



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

DEC 13 2007

1200 New Jersey Avenue SE
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ron Stitcher
Newmar Corporation
P.O. Box 30
355 North Delaware Street
Nappanee, Indiana 46550-0030

PE07-061
NVS-214gtb

Subject: Lift-Assisted Cargo Door Systems Installed in Motor Homes Manufactured and Sold by Newmar Corporation that, when Unlatched, Open and Extend Outward From the Vehicle in a Near-Horizontal ("Gull-Wing") Position and are Retained in this Position until Closed and Latched

Dear Mr. Stitcher,

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) opened a Preliminary Evaluation (PE07-061) on November 30, 2007, to investigate certain lift-assisted cargo door systems installed in motor homes manufactured and sold by Newmar Corporation. Certain lift assisted cargo doors may open and extend outward from the vehicle to the near horizontal ("gull-wing") position when unlatched and may be retained in this raised position until closed and latched.

ODI believes that cargo doors may unlatch / open due to (1) owners who fail to completely latch the lift assisted cargo doors or (2) cargo door latches in lift assisted systems that fail to completely engage, or become disengaged, due to the presence of dirt, corrosion, wear, distortion, and the like which may compromise the reliability and/or integrity of the latch system.

ODI is concerned that the protruding edge of an open / raised cargo door that extends outward from a moving vehicle may pose a risk of striking pedestrians, objects, and/or vehicles in proximity to the subject vehicle.

Further, if a portion of the motor home's cargo were to drop through an open / raised cargo door while the vehicle was being operated, the resulting road debris could pose a hazard to trailing vehicles that may strike the debris and/or pose a risk that a trailing vehicle may crash as a result of taking aggressive driving actions in an effort to avoid striking the unexpected detritus.

In order to obtain Preliminary Evaluation (PE) investigation information, ODI has focused this P E Information Request to 2005 - 2008 model year vehicles. Depending on the evaluation findings, this preliminary scoping may be changed to include earlier model year vehicles if ODI deems subsequent investigation activity is warranted.



Background -

On June 5, 2007, ODI received a Vehicle Owner's Questionnaire (VOQ 10192456) consumer complaint in which the owner of a 2005 model year Newmar Dutch Star motor home vehicle described an incident in which the unlatched lift-assisted cargo door installed in his vehicle had opened (raised) and been retained outward from the vehicle in the raised position in an approximately horizontal position by the lift assist mechanism. The report alleges that the opened / raised ("extended") cargo door had contacted an unattended motorcycle parked on the side of the road.

On November 1, 2007, ODI inspected certain cargo door lift-assist and retention system(s) installed in an exemplar Newmar "Mountain Aire" vehicle and compared these cargo door systems with the cargo door lift and retention systems in several peer (Monaco) motor home vehicles. ODI noted that the exemplar Newmar "Mountain Aire" vehicle was equipped with two designs of cargo doors in the same vehicle: cargo doors that opened (1) vertically ---- doors that are hinged horizontally across the top of the door as shown in Appendix A and swing upward and (2) horizontally ---- doors that are hinged at the forward edge of the door and swing horizontally.

ODI also observed that the cargo doors installed on the peer vehicles were not lift-assisted, tended to close downward due solely to their own weight, but could be held in the full open position (vertically) against the body of the vehicle with a retention mechanism. Certain cargo doors appeared to be equipped with sensors to warn the operator if the cargo door was not closed securely.

Of the vehicles inspected, only the Newmar "Mountain Aire" was equipped with cargo doors that "automatically" opened / lifted by means of a lift-assist when unlatched and, once opened, remained extended outward from the vehicle in an approximately horizontal position.

In order for my staff to evaluate this issue, ODI is requesting that Newmar provide certain information.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject Vehicles:** all 2005-2008 model year motor homes manufactured by Newmar Corporation equipped with lift-assisted cargo doors.
- **Subject Components:** all motor home cargo doors that have a "lift-assist" feature that causes, or is intended to cause, an unlatched cargo door to open / raise, extend from the vehicle, and be retained at an approximately horizontal ("gull -wing") position.
- **Alleged Defect:** the unintended "automatic" raising of a lift-assisted cargo door outward from the vehicle while the vehicle is being operated, especially without the vehicle operator's awareness, whether due to owner's carelessness/negligence in failing to completely close and/or latch the door or due to other causes that may compromise the latch reliability / integrity such as corrosion, dirt, wear, distortion, etc. of the cargo door

and/or latching components.

- **Newmar Corporation** ("Newmar"): 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 to a consultant) by or under the control of Newmar (including all business units and persons previously referred to), who are or, in or after 2005 were involved in any way with any of the following related to the alleged defect in the subject vehicles:
 - 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;
 - d. Communication to, from, or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers; or
 - e. Management of any litigation involving Newmar's products that relate to the alleged defect.
- **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 Newmar, 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 which contains 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 the manufacturer 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.

Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. 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 Newmar's response to each request, identify the source of the information and indicate the last date the information was gathered.

To the extent possible, provide the requested information in Microsoft Access 2003 or Excel 2003 electronic format.

Vehicle Production -

1. Provide a table that identifies by (a) model year and (b) vehicle model the quantity of "subject vehicles" equipped with the "subject component" that Newmar has manufactured for sale or lease in the United States (i.e. equipped with one or more cargo doors with a feature that lifts, or assists in lifting, the cargo door to an approximately horizontal position when unlatched and retains the cargo door in this extended "gull-wing" position until closed and latched).

As stated above, in order to obtain Preliminary Evaluation (PE) investigation information, ODI has limited this PE Information Request to 2005 - 2008 model year vehicles. Depending on the evaluation findings, this preliminary scoping may be changed to include earlier model year vehicles if ODI deems subsequent investigation

activity is warranted

Provide the table in Microsoft Access or Excel 2003, or a compatible format, entitled "PE07-061, Request Number One – Production Information."

Number of Vehicles Manufactured with Secondary Latches –

2. Provide a table that identifies by (a) model year and (b) vehicle model the quantity of vehicles that Newmar has manufactured with secondary latches (*) installed in conjunction with, or as part of, the lift assisted cargo door systems.

(*) "Secondary Latches" are devices intended to limit the travel of a cargo door from achieving in its fully-opened position until intentionally released or "triggered" by the operator.

Provide the table in Microsoft Access or Excel 2003, or a compatible format, entitled "PE07-061, Request Number Two – Number of Vehicles Equipped with Secondary Latches."

Number of Vehicles Equipped with a "Cargo Door Ajar" Warning System -

3. Provide a table that identifies by (a) model year and (b) vehicle model the quantity of vehicles that Newmar has manufactured with a warning system intended to alert operators that a lift assisted cargo door is not securely latched.

Provide the table in Microsoft Access or Excel 2003, or a compatible format, entitled "PE07-061, Request Number Three - Number of Vehicles with Lift-Assist Cargo Doors Equipped with Warning Systems."

Reports of List-Assisted Cargo Doors Opening -

4. State the number of each of the following, whether or not confirmed, received by Newmar, or of which Newmar 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 an injury or a 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 Newmar is, or was, a party to the arbitration; and,
 - (f) Lawsuits, both pending and closed, in which Newmar is, or was, a party.

- (g) Warranty claims, whether or not reimbursed, including requests for special policy adjustment, extended warranty, and/or other similar consumer considerations such as "good will" and/or any and all other reimbursement request programs.

For subparts "a" through "d" and "g," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple reports of the same incident are to be counted separately (i.e., a consumer complaint and a field report involving the same incident are to be counted as a field report and a consumer complaint, etc.).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Newmar'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.

Provide the table in Microsoft Access or Excel 2003, or a compatible format, entitled "PE07-061, Request Number Four - Complaint Information Summary."

5. For each incident report received by Newmar, or of which Newmar is otherwise aware, whether or not confirmed, that alleges that a lift-assisted cargo door had opened to an approximately horizontal position while the vehicle was being operated identify:
 - (a) Newmar's File Number or other identifier used;
 - (b) the category of the incident as identified in Request No. 4 (i.e., consumer complaint, field report, etc.);
 - (c) the owner or fleet name;
 - (d) the owner or fleet address, phone number, and contact name;
 - (e) the incident date;
 - (f) the incident location;
 - (g) the report or claim date;
 - (h) the complete motor home 17 digit VIN;
 - (i) the model and model year of the motor home;
 - (j) whether the cargo doors were equipped with a secondary latch;
 - (k) whether the cargo door systems were equipped with a warning system intended to alert the operator when the cargo door was not securely closed or latched;
 - (l) a brief description of the incident;
 - (m) whether property damage is alleged;
 - (n) the number of alleged injuries, if any;
 - (o) the number of alleged fatalities, if any.

Provide this information in Microsoft Access or Excel 2003, or a compatible format, entitled "PE07-061, Request Number Five - Incident Details."

6. Describe in detail the search criteria used by Newmar to identify the claims identified in response to Request Nos. 4 and 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.

Product Characteristics -

7. Provide a summary of:
 - (a) the reasons that Newmar implemented a lift-assist feature in certain cargo doors;
 - (b) the reasons why Newmar determined that certain cargo doors should open horizontally and other cargo doors open vertically;
 - (c) the reasons that Newmar determined that the opened lift-assisted cargo doors should come to rest at the fully extended near-horizontal position rather than a position more flush with the vehicle;
 - (d) the reasons why Newmar decided not to incorporate a secondary latch in certain lift-assisted cargo door systems; and
 - (e) the reasons why Newmar decided not to incorporate a warning system to alert operators of an unlatched cargo door in certain lift assisted cargo door systems.

Chronology -

8. Provide a chronology and describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions"), including, but not limited to, pre-productions tests, that relate to, or may relate to, the alleged defect in vehicles identified in response to Request No. 1 that have been conducted, are being conducted, are planned, or are being planned by, or for, Newmar, its suppliers, customers, dealers, and/or its representatives or agents since Newmar first became aware of the issue to the present date.

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 planning and for conducting the action; and
- (f) A summary of the actions, assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations and/or conclusions resulting from the action.

Provide this information in Microsoft Access 2003, Excel 2003, Word 2003 or a compatible format, entitled "PE07-061 Request Number Eight - Product Investigations & Evaluations."

Notices -

9. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Newmar 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 Newmar is planning to issue within the next 120 days.

Manufacturer's Assessment -

10. Furnish Newmar's assessment of the potential risk(s) associated with the alleged defect including:
 - (a) The failure mechanism(s) / typical sequence of events that has, or may, lead to the incomplete or partial closing and/latching of a lift-assisted cargo door;
 - (b) The risk to motor vehicle safety posed by a vehicle being operated with a lift-assisted cargo door open / raised (extended) to an approximately horizontal position;
 - (c) What warnings, if any, would be provided to (1) the vehicle operator; (2) pedestrians; and/or (3) nearby motorists that would indicate the alleged defect had occurred or was about to occur.

This letter is being sent to Newmar 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. Newmar's failure to respond promptly and fully to this letter could subject Newmar 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 \$5,000 per day, with a maximum of \$16,050,000 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 69 Fed. Reg. 57864 (Sep 28, 2004)). This includes failing to respond to ODI information requests.

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

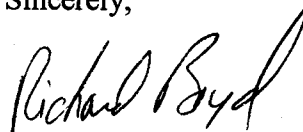
Newmar's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office **January 22, 2008**.

Please refer to PE07-061 in Newmar's response to this letter. If Newmar finds that it is unable to provide all of the information requested within the time allotted, Newmar must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If Newmar 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 Newmar then has available, even if an extension has been granted.

If Newmar 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, Newmar must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, 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**. Newmar 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.

If you have any technical questions concerning this matter, please call Mr. Tom Bowman of my staff at (202) 366-2583.

Sincerely,



Richard Boyd, Chief
Medium and Heavy Duty Vehicle Division
Office of Defects Investigation

PE07-061

Appendix A

Photographs of Newmar "Mountain Aire" Vehicle
ODI Field Survey conducted at Beckley's Camping Center
and Endless Summer RV, Frederick, MD – November 1, 2007



Photo 1 - Newmar "Mountain Aire" showing left (driver's side) forward cargo door open and retained in the near-horizontal position by the lift-assist mechanism.

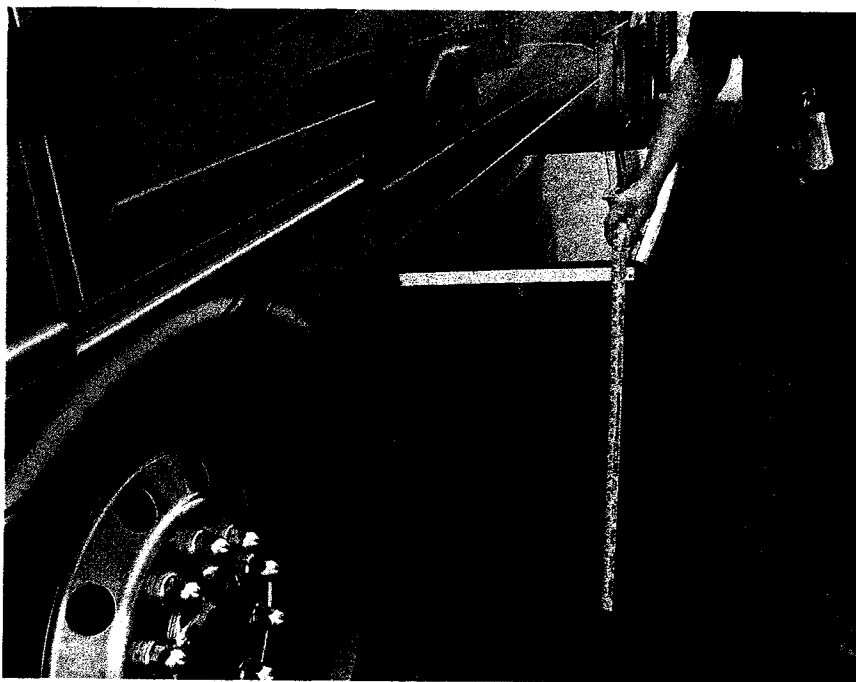


Photo 2 - Newmar "Mountain Aire" showing the open left (driver's side) forward cargo door indicating approximately 22" outward extension at a road height of approximately 33 inches.