



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

1200 New Jersey Avenue SE  
Washington, DC 20590

**AUG 16 2007**

**FAXED**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Craig Arrojo  
President  
Champion Sidecars, Inc.  
11841 Monarch St.  
Garden Grove, CA 92841

NVS-214jry  
PE07-035

Dear Mr. Arrojo:

The National Highway Traffic Safety Administration (NHTSA) is authorized to investigate trailer problems and order manufacturers to recall the trailers for repair when our investigations indicate the existence of serious safety-related defects. The law provides that NHTSA may act only when such defects affect (or potentially affect) a number of trailers or pieces of trailer equipment and that these defects relate to highway safety.

We have received a complaint from the owner of a Champion "Colorado" model motorcycle trailer in which he alleges that the road wheel separated from the trailer when its stub axle fractured.

To assess this issue, we have opened this Preliminary Evaluation (the opening resume was faxed to you on July 13<sup>th</sup>) and request the following information. Unless otherwise stated in the text, the following definitions apply to this information request:

**Subject Trailers:** MY2002 through 2007 "Colorado" model touring trailers produced for sale in the United States with a subject component.

**Subject Component:** road wheel stub axle, including the trailing arm and trailer frame.

**Alleged defect:** subject component fracture and/or separation.

**Champion:** Champion Sidecars, Inc., its parent company, and all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its 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, 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 Champion (including all business units



and persons previously referred to), who were involved in any way with any of the following related to the alleged defect:

- 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, field quality engineers, assembly plant engineers, component suppliers, assembly wholesalers, retailers, or other field locations, including but not limited to people who have the capacity to obtain information from wholesalers or retailers, all officers, employees, agents, contractors, and consultants of Champion, whether assigned to its principal office or to any of its field locations, and all records or files maintained by the company either in hard copy form or in electronic storage media.

**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 Champion, 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 containing 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 Champion 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 Champion has previously provided a document to ODI, Champion 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 Champion'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 trailers Champion has manufactured for sale or lease in the United States. Separately, for each subject trailer manufactured to date by Champion, state the following:
  - a. Trailer identification number (VIN);
  - b. Model Year;
  - c. Model;
  - d. Date of manufacture;
  - e. Warranty coverage start date;
  - f. Original purchaser first and last name; and
  - g. The selling dealer (business name).

Provide the table in Microsoft Access 2000, or a compatible format (e.g., Microsoft Excel), entitled "PRODUCTION DATA." See the attached CD-ROM, titled "PE07-035 IR Attachments", for pre-formatted template illustrating the requested information format.

2. State the number of each of the following, received by Champion, or of which Champion is otherwise aware, which relate to, or may relate to, the alleged defect:
  - a. Consumer complaints;
  - 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 and/or notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject trailer.
  - d. Property damage claims;

- e. Third-party arbitration proceedings where Champion is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, where Champion 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 trailer 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 Champion'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. Champion'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. Trailer owner name, address, and telephone number;
  - d. Trailer's VIN;
  - e. Trailer model year;
  - f. Trailer'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 (e.g., Microsoft Excel), entitled "COMPLAINT DATA." See the attached CD-ROM, titled "PE07-035 IR Attachments", for pre-formatted template illustrating the requested information format.

- 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 Champion 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 Champion to date that relate to, or may relate to, replacement of the subject components : 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. Champion's claim number;
- b. Trailer owner and telephone number;
- c. VIN;
- d. Repair date;
- e. Trailer mileage at time of repair;
- f. Repairing dealer's (business name);
- 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 (e.g., Microsoft Excel), entitled "WARRANTY DATA." See the attached CD-ROM, titled "PE07-035 IR Attachments", for pre-formatted template illustrating the requested information format.

In addition to the total counts requested above, provide Champion's assessment, by model and model year, of the number of claims within each of the counts given that relate to, or may relate to, the alleged defect.

6. Describe in detail the search criteria used by Champion 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. State, by model year, the terms of the new trailer warranty coverage offered by Champion on the subject trailers (i.e., the number of months and mileage for which coverage is provided and the trailer systems that are covered). Describe any extended warranty coverage option(s) that Champion offered for the subject trailers and state by option, model, and model year, the number of trailers 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, and or the subject component, that Champion has issued to any dealers, regional or zone offices, field offices, fleet purchasers, customers, 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. This also includes any material related to before-sale trailer preparation at the dealer location. Also include the latest draft copy of any communication that Champion 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, and or the subject component, that have been conducted, are

being conducted, are planned, or are being planned by, or for, Champion. 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, Champion 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. 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 trailer 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.
10. Also, provide the above information for any modification or change that Champion is aware of which may be incorporated into trailer production within the next 120 days.
11. Identify, by subject component part number, ship and/or sale date, and "ship-to" name and address, each subject component provided as a replacement/service part by Champion
12. Separately, for each subject trailer model/model year combination, identify, by corporate name and address, where the trailers are assembled.
13. Provide a listing of all Champion brand motorcycle trailer dealers in the United States and its territories. Please include the dealer name (including, where applicable, its DBA), street address (including city, state, and zip code), contact phone number, and dealer principal.
14. Furnish Champion's assessment of the alleged defect, including:
  - a. The causal or contributory factor(s) (if you allege the root cause is trailer overloading, include all documents/evidence supporting this claim);

- 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, a trailer owner would have that the alleged defect was occurring or the axle was about to separate;
- f. The Novak incidents.

This letter is being sent to Champion 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. Champion's failure to respond promptly and fully to this letter could subject Champion 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 \$6,000 per day, with a maximum of \$16,375,000 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 71 Fed. Reg. 28279 (May 16, 2006)). This includes failing to respond to ODI information requests.

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

Champion's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by September 14, 2007. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE07-035 in Champion's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Champion finds that it is unable to provide all of the information requested within the time allotted, it must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If Champion 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 Champion then has available, even if an extension has been granted.

If Champion 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, Champion 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-110), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue SE, Washington, D.C. 20590. Champion 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.** Please remember that the word "CONFIDENTIAL" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6.

Please send email notification to Bob Young ([Robert.young@dot.gov](mailto:Robert.young@dot.gov)) and to [ODI\\_IRresponse@dot.gov](mailto:ODI_IRresponse@dot.gov) when Champion sends its response to this office and indicate whether there is confidential information as part of its response.

If you have any technical questions concerning this matter, please call Mr. Young at (202) 366-4806.

Sincerely,



Richard P. Boyd, Chief  
Medium Heavy Duty Division  
Office of Defects Investigation

Attachments – "PE07-035 CD-Rom"