

VOLKSWAGEN



3000 Hamlin Road
Auburn Hills, MI 48326
Tel. (248) 754-5000

October 7, 2005

Kathleen Demeter
Director, Office of Defects Investigation
US Department of Transportation
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590

Subject: PE05-042 NVS-212mbs; Exterior Door Handle

Dear Ms. Demeter,

Attached is our response to your letter dated August 19, 2005 requesting information concerning alleged exterior door handles sticking open on certain 2004-2005 Volkswagen Touareg vehicles.

For your convenience, each request is restated verbatim and then followed by our response.

Please contact me if you have any questions regarding this response.

Regards,

A handwritten signature in black ink, appearing to read 'John Meddox', written over a horizontal line.

John Meddox
Compliance Officer
Volkswagen of America

Attachments

DEFECT
2005 OCT 11 10:38:57
11/11/05

Request 1.

State, by model and model year, the number of subject vehicles VW has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by VW, 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."

Response 1.

In response to this inquiry, Volkswagen has identified the following vehicle population:

	MY 2004	MY 2005
Touareg	39,641	19,546

Our response to this request including subparagraphs a. through g. is provided in a Microsoft Excel file entitled, "PRODUCTION DATA.xls" attached hereto as Exhibit to Request 1.

Source: Business Objects. Data Gathered: Through the date of the inquiry

Exhibit to Request 1

PRODUCTION DATA

Data is provided in Microsoft Excel format on PE05-042 Data Collection Disc

Request 2.

State the number of each of the following, received by VW, or of which VW 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; and
- e. Third-party arbitration proceedings where VW is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which VW 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 VW'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.

Response 2.

- a. In response to your inquiry, Volkswagen has identified 9 Consumer complaints, none of which are from fleet operators. Volkswagen is also providing copies of complaints in which the allegations are not clearly specified and Volkswagen is unable to determine if they may or may not be related to the alleged defect in the subject vehicles.
- b. In response to your inquiry, Volkswagen has identified 5 non-duplicative Field Reports which may relate to the alleged defect in the subject vehicles. Volkswagen also is providing copies of non-specific field reports in which the allegations are not clearly specified and Volkswagen is unable to determine if they may or may not be related to the alleged defect in the subject vehicles.
- c. In response to your inquiry, Volkswagen has not identified any 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. In response to your inquiry, Volkswagen has not identified any property damage claims.
- e. In response to your inquiry, Volkswagen has not identified any third-party arbitration proceedings, where Volkswagen is or was a party to the arbitration.
- f. In response to your inquiry, Volkswagen has not identified any lawsuits in which Volkswagen is or was a defendant or codefendant.

Source: LISTEN, PLE, FRED, TAGS Data Gathered: Through the date of the inquiry

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. VW'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."

Response 3.

Responses to subparagraphs a. through l. are provided in REQUEST NUMBER TWO DATA folder attached hereto as Exhibit to Request 3.

Source, Data Gathered: See Response Two

Exhibit to Request 3

**REQUEST NUMBER TWO DATA
&
NON-SPECIFIC NUMBER TWO DATA**

**Data is provided in Microsoft Excel format in the REQUEST NUMBER TWO DATA folder on
PE05-042 Data Collection Disc**

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 VW used for organizing the documents.

Response 4.

In response to this inquiry, Volkswagen is providing copies of documents identified for each item in Response 2. The documents are provided in an Adobe Acrobat file entitled "REQUEST NUMBER FOUR DATA.pdf" attached hereto as Exhibit to Request 4.

Volkswagen is also providing copies of consumer complaints in which the reason for the claim does not contain sufficient information for Volkswagen to determine if they may or may not be related to the alleged defect. Information on these claims is provided in an Adobe Acrobat file entitled "NON-SPECIFIC NUMBER FOUR DATA.pdf" attached hereto as Exhibit to Request 4.

Source, Date Gathered: See Response Two

Exhibit to Request 4

**REQUEST NUMBER FOUR DATA
&
NON-SPECIFIC NUMBER FOUR DATA**

**Data is provided in Adobe Acrobat format in the REQUEST NUMBER FOUR folder on PE05-042
Data Collection Disc**

Request 5.

State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by VW 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. VW'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."

Response 5.

In response to this inquiry, Volkswagen has identified 291 non-duplicative warranty claims, on 287 unique vehicles which have been paid by Volkswagen to date. These claims contain allegations of the exterior door handle sticking on the subject vehicles. Volkswagen notes that one of these claims is duplicative of the above Field Reports.

In addition, Volkswagen is providing, labeled separately, the following types of non-specific claims:

Non-specific 1: Claims which allege handle sticking/binding or require handle lubrication, but based on the face of the claim comments, Volkswagen is unable to determine whether the allegation involves the subject exterior component.

Non-specific 2: Claims which, based on the face of the claim comments, Volkswagen is unable to determine whether they may or may not relate to the alleged defect in the subject component.

Our response to this request is provided in Microsoft Excel format in the REQUEST NUMBER FIVE DATA folder attached hereto as Exhibit to Request 5.

Source: Business Objects Warranty Claims Universe. Data Gathered: Through the date of the inquiry

Exhibit to Request 5

WARRANTY DATA

&

NON-SPECIFIC WARRANTY DATA

**Data is provided in Microsoft Excel format in the REQUEST NUMBER FIVE DATA folder on
PE05-042 Data Collection Disc**

Request 6.

Describe in detail the search criteria used by VW 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 VW 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 VW 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.

Response 6.

In response to this inquiry, the following methods were used to identify claims in response to request number five.

1. All subject vehicles made available for sale or lease in the United States with claims starting in calendar week one of 2003 through the calendar week of the inquiry.

AND

2. All warranty claims containing the following part identifier:

<u>Number:</u>	<u>Description:</u>
5711	Exterior Door Handle [Front]
5811	Exterior Door Handle [Rear]
5751	Door [Front]
5851	Door [Rear]

Resultant claims, including technician comments, were screened individually for relevance to the alleged defect in the subject vehicles.

Volkswagen has identified, through screening the resultant claims, a list of all problem codes and problem code descriptions that were used in claims related to the alleged defect in the subject vehicles. The following overviews these findings:

Damage Codes with Description:

10 – Mechanical Defect
11 – Incorrectly Adjusted
15 – Broken, Cracked, Torn
16 – Ineffective
17 – Binding
18 – Loose
20 – Noisy
30 – Unsatisfactory Appearance
31 – Discolored

The following is a list, by make and model year, of the terms of the new vehicle warranty coverage offered by Volkswagen on the subject vehicles:

Model Year	Warranty Terms and Vehicles	Coverage Type
2004	4 Years / 50,000 miles: Touareg	Bumper to Bumper
2005	4 Years / 50,000 miles: Touareg	Bumper to Bumper

Source: VWoA Data Gathered: Through the date of the inquiry

Request 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 VW 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 VW is planning to issue within the next 120 days.

Response 7.

Volkswagen has identified one technical bulletin related to the alleged defect in the subject vehicles. Volkswagen is not aware of any communications being planned within the next 120 days relating to the alleged defect in the subject vehicles.

Our response to this request is provided in Adobe Acrobat format attached hereto as Exhibit to Request 7.

Source: VWoA Product Support, VESIS Data Gathered: Through the date of the inquiry

Exhibit to Request 7

REQUEST NUMBER SEVEN DATA

Data is provided in Adobe Acrobat format on PE05-042 Data Collection Disc

Request 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, VW. 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.

Response 8.

The documents have been sorted chronologically according to the end date.

Action 01

- a) Test Report VB12891 (original in German)
- b) Unknown
- c) March 8, 2004
- d) Initial test analyses in order to approve the handles
- e) Supplier HuF Höltsbeck & Fürst GmbH & Co. KG (HuF)
- f) The initial tests of the handles were successfully completed (Temperature test, strength tests, durability test, paint test, drop test) according to the test specifications. The clip-off forces of the tidepin (which is an anchor that connects a bowden cable to the door handle) did not meet specifications at 60°C, this was detected and remedied by a stronger tidepin.

Action 02

- a) Test Report VB13008 (original in German)
- b) Unknown
- c) May 28, 2004
- d) Functional tests of production parts in humid environment
- e) Supplier "HuF"
- f) The tested parts were saturated to the maximum amount of water the material can absorb. The functional tests (automatic retraction of handles) were successfully completed.

Action 03

- a) Test Report 11-Z-04-4379 (original in German)
- b) September 8, 2004
- c) January 27, 2005
- d) Analysis of parts regarding to the complaint of sticking handles
- e) Group Quality Department, VWAG Wolfsburg
- f) The sticking of the handles is result of friction, contributed by soaking of the material by water absorption.

Action 04

- a) Effects of Nub Removal (original in German)
- b) Unknown
- c) December 3, 2004
- d) Analysis of the effects of a removal of the nubs
- e) Supplier "HuF"
- f) Removal of the nubs will allow the handle to move more easily and eliminate the potential to stick, but will result in some vertical play.

Action 05

- a) Possible Causes of Door Handle Sticking (original in German)
- b) Unknown
- c) March 15, 2005
- d) Consideration of alternative failure mechanisms
- e) Volkswagen Slovakia – Quality Department
- f) Overview of different possible causes for the door handle sticking. Finally the friction at the guide nubs was proven to be causal for a sticking handle.

Action 06

- a) Test Report VB14188 (original in German)
- b) Unknown
- c) April 12, 2005
- d) Analysis of which door handles show the sticking problem
- e) Supplier "HuF"
- f) The door handles have been moulded in different cavities. The cavities #4 & #5 and all handles for the keyless access vehicles remain within specified tolerances, the cavities #2 & #3 are slightly exceeding two (out of six) nub tolerances.

Action 07

- a) Test Report VB 14247, Follow-Up to VB14188 (original in German)
- b) Unknown
- c) April 12, 2005
- d) Analysis of measures to optimize quality by removal of the nubs
- e) Supplier "HuF"
- f) Cavities #2 & #3 are slightly exceeding the specified nub tolerances, 1 of 60 sample parts stuck in the first attempt at 80°C ambient temperature plus dust intrusion (sticking was not repeatable), all other tests/samples successful

Action 08

- a) Priority Customer Complaint
- b) Unknown
- c) May 9, 2005
- d) Survey of customer complaints, warranty claims, and costs
- e) Volkswagen of America, Service Division Product Support
- f) TB in process to instruct dealers on how to increase door handle to end piece clearance (from document)

Action 09

- a) Technical Solution
- b) Unknown
- c) About May 2005
- d) Description of the remedies for sticking handles (similar to the published Technical Bulletin)
- e) Volkswagen of America
- f) Detailed description of the remedies for sticking handles for repairs performed in service

Action 10

- a) Top Comments
- b) Unknown
- c) About May 2005
- d) Statistical analysis of the customer complaints
- e) Volkswagen of America
- f) Statistical analysis of complaints regarding to failure, parts, dealer and costs.

Action 11

- a) Tracking Matrix
- b) Unknown
- c) About June 2005
- d) Tracking document for Priority Customer Complaint
- e) Volkswagen of America
- f) Tracking document states that a technical bulletin will be / was issued to remedy the sticking door handles.

Action 12

- a) Clearance Simulation (original in German)
- b) Unknown
- c) August 30, 2005
- d) Simulation of the distance between handle and slider when pulling handle
- e) Supplier "HuF"
- f) The calculation shows, that the distance between handle and slider remains constant during the complete actuating process.

Our response to this request is provided in paper copies attached hereto as Exhibit to Request 8. In addition, Action 8 and Action 10 will be submitted under separate cover with a Request for Confidentiality.

Source: VWAG & VWoA, Data Gathered: Through the data of the Inquiry

Exhibit to Request 8

RESPONSE EIGHT

Data is being provided with PE05-042 Response Letter

Request 9.

Describe all modifications or changes made by, or on behalf of, VW in the design, material composition, manufacture, quality control, supply, or installation of the subject component, 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 VW is aware of which may be incorporated into vehicle production within the next 120 days.

Response 9.

Our response to this request is provided in Adobe Acrobat format attached hereto as Exhibit to Request 9.

Source: VWAG Data Gathered: Through the date of the inquiry

Exhibit to Request 9

REQUEST NUMBER NINE DATA

Data is provided in Adobe Acrobat format on PE05-042 Data Collection Disc

Request 10.

Produce one of each of the following:

- a. Exemplar samples of each design version of the subject component;
- b. Field return samples of the subject component exhibiting the subject failure mode; and
- c. Any kits that have been released, or developed, by VW for use in service repairs to the subject component/assembly which relate, or may relate, to the alleged defect in the subject vehicles.

Response 10.

- a. Volkswagen is providing exemplar parts of design versions available at the time of this response.
- b. Volkswagen was not able to obtain field return samples of the subject component exhibiting the subject failure mode. Volkswagen notes that the technical bulletin directs the dealer to modify the part and not replace it.
- c. Volkswagen has not released, or developed, any kit for use in service repairs to the subject component/assembly which relate, or may relate, to the alleged defect in the subject vehicles.

Request 11.

State the number of each of the following that VW 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 (include the cut-off date for sales, if applicable):

- a. Subject component; and
- b. Any kits that have been released, or developed, by VW for use in service repairs to the subject component/assembly.

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

Response 11.

Volkswagen has provided the number of subject component sales from VWoA to authorized Volkswagen dealers. Volkswagen notes that it is not possible to determine if the sale of any of these individual parts relates in any way to the alleged defect in the subject vehicles, or if the sale of these parts actually represents installation on any of the subject vehicles.

No other Volkswagen Group vehicle contains the identical subject component.

Supplier of subject components):

HuF Hülsbeck & Fürst GmbH & Co. KG

Department: POP

Mr. Thomas-Peter Eggers

Head of Patent Department

Werk Velbert

Stoeger Strasse 17

42551 Velbert

Germany

Phone: +49(0) 2051-272-922

Fax: +49(0) 2051-272-115

Our response to this request is provided in Microsoft Excel format attached hereto as Exhibit to Request 11.

Source: VWAG, Data Gathered: Through the date of the inquiry

Exhibit to Request 11

PART SALES DATA

Data is provided in Microsoft Excel format on PE05-042 Data Collection Disc

Request 12.

Furnish VW's assessment of the alleged defect in the subject vehicle, including:

- a. The causal or contributory factor(s);
- b. The failure mechanism(s);
- c. The failure mode(s);
- d. The risk to motor vehicle safety that it poses;
- e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
- f. The reports included with this inquiry.

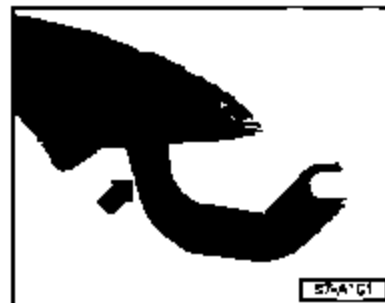
Response 12.

After thorough analysis and review of the facts, Volkswagen firmly believes that the alleged defect does not constitute a risk to motor vehicle safety based on the following reasons:

- (1) The failure mode identified occurs predominantly in the very early life stage of the vehicle, and the vast majority of the door handles on the subject vehicles produced before June 2004 that may have been affected by this condition have already been cycled through the wear-in phase, or repaired by the Technical Bulletin.
- (2) The failure mode is manifested in a way that is readily identifiable and immediately correctable by the operator or occupant(s) of the vehicle while the vehicle is stationary. Additionally, the vehicle's multifunction display and interior lighting system provides immediate, unmistakable, and constant warning if the door is not completely closed for any reason, including manifestation of the alleged defect.
- (3) The complete lack of serious injury as shown in the reports identified in response to this inquiry.

Volkswagen has observed some cases of intermittent sticking of some exterior door handles after they are actuated to open the door.

When opened from the outside, some actuated door handles can stick and remain in the extended position because internal friction is higher than the spring forces that return the handle to its rest position. This is due to a potential for increased friction between the door handle and the lock cylinder housing (see illustration 57-A099) because some guide nubs that were molded into the plastic door handle (see arrow in illustrations 57-A101) were slightly higher than specified. These guide nubs were originally intended to minimize handle "wobble" during the opening process.



When the outside door handle is pulled, it moves slightly in a horizontal direction towards the rear of the vehicle. During this movement, parts of the handle slide by the stationary lock cylinder housing, that provide support while these parts slides outwards past two ribs (see illustrations 57-A099 and 57-A100).

When pulled out to open the door, the outside door handle can intermittently stick in the area of the guide nubs (see illustration 57-A101) as described above because these nubs exceeded specifications. Additionally, the friction between the door handle and the lock cylinder housing keeps the door handle in the extended position because the sticking condition in the area of the nubs prevents the exterior door handle from returning (including slightly in a horizontal direction) into its rest position.

The guide nubs are subject to wear during normal vehicle use. Volkswagen believes the prevailing tolerances within the door handle assembly, combined with normal opening and closing cycles, cause the nubs to wear down thereby reducing internal friction within the door handle assembly.

The outside door handle for the Touareg is injection-molded in "nests" or special cavities. There are four cavities that have been used in production. The two production cavities used through March 2005 produced parts with two nubs that were out of specification. The tool was modified in March 2005, and two additional cavities were used to prevent the out-of-specification nubs.

When opening the door, the outside door handle is typically pulled out to the outermost position to unlatch and move the door. If the door handle sticks in this position, the door latching mechanism, which is directly connected to the latch, remains unlatched. The door stays open and cannot be latched unless and until the door handle is pushed back into the rest position. Indeed the door often bounces back to a readily noticeable extended position when it is attempted to be closed, because the rubber door seals exert a significant force in the outward direction. If the handle is sticking and the door is closed in a normal manner, the door will remain open with a gap ranging from about 1.5 inches to 5 inches.

After thorough analysis and review of the facts, Volkswagen firmly believes that the alleged defect does not constitute a risk to motor vehicle safety.

Volkswagen's investigation has shown that some outside door handles made in certain tool cavities could display intermittent sticking under a narrow set of circumstances and that this condition, where it existed, was either corrected after the customer brought the condition to the attention of a dealer or that the condition has been eliminated through normal wear in use.

The development of consumer complaints and warranty claims demonstrates that the service measures instituted (minor reworking of door handles reported to have experienced sticking, lubrication of guide surfaces as described in Technical Bulletin TSB Group 57, Number 05-02) have been successful.

Furthermore the implementation of measures in production (lubrication, deletion of the guide nubs, introduction of a low friction guide surface on the lock cylinder housing) for Touareg vehicles subsequently produced has caused the sticking phenomenon to cease completely inasmuch as no reports relating to these vehicles have been received.

The phenomenon does not occur on all subject vehicles and has been observed only on those vehicles with door handles with nub tolerances exceeding design limits that were made with cavities in use up to March 2005. When such a door handle is cycled a number of times in the early life of a vehicle, the guide nubs will be worn down to the extent that any propensity to stick declines.

Volkswagen notes that the subject condition is always accompanied by multiple significant and readily apparent warnings.

The sticking observed with respect to some exterior door handles can only occur when the door is opened from the outside and the door handle does not return or is not returned to its normal rest position. If the door handle sticks in an extended position and the door handle is not pushed back in from the outside the door cannot be closed nor latched, and bounces back to a visibly extended position. There is a direct connection between the outside door handle and the door latch that prevents the latch from engaging if the door handle sticks in the extended position.

Because an affected outside door handle can only stick when the door is opened from the outside, sticking can only occur when the vehicle is stationary. The door cannot be closed from the inside or outside unless and until the door handle is pushed back into its rest position.

A certain amount of force is required to close the door on any automobile. The user will notice immediately if a door is not closed. If the door is closed in a normal manner and door handle sticking occurs the door will rebound noticeably beyond the door frame. It is obvious and apparent to anyone inside or outside the vehicle that a door that protrudes about 1.5 to 5 inches beyond the door opening is not closed.

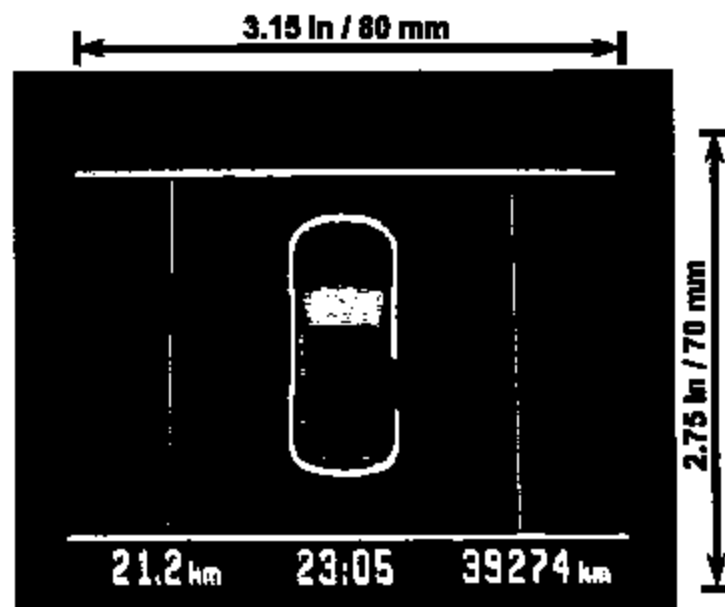
If a conscious attempt is made to push or pull the door closed very slowly whether from the inside or the outside when the outside door handle is sticking, it will become immediately apparent that the door is not latched and cannot be closed, regardless of the amount of force that is used. The door will remain open about 1 to 2 inches when the customer removes his/her hand from the door. Any such gap clearly shows that the door is not closed.

If the handle sticks, this condition can be immediately corrected by the vehicle operator or occupant by easily pushing the handle in without the need to drive the vehicle to a repair facility. In addition to the inherent warning provided by an open door, or one that cannot be closed, the driver receives a visible and immediate warning that a specified door has not been properly closed in the large multifunction display in the center of the instrument cluster between the speedometer and the tachometer. This warning is already displayed before the vehicle is started. The warning appears whenever the door is not completely closed, and is designed to provide warning even when the door is only partially latched, such as when the operator has not applied enough force to move the latch past the secondary latched position. The warning in the display consists of an outline of the vehicle from above and clearly identifies individual door or doors that have not been completely closed and securely latched. This warning takes precedence over all other informational messages and warnings that can be displayed on the multifunction display. The door open warning cannot be canceled and no other message can be displayed until the door has been properly closed and fully latched into the secondary latched position. The multifunction indicator cannot be turned off to prevent warning messages from being displayed, and the instrument panel illumination of the display cannot be turned down (or off) so that messages will always be visible, even at night or under poor ambient lighting conditions.

The following images show the display from the driver's perspective and a close-up view (in full scale) of the door-open warnings.



View of the Touareg Cockpit (with activated warning for the right rear passenger door)



Full-scale photograph of the visual warning (rear passenger door)

In addition to the warning in the multifunction display, the interior light will remain lit if a door has not been fully closed. Furthermore, if all the above-described intended warnings are not heeded, substantially increased interior noise levels and drafts are immediately apparent when a door is not properly closed when the vehicle is moving at low speeds. The fact that a door has not been completely closed is usually something that common experience shows can be readily detected by the driver or other vehicle occupants.

Absent an unreasonable risk of accident or injury, Volkswagen does not believe the alleged defect to rise to the level of "safety-related defect." In determining whether an "unreasonable risk" exists, established case law instructs consideration of the following factors: "(1) the severity of the harm that the risk to safety threatens; (2) the frequency with which that harm occurs in the threatened population relative to its incidence in the general population; (3) the economic, social, and safety consequences of reducing the risk to a so-called 'reasonable' level" (see U.S. v. General Motors Corp., 841 F.2d 400, 410 (D.C. Cir. 1988) (citing U.S. v. General Motors Corp., 656 F. Supp. 1555, 1579 (D.D.C. 1987)). Based on the above considerations, Volkswagen believes that, under any of the three factors, no "unreasonable" risk to motor vehicle safety is present.

Volkswagen believes that its view that the alleged defect does not constitute a safety defect is confirmed by analysis of the field data.

While Volkswagen has received reports of sticking outside door handles through warranty claims, consumer complaints and field reports as set forth above, none of these reports allege that a door opened when the vehicle was moving. Volkswagen has also not identified any reports of serious injuries attributable to sticking outside door handles.