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

1200 New Jersey Avenue SE.
Washington, DC 20590

MAY 11 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Jodi Robin
Cequent Towing Products, Inc.
39400 Woodward Ave, Suite 130
Bloomfield Hills, MI 48304

NVS-214tb
PE10-014

Subject: Hitches Manufactured by Cequent Towing Products, Inc. (formerly Reese Products, Inc.) which are the same or similar to the hitch installed on an Explorer Vehicle involved a Fatal Crash in Florida on May 7, 2006, and the subject of John A. Loyd and Doris T. Loyd vs. Robert K Billings, etal. (Circuit Court of the Second Judicial Circuit in and for Leon County, Florida; Case 2006 CA 002521) and/or Florida Highway Patrol Report No. 77002602

Dear Ms. Robin:

The purpose of this letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has initiated PE10-014 to develop preliminary information regarding the Cequent Towing Products, Inc. ("Cequent") hitch, (manufactured by the Reese Products, Inc.), allegedly involved in the above-captioned incident.

In October 2008, ODI received three essentially duplicate complaints (VOQ 10247272, 73, & 75, which were consolidated under VOQ 10247272, copy attached) informing the Agency of a fatal crash that occurred in Florida on May 7, 2006.

The complaint included a number of photographs depicting the post-crash condition of the vehicles, roadway, median, etc. At that time, ODI determined that Reese Products, Inc., the manufacturer of the incident hitch, had been sold to Cequent Towing Products, Inc. ODI contacted Ms. Tina Wertheimer of Cequent Towing Products, Inc. and notified her that ODI had received these complaints. ODI's review of the complaint-provided photographic evidence did not support opening an investigation at that time.

On April 23, 2010, ODI received a copy of a Plaintiff's Motion filed on February 12, 2010, (John A. Loyd and Doris T. Loyd vs. Robert K Billings, etal. ; Circuit Court of the Second Judicial Circuit in and for Leon County, Florida; Case 2006 CA 002521). Based on the information summarized and/or implied in this Motion, ODI is now seeking further information about the family of hitches represented by the hitch that was involved in the above-referenced crash.

In order for my staff to evaluate this issue, ODI is requesting that Cequent Towing Products, Inc. ("Cequent") provide certain information as requested below.

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

- Subject Component(s): all hitches manufactured by "Cequent" [or Reese Products, Inc., ("Reese")] that are the same as, or similar to, that involved in the above-captioned crash incident.

  The "same" hitches are those whose main body is identified with the same finished part number as the above-referenced incident hitch. [Request No. 3 below is intended to identify the specific part number of the same hitches.]

  "Similar" hitches are those hitches whose main body in manufactured from the same, predecessor, and succeeding versions of the rough casting used to manufacture the above-referenced incident hitch. [Request No. 7 below is intended to identify the specific part numbers of "similar" hitches.]

- Alleged Defect: Any cracks, fractures, or distortions of the "subject component" reported to Cequent whether or not verified.

- Cequent Towing Products, Inc. ("Cequent"): includes all of its past and present officers and employees of both Cequent Towing Products, Inc. and Reese Products, Inc., 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 Cequent (including all business units and persons previously referred to), who are or, in or after 2000 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 Cequent'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 Cequent, 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 Cequent'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 (or more current version) electronic format.

Part Identification -

This section is intended to identify the hitch assembly, base casting, and all finished (fully machined) hitch bodies by part numbers that have been manufactured from the base casting.

1. Identify the Cequent / Reese part number that designates the hitch assembly that was involved in the above-captioned crash and/or is the subject of John A. Loyd and Doris T. Loyd vs. Robert K Billings, etal; Circuit Court of the Second Judicial Circuit in and for Leon County, Florida; Case 2006 CA 002521.

2. Provide an engineering drawing that depicts the hitch assembly identified in the response to Request No 1.

3. Identify the Cequent / Reese part number that designates the finished (fully-machined) component that constitutes the main body of the hitch assembly identified in the response to Request No 1.

4. Identify the Cequent / Reese part number(s) that designate the rough (unmachined) casting that is used to manufacture the fully machined main body of the hitch assembly identified in response to Request No. 3.

5. Provide an engineering drawing that depicts the rough casting identified in the response to Request No 4.

6. Indentify by part number, all base castings that
   (a) preceded the rough casting identified in response to Request No. 4;
   (b) succeeded the rough casting identified in response to Request No. 4;
   (c) the date that each casting part number was released for production use;
   (d) the date that each casting part number was withdrawn from production;
   (e) a short description of the reason(s) that each part number was released or withdrawn.

7. List each of the "finished" part numbers that Cequent / Reese has manufactured from the base casting identified in response to Request No. 4.

8. For each part number listed in response to Request No. 7, provide a short description that explains the major features, characteristics, and/or details that distinguishes that hitch component from the other hitch components listed (i.e. what characteristics / functions / features distinguish each final "finished" component from another final "finished" components manufactured from the same base casting).

Volume Information -

9. For each of the "finished" part numbers identified in response to Request No. 7, provide a table that identifies the quantity of hitches sold by calendar year.

Provide the table in Microsoft Access or Excel 2003, or a compatible format, entitled "PE10-014, Request Number Nine – Shipping Volume Information."

Product Changes -

10. Describe all modifications or changes made by, or on behalf of, Cequent / Reese in the design, manufacture, quality control, supply, or installation of the hitch casting part number identified in response to Request No. 4 from the start of production to date. [This request does not request product change information about predecessor or successor casting part numbers. Information regarding changes affecting predecessor – successor castings has been addressed in Request No. 6.]

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 detail description of the modification or change;
(c) The reason(s) for the modification or change.

Provide the table in Microsoft Access or Excel 2003, or a compatible format, entitled "PE10-014, Request Number Ten – Product Changes."

11. State the number of each of the following, whether or not confirmed, received by Cequent / Reese, or of which Cequent / Reese is otherwise aware, which relate to, or may relate to, the alleged defect in the subject components:
    (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 Cequent's, or was, a party to the arbitration; and,
(f) Lawsuits, both pending and closed, in which Cequent's, 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 Cequent'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 "PE10-014, Request Number Eleven - Complaint Information Summary."

12. For each incident report received by Cequent / Reese, or of which Cequent / Reese is otherwise aware, whether or not confirmed, that alleges that a hitch had cracked, fractured or distorted, identify:

a. Cequent / Reese's Hitch Assembly Part Number;
b. Cequent/Reese's Hitch Main Body Finished Part Number;
c. Cequent / Reese's file number or other claim identifier used;
d. The category of the incident as identified in Request No. 11 (i.e., consumer complaint, field report, etc.);
e. The owner's name;
f. The owner's fleet address, phone number, and contact name;
g. The incident date;
h. The incident location;
i. The report or claim date;
j. The complete towing vehicle 17 digit VIN;
k. The model and model year of the towing vehicle;
l. A brief description of the incident;
m. A brief description of the alleged relationship / contribution of the hitch's malfunction to the incident;
n. Whether property damage is alleged;
o. The number of alleged injuries, if any;
p. The number of alleged fatalities, if any:

q. The whereabouts of the fractured, cracked or distorted hitch;

Provide this information in Microsoft Access or Excel 2003, or a compatible format, entitled "PE10-014, Request Number Twelve - Incident Details."

13. Describe in detail the search criteria used by Cequent to identify the claims identified in response to Request Nos. 11 and 12, 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.

14. Provide a chronology and a copy of 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 subject components identified in response to Request No. 1 that have been conducted, are being conducted, are planned, or are being planned by, or for, Reese / Cequent, its suppliers, customers, dealers, and/or its representatives or agents since Reese / Cequent 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 copy 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 "PE10-014 Request Number Fourteen - Manufacturer's Product Investigations & Evaluations."

Manufacturer's Assessment -

15. Furnish Reese / Cequent's assessment of factors that caused or contributed to the above referenced fatal crash which occurred in Florida on May 7, 2006.

16. Provide a short assessment / response to each of the following issues which were described, or alluded to, in the above-referenced plaintiff's Motion dated April 12, 2010. Each assessment/response should include
(a) a description of the issue in greater detail;
(b) a brief assessment of Cequent's assessment of the potential risk to motor safety posed by the assertion; and
(c) a brief description of the correction / resolution that Cequent implemented in response to

the stated issue.

Issue Summary:
(a) Increase in casting thickness from .37" to .50" (location unspecified)
(b) The "shim fix";
(c) Conversion to cast steel material;
(d) "250 consumer complaints" (page 27);

Notices -

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

This letter is being sent to Reese / Cequent 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. Cequent's failure to respond promptly and fully to this letter could subject Cequent 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 Cequent 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, Cequent does not submit one or more requested documents or items of information in response to this information request, Cequent 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.

Cequent's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office **June 15, 2010**.

Please refer to **PE10-014** in Cequent's response to this letter. If Cequent finds that it is unable to provide all of the information requested within the time allotted, Cequent must request an

extension from me at (202) 366-4933 no later than five business days before the response due date. If Cequent 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 Cequent then has available, even if an extension has been granted.

If Cequent 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, Cequent 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. Cequent 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,

BRUCE YORK
ACTING FOR

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

Enclosure