

CC: NHTSA

ATTN:

**Nissan North America, INC Infiniti Division
One Nissan Way
Franklin TN, 37127**

Mailing:

**PO BOX 685001
ATTN: Legal Department MS 5-2C8
Franklin TN 37068**

Claimant Contact Info:

[REDACTED]
[REDACTED]
[REDACTED]
Plantation Florida, [REDACTED]
[REDACTED]

Please be advised that this is a demand letter as required under section 501.98, Florida Statutes.

Nissan North America, Inc Infiniti Division, a licensed manufacturer under Florida Law, has violated 501.976, Florida Statutes by engaging in unfair and deceptive acts and practices, actionable under the Florida Deceptive and Unfair Trade Practices Act. The manufacturer, aware that certain models of the 2019 and 2020 Infiniti QX50 maintained manufacturing defects and nonconformity causing the vehicle to shut down triggering the emergency brake system while being operated, as well as malfunctioning electrical system; deceptively represented that a QX50 models offered to a consumer, that the status of the vehicle was something it was not. The manufacturer deceptively concealed known facts pertaining to the operation and conformity of the model.

Nissan North America, Inc Infiniti Division violated 681.103, subsection 1, and 4, Florida Statutes when it, and its authorized service agents failed to make such repairs as necessary to conform the vehicle to the warranty.

In addition, authorized service agents of the manufacturer, Sawgrass Infiniti Service and repair facility, violated 559.920, subsections 3, 8, 9, 11, and 13, Florida Statutes. The authorized service agent negligently failed to disclose and diagnose known manufacturing defects in the vehicle sold to consumer during the pre-delivery inspection, as well as during the multiple service requests made for the vehicle.

As a result of the above noted issues, the claimant has estimated the total damages suffered to be the approximate sum of \$250,000.00. This includes pain and suffering and emotional distress directly tied to the operation of the 2020 QX50 leased by claimant.

Background:

On January 11, 2020, claimant entered the Sawgrass location of the Infiniti dealership to exchange a previously leased 2016 QX50 Infiniti for a new one. The specific vehicle claimant wanted was not available and the one that was pushed to her was what the salesman and manager in the dealership referred to as the "house special". When claimant inquired more about what that meant, she was told it was a special deal that they were able to offer. When asked if there was anything wrong with the vehicle, claimant was told no – it was a perfectly operational vehicle. The vehicle in question was a white qx50, advertised as the new 2020 model, and was conveniently parked inside the dealership. It had most of the same features, so claimant ended up getting the vehicle.

Within a couple weeks of having the vehicle, claimant noted significant operational like defaults in the car. The first issue that became apparent to me involved the dual top and bottom displays of the vehicle. It was as if the computer system within it was glitching and would constantly flicker off. When off, both screens would remain off – until being rebooted. The worst was yet to follow. About a month and a half into having the vehicle, the unexpected happened. It was a rainy day, the road was still a bit wet, but the flow of traffic was normal. Claimant was the first vehicle in the lane stopped at a red light which turned green allowing us to proceed. Shortly after she did, about 40 seconds into driving, claimant heard a series of extremely loud beeps and sounds, and the vehicle came to a sudden and complete stop. The auto breaking system of the car triggered and the entire vehicle stopped. In that moment, claimant asserts having had a minor heart attack, but was so focused on getting the car going again that she pressed everything in sight, the gas, the ignition button, even the volume on the display. Nothing claimant did seemed to work; the vehicle was completely out of her control during that time and she was frantic physically and mentally. The vehicle ultimately started back and she was fortunate to have been able to avoid an accident in that moment.

This issue though, never resolved itself. Throughout the lease period it has happened about 8 times. There's often no rhyme or reason to what triggers it. It has happened when there are no other cars on the road, and while there are other cars. It has happened in the middle of an intersection, and while driving in a roundabout. Shortly after it first happened, claimant took the vehicle into the dealership to get looked at because she didn't feel comfortable driving the car. Claimant has taken the vehicle in, a number of times pertaining to this issue to both the Coconut Creek Infiniti Dealership and to the Sawgrass location.

One servicer at the Coconut Creek Dealership service facility told her he saw nothing wrong, however – the sensors at the front appeared dirty and would need to make sure they're clean because that could potentially be what was triggering the breaks. As a result, claimant made an effort to ensure the front of the car remained clean – but it made no difference. Other Infiniti servicers told her because they were unable to "duplicate" the issue, they weren't able to do anything about it. The sudden shutting down would still happen and therefore invalidated what the service department told her. Claimant even called the original salesman who leased the car

asking if there was anything known to be faulty with the "house special" vehicle they sold her. Of course, he said no, that he knew nothing about anything of the sort.

A vehicle that randomly shuts off in the middle of being driven isn't a minor fluke to be taken lightly. It is a serious issue that can impose life threatening consequences on the road. There have been times where claimant was fearful of the vehicle because it operates like a constant malfunctional device. It's resulted in the claimant having a traumatic experience and emotional distress directly tied to driving and operating this and any other vehicle. This issue is a serious one, and though the claimant has been fortunate to have been able to avoid any major accidents resulting from this issue, others may not have been so fortunate.

Complaints to both the Coconut Creek and the Sawgrass dealership were waived off as a one-off issue that they had never heard about. However, other owners of the 2019 and some 2020 QX50 have filed complaints with their respective dealership and manufacturer about this issue which stipulates that the manufacturer and certified dealers are aware of this issue in those models.

There is an obvious lack of acknowledgment from both the manufacturer and dealerships that there is indeed a life-threatening defect with certain vehicles in this model line. This is a known issue that the dealership failed to disclose about the model claimant was leasing, especially after verbally questioning the sales team whether or not there were any issues specific to the "house special" vehicle they were pushing. Nissan North America, INC Infiniti Division, and its authorized service agents located and doing business as Sawgrass Infiniti at 5801 Madison Avenue Tamarac, FL 33321; and Coconut Creek Infiniti doing business at 5501 W Sample RD Coconut Creek, FL 33073, knowingly and willfully engaged in an actionable, unfair, and deceptive act during this transaction.

Your response to this matter is appreciated.

Motor Vehicle Defect Notification

(Please print clearly in ink. If you do not wish to receive letters or other written solicitations from private attorneys, check below)

I DO NOT WISH TO RECEIVE WRITTEN SOLICITATION MATERIALS FROM AN ATTORNEY

Pursuant to the Florida Lemon Law, notice is given to the manufacturer as follows:

The vehicle has been out of service at least 15 days to repair one or more substantial defects.

3 or more repair attempts have been made to repair the same substantial defect or condition.

Description of continuing defect(s) or condition(s) In the middle of being driven, the vehicle completely shuts down and comes to a complete stop with beeps and alarms going off lasting from 40 to sixty seconds. During this time, the vehicle becomes completely immobilized and no action from me helps. It has happened close to 10 times since getting the vehicle. Also, display screens go completely blank. (NOTE: this is not a complete list; the manufacturer should ascertain all repair information.)

I am requesting that you make a final attempt to correct the continuing substantial defect(s) or condition(s).

Vehicle Make Infiniti Model QX 50 Year 2020

VIN 3/P/C A J 5 M 1/6/L/F/ [REDACTED] / Date of Delivery 1/11/2020

Name and City/State of selling dealer or leasing company (if applicable) Sawgrass Infiniti; Tamarac FL

Name and City/State of authorized service agent(s) attempting previous repairs: Sawgrass Infiniti; Tamarac FL. Infiniti of Coconut Creek ; Coconut Creek FL

Consumer [REDACTED]
Address [REDACTED]
[REDACTED], Plantation FL [REDACTED]

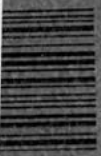
Home [REDACTED]
Work phone () [REDACTED]
Signature _____
Date Mailed 04/26/2023 ()

CERTIFIED MAIL



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Retail



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SEP 10, 2024

Plantation FL,



NCF

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1200 New Jersey Avenue,
Washington, DC 20590**



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