



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

JAN 27 2006

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dennis Johnston, Manager
Product Compliance
Land Rover North America, Inc.
555 MacArthur Boulevard
Mahwah, NJ 07430

NVS-213kmb
EA05-016

Dear Mr. Johnston:

As you know, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has upgraded its Preliminary Evaluation (PE05-034) to an Engineering Analysis (EA05-016) to further investigate allegations of stop lamp switch failure in certain model year (MY) 2004 Land Rover Discovery Series II vehicles. Additionally, ODI has expanded the scope of its investigation to include certain MY 2002 through 2005 Land Rover Freelander vehicles. The purpose for this letter is to request certain information about these vehicles.

NHTSA remains concerned about the scope of the switch failure problem, Land Rover's delayed response to it, and Land Rover's failure to report the problem to NHTSA in a timely manner.

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

- **Subject Vehicle(s)**: All MY 2004 Land Rover Discovery Series II and MY 2002 through 2005 Freelander vehicles manufactured for sale or lease in the United States.
- **Subject Component(s)**: All stop lamp switches manufactured by Methode Electronics Malta, Ltd. (Methode), for use by Land Rover as original equipment or service replacement components on the subject vehicles, identified by Land Rover part numbers (p/n) XKB100170 or XKB000010, and containing an internal component known as a slider mechanism identified by Methode p/n 52109 or 52559. The subject components are assembled with slider mechanisms manufactured using plastic injection molding tool "Cavity 2" between September 2003 and March 2004.
- **Land Rover**: Land Rover North America, Inc., Land Rover Group, Ltd., Ford Motor Company, all of their past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their 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,



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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 Land Rover (including all business units and persons previously referred to), who are or, in or after January 1, 2001, 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:** Failure of the stop lamp switch.

- **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 Land Rover, 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 Land Rover 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 Land Rover has previously provided a document to ODI, Land Rover 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 Land Rover's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject vehicles Land Rover has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Land Rover, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture;
 - f. Date warranty coverage commenced; and
 - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

2. State the number of each of the following, received by Land Rover, or of which Land Rover 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 Land Rover is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Land Rover is or was a defendant or codefendant.

For subparts "a" through "d," 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 Land Rover'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.

3. 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. Land Rover'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." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

4. 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 Land Rover used for organizing the documents.

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Land Rover 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. Land Rover'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, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

6. Describe in detail the search criteria used by Land Rover to identify the claims identified in response to Request No. 5, 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. State, by make and model year, the terms of the new vehicle warranty coverage offered by Land Rover on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Land Rover offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Land Rover has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Land Rover is planning to issue within the next 120 days.
8. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being

conducted, are planned, or are being planned by, or for, Land Rover. For each such action, provide the following information:

- a. Action title or identifier;
- b. The actual or planned start date;
- c. The actual or expected end date;
- d. Brief summary of the subject and objective of the action;
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

9. Describe all modifications or changes made by, or on behalf of, Land Rover in the design, material composition, manufacture, quality control, supply, or installation of the stop lamp switch, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part numbers (service and engineering) of the original component;
 - e. The part number (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and
 - h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Land Rover is aware of which may be incorporated into vehicle production within the next 120 days.

10. State the number of stop lamp switches that Land Rover has sold that may be used in the subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (*including the cut-off date for sales, if applicable*):

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, position title, and telephone number). Also identify by make, model and model year, any other vehicles of which Land Rover is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

11. Provide the dates of all trips made by Land Rover personnel to Methode's facilities in Malta for purposes that relate to, or may relate to, the alleged defect in the subject vehicles. Provide copies of any trip reports or other documentation related to these trips.
12. Provide copies of all communication between Land Rover and Methode that relate to, or may relate to, the alleged defect in the subject vehicles.
13. One or more "white alerts" were issued in reference to stop lamp switch failures on the subject vehicles. Describe in detail the "white alert" process in the context of Land Rover's problem response system, including:
 - a. The conditions or criteria required for a "white alert";
 - b. The persons who typically issue or designate a "white alert"; and
 - c. The persons who receive notification or other information regarding a "white alert."
14. State in detail and in chronological order all information received, analyses performed, and acts leading to the stop lamp switch failure's identification for inclusion in the "white alert" process at Land Rover. State the names, position titles, telephone numbers, and addresses of all Land Rover personnel who received notifications of potential problems with the switch through the "white alert" process. Produce copies of all documents not already provided to NHTSA related to the stop lamp switch failure's inclusion in the "white alert" process.
15. Describe in detail Land Rover's "6-Panel Standard Reporting Method for Problem Solving," including the conditions or criteria required to initiate, conduct, or convene to discuss its use as it relates to any given problem within Land Rover's problem response system.
16. State in detail and in chronological order all "6-Panel" activities that relate to, or may relate to, the alleged defect in the subject vehicles.
17. Produce copies of all documents not already provided to NHTSA related to the "6-Panel" activities identified in Land Rover's response to Request No. 16.
18. By letter dated September 1, 2005, Land Rover submitted a request under 49 CFR Part 512 for confidential treatment of information (labeled as "Appendix J") provided to NHTSA in response to a June 24, 2005 request for information. The "SAQ Input Document" file provided in Appendix "J.3/Cost/Lrus 1328," dated October 8, 2003, contains notification of the stop lamp switch failure as having a certain severity factor value and risk factor value. State the calculated basis for each factor and the source of all calculation input data. Explain the significance of each factor. State what prompted Land Rover to use these classifications to gauge the severity of the stop lamp switch failure.
19. List the position titles, telephone numbers, and addresses for the following Land Rover personnel:
 - a. Sven Finnis;
 - b. Pete Couch;
 - c. David Smith; and
 - d. Keith Farrell.

20. Describe any communications between Land Rover North America, Inc., Land Rover Group, Ltd., and Ford Motor Company regarding Land Rover's reporting obligation(s) to NHTSA in general and/or relating to the alleged defect. State the names, position titles, telephone numbers, and addresses of all personnel involved in these communications. Include copies of any documents between Land Rover North America, Inc., Land Rover Group, Ltd., and Ford Motor Company on this issue.
21. In October 2004, Land Rover created a draft technical service bulletin with instructions to inspect and replace the stop lamp switch as necessary on certain Discovery Series II subject vehicles. The TSB (No. LT206-001) was made final a short time later with instructions to inspect and replace the stop lamp switch as necessary on certain Discovery Series II subject vehicles only if the vehicle owner expressed concern about the illumination of the anti-lock braking system/hill decent control (ABS/HDC) warning indicators. Explain why Land Rover had not, at this point, reported the failure of the stop lamp switches on the subject vehicles as a safety-related defect to NHTSA.
22. Explain why Land Rover maintains the brake switch failure is not safety-related. Provide the names, position titles, telephone numbers, and addresses of all Land Rover personnel participating in any discussion or determination of the safety consequences of a failed stop lamp switch.
23. Furnish Land Rover's assessment of the alleged defect in the subject vehicles, including:
- The causal or contributory factor(s);
 - The failure mechanism(s); and
 - The failure mode(s).

For subparts "a" through "c," discuss any differences, if any, that exist between the failure trend associated with the subject components and the failure trend associated with the stop lamp switches fitted to certain Freelander subject vehicles manufactured between approximately October 2001 and October 2002.

This letter is being sent to Land Rover 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. Land Rover's failure to respond promptly and fully to this letter could subject Land Rover 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 \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sept. 28, 2004)). This includes failing to respond to ODI information requests.

If Land Rover 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, Land Rover does not submit one or more requested documents or items of information in response to this information request, Land Rover 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.

Land Rover's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by March 24, 2006. Please refer to EA05-016 in Land Rover's response to this letter. If Land Rover finds that it is unable to provide all of the information requested within the time allotted, Land Rover must request an extension from Mr. Jeff Quandt, Chief, Vehicle Control Division at (202) 366-5207 no later than five business days before the response due date. If Land Rover 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 Land Rover then has available, even if an extension has been granted.

If Land Rover 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, Land Rover 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. Land Rover 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 Mr. Kyle Bowker of my staff at (202) 366-9597.

Sincerely,



Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement

Enclosure 1, One CD-ROM titled Data Collection Disc containing three Microsoft Access database template files