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Due Date: 12/27/2005

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**Subject: AMENDMENT TO PETITION FOR DEFECT INVESTIGATION OF ALL 2002-2005 TOYOTA AND LEXUS VEHICLES CONCERNING VEHICLE SPEED CONTROL (VSC), ELECTRONIC THROTTLE, AND UNCONTROLLABLE ACCELERATION PROBLEMS, ATTACHMENTS NOT IMAGED FWD TO NVS-200**

Ack Date:  
Sign Office: SENIOR AA  
**VEHICLE SAFETY**  
Cleared Date:  
File Loc:  
Added By: SHARRIS x62534

Ack By:  
Signature: RONALD MEDFORD  
Cleared By:  
XREF File:  
Modified By: SHARRIS

Signed For:  
Cleared For:  
Closed Date:

Most Recent Comment: 8/6/06 12:33PM PETITION H/C INTO EXEC SEC BY STEVE CHAN/NVS-200, PER STEVE THIS IS AN AMENDMENT TO THE ES05-006490 PETITION, PLS CONTROL AS A PETITION W/DUE DATE OF 12/27/05, THIS NEW DUE DATE WAS ESTABLISH BY ODI RE THEIR RECD DATE OF 8/29/05

Author:

JORDAN ZIPRIN

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Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	8/6/2005	12/27/2005	
NVS-010	INFORMATION	8/6/2005		8/6/2005

ODI

12/20/05

EXECUTIVE SECRETARIAT

2005 SEP -b P 2 11

TYPED BY: [Signature]

WWS #5  
on  
Day 10/25  
SDK

DOC ECR WAD 26-Nov-05  
Now is 27-Dec-05

DPO5-002  
E S#5-#06498

EXECUTIVE SECRETARY

2005 SEP -6 A 9:55

RECEIVED  
NVS-215

Kathleen C. DeMeter, Director  
TRAVEL

2005 AUG 29 A 9:56

Office of Defects Investigation, Enforcement  
U.S. Dept. of Transportation

National Highway Traffic Safety Administration  
400 Seventh Street, SW, Washington, DC 20590

Re: DPO5-002

August 18, 2005

JORDAN ZIPRIN

Dear Ms. DeMeter:

I am in receipt of your August 9, 2005 letter acknowledging receipt of my petition for a defect investigation. I now wish to amend the petition.

In my July 8th letter to Administrator Jim Rungé, I complained about acceleration defects in 2002-2005 Toyota and Lexus vehicles in addition to the ODI complaint I filed. With respect to ODI 10120280, I included the following statement: " (The brake failure problem is a continuing problem in many of the complaints.)" What I was referring to were the substantial number of consumer complaints I researched showing that their brakes failed when their vehicles suffered uncontrollable acceleration, among other things at high speeds.

I mentioned the brake issue to your investigator, Scott Yon, during our first telephone conversation. He suggested that we concentrate on the acceleration issue rather than complete the investigation. I agreed with his suggestion at the time. Mr. Yon impressed me as an affable, intelligent and experienced individual. I would note that when I spoke to Mr. Yon that most of my research notes upon which my petition was based

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were in my residence in Phoenix, AZ, and I was in the Toller, CA vacationing and will not return to Elmont until Oct. 1st. Also, I do not have a computer available for research except on a limited basis at the public library.

However, after my conversation with Mr. You, the brake issue continued to bother me because I recollect that in a substantial number of instances that the Toyota vehicles I researched (2002-2005 Camrys) <sup>that the brakes</sup> actually caused the vehicles to accelerate.

I accessed the library computer and reviewed ODI consumer complaints involving 2002 Camrys. I went to the web site [www.mycarstats.com](http://www.mycarstats.com), and under the Miscellaneous complaints heading I was able to review the seventy-five most recent complaints (as of August 17, 2005) filed out of a total of 158. Out of the available 75 ODI Consumer Complaints, 42 involved vehicle speed control, acceleration, and brake failure issues.

I then decided to analyze the 42 ODI complaints according to alleged component(s) failure. I made up a chart containing six column headings, Roman Numerals I through VI. The headings are self-explanatory. However, the alphabetical

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Symbols under columns III, <sup>and IV</sup> require some definition.

Column III: A obviously refers to an acceleration issue or problem; AF refers to a forward or drive gear position problem; AR refers to reverse acceleration problem; where the space is blank, the ODI complaint simply fails to provide the information.

Column IV: BF refers to a brake failure; BFA refers to a brake failure plus acceleration resulting from application of the brake; BNM means brake not mentioned by consumer; EBF, emergency brake failure; BF-Cruise Control describes circumstance where application of brake pedal would not disengage cruise control system.

The second time I spoke to Mr. Yon, which was before I completed the above-referred to research, I repeated my concern about the brake issues. He told me that your agency would not get involved in the brake issue again, that it had exhaustively covered it during an earlier (much earlier) investigation. I told him I would nevertheless pursue the issue.

I am not privy to the exact findings of your prior Audi investigation, but I believe that I know what Mr. Yon was implying. I can state categorically,

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that with the possible exception of two of the complaints described in the attachments that ~~the~~ ~~plaintiffs~~ that there is no parallel between the two situations. On the contrary, the situations are entirely different, it appearing clearly and unequivocally that the inappropriate accelerations occurred ~~as~~ on many occasions as a result of the application of the brakes or the failure of the brakes in the environment of a totally new throttle system controlled by electronic sensors.

It would be a serious mistake based upon the old Audi investigations -- and even more recent ones which did not involve an electronic throttle system incorporated in Toyota and Lexus vehicles -- to infer that the accelerations occurred because the complainants pressed the gas pedals instead of the brakes. The descriptions contained in the most recent 2003 German complaints lead to an exactly contrary conclusion, e.g., emergency brakes also failed; vehicle intermittently accelerated accelerated when brakes applied; throttle stuck and consumer could not stop vehicle; vehicle surged forward at 6000 rpm at stop sign; driver had to turn off engine because brakes would not work.

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There are seven documents attached to this letter, the first six reflect analysis of the 42 acceleration-brake ODI's. The seventh document contains only two entries as I began researching similar problems with 2003 Camrys. It is interesting to note that these two entries tend to ~~support~~ indicate similar problems with the 2003 Camrys.

### Summary of 2002 Camry Attachments:

Of the 42 ODI numbers involving acceleration issues, two provided no information whatsoever: ODI's 8021365 and 1762566, leaving 40 for analysis. The ratio of brake failures during acceleration surges was 26/40 as noted under Column IV.

There were a number of ODI's where no mention of brakes was made at all; but there is reasonable cause to believe that the consumer attempted to apply the brakes in at least some of these instances, but that the brakes failed; See ODI's 10119472; 10106511; 10105486; 10103070 (fairly apparent brakes were applied because driver had to turn off ignition); 10093071; 10080050; 10079629; and 10075911 (obvious brake failure).

With respect to the ODI's referenced in the above-paragraph (WMB's), in two (2) instances it is perfectly obvious brakes were applied and failed. It is likely that there were at least some brake failures in the other ODI complaints. But for the purpose of this analysis one to take the most conservative approach, I will add only two additional instances of brake failures raising the ratio to 28/40 or 70% correlation between brake failures and acceleration sensed.

Moreover, you have the very unusual and baffling problems of vehicles accelerating when consumers apply brakes; (1) ODI 8015215 "Vehicle would intermittently accelerate when applying brakes"; (2) ODI 10116280, when consumer applied brakes to slow down, vehicle started to accelerate, DRIVER MADE CONSCIOUS EFFORT TO MAKE SURE NOT PRESSING ACCELERATOR, but VEHICLE STILL ACCELERATED; (3) ODI 10112827, while breaking intermittently, vehicle accelerated EIGHT TIMES in 2 months, both in forward and reverse gears; (4) ODI 1010171C, Driving 20 mph, vehicle accelerated uncontrollably, applied brakes and continued to accelerate - major accident, 5 different incidents; (5) ODI 10097788, Vehicle accelerates despite application of brakes; (6) 10094972, "WHILE APPLYING THE BRAKE PEDAL VEHICLE ACCELERATED UNCONTROLLABLY";

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(8) ODI 10087404, Driver's foot off gas pedal, on brake, the vehicle jumped over parking bump exhibit post; (9) ODI 1008016, white vehicle approached red light and driver applied brake to slow down vehicle surged forward; (10) white vehicle in cruise control driven ~~applied~~ approaching stop sign (obviously applying brakes), vehicle suddenly accelerated. Thus, 10 of the Consumer Complaints of a total of 40 Camry 2002 autos I reason establish a reasonable cause to believe that at least 25% of the acceleration problems were caused or worsened by application of the brakes on the vehicles.

I have some investigative experience myself. The factual issues I have raised in this letter concerning brake and acceleration ~~use~~ problems concerning 2002 Toyota Camrys and two 2003 Toyota Camrys, as well as the issues I raised with 2003-2005 Toyota and Lexus vehicles in my July 8, 2005 letter to Mr. Runje were clear warning flags not to be ignored. I therefore request that defect investigation be amended and expanded to include defects ~~in~~ with respect to both brake and acceleration ~~defects~~ problems in all 2002-2005 Toyota and Lexus vehicles, for all of the models denoted above.

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To stress the seriousness of my concern, I have decided that I will not drive my Toyota Camry again because of the potential danger to me, to my passengers, to pedestrians, to other vehicles, and to the general public. I anticipate that Toyota Motor Corp., USA, will, as usual, find us fault with the vehicle. This will result in an out-of-pocket loss to me of at least \$20,000 since I will have to purchase a new vehicle. My Camry had about 20,540 miles, was in perfect condition other than the described condition, and had added safety and other features.

In all the years I have been driving, I have never received a single driving citation. I have owned three Chevrolets, one Ford, one Chrysler, one Mercedes, one Toyota Corona, two Toyota Camrys, and I owned one Lexus ES 300. The only time I have experienced an uncontrollable acceleration incident was with my 2002 Toyota Camry XLE, as well as one brief but controlled acceleration incident in or about April 2002.

Thank you for your assistance and cooperation in this matter. I look forward to cooperating with you in any manner requested. Unfortunately I was unable to

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to print & or type this letter, so I hope that it  
was basically readable:

I look forward to cooperating with Mr. Yon. Although I am  
on vacation --I am semi-retired-- I will continue my research  
on the various Toyota and Lexus vehicles at the La Jolla public library.  
It will be a slow process, but each time I research a particular  
vehicle for a given year I will fax that information to Mr.

This letter consists of 9 pages and there are ~~some~~ 8 attachments  
for a total of <sup>17</sup> ~~16~~ pages.

Once again, thank you for your assistance. My La Jolla  
telephone number is (858) 551-9996. You can also forward  
mail to me at my La Jolla address through September 2005:  
Jordan Ziprin, 400 Prospect St., Apt. 323,  
La Jolla, CA 92037-4709

Very truly yours,

Jordan Ziprin

2351 East Orangewood Ave.  
Phoenix, AZ 85020-4730  
EMAIL: JZIPRAZ@COX.NET

CARRY - 2002 - 1

## ODINO

VEHICLE	ACCELERATION ISSUE	BRAKE ISSUE	FALL DATE	COMMENTS, OCCURRENCES, INJURIES, FATALITIES
800-5301	T-300A	A-Cruise Control Off Cruise Control ①	11/19/02	Cruise control system inoperative during cruise control engaged
800-5302	T-300A	AF - Cruise Control Off Cruise Control ②	11/19/02	Cruise Control system inoperative during cruise control engaged
800-5303	T-300A	AF BF ③	11/19/02	Stability Control system inoperative
800-5305	T-300A	A - No info supplied ④	11/19/02	
800-5306	T-300A	BF See Remarks ④	11/19/02	In Vehicle at 0800Z when operator engaged cruise control
800-5308	T-300A	A BF ⑤	11/19/02	Vehicle in motion at 0800Z operator engaged cruise control

11

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**ODING**

**VEHICLE**

**ACCELERATION BRAKE ISSUE**

**FAIL DATE**

**COMMENTS, OCCURRENCE, INJURIES, FATALITIES**

8012543	T-2007	A	BF ②	Major	At stop, vehicle rear end into other vehicle. Driver slipped while in gear.
8001010	T-2007	AR	BF EBF ①	Minor	Vehicle bottomed up while continuing in gear. Driver rear end into another vehicle. Brake and anti-lock system operative, but could not stop. V. hit tree. Consumer satisfaction index remained unchanged & excellent at scene time.
762566	T-2008 LE		?	Minor	
762566	T-2008 LE	AR	BF S	Minor	Brake not turned off. Slides from parking space when driver began to take control having no application brake had picked up track.
762566	+ T-2008 LE	+ T-2008 LE	+ T-2008 LE	Minor	No info
762566	+ T-2008 LE	+ T-2008 LE	+ T-2008 LE	Minor	① A pulled into parking space - steered front on driver (no steering) into blackberry bush 135 m from traffic barrier, saw no life for 1/2 the distance length for avoidance.

OD NO  
VEHICLE ACCELERATION BRAKE ISSUE  
FAIL DATE COMMENTS, OCCURRENCE  
INJURIES, FATALITIES

1607521 T-2002 AR BM 7iles vehicle caught in reverse, -3.5 sec  
3 sec after rear

161226A T-2002 A BF 11pm vehicle suddenly accelerated & hit rock  
Stop when brakes were applied. Driver  
shoulder was injured in front seat. He  
took off the head cover and experienced  
neck stiffness. Underhood intact.

16121650 T-2002 RAP BF 229 lbs  
②

16121712 T-2002 AF BM 413 lbs  
②

16111704 T-2002 AF BF 329 lbs  
②

16111800 T-2002 AF BF Acceleration 413 lbs  
②

Driver hitting inside of vehicle in front  
of parking lot. Vehicle accelerated  
uncontrollably. DRIVER appeared  
alarmed to floor, lost hand grip when  
it hit cracked surface into wall.

II  
III  
IV

V

VI  
VII

## ODINO

## VEHICLE

ACCELERATION BRAKE ISSUE  
ISSUE

## FAIL DATE

COMMENTS, OCCURRENCE  
INJURIES, FATALITIES

10113040	T-3002	AF	BF + Acceleration Slight (3)	8/19/04	Driving very slow on highway without consistent speed. Driver appeared to be driving faster to accelerate with warning. Driver had to turn off road.
10113082	T-3002	AF+AR	BF Acceleration Slight (3)	12/10/04	When driver went into Heidelberg area, driver always took an incorrect route. Driver took wrong route.
10107685	T-3002	AF	NM	12/10/04	Throttle stick was open when driven in reverse from a parked position. Unable to stop completely but driver stopped safely. Driver had to reverse again.
10106511	T-3002	AF	NM	1/19/05	Pulling out to parking position but driver had unexpected uncontrollable creaking into retaining wall. Driver had difficulty getting in new spot due to crash.
10105486	T-3002	AF	NM	12/17/04	Vehicle pulling into parking space Driver had long time to react. No reaction & driver did not check width.
10102070	T-3002	AF	NMT	11/18/04	Driving about 65 mph exceeding posted speed limit to turn off highway to stop (obviously brake would not work).

ODINO	VEHICLE	ACCELERATION BRAKE ISSUE	FAILURE	DATE	COMMENTS, OCCURRENCE ENCOUNTERS, FATALITIES
10091110	T-2002	AF	BF + Acceleration Stutter	15/10/04	Driven 120 MPH. Accelerated uncontrollably. APPLIED BRAKE REPEATEDLY TO ACCELERATE. Failed to recharge & lost a lead battery. Driver sustained injuries - slight head & shoulder acceleration. Brakes failed during sudden collision with other vehicles.
10091110	T-2002	AF	BF	15/10/04	Driver pulled on to roadway later sped & suddenly forced himself to drift in lane. Site reported further when pulled over for "in Speed & position" and had no evidence.
10091113	T-2002	A	BF + Acceleration	14/10/03	Witnessed Hertfordshire emergency services when brakes / gear selector
10091113	T-2002	A	BF + Acceleration	16/10/03	"Witnessed after the hub pedal accelerated uncontrollably."
10092071	T-2002	A	BF	17/10/04	Driver Accelerator Pedal Car went out of control

V  
CANAL-2002-4

ODINO  
VEHICLE ACCELERATION BRAKE ISSUE  
FAIL DATE

COMMENTS, OCCURRENCE  
INJURIES, FATALITIES

~~100d2245  
100d2245~~  
T-2002 AF  
BP

10/13/04

16087404  
T-2002 AF  
BP + Acceleration

10/13/04

1008621

T-2002 AF  
BP

10/13/04

10083132

T-2002 AF  
BP

10/27/04

16081483  
T-2002 AF

GM/MC problem  
no desire to stop  
brake !!!

10/13/04

10080160

T-2002 AF  
BP + Acceleration  
Partial Brake Failure

10/13/04

Failure

Initial approach red light and stopped.  
To clear them ~~the car stopped~~  
it caused while applying brakes.

11

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15

## ODINO

## VEHICLE ACCELERATION BRAKE ISSUE FAILURE

## COMMENTS OCCURRENCE INJURIES/FATALITIES

1688050	T-2002	AT	BMW*	6/10/01	While parking, hit legal parked then hit two vehicles in parking lot.
16879469	T-2002	AT	BMW	6/14/01	Driven into fence I started fender (customer bent outboard & hit park next to gate - (Protective wire mesh to one side))
16878546	T-2002	AT	?	8/14/01	Appeared to hit gas pedal before brake pedaled
16875911	T-2002	AT	BMW/But. BT	5/28/01	While driving suddenly underacted while on sand was approaching a stop sign (officially applying the brakes)

ODINO	VEHICLE	ACCELERATION	BRAKE	ISSUE	COMMENT	
					FAILURE	OCCURRENCE
161245Z	T-3003	AF	BF+Acceleration	holes	C solo V takes off but stalls over at traffic light until foot on brakes	INTURRIES; FATALITIES
101300Z	T-3003	AF	BF+EBF	518103	Car accelerated out of control without brakes from driver brake warning, blinks, but still he did not want to slow down so he played fast with pedals	INTURRIES