



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

DEC 6 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stephen J. Speth
DaimlerChrysler Corporation
800 Chrysler Drive
Auburn Hills, MI 48326-2757

NVS-212jfa
EA04-031

Dear Mr. Speth:

This letter is to advise you that the Office of Defects Investigation (ODI) has completed its Preliminary Evaluation (PE04-054) concerning allegations of unwanted opening of the power liftgate (PLG) in certain Chrysler Town & Country and Dodge Grand Caravan vehicles manufactured by DaimlerChrysler Corporation (DCC). Based on our analysis of the information received thus far, ODI has upgraded this matter to an Engineering Analysis (EA), which has been assigned identification number EA04-031. As part of the EA investigation, this letter requests updated and additional information from DCC.

ODI understands the issue of PLG opening while driving to be caused by a premature signal cancellation from the PLG module to the PLG latch that causes the PLG latch to become stuck in a "semi-closed state" and does not allow the PLG latch to engage, or "cinch" on the PLG door striker. In this state the door can rise (not power open) to an open position while the vehicle is being driven. When a PLG with a semi-closed latch comes down to close, the latch contacts the door striker and is forced over to a closed position even though the latch is not actually cinched on the striker. In this position, the door is not fully closed and the PLG ajar warning indicator cannot illuminate because the latch is in the closed position. Thus, the vehicle operator has no direct indication before driving the vehicle that the PLG is not fully closed. ODI is aware of 58 consumer reports alleging PLG opening while driving, including six reports of losing cargo items (i.e., groceries, strollers, suitcase, and other items) onto the roadway after the door opened while driving.

Please note that the model years of the "Subject vehicles" of this investigation has been changed to 2001 through 2003 and the "Alleged defect" has been changed to PLG opening while the vehicle is being driven.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** all 2001 through 2003 Chrysler Town & Country and Dodge Grand Caravan vehicles equipped with the power liftgate system manufactured for sale or lease in the United States and its territories.



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888-327-4238

- **Subject component(s)**: all components of the power liftgate system.
- **DCC**: DaimlerChrysler Corporation, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of DCC (including all business units and persons previously referred to), who are or, in or after January 1, 1995, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
 - a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect**: shall refer to any unwanted opening of the power liftgate while the vehicle is being driven.
- **Document**: "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar

to any of the foregoing, however denominated by DCC, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by DCC or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as DCC has previously provided a document to ODI, DCC may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After DCC's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State the number of each of the following, received by DCC, or of which DCC is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where DCC is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which DCC is or was a defendant or codefendant.

For subparts "a" through "f" state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and DCC's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

2. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. DCC's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether a crash is alleged;
 - j. Whether property damage is alleged;
 - k. Number of alleged injuries, if any; and
 - l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

3. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method DCC used for organizing the documents.
4. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by DCC to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. DCC's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;

- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment(s), if any, by the dealer/technician relating to the claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

5. Describe in detail the search criteria used by DCC to identify the claims identified in response to Request No. 4, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles.

6. In its September 17, 2004 response to ODI's August 4, 2004 Preliminary Evaluation (PE) information request letter, DCC identified a condition by which a premature signal cancellation from the PLG module to the PLG latch causes the PLG latch to become stuck in a "semi-closed state" and does not allow the PLG latch to engage, or "cinch" on the striker. In this "semi-closed state", the door can rise (not power open) to an open position while being driven. Further, DCC stated in part: "...the condition can only occur when certain PLG modules are paired with certain latch assemblies." Identify the following:
 - a. The part number, production date, and any other identifying characteristics of the "certain PLG modules";
 - b. The part number, production date, and any other identifying characteristics of the "certain latch assemblies"; and
 - c. All vehicles, by model, model year and VIN, that were produced with the "certain PLG modules" paired with the "certain latch assemblies."

7. In its September 17, 2004 PE response, DCC also stated the following regarding a PLG latch becoming stuck in a semi-closed state: "...during the 2003 model year, DCC implemented a product improvement internal to the PLG module to eliminate the potential occurrence of this rare condition. Thus, any vehicle repaired since that change would have been repaired with the updated module." Identify the following:
 - a. The product improvement, modification, or change number;
 - b. A description of the modification or change to the module;
 - c. The date on which the improved module went into vehicle production;
 - d. The date on which the improved module was available as a service part;
 - e. The part number of the improved module when used as a production part; and
 - f. The part number of the improved module when used as a service part.

8. ODI notes that the MY 2003 vehicles stand out with approximately 70% of the consumer reports but only accounts for approximately 32% of the subject vehicles. What is DCC's assessment as to why the MY 2003 vehicles stand out?
9. ODI also notes a dramatic drop off in warranty claims in the subject vehicles beginning in MY 2004. Provide DCC's assessment and analysis as to the reasons for such a decline in warranty claims.

This letter is being sent to DCC pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. DCC's failure to respond promptly and fully to this letter could subject DCC to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If DCC cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, DCC does not submit one or more requested documents or items of information in response to this information request, DCC must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

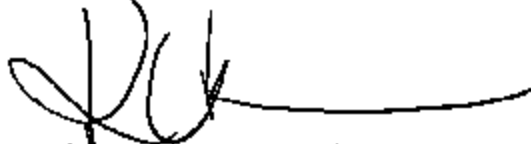
DCC's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by January 28, 2005. Please refer to EA04-031 in DCC's response to this letter. If DCC finds that it is unable to provide all of the information requested within the time allotted, DCC must request an extension from Mr. Thomas Z. Cooper at (202) 366-5218 no later than five business days before the response due date. If DCC is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information DCC then has available, even if an extension has been granted.

If DCC claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, DCC must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. DCC is required to submit two copies

of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call John Abbott of my staff at (202) 366-5221.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. DeMeter', with a long horizontal flourish extending to the right.

Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement