current FedEx Service Guide.

☐ Dry Ice

Dry Ice 3, UN1845

☐ Cargo Aircraft Only

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Sender ☒ Enter FedEx Acct. No. below.

Sender Acct. No. in Section 1 will be billed.

☐ Recipient

☐ Third Party

Total Packages

Total Weight

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Obtain recip.
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644

*Our liability is limited to USD\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

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