

## Response to PE10-045

**Subject Component: Fuel tank/Fuel pump seal**

**Alleged Defect: Fuel leak**

**Subject Motorcycle: Ducati Monster (please note that the Multistrada model motorcycles will be addressed, pursuant to agreement, by the attached RCL 10-005)**

1. State, by model and model year, the number of subject motorcycles Ducati has manufactured for sale or lease in the United States. Separately, for each subject motorcycle manufactured to date by Ducati, state the following:
  - a. Motorcycle 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 enclosed CD-ROM, titled "PE10-045 IR Attachments", for pre-formatted template illustrating the requested information format.

**Response:**

File Reference:

Production Data PE10-045 con Dealer Name.xlsx

Model: M620	Year: 2005	Number: 964
Model: M620	Year: 2006	Number: 831
Model: M695	Year: 2007	Number: 1692
Model: M695	Year: 2008	Number: 420
Model: S2R	Year: 2005	Number: 928
Model: S2R	Year: 2006	Number: 1106
Model: S2R	Year: 2007	Number: 591
Model: S2R 1000	Year: 2006	Number: 772

Model: S2R 1000	Year: 2007	Number: 806
Model: S2R 1000	Year: 2008	Number: 402
Model: S4R/S	Year: 2007	Number: 1333
Model: S4R/S	Year: 2008	Number: 393

2. State the number of each of the following, received by Ducati, or of which Ducati 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 motorcycle.
- d. Property damage claims;
- e. Third-party arbitration proceedings where Ducati is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, where Ducati 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 motorcycle 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 Ducati'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:**

File Reference:

Complaint Data (PE10-045).xlsx & FIELD REPORTS (PE10-045).xlsx

- a. Number 10
- b. Number 8
- c. None
- d. None
- e. None
- f. Ducati is aware of one pending lawsuit: Jonas Sugarman and Quang Le, on behalf of

themselves and all others similarly situated, v. Ducati North America, Inc., Case No. 5:10-cv-05246-PSG.

A first amended class action complaint was filed on January 7, 2011. The statements in the complaint are allegations which are being defended in court.

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. Ducati'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. Motorcycle owner name, address, and telephone number;
  - d. Motorcycle's VIN;
  - e. Motorcycle model year;
  - f. Motorcycle'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 enclosed CD-ROM, titled "PE10-045 IR Attachments", for pre-formatted template illustrating the requested information format.

**Response:**

Contained in Reports:

Complaint Data (PE10-045).xlsx

and

FIELD REPORTS (PE10-045).xlsx

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 Ducati used for organizing the documents.

**Response:**

Contained in attached document .pdf files (Complaint data):

18408

20202

29150

19385

21954

30747

20057

27946

31895

Contained in attached documents .doc files (Field Reports):

FR PI M696 RADN49B008193 Fuel Leak.doc

Motocorsa\_S2R1000#019417\_Fuel tank distortion.doc

Singley-MTS1000- fuel tank leak.doc

Singley-MTS1000-Fuel leak at rear mount.doc

696 - Ducati Indianaplois - Fuel tank leak.doc

FR GPMC M696 RADN09B003900 Fuel Tank.doc

Hall's\_M695\_fuel tank swelled.doc

MTS620 Fuel Tank Modesto 8-22-07.doc

Salem Ducati\_MTS620#16576\_Fuel tank deformed.doc

Singley-MTS1000- fuel tank leakflange.doc

FR M696 RADN09B005100 Fuel Tank.doc

MCC \_ S2R \_warped fuel tank.doc

MTS1100 Fuel Leak HPD 8-22-07.doc

Singley-MTS1000- fuel tank leak under the seat.doc

SFYM1100S-0811-07-00149.pdf

Ducati organized the documents in the manner submitted to NHTSA.

5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Ducati to date that relate to, or may relate to, replacement of the subject component : 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. Ducati's claim number;
- b. Motorcycle owner and telephone number;
- c. VIN;

- d. Repair date;
- e. Motorcycle 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 enclosed CD-ROM, titled "PE10-045 IR Attachments", for pre-formatted template illustrating the requested information format.

In addition to the total counts requested above, provide Ducati'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.

**Response:**

File Reference:

Warranty Data(PE10-045).xlsx

Warranty Claims:		65
Extended Warranty Claims:		None
Claims for Goodwill:		1
Field, Zone Adjustments:		None
Service/Customer satisfaction campaign:		None
Model: M620	Year: 2005	Number: 2
Model: M620	Year: 2006	Number: 6
Model: M695	Year: 2007	Number: 11
Model: M695	Year: 2008	Number: 2
Model: S2R	Year: 2005	Number: 6
Model: S2R	Year: 2006	Number: 8
Model: S2R	Year: 2007	Number: 2
Model: S2R 1000	Year: 2005	Number: 2
Model: S2R 1000	Year: 2006	Number: 8
Model: S2R 1000	Year: 2007	Number: 10
Model: S2R 1000	Year: 2008	Number: 2

Model: S4R/S

Year: 2007

Number: 4

6. Describe in detail the search criteria used by Ducati 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 motorcycle warranty coverage offered by Ducati on the subject motorcycles (i.e., the number of months and mileage for which coverage is provided and the motorcycle systems that are covered). Describe any extended warranty coverage option(s) that Ducati offered for the subject motorcycles and state by option, model, and model year, the number of motorcycles that are covered under each such extended warranty.

**Response:**

File Reference:

Warranty Labor Operation Code (PE10-045).pdf

Warranty Problem Code (PE10-045).doc

DNA\_Warranty\_(PE10-045).pdf

Search Criteria DMH:

Problem Code (es.060) with Problem Code Descriptions (es. Leakage)

Part Numbers (es. 58610372AA) with Part Description (es. SERBATOIO BENZINA ROSSO MR/S4')

Warranty coverage on all the models and models years is as per the Ducati Limited Warranty (Reference attached) 24 months unlimited mileage.

Extended Warranty Coverage options:                      None

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 Ducati 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 motorcycle preparation at the dealer location. Also include the latest draft copy of any communication that Ducati is planning to issue within the next 120 days.

**Response:**

No Applicable documents

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, Ducati. 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:**

File Reference:

Investigation about Monster fuel tank returned from USA.doc

Answer 8 Report 1.pdf

- a. Investigation about fuel tank returned from USA  
(Reference file of that name)
  - b. 1<sup>st</sup> December 2010
  - c. 10<sup>th</sup> December 2010
  - d. To investigate about alleged expansion and leakage of the above tank
  - e. Andrea Forni
  - f. Expansion was negligible and irrelevant; cases with existing leakage were resolved with adoption of X-Ring.
9. Describe all modifications or changes made by, or on behalf of, Ducati 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 motorcycle 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.

**Response:**

No modification made during production period.

10. Also, provide the above information for any modification or change that Ducati is aware of which may be incorporated into motorcycle production within the next 120 days.

**Response:**

All applicable models are out of production.

11. Identify, by subject component part number, component supplier, ship and/or sale date, and "ship-to" name and address, each subject component provided as a replacement/service part by Ducati.

**Response:**

File Reference:

Answer 11 Report 1 FKM70.45-02.pdf

X-Ring (Ducati Part number: 886.4.188.1A; Angst-Pfister part number 107.32x5.34 FKM 70.45

02) will be provided as a replacement/service part by Ducati

12. Furnish Ducati's assessment of the alleged defect, 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; and
  - e. What warnings, if any, a motorcycle owner would have that the alleged defect was about to occur.

**Response:**

a. Flatness of the surface of the fuel tank, in the area where the seal works, was insufficient for the sealing capacity of a conventional O-ring.

b. Because of insufficient flatness of the surface, also the contact pressure between O-ring and fuel tank surface is not enough to ensure perfect sealing

- c. Loss of one drop of fuel each 20 seconds (approximately)
- d. Nothing, because of the very small amount of leakage
- e. Fuel smell