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OFFICE OF DEFECTS
INVESTIGATION

James P. Vondale, Director
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October 20, 2006

Ms. Kathleen C. DeMeter, Director
Office of Defects Investigation Safety Assurance
National Highway Traffic Safety Administration
400 Seventh Street, S.W., Room 5326
Washington, DC 20590

Dear Ms. DeMeter:

Subject: EA05-016:NVS-3kmb; Update Request Dated September 28, 2006

The Ford Motor Company (Ford) response to the agency's September 28, 2006, email from Kyle Bowker to Dennis Johnston requesting an update to certain information concerning the performance of the brake lamp switch used on 2004 model year Land Rover Discovery Series II vehicles and 2002-2005 model year Land Rover Freelander vehicles is attached.

As has been previously noted, the vast majority of the operators of vehicles with this condition become aware by being informed by other observers, their own observations or instrument panel warning lamps. Although the condition of brake lights remaining illuminated presents a potential risk to safety, years of real world experience and data support that the potential risk is not unreasonable. With a majority of the potentially affected vehicles having more than 30 months in service, and although there are a number of reports of this condition, there are no reports or allegations of accidents or injuries relating to brake lamp switch concerns in these vehicles.

If you have any questions concerning this response, please feel free to call me.

Sincerely,

James P. Vondale

Attachment



FORD MOTOR COMPANY (FORD) RESPONSE TO EA05-016 - UPDATED

Ford's response to the agency's request for updated information pertaining to Requests 2 through 5 of the January 27, 2006, Engineering Analysis information request was prepared pursuant to a diligent search for the information requested. While we have employed our best efforts to provide responsive information, the breadth of the agency's request and the requirement that information be provided on an expedited basis make this a difficult task. We nevertheless have made every effort to provide thorough and accurate information, and we would be pleased to meet with agency personnel to discuss any aspect of this request.

The scope of Ford's investigation conducted to locate responsive information focused on Ford employees most likely to be knowledgeable about the subject matter of this inquiry and on review of Ford files in which responsive information ordinarily would be expected to be found and to which Ford ordinarily would refer, as more fully described in this response. Ford notes that although electronic information was included within the scope of its search, Ford has not attempted to retrieve from computer storage electronic files that were overwritten or deleted. As the agency is aware, such files generally are unavailable to the computer user even if they still exist and are retrievable through expert means. To the extent that the agency's definition of Land Rover (redefined throughout as Ford) includes suppliers, contractors and affiliated enterprises for which Ford does not exercise day-to-day operational control, we note that information belonging to such entities ordinarily is not in Ford's possession, custody or control. Ford has construed this request as pertaining to vehicles manufactured for sale in the United States, its protectorates and territories.

Updated answers to your Requests 2 through 5 are set forth below. As requested, after each numeric designation, we have set forth verbatim the request for information, followed by our response. Unless otherwise stated, Ford has undertaken in this update to provide responsive documents dated up to and including September 28, 2006, the date of your request. Responsive documents dated prior to January 27, 2006, the date of your initial inquiry, can be found in the Land Rover response dated March 24, 2006.

Request 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.

Answer

For the purpose of identifying reports of incidents potentially involving failures of the stop lamp switch and any related documents, Ford has gathered "owner reports" and "field reports" maintained by Land Rover's Customer Service Division and claim and lawsuit information maintained by Land Rover's International Office of the General Counsel (OGC).

Descriptions of the owner and field report systems and the criteria used to search each of these were provided electronically in Appendix B (filename: 2006-03-24_Appendix B) contained in Land Rover's March 24, 2006, submission. The search cut-off date has been revised to September 28, 2006, for this response.

The following categorizations were used in the review of reports located in each of these searches:

- Category A1: Allegations that brake lights remain illuminated without pressing brake pedal due to brake lamp switch
- Category A2: Allegations that brake lights are inoperative (likely due to lamps being burnt out as a result of having remained illuminated due to switch malfunction as in A1 above) due to brake lamp switch
- Category A3: Allegations that the vehicle is stuck in park due to brake lamp switch
- Category A4: Allegations that cruise control is inoperative due to brake lamp switch
[This condition can only affect the Discovery Series II, because the Freelander cruise control circuit is not affected by the brake lamp switch. However, in the interest of providing the agency all allegations regardless of their validity, Freelander allegations also are included in this category.]
- Category A5: Allegations that warning lights are illuminated--ABS, Hill Descent Control (HDC), Traction Control (TC) due to brake lamp switch
- Category A6: Reports of brake switch replacements with no related symptom stated
- Category B: Allegations that are ambiguous as to whether they pertain to the alleged defect*

*We are providing electronic copies of these reports as "non-specific allegations" for your review because of the broad scope of the request. Based on our engineering judgment, the information in these reports is insufficient to support a determination that they pertain to the alleged defect.

Owner Reports: Records identified in a search of the Land Rover Customer Assistance Tracking System (CATS) database, as described in Appendix B of Land Rover's March 24, 2006, response, were reviewed for relevance and categorized in accordance with the groupings described above. The number and copies of relevant owner reports identified in this search that may relate to the agency's investigation are provided in Appendix A (file: 2006-10-20_Appendix A-Owner Reports) on the enclosed CD.

The categorization of each report is identified in the "Category" column of the summary provided in Appendix A as well as in the title of each report. When we were able to identify that responsive (i.e. not ambiguous) duplicate owner reports for an alleged incident were received, each of these duplicate reports was marked accordingly and the group counted as one report. In other cases, certain vehicles may have experienced more than one incident and may have more than one report associated with their VINs. These reports have been counted separately.

Legal Contacts: A description of Legal Contacts and the activity that is responsible for this information, Consumer Affairs has been provided in Appendix B of Land Rover's March 24, 2006, response. To the extent that responsive (i.e. not ambiguous) owner reports indicate they are Legal Contacts, Ford has gathered the related information from the Consumer Affairs department. It is noted that in the overwhelming majority of these consumer complaints, the brake switch issue is only tangentially mentioned during the review of the overall vehicle repair history, and the primary cause for the customer contact is another issue entirely. Non-privileged documents concerning these reports are provided in Appendix A. A privilege log identifying documents that have been redacted or withheld on the grounds that they are protected by attorney work product or attorney-client privilege is also provided in Appendix A.

Field Reports: Records identified in a search of the Land Rover Electronic Product Quality Reports (EPQR), Infotrail based Electronic Product Reports (EPR's), Global Common Quality Information System (GCQIS) and Jaguar/Land Rover Critical Concerns eTracker records (the replacement system for Plant Critical Concerns Database), as described in Appendix B of Land Rover's March 24, 2006, response, were reviewed for relevance and categorized in accordance with the groupings described above. Please note also that CATS contains some dealer and employee field reports and goodwill warranty data as well as customer complaints. The number and copies of relevant field reports that may relate to the agency's information request are provided, electronically, in Appendix B (file: 2006-10-20_Appendix B - Field Reports) on the enclosed CD.

Reports of Crash/Injury/Fatality: For purposes of identifying allegations of accidents or injuries that may have resulted from the alleged defect, Ford has reviewed responsive (i.e., not ambiguous) owner and field reports, lawsuits and claims, and warranty claims. Based on a reasonable and diligent search, Ford located no reports that contain allegations of accidents, injuries or fatalities that relate to the alleged defect in the subject vehicles. This is consistent with the previous PE and EA Land Rover submissions that also located no reports that contain allegations of accidents, injuries or fatalities that relate to the alleged defect in the subject vehicles.

Claims, Lawsuits, and Arbitrations: For purposes of identifying incidents potentially related the alleged defect, Ford has gathered claim and lawsuit information maintained by Land Rover's International OGC. Land Rover's International OGC is responsible for handling product liability lawsuits, claims, and consumer breach of warranty lawsuits and arbitrations against the Company.

Based on a reasonable and diligent search, Ford located no lawsuits, no claims, five consumer breach of warranty lawsuits, and no arbitrations that appear to relate to failure of the stop lamp switch in the subject vehicles. Two of these breach of warranty lawsuits are duplicative of owner reports. As noted above in the discussion of Legal Contacts, in these warranty lawsuits, the brake switch issue is only tangentially mentioned during the review of the overall vehicle repair history.

We are providing the requested detailed information, where available, on the responsive consumer breach of warranty lawsuits and arbitrations in our Log of Lawsuits and Claims, as Appendix C (file: 2006-10-20_Appendix C_Lawsuits and Claims) on the enclosed CD. Ford is also providing in Appendix C, to the extent available, non-privileged documents relating to matters shown on the Log. With regard to these breaches of warranty lawsuits and the arbitration, Ford has not undertaken to contact outside law firms to obtain additional information.

Request 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.

Answer

This requested information, to the extent that it is available, is provided in Appendices A, B, and/or C as discussed in response to Request 2.

Request 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.

Answer

This requested information, to the extent that it is available, is provided in Appendices A, B and/or C as discussed in response to Request 2.

Request 5

State, by model and model year, the number and total count for all of the following categories of claims, collectively, that have been paid by Land Rover to date that involved a subject component replacement 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), address, and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle's 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.

Answer

Records identified in a search of the AWS database, as described in Appendix B of Land Rover's March 24, 2006, response, were reviewed for relevance and categorized in accordance with the groupings described in the response to Request 2. The number and copies of relevant warranty claims identified in this search that may relate to the agency's investigation are provided electronically in Appendix D (filename: 2006-10-20_Appendix D-AWS.mdb) on the enclosed CD. The categorization of each report is identified in the "Category" field.

When we were able to identify that duplicate claims for an alleged incident were received, each of these duplicate claims was marked accordingly and the group counted as one report. In other cases, certain vehicles may have experienced more than one incident and have more than one claim associated with their VINs. These claims have been counted separately.

Requests for "goodwill, field or zone adjustments" received by Ford to date that relate to the alleged defect that were not honored, if any, would be included in the CATS reports identified above in response to Request 2. Such claims that were honored are included in the warranty data provided.

There have been no Technical Service Bulletins, owner notification, service, or similar programs for the brake switch in the subject Freelander and Discovery Series II vehicles, and therefore, no repairs have been made in accordance with such programs.