

Mr. Scott Yan  
U.S. Dept. of Transportation  
Natl. Highway Traffic Safety Administration  
400 Seventh St., S.W.  
Washington, D.C. 20590

RECEIVED  
NVS-210

2005 SEP -8 P 12:09

August 25, 2005

OFFICE OF DEFECTS  
INVESTIGATION

Dear Mr. Yan:

Re: DPO5-002 - JORDAN ZIPRIN

Now, after a few weeks of intermittent research regarding ~~brake~~ acceleration defects and brake-related acceleration defects regarding 2002-2005 Toyota and Lexus vehicles, I have concluded that there are an EXTRAORDINARY number of ODI complaints lodged with NHTSA regarding these issues.

I estimate that it would take between 100 to 200 hours to list, summarize, and analyze those complaints in the same manner as in the documents set forth in the attachment in my August 18, 2005 letter to Ms. Demeter and my fax to you of August 27, 2005. Although I have completed some additional research in the same manner, from this date forward I intend to limit the vehicles in what was the comments column to the bare minimum unless there is good reason for a more expanded version. You have instant access to all the ODI complaints so that should offer no problem to you.

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Whether or not the NHTSA agrees to broaden its investigation to expand the defect's investigation to include the brake connection, that will not preclude me from citing those ODI complaints which refer both to acceleration and brake defects.

In my July 8, 2005 letter to Mr. Renge, I provided him with a very small sample - eight in all - of ODI complaints as a starting point for the investigation. You advised me that one of the numbers was incorrect. Of the seven remaining numbers, most of them have been included in the documents I have already forwarded to you and Ms. Demeter as well as in the attached documents. I will still have to check with respect to ODI numbers 10121650; 10107685; and the one you told me I had provided an incorrect number - 10065367.

Given the almost 300 consumer complaints with respect to the 2003 Camrys and the much lesser number of secret complaints regarding the 2002 Camrys involving various components of the vehicles, I am not in a position to handle that volume of detail. It is not enough just to look for a complaint about "vehicle speed control" or "acceleration" since those issues may arise under totally different subject matters.

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So what I have done is excerpted a statistically significant number of examples from the 2002-2003 vehicles. However, with respect to the 2004 and 2005 Camrys, I have reviewed all of the complaints filed, 187 for the 2004's and 68 for the 2005's. A significant number of those complaints are the subject of my petition for defect investigations. Will you provide the attached information to Mrs. Demeter?

With respect to the acceleration issues, there are a number of subdivisions. I know, after speaking with you, and listening to the questions you asked, that you are concerned whether the consumer actually pressed the accelerator pedal by mistake. While that probably occurred in some isolated instances, there are a very large number of acceleration problems in which that could not even be a possibility: (A) Acceleration hesitation delay - there are a very substantial number of accidents where the vehicle (V) did not respond to pressure on the brake pedal from 2-3 seconds up to ~~an~~ one instance ~~to~~ one minute. Consumers complained how dangerous this was entering a freeway, making a left turn in two-way traffic or passing another vehicle. Nothing to do with pressing the wrong pedal. (B) Acceleration delay in mall,

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parking lot, or entering into traffic stream.

Nothing to do with pressing wrong pedal. (C)

FOOT ON BRAKE at light signal or stop sign, stop  
and vehicle surges forward while additional  
pressure applied to brake. Hardly likely

that there are so many similar instances of drivers  
applying gas pedal against red light or stop sign  
when V fully stopped. Statistics favor  
drivers' version given statistical ~~prob~~  
showing of defects in similar Army vehicles.

(D) Acceleration in Queue Control: Many,  
many instances. No issue re gas pedals.

(E) Drivers had to use Emergency Brakes or turn  
off ignition of V to ~~stop~~ turn off engine.

No Gas Pedal Issue. (F) Tachometer revs  
up to top speed. One could hardly imagine a  
driver pressing the gas pedal while watching  
the tachometer rise to 7000 rpm. (G) Brakes

CAUSE ACCELERATION OR INCREASE

ACCELERATION. I have included many  
examples where drivers made "conscious effort" to  
make sure pressure applied to brake pedal,  
where only solutions, crash into trees, try emergency  
brake which faded or turn off ignition. Hardly  
a basis for suspecting driver pressed gas pedal.

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I believe that you would have to agree, based upon the materials I have already submitted to Ms. Demeter and you as well as the analysis and citation of all vehicle ~~control~~ speed control and related complaints involving 2004 and 2005 Camrys, copies of which are attached, that it would be an unfair statement that these issues dictate a full-scale and immediate investigation.

Let me summarize what I have now -- including with this letter provided your office 1) a list of 40 consumer complaints re 2002 Camry vehicles, with comments, as an attachment to my letter to Ms. Demeter of August 24, 2005; 2) my fax to you of August 22, 2005, containing a 7 page attachment re consumer complaints about 2003 Camrys. I provided you with 44 consumer complaint citations involving US speed control, throttle and brake related issues; 3) ~~As~~ As an attachment to this letter, I have provided 9 pages of consumer complaints covering 50 consumer complaints re 2004 Camrys; 4) Also as an attachment to this letter, I have provided 6 pages of consumer complaints covering 34 consumer complaints.

As of this date, I believe that I have provided more than enough statistical data for NHTSA

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to move forward with the investigation. The only other research I intend to engage in will include scans of the Lexus vehicles, which I already know have similar problems, and make notes of ~~the~~ only the most egregious defects and bring them to your attention. I will also take a similar sample approach to different categories of vehicles, such as the Sienna, RX300, etc.

One again, thank you for your assistance in this matter. Please phone me at (858) 551-9996 if you have any questions.

Very truly yours,

Jordan Zupin

Temporary Address

400 Prospect St, Apt. 323

La Jolla, CA 92037-4709

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2 Attachments

1) 2004 Camrys, 9 pages

2) 2005 Camrys, 6 pages

Acc-I

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2004 CAMRY ATTACHMENT  
2004 SEP - 8 7 12:04

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OFFICE OF DEFECTS  
INVESTIGATION

- | ① | CDI NUMBER   | DATE FAILED |
|---|--|-------------|
| ① | 10061941 ✓<br>Brake Failure + Acceleration   | 2/22/04     |
| ② | 10062828 ✓<br>Brake Failure + Acceleration   | 2/27/04     |
| ③ | 10063194 ✓<br>Sudden acceleration when slowing down  | 2/9/04      |
| ④ | 10063866 ✓<br>Brake Failure + Acceleration. Crash and injury   | 3/22/04     |
| ⑤ | 10064611 ✓<br>Brake failure, Acceleration. Hit tree.   | 3/18/04     |
| ⑥ | 10067263 ✓<br>V kept accelerating despite braking "Just kept going."<br>Damage. V accelerated unexpectedly after repair. | Unknown     |
| ⑦ | 10067319 ✓<br>Six times while applying brakes, vehicle accelerated   | 4/16/04     |

## ODI NUMBER

## DATE FAILED

- ③ 10067835 ✓ 4/21/04  
While driving forward at 20 mph ~~car~~ car surged forward  
twice. Also, at stop light, with foot on brake, car surged  
forward & then again w/foot on brake, just missed 18 wheel.
- ④ 10072064 ✓ 4/25/04  
While accelerating from low speed vehicle surged forward  
resulting in collision.
- ⑩ 10072290 ✓ Unbrakes  
shifting to reverse w/foot on brake, V accelerated at  
high speed, crashed into house, injuring several people
- ⑪ 10073066 ✓ 5/23/04  
Shifted from park to reverse w/out taking foot off brake,  
V rapidly accelerated.
- ⑫ ✓ 10074472 ✓ 3/14/04  
Shifted from park to Reverse, V ACCELERATED UNCONTROLLABLY, would  
not stop clearly implied use of brake - did investigator ask appropriate  
question? Collided w/mobile home. RESULTED IN DEATH OF ONE PASSENGER  
AND INJURY OF ONE DRIVER

ODI NUMBER FAIL DATE

(13) 10080319 ✓ 6/8/04  
While brakes applied, V accelerated at high rate (RPMs)

(14) 10081459 ✓ 6/16/04  
While parking and applying brakes V surged forward.

(15) 10081938 ✓ 7/9/04  
While parking and applying brakes on 2 occasions V surged forward.

(16) 10082295 ✓ 6/25/04  
While slowing down to 20 mph, driver presses accelerator, for 1-2 seconds there is no response, so he floors accelerator and it immediately goes to 5000 rpm's. Dealer says V operating normally. Customer asks, then why doesn't it happen all the time? (book question!)

(17) 10088091 ✓ 8/14/04  
Brake pedal goes all the way to floor taking excessive distance to stop  
Dealer says all 2004 Camrys do this

(18) ✓✓ 10089199 ✓ 8/18/04  
Driver pulls into driveway, V suddenly surges. CONSUMER APPLIES BOTH FEET TO BRAKE PEDAL, BUT V CONTINUES TO ACCELERATE HITTING GARAGE WALL. PROBLEM HAS REOCCURRED.

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2004 CAMRY ATTACHMENT

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ODI NUMBER

FAIL DATE

10094593 ✓

9/22/04

19 V hesitated and <sup>then</sup> surged when applying gas pedal. Customer concerned V will be recall-ended.

20 10096390 ✓

10/4/04

V hesitated and then surged when applying gas pedal - surged with "aggressive means." Accelerator response poor and erratic. Consumer's V and other Camry he drove both had to same problem

21 10097679 ✓

9/16/04

Without pressing gas pedal, V accelerated rapidly, hit building

22 ✓✓ 10098287 ✓

12/18/03

V goes in and out of various gears while in drive -- on its own -- causes danger in shifting lanes. WENT TO OTHER DEALER AND WAS TOLD THAT TOYOTA WAS REPLACING SENSORS IN 2002 CAMRY'S TRYING TO CORRECT PROBLEM. (This should be followed up for defect!!!)  
V also suffered brake failures

23 10098451 ✓

8/11/04

⊘ Hesitation in acceleration. Driver ~~reluctant~~ increasingly reluctant to drive V.

- DPO5-002      2004 CAMRY ATTACHMENT      -5-
- ODI NUMBER      FAIL DATE
- (24)      10101543 ✓      6/20/04  
 Hesitation in acceleration. ~~Dangerous~~ V accelerates UNCONTROLLABLY
- (25)      10102319 ✓      12/4/04  
 Hesitation in acceleration. Dangerous.
- (26)      10102690 ✓      12/8/04  
 ✓ Driver approaches stop light at 20 mph, presses BRAKE PEDAL TO FLOOR BOARD, V DOES NOT STOP.
- (27)      10103129 ✓      12/3/04  
 Brake pedal to floor. Failed to stop. V. Crash.
- (28)      10104668 ✓      9/22/04  
 Delay in acceleration. 3 times as of date of complaint.
- (29)      10105483 ✓      11/9/04  
 V accelerated w/out warning & collided into parked car. Also, exiting highway at 60 mph, removed foot from accelerator pedal, nevertheless V surged to 90-95 mph.
- (30)      10105562 ✓      12/29/04  
While brake depressed, V lurched forward & crashed into two vehicles. Serious occurrence.

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2004 CAMRY ATTACHMENT

- 6 -

ODI NUMBER

FAIL DATE

10107209 ✓

2/9/04

31) V backing out of parking space, accelerator stuck, struck other car.

32) 101018704 ✓

1/12/04

Hesitation during acceleration.

33) 10108929 ✓

V went through red light because brakes failed

34) 101093294 ✓

use 10109324 ✓ 9/28/04

Surge in acceleration

35) 10110650 ✓

2/13/05

Brakes failed to slow down while driving at 25-30 mph

36) 10117126 ✓

11/2/04

V being driven at 10 mph, brakes failed, causing crash

37) 10113721 ✓

12/30/04

V accelerated while parking causing crash. See NHTSA comment

38) 10114010 ✓

11/30/04

SEVERE HESITATION in acceleration. Totally unpredictable.

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3004 CARRY ATTACHMENT

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ODI NUMBER

FAIL DATE

(39)

10115832 ✓

9/15/04

Acceleration problems. AT 35 mph, V would slow down EVEN WHEN ACCELERATOR PEDAL DEPRESSED.

(40)

10116560 ✓

3/21/05

While backing out of parking space WITH BRAKE DEPRESSED V crashed into truck. Problem reoccurred.

(41)

✓ 10117038 ✓

7/11/04

In Cruise Control, V "SURGES FORWARD AT ALARMING RATE OF SPEED."

(42)

✓✓ 10118155 ✓

At complete stop, "WITH FOOT SQUARELY AND FIRMLY ON BRAKE PEDAL," (a) V lurches forward; (b) driver heard engine accelerate; (c) checked tachometer and observed it steadily increasing from normal idles to normal speed to almost maximum rates.

(43)

10118668 ✓

4/22/05

Acceleration hesitation problem with manual transmission. Tends to establish that problems with acceleration are not transmission problems, but throttle defects.

DPO5-002 2004 CAMRY ATTACHMENTS - 8-

(44)

ODI NUMBER

FAIL DATE

10119171 ✓

4/12/04

Sudden brake failure, unable to slow down, w/ car accident. (Comment: Just removing foot from gas pedal should have caused V to slow down if there was no accelerator problem).

(45) ✓✓

10120314 ✓

5/8/05

At stop at stop light, V accelerated on its own, hit car in front. Had to remove ignition key to stop acceleration. Brakes failed.

(46)

10124898 ✓

2/28/05

Backing out of driveway, V accelerated on its own.

(47)

10127269 ✓

6/20/05

Driver exited car wash, V surged w/out warning, brakes failed, V entered 8-lane highway & hit by 18 Wheeler & truck. Injuries. Other incident, while V ~~accelerated~~ ~~to~~ ~~17000~~ rpm, tachometer reached 17000 rpm, only way to stop was to turn off engine

(48)

10129595 ✓

6/1/05

✓✓ Merging into highway, V hesitates to accelerate. "CAR ACTUALLY SLOWS DOWN DRAMATICALLY INSTEAD OF ACCELERATING!" PROBLEM REOCCURS REGULARLY

DPO5-002 Zoom CAMERA ATTACHMENTS - 9 -  
O'DI NUMBER FAIL DATE  
10131955 ✓ 8/6/05

(49)

Driver pulls into parking, ~~brake~~ V surges forward, brakes depressed to ~~the~~ floor board, but fail. Accelerator pedal depressing on its own, strikes post. Damage.

(50)

(10133209 ✓) - case 10133209 5/10/05  
as ~~passes~~ at stop light, driver's FOOT ON BRAKE PEDAL engine "RACED" (rpm's) V lurches forward. Had to press brake pedal VERY HARD to get V to stop.

Part II

RECEIVED  
NVS-810

DPO5-202

2005 CAMRY ACCIDENTS

- 1 -

ODI NUMBER

2005 SEP - 8 REPORT DATE

10104935 ✓

OFFICE OF DEFECT INVESTIGATION

V gradually accelerates to 25 mph, stops short, then accelerates again. When stopping short, transmission shifts into neutral and takes about 3 seconds to shift back into first. Driver gets quite a "JOLT."

10105573 ✓

11/12/04

RPM's increase w/out pressing accelerator pedal. When approaching traffic light (obviously applying brake pedal) rpm's increase. Aware of 2 other Camry owners w/ same problem

10108992 ✓

1/25/05

With foot on brake pedal, V SUDDENLY ACCELERATED UNCONTROLLABLY. V continued to accelerate while brake pedal applied.

~~101095212~~ 10109512 ✓  
was

1/7/05

While applying brakes, V accelerated and surged forward.

10110429 ✓

2/13/05

Acceleration hesitation at low speeds. Dealer says states Toyota has NO current fix.

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⑤

ODE NUMBER

FALL DATE

10110561 ✓

2/11/05

V idles in neutral above 2400 rpm

⑥

✓ 10112016 ✓

12/20/04

Acceleration delay when pressing acceleration pedal. Excessive  
brake pedal effort required to slow down V even at 30 MPH.  
"ENGINE PUSHING WHILST BRAKING."

⑦

100112476 ✓

WR 10112476 ✓

3/1/05

At complete stop with foot on brake pedal goes to floor ~~at~~  
immediately, V lurches forward all while foot on brake.

⑧

✓ 10113423 ✓

12/15/04

V acceleration hesitant then car lurches forward  
before accelerating again. Dealer acknowledged that  
Toyota has to provide remedy

⑨

WR 10113461 ✓

1/17/05

Brake pedal to floor.

⑩

10115769 ✓

3/1/05

V acceleration and stalling problem

DPO5702 2005 CAMR ATTACHMENT

→ 3

GPS NUMBER

100116103 ✓ or 10116103 ✓

FAIL DATE

1/5/05

✓ Jerks and lurches when at stop and in drive.  
Occurs regularly. Dealers say Problem "inherent"  
with Camry.

10117124 ✓

3/24/05

Acceleration hesitation & stalling.

10117410 ✓

Takes much too long for brakes to stop ✓

10117511 ✓

2/19/05

Acceleration hesitation and stalling in traffic.  
1 MINUTE DELAY BETWEEN ACCELERATION  
(PRESSING PEDAL) AND RPM INCREASE.  
Dangerous to enter freeway. ✓ Jerks when it finally  
accelerates.

10118814 ✓

4/5/04

Sudden acceleration 11 TIMES.

10121647 ✓

5/18/05

Acceleration hesitation. From dead stop. Happens when entering highway  
while passing acceleration pedal. Also other Camry V-6, same problem.

DPO5-002 2005 CAMRY ATTACHMENT -4-  
ODI NUMBER 10124684 ✓ FAIL DATE 6/3/05

Acceleration intermittent

18

10125383 ✓ 6/12/05

Driver parking car at very low speed, applied brakes, which caused his another car, brakes failed again, hit another car, brakes failed a third time.

19

✓ 10125384 ✓ 4/25/05

While backing up very slowly, SUDDEN UNEXPECTED SURGE, BRAKES FAILED, hit car & pickup truck. Managed to shift into drive, then V SURGED FORWARD, BRAKES FAILED AGAIN. V moved another 150 feet and driver HAD TO TURN OFF IGNITION TO STOP V. CRASHES, INJURIES.

20

10125727 ✓ 12/20/04

While in overdrive, RPM's spike ~~between~~ between 3000 - 6000 RPM's. Intermittent. Concern that when RPM's spike, no control over acceleration.

21

10126249 ✓ 5/5/05

While driving at 5 mph, V surged, struck object, continued surging toward pedestrian on sidewalk, managed to avoid them, driver had to apply brakes so hard he injured right hand/leg muscle, unable to walk. Toyota never V and ~~the car~~ release or suspect V since day of accident.

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2005 CAMRY RETIREMENT

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CP# NUMBER

FAIL DATE

(23)

10126649 ✓

6/17/05

Pulling out of mall, truck had foot on brake, instead of slowing down, V surged forward & happened before. First time consumer thought it was his fault, this was not incident.

(24)

10127408 ✓

7/4/05

V idling, then shifted into drive, surged quickly forward & hit brick wall

(25)

10127592 ✓

6/11/05

Delayed acceleration

(26)

10127662 ✓

7/3/05

Accelerates at unsafe speed in Cruise Control.

(27)

10129972 ✓

6/14/05

Consumer drove V to car wash, placed gear in neutral. Once off conveyor belt, she exited, placed car in drive with foot on brake, V accelerated into traffic, hit a median strip. Knocked unconscious. Then V hit school building, & taken to hospital emergency room

(28)

10130230 ✓ or 10130230 ✓

11/05

V stalls intermittently when accelerating from stop.

DPO5 002

2005 CAMRY ATTRIBUT

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ODI NUMBER

FAIL DATE

29 ✓✓✓

10131280 ✓

6/29/05

V SURGES FORWARD WHEN BRAKES ARE DEPRESSED C.A.s in many other cited complaints, this supports my ~~claim~~ petition for investigation that includes linkage between brake and acceleration defects.

30 ✓✓✓

10131375 ✓

7/29/05

V surged forward when owner presses brake pedal. Happened 3 times. Same as preceding complaint.

31

10132231 ✓

5/30/05

Acceleration ~~hesitation~~ problems.

32

10132344 ✓

8/3/05

Acceleration hesitation.

33

101133778

WR 10133778 ✓

8/12/05

~~Accelerated despite Cruise Engage~~ Central-sitting, crashed into telephone pole,

34

10133997 ✓

7/13/05

Delayed acceleration.