EA11-005

BMW

8/5/2015

DEALER FIELD

LEGAL-SUMMARY-INFO

LEGAL ACTION

FIELD REPORTS

EA11-005

BMW

8/5/2015

DEALER-FIELD REPORTS

1041970

QC Info in process

Case no.
1041970

Subject
R53, steering, pump failed

Status date (mm/dd/yy)
9/10/02

Status
In process by tech. Office

Date created (mm/dd/yy)
9/10/02

Dealer
Assael Automotive Inc., CAR

Organization
US, CAR

Details

Reporter
Minikel, Steve

Reporter no.

VIN no. (last 7 digits)
TD54933

Vehicle identification no.
WMWRE33472TD54933

Details FBM

E series
R53

Engine
W11

Production date (mm/dd/yy)
7/6/02

Gearbox
MECH

Model
COOPER S

First registration (mm/dd/yy)
8/29/02

Engine number

Gearbox number

Country version
USA

Body
COUPE

Steering
LL

Defect

Main group
32 Steering

Subgroup
00 Steering (symptom defect codes)

Location

Module

Area
Chassis and Suspension

Customer complaint (in customer's own words)
car parked 30 minutes and caught fire

Workshop fault description and presumed cause
p/s pump connectors on pump completely melted. Engine harness and battery cable to pump melted. P/S line back to pump melted.

Work performed
Replaced parts. Frank at tech line requested parts.

Assigned report **Subject**

Previous recommendations/queries/additional information

New Additional information

EA11-005

BMW

8/5/2015

LEGAL-SUMMARY-INFO

BMW Response
to
NHTSA E11-005-Sup1
(Rev.1)
Aug 5, 2015

LEGAL SUMMARY INFO.

Parties to the action:	[redacted] / BMW of North America, LLC
Caption:	vs. BMW of North America
Court:	United States District Court / New Jersey
Docket Number:	[redacted]
Complaint Date:	October 15, 2010

Parties to the action:	[redacted] / BMW of North America, LLC
Caption:	Summons, Complaint
Court:	Fourth Judicial District Court, Hennepin County, Minnesota
Docket Number:	Unknown
Complaint Date:	April 8, 2005

EA11-005

BMW

8/5/2015

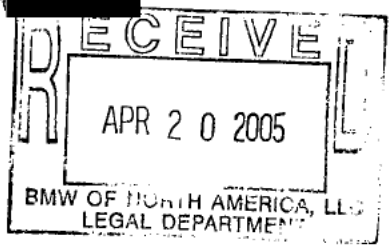
LEGAL-ACTIONS

[redacted]

CT CORPORATION
A WoltersKluwer Company

Service of Process Transmittal

04/18/2005
Log Number [redacted]



TO: BMW of North America, LLC
300 Chestnut Ridge Road
Woodcliff Lake, NJ, 07677-7731

RE: **Process Served in Minnesota**

FOR: BMW of North America, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	[redacted] Pltf. Vs BMW of North America, LLC, et al., Dfts.
DOCUMENT(S) SERVED:	Summons, Complaint, Acknowledgment
COURT/AGENCY:	Fourth Judicial District Court, Hennepin County, Minnesota, MN
NATURE OF ACTION:	Product Liability Litigation - Manufacturing Defect - 2002 Mini Cooper, VIN WMWRC33422T[redacted] Caught Fire: Relief Sought: $22,958.50
ON WHOM PROCESS WAS SERVED:	C T Corporation System Inc., Minneapolis, MN
DATE AND HOUR OF SERVICE:	By Process Server on 04/18/2005 at 15:40
APPEARANCE OR ANSWER DUE:	Within 20 Days of Service
ATTORNEY(S) / SENDER(S):	Lawrence M. Baill Yost & Baill 2050 U.S. Bank Plaza South 220 South Sixth St. Minneapolis, MN, 55402 612-338-6000
ACTION ITEMS:	SOP Papers with Transmittal, via Fed Ex 2 Day, 790492520200
SIGNED:	C T Corporation System Inc.
PER:	MaryCatherine Pavon
ADDRESS:	401 Second Avenue, South Minneapolis, MN, 55401
TELEPHONE:	612-333-4315

PROPERTY DAMAGE

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

[redacted]

Court File No. _____
Hon. _____

Plaintiff,

vs.

SUMMONS

BMW of North America, LLC, and
Motorwerks, Inc., d/b/a
Motorwerks BMW and
Motorwerks MINI,

Defendants.

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANTS, AND EACH OF YOU:

You, and each of you, are hereby summoned and required to serve upon the Plaintiff's attorney an Answer to the Complaint which is herewith served upon you, and each of you, within twenty (20) days after service of this Summons upon you, and each of you, exclusive of the day of service. If you, and each of you, fail to do so, judgment by default will be taken against you, and each of you, for the relief demanded in the Complaint. Under Minn. Stat. § 572 et seq., litigants have the right to request alternative dispute resolution.

Dated: 4/8/05

YOST & BAILL, LLP

By: _____
Lawrence M. Baill (ID #3979)
Attorneys for Plaintiff
2050 U.S. Bank Plaza South
220 South Sixth Street
Minneapolis, MN 55402
(612) 338-6000
4380M-0190

PROPERTY DAMAGE

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

[redacted]

Court File No. _____

Hon. _____

Plaintiff,

vs.

COMPLAINT

BMW of North America, LLC, and
Motorwerks, Inc., d/b/a
Motorwerks BMW and
Motorwerks MINI,

Defendants.

Plaintiff, for her Complaint against Defendants, states and alleges as follows:

I.

That at all times material herein, Plaintiff was the owner of a 2002 Mini-Cooper motor vehicle, V.I.N. WMWRC33422T[redacted] designed and manufactured by Defendant BMW of North America, LLC.

FIRST CAUSE OF ACTION

II.

That on or about June 22, 2004, Plaintiff was driving said 2002 Mini-Cooper when she heard a noise, smoke started coming into the passenger compartment, and the vehicle caught fire, causing approximately $22,958.50 in damages to the 2002 Mini-Cooper motor vehicle.

III.

That said fire and the resulting damages described hereinabove were a direct and proximate result of a manufacturing and/or design defect in said 2002 Mini-Cooper motor vehicle and/or negligent servicing of said vehicle by Defendant Motorwerks, Inc., d/b/a

Motorwerks BMW and Motorwerks MINI.

SECOND CAUSE OF ACTION

IV.

Plaintiff realleges paragraphs I through III as set forth hereinabove and incorporates said paragraphs herein by reference.

V.

That the aforementioned 2002 Mini-Cooper motor vehicle was negligently designed and/or manufactured, that BMW of North America, LLC, negligently failed to warn Plaintiff about the danger of fire associated with the use of its product; and that Defendant BMW of North America, LLC, was otherwise negligent.

VI.

That as a direct and proximate result of Defendant's negligence, Plaintiff was caused to suffer the damages set forth hereinabove.

THIRD CAUSE OF ACTION

VII.

Plaintiff realleges paragraphs I through VI as set forth hereinabove and incorporates said paragraphs herein by reference.

VIII.

That Defendant Motorwerks, Inc., d/b/a Motorwerks BMW and Motorwerks MINI negligently failed to detect and/or correct manufacturing defects in the vehicle and was otherwise negligent.

IX.

That as a direct and proximate result of Defendant's negligence, Plaintiff was caused to

suffer the damages set forth hereinabove.

FOURTH CAUSE OF ACTION

X.

Plaintiff realleges paragraphs I through IX as set forth hereinabove and incorporates said paragraphs herein by reference.

XI.

That Defendant BMW of North America, LLC, warranted that the aforementioned motor vehicle was merchantable and suitable for its intended use, and that Defendant BMW of North America, LLC, made other express and implied warranties.

XII.

That Defendant BMW of North America, LLC, breached said express and implied warranties and that as a direct and proximate result of said breach of warranties, Plaintiff was caused to suffer the damages set forth hereinabove.

FIFTH CAUSE OF ACTION

XIII.

Plaintiff realleges paragraphs I through XII as set forth hereinabove and incorporates said paragraphs herein by reference.

XIV.

That the aforementioned Mini-Cooper was unreasonably dangerous and defective, and Defendant BMW of North America, LLC, is strictly liable for the damages sustained by Plaintiff on or about June 22, 2004.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, in

the amount of $22,958.50, together with prejudgment interest thereon, her costs and disbursements herein, and for such other and further relief as the Court deems just and equitable.

Dated: 4/8/05

YOST & BAILL, LLP

By: _____
Lawrence M. Baill (ID #3979)
Attorneys for Plaintiff
2050 U.S. Bank Plaza South
220 South Sixth Street
Minneapolis, MN 55402
(612) 338-6000

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, Subd. 2, to the party against whom the allegations in this pleading are asserted. Pursuant to Minn. Stat. § 543.22, all civil cases are subject to Alternative Dispute Resolution (ADR) processes, with certain exceptions, pursuant to Rule 114 Minnesota General Rules of Practice. Further, information regarding ADR is available from the Court Administrator.

_____
Lawrence M. Baill

EA11-005

BMW

8/5/2015

LEGAL-ACTIONS

[redacted]

CT Corporation

Service of Process Transmittal

10/19/2010
CT Log Number [redacted]

TO: Howard Harris
BMW of North America, LLC
300 Chestnut Ridge Road
Woodcliff Lake, NJ 07677-7731

RE: **Process Served in New Jersey**

FOR: BMW of North America, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	[redacted] in her individual capacity and on behalf of all others similarly situated, Pltf. vs. BMW of North America, LLC, etc., et al., Dfts.
DOCUMENT(S) SERVED:	Summons, Return of Service Form, Class Action Complaint, Demand for Jury Trial
COURT/AGENCY:	District of New Jersey: United States District Court, NJ Case # [redacted]
NATURE OF ACTION:	Product Liability Litigation - Manufacturing Defect - Defective power steering systems of the Mini Cooper, model years 2002 through 2009, caused damages to Pltf.'s 2005 Mini Cooper due to a fire caused by the defect
ON WHOM PROCESS WAS SERVED:	The Corporation Trust Company, West Trenton, NJ
DATE AND HOUR OF SERVICE:	By Process Server on 10/19/2010 at 11:40
APPEARANCE OR ANSWER DUE:	Within 21 days, not counting the day you received it
ATTORNEY(S) / SENDER(S):	Donald A. Beshada, Esq. Beshada Farnese LLP 65 Route 4 East Suite 6 River Edge, NJ 07661 201-880-7030
ACTION ITEMS:	SOP Papers with Transmittal, via Fed Ex Priority Overnight , 791909243909 Image SOP Email Notification, Elizabeth Taschler elizabeth.taschler@bmwna.com
SIGNED: **PER:** **ADDRESS:**	The Corporation Trust Company Tyeasha Harris 820 Bear Tavern Road 3rd Floor West Trenton, NJ 08628
TELEPHONE:	609-538-1818

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

[redacted]
Plaintiff

V.

SUMMONS IN A CIVIL CASE

BMW OF NORTH AMERICA, LLC., ET AL.,
Defendant

CASE NUMBER [redacted]

TO: *(Name and address of Defendant):*

BMW OF North America, LLC
c/o Registered Agent
The Corporation Trust Company
820 Bear Tavern Road
West Trenton, NJ 08628

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Donald A. Beshada, Esq.
Beshada Farnese LLP
65 Route 4 East, Suite 6
River Edge, NJ 07661

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH
CLERK

Leroy Dunbar
(By) DEPUTY CLERK

[redacted]

ISSUED ON 2010-10-15 09:55:10.0, Clerk
USDC NJD

RETURN OF SERVICE

Service of the Summons and complaint was made by me (1)	DATE
NAME OF SERVER *(PRINT)*	TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____

_____

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

☐ Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

_____

_____

☐ Other (specify) : _____

_____

_____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

_____
Signature of Server

_____
Address of Server

DONALD A. BESHADA (DAB2909)
dab@beshadafarneselaw.com
BESHADA FARNESE LLP
65 Route 4 East, Suite 6
River Edge, New Jersey 07661
Telephone: (201) 880-7030
Facsimile: (201) 441-9435

MELISSA M. HARNETT
mharnett@wccelaw.com
WASSERMAN, COMDEN, CASSELMAN & ESENSTEN, L.L.P.
5567 Reseda Boulevard, Suite 330
Post Office Box 7033
Tarzana, California 91357-7033
Telephone: (818) 705-6800 • (323) 872-0995
Facsimile: (818) 345-0162

GILLIAN L. WADE
gwade@maklawyers.com
MILSTEIN, ADELMAN & KREGER, LLP
2800 Donald Douglas Loop North
Santa Monica, California 90405
Telephone: (310) 396-9600
Facsimile: (310) 396-9635

Attorneys for Plaintiff Deenie Glass and the proposed Class.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

[redacted] in her individual capacity and on behalf of all others similarly situated,

Plaintiff,

vs.

BMW of NORTH AMERICA, LLC, a New Jersey Limited Liability Company, and DOES 1-100, inclusive.

Defendant.

CASE NO:

CLASS ACTION COMPLAINT FOR DAMAGES AND EQUITABLE RELIEF

JURY TRIAL DEMANDED

Plaintiff [redacted] individually and on behalf of all others similarly situated, hereby alleges against Defendants BMW of North America, LLC and Does 1-100 (sometimes collectively referred to herein as "BMW" or "Defendants") and states as follows:

NATURE OF THE ACTION

1. This action arises from material omissions in Defendants' advertising about the design and manufacture of the Mini Cooper brand automobiles, model years 2002 through 2009 (sometimes referred to as "the Vehicles"), which have a dangerously defective power steering system.

2. The defect manifests without warning, renders the Vehicle virtually uncontrollable in traffic and starts a potentially catastrophic fire in the engine compartment.

3. This action seeks damages and equitable relief on behalf of a proposed nation-wide class against Defendants for failing to disclose and/or concealing a known safety defect in its advertising for the Mini Cooper brand vehicle. Plaintiff sues Defendants to halt their fraudulent, false and misleading omissions in violation the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1, *et seq.* (the "CFA") and New Jersey common law.

4. Plaintiff is informed and believes that Defendants have marketed and advertised the Mini Cooper in state and local advertising campaigns in various media, including but not limited to, television, radio, newspapers, magazines, direct mail, billboards and on-line websites.

5. Defendants market their Mini Coopers as having impeccable reliability, durability, longevity, and safety. For instance, in 2004, ads appearing in major national publications for the Mini Cooper stated "Rated 4 stars in recent crash tests. MINI is ready to serve and protect." Statements on its website www.minusa.com tout the Mini Cooper's technologically advanced power steering as, "A powerful ally in the war against loss-of-control." Defendants use safety representations like these as justification for selling Mini Coopers at a higher price than rival automobiles.

6. Plaintiff is informed and believes that Defendants' representations are false, misleading and deceptive and that Defendants omitted and/or concealed material facts.

Specifically, Defendants failed to tell consumers that the Mini Cooper has an inherent defect that compromises and diminishes the quality, safety, durability, craftsmanship and performance of the Mini Cooper.

7. Defendants' misrepresentations and knowing omissions induced consumers to purchase the Mini Cooper. Plaintiff and the proposed Class relied upon the misrepresentations, omissions, concealments and false representations in purchasing their vehicles.

8. Plaintiff is informed and believes that the defect in the Vehicle causes, among other things, the complete loss of power steering and control of the Vehicle while it is in motion. The defect often results in the ignition of a fire in the engine compartment of the vehicle. Plaintiff is informed and believes that the defect manifests in the steering pump of the vehicle. The foregoing shall hereinafter be referred to as the "Defect."

THE PARTIES

9. Plaintiff [redacted] is, and at all times relevant hereto was, an individual residing in the State of California. [redacted] purchased her used model year 2005 Mini Cooper in or about September 2009 from The Car Factory in Van Nuys, California. In doing so, Plaintiff [redacted] reasonably relied upon and believed the claims in Defendants' Mini Cooper advertising.

10. Plaintiff is informed and believes and thereon alleges that Defendant BMW of North America, LLC, is a limited liability company, with its principal place of business located a[redacted] Woodcliff Lake, New Jersey[redacted], and doing business in the state of New Jersey. Plaintiff is informed and believes that BMW is responsible for the manufacture, importation, distribution, marketing and sale of all 2002-2009 Mini Coopers in the United States.

11. The true names and capacities, whether individual, corporate, associate or otherwise of certain manufacturers, distributors and/or their alter egos sued herein as DOES 1 through 100 inclusive are presently unknown to Plaintiff who therefore sue these Defendants by fictitious names. Plaintiff will seek leave of this Court to amend the Complaint to show their true names and capacities when the same have been ascertained. Plaintiff is informed and believes and thereon alleges that DOES 1 through 100 were authorized to do and did business in

New Jersey. Plaintiff is further informed and believes and thereon alleges that DOES 1 through 100 were and/or are, in some manner or way, responsible for and liable to Plaintiff for the events, happenings, and damages hereinafter set forth below.

12. Plaintiff is informed and believes and thereon alleges that at all times relevant herein each of the Defendants was the agent, servant, employee, subsidiary, affiliate, partner, assignee, successor-in-interest, alter ego or other representative of each of the remaining Defendants and was acting in such capacity in doing the things herein complained of and alleged.

13. In committing the wrongful acts alleged herein, Defendants planned and participated in and furthered a common scheme by means of false, misleading, deceptive and fraudulent representations to induce members of the public to purchase the Vehicles. Defendants participated in the making of such representations in that each did disseminate or cause to be disseminated said misrepresentations.

14. Defendants, upon becoming involved with the manufacture, advertising, and sale of the Vehicles, knew or should have known that the claims about the Vehicles were false, deceptive and misleading. Indeed, since the first time that the Vehicles were advertised, Defendants, individually and/or collectively, have been aware that the disclaimers, warnings and explanations about the Vehicles failed to contain material information relevant to consumers (such as, for example, the fact that the power steering can suddenly fail causing smoke and flames in the engine compartment). In doing so, Defendants affirmatively withheld and misrepresented critical information about the Vehicles, in order to convince the public to purchase and drive the Vehicles, resulting in profits to Defendants, all to the damage and detriment of the consuming public.

15. Thus, in addition to the wrongful conduct herein alleged as giving rise to primary liability, Defendants further aided and abetted and knowingly assisted each other in breach of their respective duties and obligations as herein alleged.

JURISDICTION AND VENUE

16. This court has original jurisdiction over this class action pursuant to 28 U.S.C.

Section 1332(d) ("Class Action Fairness Act"), in that the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs, there are at least one hundred members of the proposed class, and at least one member of the proposed class is a citizen of a different state than Defendants.

17. This court has personal jurisdiction over the named Defendant, as the Plaintiff is informed and believes that Defendant BMW resides in this District and operates its principle place of business in this District.

18. Venue in this Court is proper under 28 U.S.C. Section 1391(a) and (c), because the named Defendant resides in this District, and many of the unlawful acts by Defendant giving rise to the claims of Plaintiff occurred in this District.

FACTS COMMON TO ALL CAUSES OF ACTION

19. Plaintiff is informed and believes that internal BMW documents acknowledge problems with the power steering and/or power steering pump in the Vehicles contemporaneously with the initial sales period for the Vehicles. For instance, in April 2007, in response to numerous complaints about loss of power steering and fires in the just the 2002-2003 Mini Coopers, the National Highway Transportation and Safety Agency ("NHTSA") opened an investigation (#PE07022). BMW responded in a letter to NHTSA with considerable familiarity with the defect, an internal record of complaints, and knowledge the defect's primary cause was an insufficient seal of the power steering pump ground cable at its attachment to the chassis. BMW stated that water ingress could occur which corrodes the power steering pump power cable connector. This corrosion could lead to a "high thermal load condition" resulting in "localized smoldering" and "a loss of power steering assist."

20. According to the letter from BMW, between February and April 2002, the car manufacturer implemented three design and production changes to address the defect. Although NHTSA upgraded the investigation to an engineering analysis in response to its early findings and received over 32 complaints of fire and power steering loss, it closed the investigation -- just 4 months after the start -- citing inconclusive findings. NHTSA was careful to note, however,

that "the closing of this investigation does not constitute a finding by NHTSA that a safety-related defect does not exist."

21. Defendant BMW's claimed fixes appear to not have done much at all since NHTSA recently saw the need to open a new investigation (#PE10-038) into the power steering of Mini Coopers, but now for the later 2004-2005 models. NHTSA opened its new investigation on September 28, 2010 in response to 54 complaints regarding power steering and/or steering pump failure in the 2004-2005 models of the Mini Cooper. NHTSA's initial investigative report noted, "When the power steering assist stops working it requires increased force to steer the vehicle. Some drivers reported experiencing difficulty while trying to steer or control the vehicle."

22. The persistence of the Defect is limited to the 2004-2005 models of the Mini Cooper. Complaints filed with NHTSA about fires and/or steering problems resulting from this Defect persist for Mini Coopers model years 2002 through 2009. For those model years, there are a total of 77 complaints of power steering loss, 36 of which are directly attributed to steering pump failure. Additionally, there were 18 complaints of engine fires, of which 8 explicitly attributed the fire to power steering failures. The following is a small sample of those complaints:

2002 Model Year

Make : MINI **Model** : COOPER **Year** : 2002

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire** : Yes **Number of Injuries:** 0

ODI ID Number : 10294527 **Number of Deaths:** 0

Date of Failure: November 16, 2009

VIN : WMWRC33442T...

Component: STEERING

Summary:

2002 MINI COOPER, POWER STEERING PUMP SHORTED OUT CAUSING A SMALL FIRE WHICH DESTROYED THE PUMP,FAN,WIRING HARNESS,POWER STEERING LINE. CAR HAD LESS THAN 50,000 MILES ON IT. COST OF REPAIR OVER 1200 DOLLARS. *TR

Make : MINI **Model :** COOPER **Year :** 2002

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** No **Number of Injuries:** 0

ODI ID Number : 10249570 **Number of Deaths:** 0

Date of Failure: November 21, 2008

VIN : WMWRC33402T...

Component: STEERING

Summary:

MY 2002 MINI COOPER ELECTROHYDRAULIC POWER STEERING (EHPS) PUMP WILL NOT SHUT OFF CAUSING ASSOCIATED WIRING TO BECOME DANGEROUSLY HOT (SMELLS LIKE AN ELECTRICAL FIRE). THIS IS A COMMON PROBLEM WITH THE MINI COOPER AND THERE NEEDS TO BE A RECALL. I AM TRYING TO FIGURE OUT HOW TO KEEP MY MINI FROM CATCHING FIRE. *TR

2003 Model Year

Make : MINI **Model :** COOPER **Year :** 2003

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10264037 **Number of Deaths:** 0

Date of Failure: April 2, 2009

VIN : WMWRC33423T...

Component: ELECTRICAL SYSTEM

Summary:

SPONTANEOUS ENGINE BAY FIRE IN 2003 MINI COOPER WITH 60,000 MILES. VEHICLE WAS DRIVEN NORMALLY TO WORK, TURNED OFF, PARKED, LOCKED AND LEFT. UNATTENDED CAR CAUGHT FIRE SEVERAL MINUTES LATER. SEATTLE CITY FIRE DEPARTMENT RESPONDED TO EMERGENCY CALL, BUT FIRE SELF-EXTINGUISHED WITHIN 10 MINUTES. SOOT COVERED ENGINE BAY AND ACRID SMOKE PERMEATED VEHICLE. INSPECTION REVEALED MELTED CONNECTION BETWEEN WIRING HARNESS AND POWER STEERING PUMP, REQUIRING REPLACEMENT OF PUMP, COOLING FAN, WIRING AND OTHER PARTS. INTERNET COMMUNITIES OF MINI OWNERS CONTAIN NUMEROUS REPORTS OF SUDDEN ENGINE BAY FIRES IN 2002 AND 2003 MINI COOPERS CAUSED BY ELECTRICAL SHORTS LINKED TO FAULTY POWER STEERING PUMPS OR FANS. FREQUENTLY THESE FIRES OCCUR AFTER THE CAR HAS BEEN SWITCHED OFF. THEY ALWAYS RESULT IN MODERATE VEHICLE DAMAGE AND MAJOR REPAIR COSTS (MINE IS ESTIMATED @ $1,600). OCCASIONALLY THEY RESULT IN TOTAL VEHICLE LOSS AND / OR ADDITIONAL PROPERTY DAMAGE. HAD THIS FIRE OCCURRED IN MY HOME GARAGE AT NIGHT THE RESULTS COULD HAVE BEEN CATASTROPHIC; IF THIS KIND OF INCIDENT (SUDDEN POWER STEERING PUMP FAILURE + ELECTRIC FIRE) WERE TO OCCUR ON A FREEWAY AT SPEED IT COULD EASILY RESULT IN FATALITIES. BMW / MINI USA HAS REPORTEDLY QUIETLY REIMBURSED INDIVIDUAL OWNERS WHO HAVE SUFFERED SPONTANEOUS FIRES, BUT HAS NOT ACKNOWLEDGED THE WIDESPREAD NATURE OF THE PROBLEM -- WHICH IS RIDICULOUS. AS I DISCOVERED WHILE RESEARCHING MY INCIDENT, IF YOU GOOGLE "MINI COOPER FIRE" OR "MINI POWER STEERING PUMP FAILURE" YOU GET A RASH OF THESE REPORTS. APPARENTLY NHTSA INVESTIGATED MINI ENGINE BAY FIRES IN 2006-2008 AND DISMISSED

THE PROBLEM, ALLUDING ONLY TO THE CHANCE OF SOME "LOCALIZED SMOLDERING." THIS IS IRRESPONSIBLE -- MY MINI WAS BILLOWING ACRID BLACK SMOKE AND COULD EASILY HAVE BURNED OUT, TAKING OTHER CARS ON THE PARKING DECK WITH IT. SHOCKING THAT THIS MAJOR, DANGEROUS VEHICLE DEFECT HAS BEEN IGNORED. I AM ONE OF MANY VICTIMS. PLEASE REOPEN THIS INVESTIGATION INTO MINI FIRES. THANK YOU. *TR

Make : MINI **Model :** COOPER S **Year :** 2003

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10259432 **Number of Deaths:** 0

Date of Failure: December 5, 2008

VIN : WMWRE33433T...

Component: ELECTRICAL SYSTEM

Summary:

I PURCHASED MY '03 MINI COPPER S WITH 49K FROM A HONDA IN MECHANICSBURG, PA DEALER IN AUGUST. IN DECEMBER, I PURCHASED TIRES AND THEN WENT TO A SELF-SERVICE CARWASH AFTERWARD. WHEN I GOT HOME AND BEFORE I PUT IT IN THE GARAGE, I TOOK OUT THE HOSE AND WASHED OFF THE WHEELS AND UNDER THE CAR. DURING THE PROCESS THERE WAS WHITE SMOKE, WHICH I THOUGHT WAS STEAM FROM THE WATER HITTING THE MANIFOLD. I PUT THE CAR IN THE GARAGE AND LATER WHEN MY WIFE CAME HOME SHE COMMENTED ON THE SMOKE AND MIST IN THE GARAGE (IT WAS QUITE COLD THAT NIGHT) THE NEXT DAY WHEN I PULLED THE CAR OUT, THE STEERING WAS VERY STIFF AND I ONLY DROVE IT OUT THE DRIVEWAY AND ON THE ROAD BEFORE I REALIZED THE POWER STEERING WAS COMPLETELY OUT. I DROVE IT ABOUT 15 MILES TO THE DEALER AFTER CHECKING FUSES AND DETERMINING THAT THE PROBLEM WAS BEYOND MY MECHANICAL SKILLS. THE POWER STEERING PUMP, FAN AND HARNESS WERE REPLACED ALONG WITH THE BATTERY (SHORTED OUT). INSURANCE ADJUSTERS FROM HONDACARE (EXTENDED WARRANTY), STATE FARM INSURANCE COMPANY (MY COMPREHENSIVE INSURANCE) AND THE DEALERSHIP DETERMINED THAT THE POWER STEERING PUMP HAD CAUGHT FIRE. THEIR CONJECTURE WAS THAT I HAD PUT OUT THE FIRE WITH THE HOSE WHEN I SPRAYED UNDER THE CAR. HONDA CARE PAID $1999 FROM EXTENDED WARRANTY FOR THE POWER STEERING PUMP, BATTERY, POWER STEERING HARNESS AND FAN. A TOTAL OF $2700 ADDITIONAL FROM STATE FARM COMPREHENSIVE INSURANCE (HONDACARE EXTENDED WARRANTY WOULD NOT COVER HARNESS, TOWING AND DIAGNOSTIC WORK FROM THE MINI DEALER IN MARYLAND, ETC BECAUSE THEY WERE THE RESULT OF DAMAGE CAUSED BY THE POWER STEERING PUMP FIRE); STATE FARM INSURANCE WAS EXCEPTIONAL AND COVERED THE DIFFERENCE WITH COMPREHENSIVE COVERED. THE PARTS ARE NOT AVAILABLE AT THIS TIME BUT I WAS TOLD THAT THERE ARE REPORTS INCLUDING PICTURES FROM ADJUSTERS AT HONDACARE AND FROM STATE FARM INSURANCE *TR

Make : MINI **Model :** COOPER S **Year :** 2003

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10294721 **Number of Deaths:** 0

Date of Failure: December 6, 2009

VIN : Not Available

Component: STEERING

Summary:
MY 2003 MINI COOPER S SPONTANEOUSLY CAUGHT FIRE WHILE PARALLEL PARKING IN LOS ANGELES, CA. THE POWER STEERING PUMP FAILED, A FIRE SHORTLY FOLLOWED. THE LOS ANGELES FIRE DEPT WAS PHONED. CAR NEEDED TO BE TOWED. *TR

Make : MINI **Model :** COOPER S **Year :** 2003

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10272940 **Number of Deaths:** 0

Date of Failure: May 31, 2009

VIN : WMWRE334X3T...

Component: STEERING

Summary:
TOOK 2003 MINI COOPER S TO PERFORMANCE DRIVING SCHOOL AND HAD POWER STEERING PUMP CATCH ON FIRE. *TR

Make : MINI **Model :** COOPER S **Year :** 2003

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10294238 **Number of Deaths:** 0

Date of Failure: October 31, 2009

VIN : Not Available

Component: STEERING:HYDRAULIC POWER ASSIST:PUMP

Summary:
TL*THE CONTACT OWNS A 2003 MINI COOPER S PURCHASED NEW. HE STATED WHILE TRAVELING AT SPEEDS OF LESS THAN 65 MPH, THE VEHICLE BEGAN PULLING TO THE RIGHT. SHORTLY AFTER THAT THE BATTERY CHARGING WARNING LIGHT ILLUMINATED AND THE CONTACT IMMEDIATLEY SMELLED A BURNING ODOR. HE PULLED OVER AND FOUND THERE WAS A FIRE COMING FROM UNDER THE HOOD. THE FIRE DEPARTMENT ARRIVED SHORTLY AFTER HOWEVER HE HAD ALREADY EXTINGUISHED THE FIRE. THE INSURANCE COMPANY AND MECHANIC DETERMINED THE FIRE WAS A RESULT OF A FAULTY POWER STEERING PUMP COOLING FAN. THE VEHICLE WAS REPAIRED UNDER HIS INSURANCE COMPANY. THE FAILURE AND CURRENT MILEAGES WERE UNDER 88,000.THE VIN WAS NOT AVAILABLE.

2004 Model Year

Make : MINI **Model :** COOPER **Year :** 2004

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10304012 **Number of Deaths:** 0

Date of Failure: January 24, 2010

VIN : Not Available

Component: ELECTRICAL SYSTEM

Summary:
2004 MINI COOPER- 50K MILES- POWER STEERING FAN / MOTOR FAILURE LEADING TO ELECTRICAL SYSTEM MALFUNCTION, HEAT/FIRE DAMAGE RESULTING IN INABILITY TO TURN OFF ENGINE. *TR

2005 Model Year

Make : MINI **Model :** COOPER **Year :** 2005

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10277454 **Number of Deaths:** 0

Date of Failure: July 18, 2009

VIN : WMWRC33565T...

Component: STEERING:ELECTRIC POWER ASSIST SYSTEM

Summary:
TL*THE CONTACT OWNS A 2005 MINI COOPER. WHILE PARKED OUTSIDE OF A RETIREMENT CENTER, THE CONTACT WAS INFORMED THAT HIS VEHICLE WAS ON FIRE. THE FIRE DEPARTMENT EXTINGUISHED THE FIRE AND UNPLUGGED THE BATTERY BECAUSE T APPEARED TO BE AN ELECTRICAL FIRE. THE VEHICLE IS CURRENTLY PARKED AT THE CONTACT'S RESIDENCE. THROUGH RESEARCH, THE CONTACT DISCOVERED THAT THE FAILURE WAS DUE TO THE ELECTRICAL POWER ASSIST ON HIS RACK AND PINION. THE MANUFACTURER WAS AWARE OF THE FAILURE, BUT THERE WERE NO RECALLS AVAILABLE. THE CONTACT BELIEVES THAT THE FAILURE WAS DUE TO A MANUFACTURER DEFECT AND A RECALL SHOULD BE ISSUED. THERE WERE NO INJURIES. THE CURRENT AND FAILURE MILEAGES WERE 85,000.

Make : MINI **Model :** COOPER S **Year :** 2005

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10289439 **Number of Deaths:** 0

Date of Failure: October 22, 2009

VIN : WMWRE33585T...

Component: ELECTRICAL SYSTEM

Summary:
2005 MINI COOPER S. APPROXIMATELY 63,000 MILES. OCTOBER 22, 2009. I HAD JUST GOTTEN HOME FROM WORK AND PARKED IN THE GARAGE. GOING IN THE HOUSE I SMELLED SOMETHING BURNING. AFTER A COUPLE MINUTES OF INVESTIGATING IN THE HOUSE, I DECIDED TO GO BACK INTO THE GARAGE, AND FIND THAT IT IS A LITTLE SMOKEY. I OPEN THE GARAGE DOOR AND BACK THE MINI OUT ONTO THE DRIVEWAY. NOW THERE IS SMOKE STREAMING FROM UNDER THE HOOD. I CAN HEAR SPINNING/CLICKING NOISES COMING FROM THE ENGINE COMPARTMENT. I OPEN THE HOOD AND SEE

FLAMES COMING OUT OF THE BACK OF THE ENGINE, BELOW THE EXHAUST MANIFOLD. I EMPTIED 3 FIRE EXTINGUISHERS INTO THE ENGINE BAY AND IT WAS STILL BURNING. CALLED 911 BY THE TIME THE FIRE DEPARTMENT CAME, THE FIRE HAD BURNED ITSELF OUT. I WAS EXTREMELY FORTUNATE THAT I WENT BACK INTO THE GARAGE WITHIN MINUTES TO INVESTIGATE, OTHERWISE IT COULD'VE BEEN A HUGE CAR FIRE AND POTENTIALLY FIRE DAMAGE TO THE GARAGE AND HOUSE AS WELL. *TR

Make : MINI **Model :** COOPER S **Year :** 2005

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10313775 **Number of Deaths:** 0

Date of Failure: January 31, 2010

VIN : Not Available

Component: STEERING

Summary:

OWNER PARKED MINI COOPER AT STORE WENT INSIDE. WHILE IN STORE, HEARD OVER INTERCOM THAT HER VEHICLE WAS ON FIRE. SHE WENT OUTSIDE AND SAW FLAMES UNDERNEATH FRONT OF VEHICLE. FIRE WENT OUT BEFORE FIRE DEPARTMENT ARRIVED. INVESTIGATION FOUND THAT ELECTRO-HYDRAULIC POWER STEERING SYSTEM WIRING HAD OVERHEATED AND BURNED ONLY - NOTHING ELSE IGNITED. THE DAMAGE WAS CONSISTENT WITH THE PREVIOUS EA ANALYSIS EA07-011 PERTAINING TO 2002-2003 MINI COOPERS. *TR

Make : MINI **Model :** COOPER S **Year :** 2005

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10247513 **Number of Deaths:** 0

Date of Failure: October 30, 2008

VIN : WMWRE33525T...

Component: ELECTRICAL SYSTEM

Summary:

AUTO WAS PARKED IN DRIVEWAY AFTER A 30 MILE DRIVE, TURNED OFF AND KEYS REMOVED. AFTER SOME TIME BEING PARKED, CAR STARTED BILLOWING SMOKE FROM UNDER THE HOOD. DASH LIGHTS CAME ON, PARKING LIGHTS CAME ON SPONTANEOUSLY. NO KEYS PRESENT IN THE VEHICLE. BEFORE I WAS ABLE TO DISCONNECT THE BATTERY THE APPARENT SHORT CIRCUIT HAD DRAINED THE BATTERY. VEHICLE WAS TOWED TO MINI OF PEABODY MA WHERE IT WAS DETERMINED THE ELECTRO-HYDRAULIC POWER STEERING PUMP HAD SHORTED OUT CAUSING THE WIRING HARNESS TO BE DESTROYED AND ALSO DESTROYING THE BATTERY. *TR

2006 Model Year

Make : MINI **Model :** COOPER **Year :** 2006

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** No **Number of Injuries:** 0

ODI ID Number : 10308969 **Number of Deaths:** 0

Date of Failure: February 4, 2010

VIN : Not Available

Component: STEERING

Summary: POWER STEERING PUMP FAILURE @ 49,000 MILES. *TR

2008 Model Year

Make : MINI **Model :** COOPER S **Year :** 2008

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10314796 **Number of Deaths:** 0

Date of Failure: September 4, 2009

VIN : WMWMF735X8T...

Component: ELECTRICAL SYSTEM

Summary:

2008 MINI COOPER S CAUSES FIRE WHILST PARKED IN THE GARAGE AT 2AM, BURNS DOWN ANOTHER CAR AND PROPERTY. THE SUGAR LAND, TEXAS FIRE DEPARTMENT REPORTS THE CAUSE OF ORIGIN OF THE FIRE IS SUSPECTED FROM MINI COOPER. *TR

Make : MINI **Model :** COOPER S CONVERTIBLE **Year :** 2008

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10286597 **Number of Deaths:** 0

Date of Failure: October 3, 2009

VIN : WMWRH33578T...

Component: ENGINE AND ENGINE COOLING

Summary:

TL* THE CONTACT OWNS A 2008 MINI COOPER S CONVERTIBLE. WHILE PARKED IN THE GARAGE OVERNIGHT, THE VEHICLE CAUGHT ON FIRE. THE FIRE DEPARTMENT EXTINGUISHED THE FLAMES. THE INSURANCE COMPANY WAS IN THE PROCESS OF INVESTIGATING THE FAILURE. HE FILED A COMPLAINT WITH THE MANUFACTURER. THE FAILURE MILEAGE WAS 9,000.

Make : MINI **Model :** COOPER S CLUBMAN **Year :** 2008

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire :** Yes **Number of Injuries:** 0

ODI ID Number : 10310677 **Number of Deaths:** 0

Date of Failure: November 3, 2009

VIN : WMWMM33598T ..

Component: ENGINE AND ENGINE COOLING

Summary:
MY 2008 MINI CLUBMAN S WAS PARKED AT THE POST OFFICE, WHEN SOMEONE CAME IN TO TELL ME MY CAR WAS ON FIRE. I RAN OUTSIDE TO FIND SMOKE POURING FROM UNDER THE HOOD, AND CALLED THE FIRE DEPARTMENT. I RAN BACK INSIDE TO GET A FIRE EXTINGUISHER, AND CAME BACK OUT TO FIND FLAMES COMING OUT FROM UNDER THE HOOD, ALONG WITH THE SMOKE. I EMPTIED THE EXTINGUISHER, BUT THE FLAMES KEPT COMING. BY THE TIME THE FIRE DEPARTMENT ARRIVED, ONLY FIVE MINUTES LATER, THE FLAMES WERE 12 FEET HIGH, AND THE CAR WAS TOTALED. I HAVE FOUND REPORTS OF AT LEAST 30 OTHER SIMILAR INCIDENTS OF MINIS SPONTANEOUSLY COMBUSTING, BUT THE MANUFACTURER HAS, AS FAR AS I KNOW, DONE NOTHING TO CORRECT THE PROBLEM. *TR

Make : MINI Model : COOPER S Year : 2008

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No Fire : Yes Number of Injuries: 0

ODI ID Number : 10286663 Number of Deaths: 0

Date of Failure: October 2, 2009

VIN : Not Available

Component: ENGINE AND ENGINE COOLING

Summary:
2008 MINI COOPER S SPONTANEOUS ENGINE FIRE 10/02. I HAD JUST RETURNED HOME FROM WORK AND I HAD DRIVEN THE CAR FOR ABOUT 45MINS AND THEN 10MINS AFTER SHUTTING THE CAR DOWN A FIRE HAD STARTED IN THE ENGINE COMPARTMENT. *TR

2009 Model Year

Make : MINI Model : COOPER S Year : 2009

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No Fire : Yes Number of Injuries: 0

ODI ID Number : 10335450 Number of Deaths: 0

Date of Failure: June 5, 2010

VIN : WMWMF73599T..

Component: ELECTRICAL SYSTEM

Summary:
2009 MINI COOPER S. DROVE CAR 20KM TO LOCAL MALL. CAME OUT TO RETRIEVE WALLET FROM GLOVE BOX AFTER BEING IN MALL FOR APROXIMATELY 20MIN. CAR WAS COMPLETELY ENGULFED IN FLAMES. FIRE DEPARTMENT SAID IT WAS AN ELECTRICAL FIRE THAT MOST LIKELY STARTED IN THE DASHBOARD SOMEWHERE. NO WARNING SIGNS OF IMMINENT DANGER ON MY DRIVE TO THE MALL. CAR ONLY SERVICED AT AUTHORIZED BMW/MINI DEALERSHIP. 30K KMS ON CAR. CAR IS COMPLETELY DESTROYED.

Make : MINI **Model : COOPER S CLUBMAN** **Year : 2009**

Manufacturer : BMW OF NORTH AMERICA, LLC

Crash : No **Fire : Yes** **Number of Injuries: 0**

ODI ID Number : 10346542 **Number of Deaths: 0**

Date of Failure: June 26, 2010

VIN : WMWMM335X9T...

Component: UNKNOWN OR OTHER

Summary:

I PARKED MY 2009 MINI CLUBMAN AAFTER DRIVING ABOUT 10 MILES TO THE GROCERY STORE ROUND TRIP AND UNLOADED GROCERIES, WENT BACK OUT TO THE CAR AND IT WAS SMOKING WHITE SMOKE. FLAMES STARTED SHOOTING UP FROM THE ENGINE OVER THE WINDSHIELD AND IT PROGRESSED FROM THERE. THE SMOKE TURNED BLACK ALL WINDOWS WERE BLOWN OUT, FRONT TIRES MELTED AND BLOWN AND THE CAR WAS DECLARED AN OBVIOUS TOTAL LOSS. IT CAUGHT OUR HOME ON FIRE AND HAS CAUSED MORE THAN $50,000 WORTH OF DAMAGE. PLEASE CORRECT THIS PROBLEM

23. The Defect in the 2002-2009 Mini Cooper vehicles causes safety concerns. When the defect manifested in Plaintiff's Mini Cooper, it became almost impossible to control as the steering wheel required arduous effort to turn. Coinciding with the loss of control, Plaintiff discovered that her engine was on fire. Upon mechanic's inspection, Plaintiff learned that the source of the fire and the loss of steering control was the same Defect.

24. Plaintiff is informed and believes that a motor vehicle's steering system is intended and expected to last for the life of the vehicle without the need for repair. Nonetheless, Plaintiff is informed and believes that Defendants knew that the parts affected by the Defect installed in the Mini Cooper vehicles would fail prematurely, causing complete loss of power steering and, among other things, start a fire in the engine compartment.

25. Plaintiff is informed and believes that the cost of repairing the defective vehicle's failed steering pump and fire damage is at least $1000.

26. The Mini Cooper vehicles are uniformly and inherently defective in materials, design or workmanship, and prematurely fail under ordinary driving conditions and far in advance of their expected useful life.

27. Plaintiff is informed and believes that the Defect occurs regardless of the driving

conditions or speeds at which the vehicles are driven.

28. Plaintiff is informed and believes that the Defect manifests itself in Mini Cooper vehicles that are both within and outside of Defendants' written warranties. Plaintiff is further informed and believes that Defendants purposefully conceals their knowledge of the Defect so that the normal warranty on the vehicles will expire before the vehicle's owner discovers the problem. By this deceptive practice, Defendants shift the cost of the repair from itself to the vehicle's owner.

29. Plaintiff is informed and believes that Defendants knew or should have known of the Defect before it sold its first 2002 Mini Cooper.

30. Through its words and its conduct, Defendants have actively concealed and/or intentionally failed to disclose its knowledge of the Defect from Plaintiff and the proposed Class. By engaging in such deceptive conduct, Defendants have staved off government mandated-recalls and enforcement actions.

31. Despite Defendants' knowledge of the safety Defect, Defendants continue to emphasize the safety of the Vehicles in marketing and advertising campaigns. As noted, statements on its website www.minitusa.com tout the Mini Cooper's advanced steering features as, "A powerful ally in the war against loss-of-control."

32. Despite Defendants' promise that the vehicles it manufactures are safe and technologically advanced, the Mini Cooper vehicles, as a result of the Defect, are dangerous, prematurely fail, and do not perform in accordance with the reasonable expectations of the Plaintiff and proposed Class.

33. Plaintiff seeks, on behalf of themselves and the Class as defined below, injunctive relief, vehicle repair, restitution, damages and all other appropriate relief.

34. In sum, BMW and its marketing practices are unconscionable. Plaintiff, thus, brings this action to enjoin BMW from continuing to fraudulently and deceptively market the Mini Cooper and prevent further injury to American consumers.

PLAINTIFF'S PERSONAL EXPERIENCE WITH THE DEFECT

35. On the morning of August 9, 2010, Plaintiff [redacted] lent her 2005 Mini Cooper to a friend to drive to a convenience store. At 10:15 a.m. that morning, Plaintiff received a frightened call from her friend that the vehicle had lost all steering control while it was in motion. When the vehicle returned to Plaintiff's residence a few minutes later, Plaintiff's friend described the difficulty maneuvering through traffic without power steering. Plaintiff propped open the hood and started the engine in order to inspect the vehicle. Immediately, Plaintiff could smell smoke and realized a portion of the engine was on fire. Concerned for her own safety, Plaintiff fled the vehicle.

36. After the incident, Plaintiff called Defendant BMW and explained what happened. In response, BMW refused assistance or to cover the cost of repair, and told her to have the power steering pump replaced out-of-pocket.

37. Finding her Mini Cooper too dangerous to drive after the fire subsided, Plaintiff had the vehicle towed to her regular mechanic for inspection. The mechanic found that the electrical wires connected to the power steering pump had melted, just as BMW had indicated. The mechanic found that melting electrical components started the fire in the engine compartment. Plaintiff paid $1000 out-of-pocket to replace her power steering pump and associated wiring.

38. As a result of this incident, Plaintiff continues to be hesitant to drive her automobile. An increased concern for her safety and the safety of her vehicle's occupants overcomes Plaintiff whenever she does have to drive her Mini Cooper. Since the repair, the vehicle's power steering mechanism and her overall driving experience no longer feel the same.

STATUTES OF LIMITATION

39. Any applicable statutes of limitation have been tolled by Defendants' knowing and active concealment, denial and or misleading actions with respect to the facts alleged herein. Plaintiff and the proposed Class have been kept ignorant by Defendants of vital information essential to the pursuit of these claims, without any fault or lack of diligence on their part.

Plaintiff and members of the proposed Class could not reasonably have discovered the true, latent nature of the Defect or any of the issues and facts described herein.

40. Defendants are under a continuous duty to disclose to Plaintiff and the proposed Class the true character, quality, and nature of the Vehicles, and to disclose the existence of the Defect. Defendants knowingly, affirmatively, and/or actively concealed the true character, quality, and nature of the Defect at issue. Furthermore, Plaintiff reasonably relied upon Defendants' knowing, affirmative, and/or active concealment. Based on the foregoing, Defendants are estopped from relying on any statues of limitation in defense of this action.

41. The causes of action alleged herein did or will accrue only upon discovery of the latent Defect and Defendants' fraudulent concealment thereof. Plaintiff and members of the Class did not discover, and could not have discovered through the exercise of reasonable diligence, the true nature of the Defect.

CLASS ACTION ALLEGATIONS

42. Plaintiff brings this lawsuit on behalf of herself and all other persons similarly situated.

43. The proposed Class is defined as:

> **All persons who purchased and/or leased a 2002, 2003, 2004, 2005, 2006, 2007, 2008 and/or 2009 Mini Cooper (the "Class"). Excluded from the Class are Defendants' officers, directors, and employees, and any individual who received remuneration from the Defendants to act as an endorser of the Vehicles.**

44. This nation-wide Class comprises thousands of consumers. The Class is so numerous that joinder of all members of the Class is impracticable. All of the dispositive questions of law and fact are common to the Class. The common questions include:

a. whether the Vehicles do, in fact, contain a safety defect;

b. whether Defendants failed to disclose to consumers the safety defect;

c. whether the omissions discussed above are untrue, or are misleading, or reasonably likely to deceive;

d. whether Defendants' conduct is fraudulent and/or violates public policy;

e. whether Defendants' conduct is an unlawful or an unconscionable commercial practice within the meaning of the CFA;

f. whether Defendants' knew or should have known that the representations were false;

g. whether Defendants' advertisements were part of a plan or scheme to sell the Vehicles not as advertised;

h. whether Defendants' knowingly concealed material facts for the purpose of inducing unwary consumers into spending money on the Vehicles;

i. whether Defendants were unjustly enriched by their deceptive conduct;

j. whether Defendants' breached implied warranties;

k. whether Defendants should be enjoined from making the claims at issue; and,

l. whether Plaintiff and the proposed Class are entitled to damages and restitution.

45. Plaintiff's claims are typical of the proposed Class (indeed, they are identical), and Plaintiff will fairly and adequately represent and protect the interests of the proposed Class. Plaintiff does not have any interests which are antagonistic to those of the proposed Class. Plaintiff has retained counsel competent and experienced in the prosecution of this type of litigation. The questions of law and fact common to the members of the Class, some of which are set out above, predominate over any questions affecting only individual Class members.

46. A class action is the superior method for the fair and just adjudication of this controversy. The expense and burden of individual suits makes it impossible and impracticable for members of the proposed Class to prosecute their claims individually.

47. The trial and litigation of Plaintiff's and the proposed Class' claims are manageable.

48. Defendants have acted and refused to act on grounds generally applicable to the Class, making appropriate final injunctive relief and declaratory relief with respect to the Class as a whole.

49. Unless an injunction is issued, Defendants will continue to commit the violations alleged herein, and the members of the proposed Class and the general public will continue to be misled and harmed by Defendants' conduct. Because of the small size of the individual Class members' claims, few, if any, will make claims.

50. If necessary, notice of this action may be affected to the proposed class through both publication and for certain class members, direct notice may be achieved through contact information from customer lists, which, on information and belief, are maintained by Defendants.

COUNT ONE

VIOLATION OF THE CFA, N.J.S.A. 56:8-2.

51. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs, and incorporates the same as if set forth herein at length.

52. This cause of action is brought pursuant to the CFA, on behalf of the proposed Class.

53. As noted above, the advertising of Defendants' Vehicles fail to disclose material facts in violation of N.J.S.A. 56:8-2. Defendants failure to disclose material facts is a per se violation of the CFA.

54. Defendants are aware that the claims that they make about the Vehicles , including those set forth above, are false and misleading.

55. As alleged in the preceding paragraphs, the omissions and concealment by Defendants of the material facts detailed above constitutes an unconscionable commercial practice, deception, fraud and/or knowing concealment, suppression and/or omission of material facts with the intent that others rely thereon, within the meaning of the CFA.

56. In addition, Defendants' advertising constitutes an unconscionable commercial practice, deception, fraud and/or knowing concealment, suppression and/or omission of material facts with the intent that others rely thereon, within the meaning of the CFA.

57. Pursuant to the CFA, Plaintiff and the members of the Class seek an order of this

Court enjoining Defendants from continuing to violate the CFA by, among other things, failing to reveal material facts about the Vehicles (as set forth above). Likewise, Plaintiff and the members of the Class seek an order requiring Defendants to disclose such material facts, and additionally request an order awarding Plaintiff restitution of the money wrongfully acquired by Defendants as a result of Defendants' unconscionable business practices.

58. Plaintiff and the Class have suffered ascertainable loss and have lost money as a result of Defendants' false representations. Plaintiff would not have purchased the Vehicle if she knew, among other things, that the Vehicle contained a safety defect. Plaintiff's claims are common and typical of all class members.

COUNT TWO

VIOLATION OF THE CFA, N.J.S.A. 56:8-2.2.
(By Plaintiff against Defendants)

59. Plaintiff repeats and realleges the allegations set forth in the preceding paragraphs, and incorporates the same as if set forth herein at length.

60. This cause of action is brought pursuant to the CFA, on behalf of the proposed Class.

61. By virtue of their omissions and/or efforts to conceal material facts concerning the Defect in and safety of the Mini Cooper in its advertising as noted above, the Defendants' advertisements for the Vehicles are part of a plan or scheme not to sell them as advertised in violation of N.J.S.A. 56:8-2.2. Specifically, Defendants fail to make any disclosure in their advertisements that the Vehicles possess a dangerous safety defect in its power steering.

62. Moreover, Defendants are aware that the affirmative claims that they make about the Vehicles, including those set forth above, are false and misleading. Despite Defends knowledge that the Vehicles possess the Defect, they trumpet the superior safety of the Vehicles in the public as part of a deceptive scheme to sell the Vehicles not as advertised, within the meaning of the CFA. For example, as noted above, Defendants describe Vehicles as "ready to serve and protect" and as a "powerful ally in the war against loss-of-control."

63. Defendants developed this deceptive scheme in order to induce the reliance of Plaintiff and the proposed Class into purchasing the Vehicles.

64. Pursuant to the CFA, Plaintiff seeks an order of this Court enjoining Defendants from continuing to violate the CFA by, among other things, selling the Vehicles not as advertised. Plaintiff additionally requests an order awarding Plaintiff and members of the proposed Class restitution of the money wrongfully acquired by Defendants as a result of Defendants' failure to sell the Vehicles as advertised.

65. Plaintiff and the Class have suffered ascertainable loss and have lost money as a result of Defendants' omissions, concealment and false representations. Plaintiff would not have purchased the Vehicle if she knew, among other things, that the Vehicle contained a safety defect. Plaintiff's claims are common and typical of all class members.

COUNT THREE

BREACH OF THE IMPLIED WARRANTY, N.J.S.A. § 12A:2-314
(By Plaintiff Against Defendants)

66. Plaintiff repeats and realleges all the allegations of the previous paragraphs, and incorporates the same as if set forth herein at length.

67. This cause of action is brought on behalf of the proposed Class.

68. Defendants are merchants that sold the 2005 Mini Cooper vehicle to the Plaintiff.

69. At the time of sale, the vehicle as sold contained a defect that made driving dangerous and ultimately impossible once the defect became manifest. Thus, the vehicle was totally unfit for the purpose it was intended, namely the safe transport of Plaintiff and her passengers, and was not merchantable.

70. Plaintiff suffered injury and damages as a result of the defect in that her Mini Cooper was severely damaged and lost value from the failure of the power steering and resulting fire, required expensive repairs, and now remains a source of distress while driving,

71. Plaintiff's injuries were was caused proximately and in fact by the defective nature of the vehicle;

72. Plaintiff gave notice to BMW of her injury, who refused to cover the cost of repair.

COUNT FOUR

UNJUST ENRICHMENT
(By Plaintiff Against Defendants)

73. Plaintiff repeats and realleges all the allegations of the previous paragraphs, and incorporates the same as if set forth herein at length.

74. This cause of action is brought on behalf of the proposed Class.

75. For the reasons set forth above, Defendants have profited unjustly from their sale of the Vehicles at inflated prices as a result of concealing the Defect, engaging in a and/or selling repair parts for the damage caused by the Defect.

76. Defendants have further profited unjustly by staving off government mandated-recall or enforcement actions by engaging in the deceptive conduct alleged herein.

77. By their wrongful acts and omissions described herein, Defendants have been unjustly enriched at the expense of Plaintiff and the proposed Class.

78. As a proximate result of Defendants' conduct, Defendants obtained profits by which they became unjustly enriched at the expense of Plaintiff and the proposed Class .

79. It would be unfair for Defendants to retain the profits they have unjustly earned at the expense of the Plaintiff and the proposed Class.

80. Accordingly, Plaintiff and the proposed Class seek an order establishing Defendants as constructive trustees of the profits that served to unjustly enrich them, together with interest during the period in which Defendants have retained such profits, and requiring Defendants to disgorge those profits to Plaintiff and members of the Class in a manner to be determined by the Court.

COUNT FIVE

Fraudulent Concealment/Nondisclosure
(By Plaintiff Against Defendants)

81. Plaintiff repeats and realleges all the allegations of the previous paragraphs, and

incorporates the same as if set forth herein at length.

82. As alleged in hereinabove, Plaintiff is informed and believes that: (1) Defendants were aware of the existence of a Defect in the Vehicles at least as early as 2002; (2) Defendants were aware of the safety concerns associated with power steering pump failure and resulting fire due to the Defect; and (3) Defendants failed to disclose that material information to Vehicle owners and instead advised owners to replace defective power steering pump.

83. Defendants intentionally concealed from and/or failed to disclose to Plaintiff and the proposed Class material facts regarding the Defect.

84. Defendants are under a duty to Plaintiff and the proposed Class to disclose these facts because:

a. Defendants are in a superior position to know the true character and quality of its Vehicles, and the problems with the Defect were known to Defendants to be latent; and,

b. Defendants made partial disclosures about the Vehicles, the Defect, and/or the damage caused by that Defect, while not revealing the true character, quality and/or extent of that defect.

85. Defendants fraudulently and actively concealed material facts regarding the Defect from Plaintiff and members of the proposed Class by engaging in the conduct alleged herein.

86. The facts concealed by Defendants from, and/or not disclosed to, Plaintiff and the proposed Class are material facts in that reasonable people would have considered those facts important in deciding whether or not to purchase or lease (or to pay the same price for) the Vehicles. Indeed, Plaintiff would not have purchased the Vehicle if she knew, among other things, that the Vehicle contained a safety defect.

87. Defendants intentionally concealed and/or failed to disclose the problems with the Defect for the purpose of inducing Plaintiff and the Class to act thereon.

88. Plaintiff and the Class justifiably relied to their detriment on the concealed and/or

non-disclosed facts, given that Defendants had superior knowledge of the true extent of the Defect and Plaintiff and the Class relied on Defendants' representations regarding the quality of its vehicles in making a decision to purchase the Vehicles. Had they known of the material facts regarding the true character and quality of the Vehicles, Plaintiff and Class Members would not have purchased or leased (or would have paid less for) Class Vehicles, and would not have paid for the repairs recommended and/or provided by Defendants.

89. As a direct and proximate cause of Defendants' misconduct, Plaintiff and Class Members have suffered ascertainable damages, which they are entitled to recover.

90. The conduct described herein, including but not limited to Defendants' deliberate placing of Vehicles with a material, safety-related Defect into the stream of commerce, Defendants' doing so with the intention of causing consumers to bear the cost of correcting that defect, and the lengths to which Defendants have gone to conceal the existence of that defect from the public, is oppressive, fraudulent and malicious.

91. Plaintiff, on behalf of themselves and the Class, demands judgment against Defendants for actual and punitive damages for herself and each member of the Class.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of herself and on behalf of the members of the Class defined herein, pray for judgment and relief on all Counts of the Complaint as follows:

A. An Order certifying the Class and appointing Plaintiff and her counsel to represent the Class;

B. A temporary restraining order, a preliminary injunction, and a permanent injunction enjoining Defendants, and their agents, servants, employees and all persons acting under or in concert with them, to cease and desist from selling, marketing or advertising the Vehicles without a detailed warning of the Defect;

C. An order declaring that Defendants fail to provide material information to consumers in its advertising;

D. An order requiring Defendants to pay restitution to Plaintiff and all members of

the proposed Class;

E. Damages, trebled pursuant to the CFA;

F. Punitive damages;

G. For pre-judgment interest from the date of filing this suit;

H. Reasonable attorneys' fees pursuant to the CFA;

I. Costs of this suit; and

J. Such other and further relief as the Court may deem necessary or appropriate.

DATED: October 12, 2010

BESHADA FARNESE LLP
Attorneys for Plaintiff Deenie Glass
and the Proposed Class

By: _____

DONALD A. BESHADA (DAB2909)
65 Route 4 East, Suite 6
River Edge, New Jersey 07661
Telephone: (201) 880-7030
Facsimile: (201) 441-9435

DEMAND FOR JURY TRIAL

Plaintiff [redacted] hereby demands a trial by jury of all issues so triable.

DATED: October 12, 2010

BESHADA FARNESE LLP
Attorneys for Plaintiff Deenie Glass
and the Proposed Class

By: _____

DONALD A. BESHADA (DAB2909)
65 Route 4 East, Suite 6
River Edge, New Jersey 07661
Telephone: (201) 880-7030
Facsimile: (201) 441-9435

BMW of North America, LLC

Internal Field Report

FSE Name:	JOHN LILLIG	**Customer Name:**	
Market:	44	**Customer Address:**	
Region:	C	**City:**	
Center Name :	DREYER & REINBOLD	**State:**	
Inspection Date:	06/09/2005	**Chassis:**	T[redacted]
Inspection Location:	DREYER & REINBOLD	**Model Year:**	2002
City:	INDIANPOLIS	**Model:**	COOPER US
State:		**Production Date:**	03/2002
Attachment:	Yes	**Mileage:**	31301
Defect Code:	3241	**NHTSA Code:**	01

Nature of Complaint:

FIRE UNDER HOOD OF CAR

Root Cause:

UNKOWN

Diagnostic Path:

VEHICLE WAS REPAIRED PRIOR TO MY ARRIVAL. PICTURE 001 AND 002 ARE OF THE POWER STEERING PUMP AND HARNESS. PICTURES 001 AND 002 SHOW WHERE THE FIRE ORIGINATED. THE FIRE WAS ISOLATED TO THIS AREA AND NO OTHER DAMAGE WAS OBSERVED.THE PUMP APPEARS TO HAVE GREEN/BLACK CORROSION DEPOSITS ALL AROUND THE CONNECTOR. PICTURE 003 SHOWS THE LABELS ON THE P/S PUMP. PICTURES 004 AND 005 SHOW THE INTERIOR AND UNDER THE HOOD. THE POWDER SHOWN IN 004 AND 005 WAS CAUSED BY A FIRE EXTINGUISHER.

Recommended Repair Solution:

REPLACE POWER STEERING PUMP # 32 41 6 769 759 AND HARNESS # 12 42 7 515 197. REPAIR DAMAGED WIRING NEAR PUMP.

BMW of North America, LLC **Internal Field Report**

Inspector Name	Ryan Cram
Market/Region	Western
Center Name	
Inspection Date	1/10/13
Inspection Location	IAA
City, State	Rancho Cordova, CA

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted] / R50
Model & Mileage	Cooper / unknown
Production Date	3/03

Nature of Complaint:
Fire inspection pursuant to insurance subrogation.

Root Cause:
Not yet determined.

Diagnostic Path:

I inspected the subject vehicle at IAA in Rancho Cordova, CA on January 10, 2013 at approximately 10AM. In attendance was Russ Aucker of Forensic Vehicle Investigations. The inspection was performed outside in the inspection area with a vehicle inspection rack used to assist. The weather conditions at the time of the inspection were sunny and approximately 50 degrees F.

I identified the subject vehicle by the B-pillar VIN label, photo 3

Photos 4-11 show the exterior of the subject vehicle; minimal damage to the front portion of the vehicle exterior was observed.

Photos 12-17 show the vehicle interior; no thermal activity was identified in this area.

Photos 18-23 show the engine compartment; thermal damage appears heaviest at the rear of the engine assembly. The upper portion of the Power steering reservoir appears consumed. Damage to the upper area of the air box and battery cover was observed.

Photos 24-32 show the undercarriage of the subject vehicle; power steering fluid was observed at the area of the EHPS pump assembly.

Photos 6897-6898 show the EHPS cooling fan; the wiring to the fan motor appears in good condition. Thermal damage to the connector was observed; the conductors appear in good condition with no shorting beading or excessive loading observed.

Photos 6899-6902, 2028-2038 show the damage above the EHPS prior to removal of the pump assembly.

The pump assembly was removed. The power steering feed hose was cut with a reciprocating saw. Photos 6903-6912, 2039 show the pump assembly. The wiring to the motor appears stiff when manipulated by hand. One of the terminals at the motor assembly appears damaged and has become disconnected from the motor, photo 6911.

Photos 6913-6915 show the lower area of damage with the EHPS removed; the starter motor appears in good condition with thermal impingement on the underside of the housing.

Photos 6916-6918 show the vehicle battery; the battery appears aftermarket with thermal damage to the upper areas. The terminals appear properly connected; no aftermarket connections at the battery were identified.

Photos 6919-6924 show the DME; no thermal activity at the engine control module was observed. The connectors appear in good condition and properly installed.

Photos 6925-6928 show the additional fuse holder mounted in the engine compartment; no thermal activity was observed in this area. The conductors appear in good condition with minimal smoke damage.

Photo 6929 shows the engine oil level indicated on the dipstick; the oil level appears in the normal operating range with normal color and smell.

Repair:
Not yet determined.

Attachments: Photos.

BMW of North America, LLC **Internal Field Report**

FSE Name	Ray C Sommers
Market/Region	Southern Region
Center Name	Flow MINI
Inspection Date	November 13, 2008
Inspection Location	Flow MINI
City, State	Winston Salem, NC

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Cooper S --- 54468
Production Date	12/02

Nature of Complaint:

The customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:

I arrived at Flow MINI on November 13, 2008 at 12:15 pm. It was 65 degrees and sunny. The purpose for my visit was to inspect VIN TC[redacted] for the customer complaint of fire.

When I arrived at the vehicle a visual inspection was performed. There was no visible evidence of fire on the body exterior or in the engine compartment. The engine started and ran and no warnings were illuminated in the instrument cluster. It was noted while the engine was running that the power steering did not function.

The vehicle was raised in the workshop to inspect the electronic power steering pump and cooling fan. Signs of high heat and light burning were present where the main harness plugs into the electronic power steering pump. Approximately 15 centimeters of the main wire harness that attaches to the electronic power steering pump displayed surface burning on the insulation. The electronic power steering pump cooling fan was intact and displayed no damage. The power steering fluid level was between the minimum and maximum fill lines and the fluid was clean. There was no evidence of power steering fluid leakage form the electronic power steering pump or its driven components.

Due to the damage to the electronic power steering pump and wiring electronic diagnosis was not possible.

- Photos IMG_5581, 82, 83, 84, 85, 86, 97, 88, 89, 90 and 91 are views of the damage found at the electronic power steering pump and its attaching wire harness.
- Photos 92, 96, 97 and 98 are views of the damage free engine compartment.
- Photos 93, 94 and 95 show the power steering reservoir, its fluid level and condition.
- Photos 99, 5600, 01, 02, 03, 04, 05, 06 and 07 are views of the damage free body exterior.
- Photo 08 shows the absence of warning indicators and displayed mileage.
- Photo 09 is a view of the identifying VIN sticker located inside thee driver's doorjamb.

Repair:
Not yet determined.

Attachments:
Photos

BMW of North America, LLC **Internal Field Report**

FSE Name	Ryan Cram
Market/Region	33 Western
Center Name	Long Beach BMW
Inspection Date	1-8-07
Inspection Location	Long Beach BMW
City, State	Long Beach Ca

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Cooper
Production Date	12/02

Nature of Complaint:
Customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:

I inspect the subject vehicle at Long Beach BMW on January 8, 2007. The weather conditions were sunny and approximately 75 degrees. The inspection was performed in the center's service department. I used a shop hoist to assist with the inspection of the subject vehicle.

I identified the vehicle by the B-pillar and Dashboard VIN-plate, see photo 0018. Photos 0001-0010 show the exterior of the vehicle.

Photo 0011 shows the front of the vehicle. The technician had removed the bumper cover prior to my inspection of the vehicle. The technician had stated that he removed the bumper cover to check the area for damage. No damage to the cover or surrounding area was apparent.

Photo 0012 shows the engine compartment. The battery had been removed prior to the inspection. Photos 0013-0015 show the fuse panel. The electrical harness for the EHPS motor had been removed prior to the inspection. The surrounding wiring does not appear to be damaged. I checked the 100 amp EHPS fuse and found it to not be blown with a low resistance across its terminals.

Photos 0016-0017 show the rear portion of the sub frame where the EHPS mounts. The EHPS had been removed prior to the inspection. The surrounding area does not appear to be damaged. The heat shield above the EHPS appears to have some discoloration.

Photos 0019-0020 show the interior of the vehicle. With the Battery disconnected I was unable to determine actual mileage and vehicle diagnosis.

Photo 0021-0029 show the EHPS and Harness removed from the subject vehicle. The load connection has been cut, the connector appears to be melted / stuck to the EHPS and will not release. The damage to the EHPS appears to be the greatest in-between the load and signal connectors, see photo 0028.

Photos 0030-0031 show the front and back of the front bumper cover. The cover appears to be undamaged.

Repair:
Not yet determined.

Attachments:

BMW of North America, LLC **Internal Field Report**

FSE Name	Sho Tagawa
Market/Region	35 Western
Center Name	Ralph Schomp MINI
Inspection Date	10/30/06
Inspection Location	5700 S. Broadway
City, State	Littleton, CO

Customer Name	[redacted]
Customer Address	[redacted]
City, State	Fountain, CO [redacted]
VIN/Chassis	T[redacted]
Model & Mileage	MINI Cooper 60649
Production Date	2/2003

Nature of Complaint:
Customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:
I inspected the vehicle at Ralph Schomp MINI (5700 S. Broadway, Littleton, CO 80121) on October 30, 2006 at approximately 11:30 am. Weather: Sunny, 55 degrees.

Photos 0016 – 0028 show the VIN and the exterior of the vehicle. I found no major damage in this area.

Photos 0029 – 0032 show the undercarriage. I found no major damage in this area.

Photos 0033 – 0045, 0050 and 0051 show the thermal damage of the connector/wiring harness of the Electro Hydraulic Power Steering (EHPS) Pump. This is the view from the bottom of the vehicle.
This connector contains 3 pins: KL15, KL61 and the diagnosis bus.
The diagnosis bus wire was shorted to the other wire and I couldn't read any faults with GT1.
I had to cut this line to read the faults.

Photo 0046 shows the engine compartment. I found no brake fluid leak in this area.

Photos 0047 – 0049a show the area above the EHPS pump from the engine compartment.
The rubber hose clamp was thermally damaged (please see photo 0049 and 0049a.)

Photo 0069 and 0070 show the instrument cluster with a key-on / engine off / no seat belt.
Photo 0073 and 0074 show the instrument cluster with engine running / seat belt on.
Photo 0071 shows the mileage at the inspection. The mileage was 60649 miles.

The tires were Goodyear Eagle NCT5 EMT.
The size was 195/55R16 87H for all tires.

	Left Front	Right Front	Left Rear	Right Rear
Tire production DOT	2JY2	2JY2	2JY2	2JY2
Tire pressure (bar)	2.3	2.3	2.3	2.3
Tire tread depth (mm)	6.1	6.2	6.2	6.2

The copy of the repair order and the GT1 print outs were attached.

Repair:
Not yet determined.

Attachments: RO and GT1 print outs

BMW of North America, LLC **Internal Field Report**

FSE Name	Mike Donahoe
Market/Region	41 Central
Center Name	Patrick MINI
Inspection Date	8/8/2007
Inspection Location	700 East Golf Rd
City, State	Schaumburg IL

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Cooper S 35,483
Production Date	01/2003

Nature of Complaint:
Customer questions why power steering pump failed.

Root Cause:
Not yet determined.

Diagnostic Path:

This vehicle was inspected the afternoon of August 8, 2007, inside and outside the workshop of Patrick Mini, 700 East Golf Road, Schaumburg, Illinois, 60173, on a sunny day with the ambient temperature of 82°F.

I observed the vehicle identification plate at top of dashboard. (1) I observed the B-pillar VIN plate. (2) I observed vehicle tire data plate on left B-pillar. (3) I observed the vehicle odometer. (4)

I performed a walk around the vehicle and observed no damage to exterior vehicle. (5,6,7,8) I was unable to start vehicle due to low battery voltage. I observed that alternator and ABS lights were on when vehicle was powered up. (9,10)

I observed no visible damage to engine compartment or underside of vehicle hood panel. (11,12, 13,14,15,16,17) I observed no damage to power steering pump cooling fan. (18,24,25) I observed that wiring to power steering fan is disconnected. (19,20,21,22,23) I observed that power steering pump connectors are partially consumed. (26,27,28,29,30,31) The damage is localized at the pump connector area. (32,33,34,35,36,37) The pump was removed during this inspection. (38,39,40,41) A power steering pump core was located to view connector location. (42,43,44)

I observed that the wiring connector housings on harness are consumed. The wiring insulation is consumed in the area of the pump. (45,46,47,48) The positive main power to power steering pump connector is broken off at neck of connector. (27,32) The negative connector is still attached to the pump. (36,37)

I verified fuse rating and condition in fuse panels in engine compartment and left interior kick panel. (49,50,51,52) I observed no blown fuses in either panel. The 100 amp fuseable link (FL4) under fuse panel that powers pump is blown.

I interrogated vehicle fault systems with BMW GT1 Tester. I observed no faults in DME, EGS or DSC. I am including the BMW GT1 Tester diagnostic printout with this report. (TD64174.pdf)

Pictures used in this report.

DSC00001 View of vehicle identification plate at top of dashboard.
DSC00002 View of vehicle identification plate on B-pillar.
DSC00003 View of vehicle tire information plate on B-pillar.
DSC00004 View of vehicle odometer.
DSC00005 View of front of vehicle.
DSC00006 View of left side of vehicle.
DSC00007 View of rear of vehicle.
DSC00008 View of right side of vehicle.
DSC00009 View of center speedometer.
DSC00010 View of tachometer above steering column.
DSC00011 View of engine compartment.

DSC00012 View of left side of engine compartment.
DSC00013 View of center area of engine compartment.
DSC00014 View of right side of engine compartment.
DSC00015 View of underside of vehicle hood.
DSC00016 View of left underside of vehicle hood.
DSC00017 View of right underside of vehicle hood.
DSC00018 View of power steering pump fan.
DSC00019 View of power steering pump.
DSC00020 View of power steering pump.
DSC00021 View of power steering pump.
DSC00022 View of power steering pump.
DSC00023 View of power steering pump.
DSC00024 View of power steering pump fan.
DSC00025 View of power steering pump fan.
DSC00026 View of power steering pump.
DSC00027 View of power steering pump, wiring, and connectors.
DSC00028 View of power steering pump, wiring, and connectors.
DSC00029 View of power steering pump, wiring, and connectors.
DSC00030 View of power steering pump, wiring, and connectors.
DSC00031 View of power steering pump.
DSC00032 View of power steering pump, wiring, and connectors.
DSC00033 View of power steering pump, wiring, and connectors.
DSC00034 View of power steering pump, wiring, and connectors.
DSC00035 View of power steering pump, wiring, and connectors.
DSC00036 View of power steering pump, wiring, and connectors.
DSC00037 View of power steering pump, wiring, and connectors.
DSC00038 View of power steering pump.
DSC00039 View of power steering pump.
DSC00040 View of power steering pump.
DSC00041 View of power steering pump part label.
DSC00042 View of power steering pump and an exemplar pump.
DSC00043 View of power steering pump and an exemplar pump.
DSC00044 View of power steering pump and an exemplar pump.
DSC00045 View of power steering pump wiring.
DSC00046 View of power steering pump wiring.
DSC00047 View of power steering pump wiring.
DSC00048 View of power steering pump wiring.
DSC00049 View of fuse panel in engine compartment.
DSC00050 View of fuse panel in engine compartment fuse index.
DSC00051 View of fuse panel in left kick panel.
DSC00052 View of fuse panel in left kick panel fuse index.

Repair:
Not yet determined.

Attachments: photos

BMW of North America, LLC **Internal Field Report**

Inspector Name	Mike Donahoe
Market/Region	23 Southern
Center Name	MINI of Ft Myers
Inspection Date	7/19/2011
Inspection Location	13880 S Tamiami
City, State	Ft Myers FL

Customer Name	[redacted]
Customer Address	[redacted]
City, State	Marco Island FL
VIN/Chassis	T[redacted]
Model & Mileage	Cooper 96,349
Production Date	02/ 2003

Nature of Complaint:
Customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:

This vehicle was inspected the morning of July 19, 2011, inside and outside the workshop of MINI of Fort Myers, 13880 South Tamiami Trail, Fort Myers, Florida, 33912, on a sunny day with the ambient temperature of 87°F.

I observed the vehicle identification plate at top of dashboard. (1) I observed the B-pillar VIN plate. (2) I observed vehicle tire data plate on left B-pillar. (3) I observed the vehicle odometer. (4)

I performed a walk around the vehicle and observed no obvious damage to exterior of vehicle. (5,6,7,8)

I observed no aftermarket accessories inside engine compartment. (9,10,11) I observed no visible damage to engine compartment or underside of vehicle hood panel. I observed fire extinguisher dust on top of the engine and lower rear engine compartment area. (12,13)

I observed no obvious heat damage to underside of vehicle. (14,15,16,17,18)

I observed no damage to power steering pump cooling fan. (19,20) I observed fire extinguisher dust on power steering pump and fan. (21,22,23,24,25) The cooling fan blades are undamaged and motor spun freely. (26,27)

I observed no oil leakage in power steering components. (28) The power and ground connectors to power steering pump are damaged by heat. (29,30)

I observed that the power steering reservoir fluid level is just below the full mark. (31,32)

The power steering pump was removed during this inspection. (33,57,58) I observed the part tag on top of the power steering pump. (59,60,61) I observed that connectors on top of power steering pump are deformed and partially consumed. (34,35,36,37,38,39,40,41,46, 47,48,49,50, 51,52,53) The power steering pump wiring harness insulation is partially consumed at connector end. (54) The power steering line in the area of the pump is damaged by heat. (54,55,56)

I verified fuse rating and condition in fuse panels in engine compartment and left front interior kick panel. (62,63,64,65,66) All of the fuses are OEM type. I observed that fuse 3(5amp) and fuse 39(5amp) in left front kick panel fuse box are blown.

Pictures used in this report.

DSC_0001 View of vehicle identification plate at top of dashboard.
DSC_0002 View of vehicle identification plate on B-pillar.
DSC_0003 View of vehicle tire information plate on B-pillar.
DSC_0004 View of vehicle odometer.
DSC_0005 View of front of vehicle.
DSC_0006 View of left side of vehicle.
DSC_0007 View of rear of vehicle.
DSC_0008 View of right side of vehicle.
DSC_0009 View of engine compartment.

DSC_0010 View of left side of engine compartment.
DSC_0011 View of right side of engine compartment.
DSC_0012 View of engine compartment.
DSC_0013 View of rear center area of engine compartment.
DSC_0014 View of front underside of vehicle.
DSC_0015 View of center front underside of vehicle.
DSC_0016 View of center underside of vehicle.
DSC_0017 View of center rear underside of vehicle.
DSC_0018 View of rear underside of vehicle.
DSC_0019 View of power steering pump and fan.
DSC_0020 View of power steering pump fan.
DSC_0021 View of power steering pump.
DSC_0022 View of power steering pump.
DSC_0023 View of lower rear engine compartment area.
DSC_0024 View of lower rear engine compartment area.
DSC_0025 View of lower rear engine compartment area.
DSC_0026 View of power steering pump fan.
DSC_0027 View of power steering pump fan.
DSC_0028 View of power steering pump.
DSC_0029 View of power steering pump connector.
DSC_0030 View of power steering pump connector.
DSC_0031 View of power steering fluid reservoir.
DSC_0032 View of power steering fluid reservoir.
DSC_0033 View of power steering pump connectors.
DSC_0034 View of power steering pump connector.
DSC_0035 View of power steering pump connector.
DSC_0036 View of power steering pump connectors.
DSC_0037 View of power steering pump connectors.
DSC_0038 View of power steering pump connectors.
DSC_0039 View of power steering pump connectors.
DSC_0040 View of power steering pump connectors.
DSC_0041 View of power steering pump connectors.
DSC_0042 View of power steering pump wiring.
DSC_0043 View of power steering pump wiring.
DSC_0044 View of power steering pump wiring.
DSC_0045 View of power steering pump wiring.
DSC_0046 View of power steering pump connectors.
DSC_0047 View of power steering pump connectors.
DSC_0048 View of power steering pump connector.
DSC_0049 View of power steering pump connector.
DSC_0050 View of power steering pump connector.
DSC_0051 View of power steering pump connectors.
DSC_0052 View of power steering pump connector.
DSC_0053 View of power steering pump connector.

DSC_0054 View of power steering line.
DSC_0055 View of power steering line.
DSC_0056 View of power steering line.
DSC_0057 View of power steering pump.
DSC_0058 View of power steering pump.
DSC_0059 View of power steering pump part tag.
DSC_0060 View of power steering pump part tag.
DSC_0061 View of power steering pump part tag.
DSC_0062 View of fuse / relay panel in engine compartment.
DSC_0063 View of fuse / relay panel in engine compartment.
DSC_0064 View of fuse / relay panel fuse index in engine compartment.
DSC_0065 View of fuse panel in left lower kick panel.
DSC_0066 View of fuse panel in left lower kick panel fuse index.

Repair:
Not yet determined.

Attachments: Photographs

BMW of North America, LLC **Internal Field Report**

FSE Name	Phil Fekete
Market/Region	15 Eastern
Center Name	Princeton Mini
Inspection Date	10/11/06
Inspection Location	Princeton Mini
City, State	Princeton, NJ

Customer Name	[redacted]
Customer Address	[redacted]
City, State	Monmouth Junction, N[redacted]
VIN/Chassis	WMWR[redacted] TC32917
Model & Mileage	'02 Mini Cooper Passenger Car
Production Date	3/02

Nature of Complaint:
Customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:
The examination revealed fire damage to the electrical connection at the top of the power steering motor. The electrical wiring that led to the steering motor displayed the worst heat characteristics surrounding the electrical terminals at the top of the motor. The painted surface that covered parts of the engine compartment and the surrounding drip channel was partially blown away by the fire hose high water pressure however no other visual damage was observed. No fuses were found blown and the electrical connection to the steering motor at the fuse panel was disconnected by the service department after the vehicle arrived.

The engine compartment appeared in good condition as shown in photograph 977. The painted surface the covered the drip channel that surrounded the engine compartment and the inner fender supports was partially blown away by the fire hose high water pressure as shown in photographs 978 through 983. The electrical cooling fan for the electrical power steering motor was removed in order to gain a visual observation of the power steering motor which displayed localized fire damage as shown in photographs 984 and 985. The insulation that covered the electrical connection at the top of the power steering motor was damaged by excessive heat as shown in photographs 886 and 889 through 891 however, the insulation that covered the electrical wiring that led to the heat damaged connection displayed minimal damage.

An electrical interrogation was performed and two LWS fault errors were found however the steering motor was electrically disconnected when the diagnostic test was performed. The diagnostic printout is included in photograph 005.

A vehicle history file is included in photographs 001 through 004.

Repair:
Not yet determined.

Attachments: 001 – vehicle history file and diagnostic data
002
003
004
005
973 – vehicle overview
974
975
876
977 – engine compartment no damage
978 – engine compartment painted surface damaged by high water pressure

979
980
981
982
983
984 – power steering cooling fan removed for observation
985 – power steering motor displayed minimal fire damage
986 – electrical connection on top of the power steering motor
987
989
990
991

BMW of North America, LLC **Internal Field Report**

FSE Name	Ray C Sommers
Market/Region	Southern Region
Center Name	Leith BMW
Inspection Date	May 2, 2008
Inspection Location	Leith BMW
City, State	Raleigh, NC

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Cooper --- 97911
Production Date	01/03

Nature of Complaint:

The customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:

I arrived at Leith BMW on May 2, 2008 at 11:00 am. The purpose for my visit was to inspect VIN TC43101 for the customer complaint of fire in the engine compartment.

When I arrived at the vehicle a visual inspection was performed on the repaired vehicle and the damaged parts removed from the repaired vehicle.

The customer supplied an invoice showing repairs completed by Lonnie's University Auto Center in Durham, NC. The invoice stated that the electric power steering pump was replaced due to smoking. The electric power steering pump cooling fan was also replaced. The invoice also stated that wire harness repairs were performed along with a relay replacement; however the invoice does not reflect a relay being charged out in the parts column.

The vehicle was raised in the workshop for inspection. It was documented that the electric power steering pump and cooling fan had been replaced. With the use of a Borescope the harness was inspected for areas of repair and/or damage from fire. I did not find any damage on the harness that connects to the power steering pump or cooling fan motor. All of the plastic connectors and wire insulation was intact and free from melting. There was no visible indication of wire harness repairs. The surrounding area did not display any visible signs of fire. The power steering fluid was checked and found to be between the minimum and maximum fill lines on the dip stick.

The failed electric power steering pump was inspected. There was a small area approximately 2.5 centimeters in diameter beside the high current connector where signs of high heat had been present. It was noted that molten plastic had emerged from the housing in this area. The high and low current connectors were not damaged from this area of heat.

The electric cooling fan assembly and attached harness did not display any fire damage. The electric fan motor turned smoothly and not display any visible signs of overheating.

Photo documentation for all reported findings is available in the technical folder attached to this report.

- Photos 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013 and 014 are Borescope views of the wire harness showing no damage or repairs.
- Photos IMG_2979, 80, 81, 82, 83, 84 and 85 are more views of the vehicle harness condition and performed repairs.

- Photo 86 is a view of the electric power steering pump and cooling fan.
- Photos 87, 88, 89, 90, 91, 92, 93 and 94 are close up views of the electric power steering pump showing the point of failure.
- Photos 95, 96, 97 and 98 are views of the electric cooling fan showing its undamaged condition.
- Photos 99, 3000 and 01 are views of the fluid level in the power steering reservoir.
- Photo 02 is a view of the engine compartment from the top side.
- Photos 03, 04 and 05 show the outside temperature and displayed mileage.
- Photo 06 is a view of the identifying VIN sticker located inside the driver's doorjamb.
- Photos 07, 08, 09, 10, 11, 12, 13 and 14 are views of the body exterior.
- Photo 15 is a view of the customer provided invoice.

Repair:
Not yet determined.

Attachments:

- Photos

BMW of North America, LLC **Internal Field Report**

Inspector Name	Mike Donahoe
Market/Region	21 Southern
Center Name	Flow MINI
Inspection Date	6/21/2012
Inspection Location	2575 Peters Creek Parkway
City, State	Winston-Salem NC

Customer Name	[redacted]
Customer Address	[redacted]
City, State	Winston-Salem NC
VIN/Chassis	T[redacted]
Model & Mileage	Cooper 121,990
Production Date	01/ 2003

Nature of Complaint:
Customer alleges fire incident after experiencing power steering malfunction

Root Cause:
Not yet determined.

Diagnostic Path:

This vehicle was inspected the morning of, June 21, 2012, inside the workshop of Flow MINI, 2575 Peters Creek Parkway, Winston-Salem, North Carolina, 27127, on a sunny day with the ambient temperature of 82°F.

I observed the vehicle identification label at top of dashboard. (1) I observed the B-pillar VIN label. (2) I observed vehicle tire data label on left front B-pillar. (3) I observed the mileage on vehicle odometer. (4)

I performed a walk around the vehicle and noted no heat or smoke damage to exterior of vehicle. (5,6,7,8,9) I observed no heat or smoke damage to underside of hood. (10)

I observed no heat or smoke damage to engine compartment. (11,12,13) I observed no aftermarket accessories visible inside engine compartment. (20,21,22) I observed that the battery was still connected. (14,15) The power steering reservoir is empty. (16,17) I observed a very low level of coolant in coolant reservoir. (18) The engine oil indicated full on oil dipstick. (19)

I observed no significant impact damage to underside of vehicle. (23,24,25,26,27)

I observed that power steering pump and cooling fan were removed before this inspection. (28,29,30,31,32,33) The power steering pump data connection housing is detached from pump housing. (34) The base of the data connection housing is damaged by heat. (35,36,37) The power and ground connection is damaged by heat. (38,39,40)

I observed that power steering pump assembly and power steering pump cooling fan were positioned in the trunk. (41) The power steering pump cooling fan appears undamaged and fan spins freely. (42,43) I observed heat damage to connector area of the power steering pump. (44,45,50,51,52,53,54,55,56,57) I observed power steering pump part identification label. (46,47) I observed no heat damage to power steering pump fluid inlet area. (48,49)

I verified fuses in front fuse panel and engine compartment fuse/ relay box for rating and condition. (58,59,60,61) I observed all fuses are OEM type. I observed no blown fuses in front fuse panel or engine compartment fuse/ relay box.

Pictures used in this report.

DSC_0001	View of vehicle identification label at top of dashboard.
DSC_0002	View of vehicle identification label on B-pillar.
DSC_0003	View of vehicle tire information label on left B-pillar.
DSC_0004	View of insurance identification label on front windshield.
DSC_0005	View of front of vehicle.
DSC_0006	View of left side of vehicle.
DSC_0007	View of rear of vehicle.

DSC_0008	View of right side of vehicle.
DSC_0009	View of front of vehicle.
DSC_0010	View of underside of front hood.
DSC_0011	View of engine compartment.
DSC_0012	View of left side of engine compartment.
DSC_0013	View of right side of engine compartment.
DSC_0014	View of left side of engine compartment.
DSC_0015	View of battery in left rear engine compartment area.
DSC_0016	View of power steering reservoir.
DSC_0017	View of power steering reservoir.
DSC_0018	View of coolant reservoir.
DSC_0019	View of engine oil dipstick.
DSC_0020	View of left side of engine compartment.
DSC_0021	View of center of engine compartment.
DSC_0022	View of right side of engine compartment.
DSC_0023	View of front underside of vehicle.
DSC_0024	View of front center underside of vehicle.
DSC_0025	View of center underside of vehicle.
DSC_0026	View of center rear underside of vehicle.
DSC_0027	View of rear underside of vehicle.
DSC_0028	View of lower rear engine compartment area.
DSC_0029	View of lower rear engine compartment area.
DSC_0030	View of lower rear engine compartment area.
DSC_0031	View of lower rear engine compartment area.
DSC_0032	View of power steering pump pressure line.
DSC_0033	View of power steering pump suction line.
DSC_0034	View of power steering pump data connection housing.
DSC_0035	View of power steering pump data connection housing.
DSC_0036	View of power steering pump data connection housing.
DSC_0037	View of power steering pump data connection housing.
DSC_0038	View of power steering pump power and ground connector.
DSC_0039	View of power steering pump power and ground connector.
DSC_0040	View of power steering pump power and ground connector.
DSC_0041	View of power steering pump and cooling fan inside trunk area.
DSC_0042	View of power steering pump cooling fan.
DSC_0043	View of power steering pump cooling fan.
DSC_0044	View of power steering pump assembly.
DSC_0045	View of power steering pump assembly.
DSC_0046	View of power steering pump part identification label.
DSC_0047	View of power steering pump part identification label.
DSC_0048	View of power steering pump assembly.
DSC_0049	View of power steering pump assembly.
DSC_0050	View of power steering pump housing connection area.
DSC_0051	View of power steering pump housing connection area.

DSC_0052	View of power steering pump housing connection area.
DSC_0053	View of power steering pump housing connection area.
DSC_0054	View of power steering pump housing connection area.
DSC_0055	View of power steering pump housing connection area.
DSC_0056	View of power steering pump housing connection area.
DSC_0057	View of power steering pump housing connection area.
DSC_0058	View of engine compartment fuse/ relay box.
DSC_0059	View of engine compartment fuse/ relay box fuse index.
DSC_0060	View of front fuse panel.
DSC_0061	View of front fuse panel fuse index.

Repair:
Not yet determined.

Attachments: Photos

BMW of North America, LLC **Internal Field Report**

FSE Name	Philip Fekete
Market/Region	11 Eastern
Center Name	Mini of Peabody
Inspection Date	8/3/05
Inspection Location	Mini of Peabody
City, State	Peabody, MA 01960

Customer Name	[redacted]
Customer Address	[redacted]
City, State	Hollis, NH [redacted]
VIN/Chassis	T[redacted]
Model & Mileage	Mini Cooper n/a
Production Date	12/02

Nature of Complaint:
Customer complains for alleged fire in the engine compartment.

Root Cause:
Not yet determined.

Diagnostic Path:
The vehicle was examined on August 3, 2005, at the Mini of Peabody facility located in Peabody, Massachusetts. The photographs were taken out side with high sun load and inside the facility using a digital camera with an internal speed light. The vehicle was a 2003 Mini Cooper Passenger Car. The Chassis Number was WMWRC334X3T[redacted]. A manufacture date of 12/02 was found on the federal sticker attached to the driver's door opening.

The examination revealed fire damage that surrounded the negative cable terminal that led to the power steering pump assembly as shown in photographs 214, 215, 217, 218, and 219. The insulation that covered the negative cable was consumed by the fire and the insulation that covered the positive cable was only partially consumed as shown in photograph 227. The large electrical terminal to the negative cable including the mating terminal at the power steering pump displayed overheating and were both partially consumed as shown in photographs 231 through 241. The molten negative terminal debris pulled from the steering pump was observed as shown in photograph 242. The electrical terminal to the positive cable including the mating terminal remained intact as shown in photograph 215, 227, and 230.

The high amperage fuses located below Fuse Holder III located inside the engine compartment were checked for opened circuits and no problems were found as shown in photographs 247, 256, 257, and 258. Note the electrical connection to the power cable that led to the engine compartment fuse panel displayed corrosion as shown in photographs 254 and 255.

The insulation that covered the three small wires that led to the power steering pump located near the damaged area was partially compromised leaving exposed copper as shown in photographs 220 through 224. There was no wire shorting as evidenced by arc welding found however the (F39), 15 ampere fuse in Fuse Holder II located inside the passengers compartment was blown as shown in photographs 247, 259, 260, and 261.

The positive and negative battery cables were cut by the customer immediately after the thermo event as shown in photographs 196 and 197.

Repair:
Not yet determined.

Attachments:
Digital photographs, a vehicle history file, an RO related to this incident, and a wiring

schematic.

BMW of North America, LLC **Internal Field Report**

Inspector Name	Mike Donahoe
Market/Region	25 Southern
Center Name	MINI of Dallas
Inspection Date	6/20/2013
Inspection Location	6250 Lemmon
City, State	Dallas TX

Customer Name	[redacted]
Customer Address	[redacted]
City, State	Dallas TX
[redacted]	[redacted]
Model & Mileage	Cooper 138,015
Production Date	04/ 2003

Nature of Complaint:
Customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:

This vehicle was inspected the afternoon of June 20, 2013, outside the workshop of MINI of Dallas, 6250 Lemmon Avenue, Dallas, Texas, 75209, on a sunny day with the ambient temperature of 91°F.

I observed the vehicle identification label at top of dashboard. (1) I observed the B-pillar vehicle identification label. (2) I observed vehicle tire data label on left B-pillar. (3)

I performed a walk around the vehicle and observed no obvious damage to exterior vehicle. (4,5,6,7)

I observed no aftermarket accessories inside engine compartment. (8,9,10) I observed no visible damage to engine compartment or underside of vehicle hood panel. (11)

The power steering pump and cooling fan were removed before this inspection. (28,29,30) I found the power steering pump and cooling fan placed into a box and positioned inside vehicle.

The main power and ground connectors to power steering pump are damaged by heat. (12) The wiring insulation at the connector ends is partially consumed. The connector ends are damaged by heat. (13,14,15)

I observed no damage to power steering pump cooling fan. (16) The cooling fan does not appear to be an OEM part. (17,18,20,21) The cooling fan blades are undamaged and motor spun freely. (19)

I observed that the connectors on top of power steering pump are partially consumed. (22,23,24,25,28) I observed the part tag on the exterior of power steering pump. (26,27)

I verified fuse rating and condition in fuse panels in engine compartment and left front interior kick panel. (31,32,33,34) All of the fuses are OEM type. I observed that no fuses are blown.

Pictures used in this report.

DSC_0001 View of vehicle identification label at top of dashboard.
DSC_0002 View of vehicle identification label on B-pillar.
DSC_0003 View of vehicle tire information label on B-pillar.
DSC_0004 View of front of vehicle.
DSC_0005 View of left side of vehicle.
DSC_0006 View of rear of vehicle.
DSC_0007 View of right side of vehicle.
DSC_0008 View of engine compartment.
DSC_0009 View of left side of engine compartment.
DSC_0010 View of right side of engine compartment.
DSC_0011 View of rear center area of engine compartment.
DSC_0012 View of power and ground wiring to power steering pump.

DSC_0013 View of power and ground wiring to power steering pump.
DSC_0014 View of power and ground wiring to power steering pump.
DSC_0015 View of power and ground wiring to power steering pump.
DSC_0016 View of power steering pump fan.
DSC_0017 View of power steering pump fan controller.
DSC_0018 View of power steering pump fan controller.
DSC_0019 View of power steering pump fan.
DSC_0020 View of power steering pump fan part information label.
DSC_0021 View of power steering pump fan part information label.
DSC_0022 View of power steering pump.
DSC_0023 View of power steering pump connector.
DSC_0024 View of power steering pump connector.
DSC_0025 View of power steering pump connector.
DSC_0026 View of power steering pump part tag.
DSC_0027 View of power steering pump part tag.
DSC_0028 View of power steering pump.
DSC_0029 View of power steering pump.
DSC_0030 View of power steering pump.
DSC_0031 View of fuse / relay panel in engine compartment.
DSC_0032 View of fuse / relay panel fuse index in engine compartment.
DSC_0033 View of fuse panel in left lower kick panel.
DSC_0034 View of fuse panel in left lower kick panel fuse index.

Repair:
Not yet determined.

Attachments: Photos

Inspector Name	Ryan Cram
Market/Region	Western
Center Name	
Inspection Date	10/28/14
Inspection Location	IAA
City, State	North Hollywood, CA

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted] / R50
Model & Mileage	Cooper / 96346
Production Date	8/03

Nature of Complaint:
Thermal inspection pursuant to insurance subrogation.

Root Cause:
Not yet determined.

Diagnostic Path:
I inspected the subject vehicle at IAA in North Hollywood, CA on October 28, 2014 at approximately 10AM. The vehicle was inspected in the inspection area outside the facility. The weather conditions at the time of the inspection were sunny and approximately 70 degrees F. In attendance was Austin Ahn, representing State Farm Insurance

I identified the vehicle by the B-pillar VIN labels, photo 1-5.

Photos 6-12 show the exterior of the subject vehicle; no thermal damage was observed at the vehicle exterior.

Photos 13-14 show the engine compartment, no thermal damage was observed at the engine compartment.

Photos 15-26 show the vehicle interior; no thermal damage was observed at the vehicle interior.

Photo 27-28 show the hood; no damage was observed at the hood interior or exterior.

Photos 29-33 show the power steering reservoir; an aftermarket clamp was observed at the feed hose, photo 30. The reservoir appears empty.

Photos 34-35 show the vehicle battery; the battery had been disconnected at the start of the inspection. I reconnected the battery.

Photos 36-39 show the instrument cluster in a Key-on engine running condition; the warning lights appear to cycle normally.

The vehicle was attempted to be turned off at the ignition switch; the vehicle continued to run in Key position 0 (KL0), photos 40-41. It appears that the vehicle had been at a repair facility prior to being delivered to IAA due to the Key tag identifier, photo 41.

Photos 42-46 show the additional fuse box as found at the start of the inspection. An electrical connector was disconnected prior to the inspection, photo 46.

Photo 47-54 show the undercarriage of the subject vehicle; a small amount of oil/power steering fluid was observed at the front of the undercarriage. No considerable oil trailing was observed.

Photos 6131-6146, 6153-6154 show the wiring for the power steering pump (EHPS) localized damage was observed at the connector and at short section of harness approximately 6-8 inches from the connector, photo 6139. The high pressure hose appears damaged with fluid loss observed, photo 6140. An aftermarket clamp was observed at the lower feed hose photo 6142.

The State Farm representative had expressed concern over stated damage to the electric cooling fan; photos 6147-6152 show the electric cooling fan; no damage was observed, however the fan appears aftermarket.

Repair:
Not yet determined.

Attachments: Photos and check-in data.

BMW of North America, LLC **Internal Field Report**

Inspector Name	Ryan Cram
Market/Region	Western
Center Name	Bob Smith MINI
Inspection Date	4/15/11
Inspection Location	Bob Smith MINI
City, State	Calabasas, CA

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted] / R53
Model & Mileage	Cooper S / unknown
Production Date	7/02

Nature of Complaint:
Customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:

I inspected the subject vehicle at Bob Smith MINI in Calabasas, CA on April 15, 2011 at approximately 10AM. The inspection was started in the parking lot with the vehicle moved to a shop hoist in the service department.

I identified the subject vehicle by the right shock tower VIN stamp and the B-pillar VIN placard, photo 1211, 1218.

Photos 1212-1217 show the exterior of the subject vehicle; no exterior thermal damage was identified.

Photos 1219-1221 show the engine compartment; no thermal damage was observed at the upper level of the engine compartment.

Photo 1222 shows the additional undercarriage cooling fan; the fan does not appear to rotate freely. The fan was removed by the technician prior to the inspection of the subject vehicle.

Photos 1223-1225 show the area of the EHPS electric steering pump; localized thermal activity was identified in this area.

Photos 1226-1234 show the upper portion and electrical connector of the EHPS; the connector appears thermally damaged. The wiring to the EHPS appears in good condition with the insulation still intact; no loading or shorting of the load wires of the EHPS was observed.

Photos 1235-1240 show the underside of the engine hood; no thermal damage was identified.

Photos 1241-1246 show the vehicle interior; no thermal damage was identified.

Photo 1247 shows the power steering reservoir; the fluid level appears within the normal operating range with normal color and smell for time of service.

Attached Repair order shows vehicle mileage at 44557 as per Key Reader information; mileage was not verified due to damage, see attached.

Repair:
Not yet determined.

Attachments: Photographs.

BMW of North America, LLC **Internal Field Report**

Inspector Name	Ryan Cram
Market/Region	western
Center Name	Alexander Imports
Inspection Date	11/28/11
Inspection Location	Alexander Imports
City, State	Los Angeles, CA

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted] / R53
Model & Mileage	Cooper S / unknown
Production Date	

Nature of Complaint:
Customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:
I inspected the subject vehicle at Nick Alexander Imports in Los Angeles, CA on November 28, 2011 at approximately 10AM. Please note that the VIN listed in Documentum is incorrect. The correct VIN T[redacted] was verified by DSC and dealer records.

I identified the subject vehicle by the shock tower VIN stamp and B-pillar VIN sticker, photos 1016-1017.

Photos 1018-1020 show the engine compartment viewed from above; no visible thermal damage was observed.

Photos 1021-1022 show the engine hood; no visible thermal damage was observed.

Photos 1023-1027 show the undercarriage; no visible thermal damage was observed. No oil leaks or trailing were detected.

Photos 1028-1029, 5217-5221 show the electric hydraulic power steering pump (EHPS). The wiring to the pump appears in good condition with only damage of the insulation and connector to the EHPS. Due to the location of the EHPS connector a good photo was difficult to obtain.

Photos 1030-1031, 1033-1035 show the vehicle interior; no visible thermal damage was observed.

Photo 1031 shows the vehicle battery; the battery appears OEM and properly connected.

Photos 1036-1044 show the exterior of the subject vehicle; no thermal damage was observed at the vehicle exterior.

The vehicle battery was completely discharged at the time of inspection; I applied a Duetronic battery charger to the vehicle. The power steering pump was heard to activate momentarily. The battery charger displayed short circuit on the charger screen.

Due to this large draw and lack of battery power, the mileage and the fault diagnostics were not recovered from the subject vehicle.

Repair:
Not yet determined.

Attachments: Photographs

BMW of North America, LLC **Internal Field Report**

FSE Name	Ray C Sommers
Market/Region	Southern Region
Center Name	Roadshow MINI
Inspection Date	April 23, 2008
Inspection Location	Roadshow MINI
City, State	Cordova, TN

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Cooper S --- 80528
Production Date	08/02

Nature of Complaint:

The customer questions why vehicle caught fire.

Root Cause:
Not yet determined.

Diagnostic Path:

I arrived at Roadshow MINI on April 23, 2008 at 9:30 am. It was 70 degrees and sunny. The purpose for my visit was to inspect VIN T[redacted] for the complaint of fire.

When I arrived at the vehicle a visual inspection documented with photography was performed.

The vehicle did not display any damage from fire on the body exterior. There also was no visible fire damage when viewing the engine compartment from the topside. The vehicle was raised in the workshop to inspect the bottom side of the engine compartment and steering components. It was noted that the electric power steering pump cooling fan was removed. This part was recovered from the interior of vehicle. There was no evidence of fire damage on the fan motor; however the fan blade was locked in a stationary position. When the fan blade was forced to turn a grinding noise was heard. After several attempts to turn the blade, particles of fine dirt were emitted from between the blade and motor housing. The only burn related damage was found at the wire connections on the electric power steering pump. This damage was relatively minor and surrounding fire damage was not present. It was noted that this vehicle appeared to be subject to a harsh environmental conditions. Large quantities of dried mud and water stains covered the bottom side of the vehicle, interior and door openings.

Heavy wiring modifications were present In the rear of the vehicle, where the battery is located. The main power protection fuse box had been removed and two stereo amplifier circuits had been added. The front power distribution box, located under the hood, was removed for inspection. Signs of overheat was present on several of the female main harness connectors that plug into the box. Heavy corrosion, light melting and water staining was also present at the male studs on the underside of the power distribution box.

The power steering fluid was below the minimum fill line in the reservoir and the fluid was dirty. A very small amount of seepage was present on the power steering pump where the low current connector attaches. The male part of the connector was loose in the pump housing.

The service interval indicated that the vehicle was 26500 past due for its inspection/oil service checkup. The DCS documents no recent dealership visits.

- Photos IMG_ 2713, 14, 15, 16, 17, 18, 19, 20 and 21 are engine compartment views along with the damage found at the front power distribution box.

- Photos 22 and 23 show the level of the fluid in the power steering pump reservoir and fluid condition.
- Photos 24, 25, 26, 27, 28, 29, 30 and 31 are views of the heavy wiring modifications made at the battery and the installation of the two amplifiers.
- Photo 32 shows the same area in an exemplar vehicle.
- Photos 33, 34, 35, 36, 37, 38, 39, 42, 43, 44 and 45 show the environment the vehicle was exposed to.
- Photos 41 and 42 are views of the Electric power steering pump cooling fan.
- Photos 46, 47, 48, 49, 50, 51, 52 and 53 are views of the body exterior.
- Photos 54, 55 and 56 are instrument cluster views showing actual displayed mileage and past due mileage for service.
- Photos57, 58 and 59 are views of fuses found lying on the floor of the interior power distribution box.
- Photo 60 shows the identifying VIN sticker located inside the driver's doorjamb.
- Photos 61, 62, 64, and 65 show the melting on the harness connections at the electric power steering pump.
- Photos 66, 67 and 68 show the accumulated mud and water stains on the undercarriage.

Repair:
Not yet determined.

Attachments:

- Photos

BMW of North America, LLC **Internal Field Report**

FSE Name	Richard Brown	**Customer Name**	[redacted]
Market/Region	35 / Western	**Customer Address**	
Center Name	East Bay MINI	**City, State**	
Inspection Date	08/23/2005	**VIN/Chassis**	T[redacted]
Inspection Location	East Bay MINI	**Model & Mileage**	Cooper / 30125
City, State	Pleasanton, CA	**Production Date**	09/2002

Nature of Complaint:
Customer complains of alleged steering malfunction.

Root Cause:
Not yet determined.

Diagnostic Path:
The VIN on the B pillar compliance label identifies the vehicle. See attached photo 0001. The vehicle mileage at the time of inspection was noted as 30,125 miles. See attached photo 0002.
The exterior of the vehicle was inspected. See attached photos 0003 – 0005, 0031, and 0032. The left front wheel is pushed rearward. See attached photos 0016 – 0018.
The interior of the vehicle was inspected. There are many loose objects in the passenger compartment. See attached photos 0010 – 0015.
The power steering fluid was checked. The reservoir is full and the fluid is clean. See attached photos 0006 – 0009.
The power steering pump was checked. The pump is properly mounted. See attached photos 0019 – 0022. The wiring to the pump is secure. The ground for the power steering pump wiring was checked. The ground is tight.
The steering rack was inspected. The rack is properly installed. The tie rod ends are connected to the steering knuckles. See attached photos 0023 – 0026.
An attempt was made to turn the steering with the wheels still mounted on the car. The steering would not turn with the left front wheel jammed against the rear of the fender well. See attached photos 0016 – 0018. With the front wheels removed, the steering turns freely until damaged components on the left front control arm come in contact with the steering knuckle. See attached photos 0027 – 0030.
The vehicle control modules were identified using INPA. See attached printouts INPA01 – INPA06.
The power steering pump was identified. See attached printouts INPA07 and INPA08.
The fault memory was read out. There are no faults stored in the power steering pump. See attached printouts INPA09 and INPA10. Power steering analog statuses were checked with the engine idling and no movement of the steering wheel. The pump speed was 3600rpm with a current draw of 14.00A. See attached printouts INPA11 and INPA12. Statuses were checked while turning the steering wheel. Pump speed increased to 4200rpm and current draw increased to 45.00A. See attached printouts INPA13 and INPA14. Power steering digital statuses were also checked with the engine running and with the engine not running. See attached printouts INPA15 and INPA16.
The DSC module was identified. See attached printouts INPA17 – INPA19. The DSC fault memory was read out. There are no faults in the DSC module. See attached printout INPA20.
Due to the damaged suspension, the vehicle could not be test-driven.
The service history of the vehicle was reviewed. In March of 2004, at 11,724 miles, the steering wheel was replaced. In April of 2004, at 13,132 miles, the customer

reported having hit a curb and that the vehicle pulled to the right. The suspension was inspected, but no visible damage was noted. A wheel alignment was recommended. In October of 2004, at 20,569 miles, the customer reported that the "Traction and Tire" lamps were on. A steering angle sensor was ordered. In December of 2004, at 22,083 miles, the steering angle sensor was replaced. See attached printouts Doc01 – Doc06.
Repair: Not yet determined.
Attachments Photographs: DSC_0001 – DSC_0032 Printouts: Doc01 – Doc06, INPA01 – INPA20

BMW of North America, LLC **Internal Field Report**

FSE Name	Mike Donahoe
Market/Region	45 Central
Center Name	Autohaus Mini
Inspection Date	4/6/2004
Inspection Location	8455 Maryland
City, State	Clayton MO

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Cooper 8260
Production Date	01/2003

Nature of Complaint:
Customer complains for alleged steering failure.

Root Cause:
Not yet determined.

Diagnostic Path:

This vehicle was inspected the afternoon of April 6, 2004, inside and outside the workshop of Mini of St. Louis, 8455 Maryland Avenue, Clayton, Missouri, 63105, on a sunny day with the ambient temperature of 60ºF.

I observed the vehicle identification plate at top of dashboard. I observed the B-pillar VIN plate. I observed vehicle tire information plate on left B-pillar. I observed vehicle odometer. (1,2,3,4)

I performed a walk around this vehicle and found no damage to body shell. The right front and rear wheels are scuffed and bent. The right rear quarter panel area is slightly scuffed. The right front and rear wheels are out of position. (5,6,7,8)

The tires are Goodyear Eagle NCT5 195/55R16. The tire pressures measured LF 33PSI, LR 33psi, RR 35psi, and RF 24psi. The tires tread depth measured, LF 5mm, LR 6mm, RR 6mm, and RF 5mm. I observed impact damage to right front and rear wheels. (9,10,11,12,13,14) The right front tire has a nail in it causing an air leak. (38,39)

I observed no apparent damage to power steering rack. (27,28) The power steering reservoir is full of fluid and fluid appears clean. (16,17,18) I observed no defects in power steering pump operation. (30) The right front control arm is bent. (22,23,25) The right rear control arm is bent. (33,35,37) The left and right front tie-rods appear properly attached and appear operational. (26,29) The damage to the suspension deterred me from test-driving this vehicle on the road. I observed no defects in Steering operation or in fault diagnosis with GT1.

It appears that the damage to the suspension is the result of a lateral impact.

I interrogated vehicle fault systems with BMW GT1 Tester. The BMW GT1 Tester printout will be sent separately from this report.

Pictures used in this report.

DSC00001 View of vehicle identification plate at top of dashboard.

DSC00002 View of vehicle identification plate on B-pillar.

DSC00003 View of vehicle tire information plate on B-pillar.

DSC00004 View of vehicle odometer.

DSC00005	View of front of vehicle.
DSC00006	View of left side of vehicle.
DSC00007	View of rear of vehicle.
DSC00008	View of right side of vehicle.
DSC00009	View of left front wheel.
DSC00010	View of left rear wheel.
DSC00011	View of right rear wheel.
DSC00012	View of damage to right rear wheel and fender trim.
DSC00013	View of right front wheel.
DSC00014	View of right front wheel damage.
DSC00015	View of drivers seating area.
DSC00016	View of engine compartment.
DSC00017	View of power steering reservoir.
DSC00018	View of power steering reservoir.
DSC00019	View of front under side of vehicle.
DSC00020	View of left lower control arm.
DSC00021	View of left lower control arm.
DSC00022	View of right lower control arm.
DSC00023	View of right lower control arm.
DSC00024	View of left lower control arm from rear.
DSC00025	View of right lower control arm from rear.
DSC00026	View of left tie-rod connected to left spindle.
DSC00027	View of left side of power steering rack.
DSC00028	View of right side of power steering rack.
DSC00029	View of right tie-rod connected to right spindle.
DSC00030	View of electric power steering pump.
DSC00031	View of rear suspension.
DSC00032	View of left rear lower control arm.
DSC00033	View of right rear lower control arm.
DSC00034	View of left rear lower control arm.
DSC00035	View of right rear lower control arm.
DSC00036	View of left rear lower control arm.
DSC00037	View of right rear lower control arm.
DSC00038	View of nail in right tire.
DSC00039	View of nail in right tire.

Repair:
Not yet determined.

Attachments

BMW of North America, LLC **Internal Field Report**

FSE Name	Ray C Sommers
Market/Region	Southern
Center Name	Lauderdale MINI
Inspection Date	September 28, 2005
Inspection Location	Lauderdale MINI
City, State	Fort Lauderdale, FL

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Cooper --- 27297
Production Date	05/03

Nature of Complaint:

The customer alleges steering failure.

Root Cause:
Not yet determined.

Diagnostic Path:

I arrived at Lauderdale MINI on September 28, 2005 at 11: 00 am; it was 90 degrees and sunny. The purpose for my visit was to inspect VIN T[redacted] for alleged steering failure.

When I arrived at the vehicle a visual inspection was performed. Impact damage was noted on the passenger's side front wheel This impact appeared to from a lateral type force as no inward bending towards the hub was present. The lateral impact damaged the lower control arm causing severe front wheel toe in. The steering rack tie rod ends and steering column shaft were intact and I was able to turn the front wheels from lock to lock with the vehicle raised on the lift. The power steering fluid was clean and at the full level line in the reservoir. The vehicle was lowered and the engine was started. The power steering function was normal and again I was able to turn the wheels lock to lock with little effort. Due to severe alignment issues the vehicle was not dynamically tested, however no mechanical issues were found.

The vehicle was connected to BMW INPA Diagnostic Software for EHPSR5 and DSC diagnosis. The results were as follows.

- **EHPSR5**
- >>>>>>>>>>No errors found<<<<<<<<<<
- **DSC**
- F/C 5E40 Steering angle sensor signal not plausible, offset. This error was stored due to the steering wheel center change caused from impact.
- Diagnostic printouts are attached to this report documenting reported findings.

Addressing the customer stated statement of prior steering rack replacement; vehicle history shows only replacement of the electronic steering angle sensor. This device is used as an input for the DSC system and has no direct effect on steering.

- Photos IMG_2656 and 57 are views of the power steering reservoir and dipstick showing a full level.
- Photo 58 shows a full brake fluid level in the brake master cylinder reservoir.
- Photos 59, 60 and 61 show the impact damage to the passenger's front wheel.
- Photo 62 shows minor scraping on the passenger's side lower corner bumper cover.
- Photos 63, 64 and 65 show the impact related damage to the passenger's side lower control arm.
- Photos 66, 67 and 68 show the excessive toe in caused by impact.
- Photos 69, 70, 71, 72, 73, 74, 75 and 76 are views of the exterior body.
- Photo 77 is a view of the identifying VIN sticker located inside the driver's doorjamb.
- Photo 78 is a view of the instrument cluster showing actual mileage accrued.

Repair:
Not yet determined.

Attachments:

- Photos and diagnostic printouts.

BMW of North America, LLC **Internal Field Report**

FSE Name	Robert Sajdak	**Customer Name**	[redacted]
Market/Region	41 / C	**Customer Address**	[redacted]
Center Name	Jacobs BMW	**City, State**	Oak Park, IL
Inspection Date	7/26/2005	**VIN/Chassis**	T[redacted]
Inspection Location	Jacobs BMW	**Model & Mileage**	Mini Cooper 18536
City, State	Naperville, IL	**Production Date**	9/2003

Nature of Complaint:
Customer complains right tie rod broke after the vehicle hit a curb.

Root Cause:
Not yet determined.

Diagnostic Path:
Inspected the vehicle. Found the right front tie rod broken at the adjusting nut. The tie rod was bent at the ball socket end and a second bend at the adjustment section. The tie rod was bent in a "Z" shape. No structural damage to the vehicle was observed. There was a small scuff on top of the right front bumper cover.
The customer stated that his daughter was driving the vehicle hit a curb while parking. The customer's father stated that his daughter drove the car about 45 minutes later. About a block from that starting point the steering became loose and she hit a parked vehicle.
No additional information about the incident was given to the Center.
The customer's father was the contact person. All information given to the Center was second hand information
Customer has contacted customer relations.

Repair:
Not yet determined.

Attachments

BMW of North America, LLC **Internal Field Report**

FSE Name	Sho Tagawa
Market/Region	35 Western
Center Name	Nu-Way Body Works
Inspection Date	7/20/06
Inspection Location	34 NE Grand Av
City, State	Portland, OR

Customer Name	[redacted]
Customer Address	[redacted]
City, State	Tigard, OR
VIN/Chassis	T[redacted]
Model & Mileage	Cooper S 29993
Production Date	03/03

Nature of Complaint:
Customer alleges steering malfunction

Root Cause:
Not yet determined.

Diagnostic Path:
I inspected the vehicle at Nu-Way Body Works on July 20th at approximately 10:00 am. I used a shop portable hoist to raise the vehicle for the inspection. Weather: sunny, 90 degrees.

Photos 0117, 0119-0128 show VIN and exterior of the vehicle.
Photos 0129, 0130 show the tachometer and the speedometer with a key-on / Engine off / no seat belt. Photo 0135 shows the odometer at the inspection. Photos 0136, 0137 show the meters with key-on / Engine off (due to the enclosed area at the body shop, the engine could not be started) / seat belt on. The odometer shows 29993 miles.

Photos 0138-0140, 0271-0282 show the engine compartment. I found the brake fluid to be within the normal operating range and the color of the fluid to be within the normal. I found no evidence of leaks from the brake master cylinder and the DSC unit. It appears that there is no damage to the top surface of the both shock tower.

Photos 0145-0148, 0155-0158, 0197-0198, 0239-0242, and 0251-0256 show the left front wheel, suspension and brake components. The tires appear to be an aftermarket, Toto Proxes 4. The size for both fronts and rears is 205/45/ZR17 88W. The wheels appear as OEM.
Photos 0253 and 0254 shows that the top layer (non-metal material) of the outside brake pad appears to be shifted from the original position. The rotor thickness appears to be less than minimal. Please refer the measurements below. I found no brake fluid leaks at the brake assemblies.

	Left Front	Right Front	Left Rear	Right Rear
Tire production DOT	4903	4903	4903	4903
Tire pressure (bar)	1.90	1.95	1.90	1.90
Tire thickness (mm)	5	5	5.5	5.5
Rotor measurement (mm) / (Minimum)	20.3 / (20.4)	20.3 / (20.4)	9.0 / (8.4)	9.0 / (8.4)
Pads measurement (mm)	10	10	8	8

Photos 0149-0154, 0159-0178, 0186-0190, 0199-0202, 0217-0225, 0229-0238 show the right front wheel, suspension and brake components. This area shows the most damage in this vehicle.
It appears that the half shaft CV joint was dislocated, the lower suspension was bent, the ball joint was dislocated from the strut and the steering arm was bent. The rotor thickness appears to be less than minimal. I found no brake fluid leaks at the brake assemblies.

Photo 0179-0185, 0207-0216, 0264-0270 show the steering rack and the steering column. The steering rack and the steering shaft appear to be in good condition. In order to avoid any further damage to the right side suspension, the steering wheel was not turned. Photo 0287 and

0288 show the steering column around the pedal area, under the dash board. I found some scratch, the length of approximately 5 cm, where the inside column meets the outside one.

Photo 0289-0297 show the interior of the vehicle. The driver side floor mat has the Velcro fastener at the right rear corner (photo 0291) but there was no fastener at the left rear corner (photo 293.) All pedals appear to be in good working condition. The brake pedal is securely attached to the pedal. The gas pedal appears to be firmly attached to the floorboard. The seat belt appears to be in good working condition and I found no mark on the sliding latch plate.

Photo 0303-0365 show the screen shots of GT1. Faults were not currently present.

The test drive was not available due to the damage of this vehicle.

The repair estimate from Nu-Way Body Works is attached.

Repair:
Not yet determined.

Attachments: Photos and Repair estimate

BMW of North America, LLC **Internal Field Report**

FSE Name	Ryan Cram
Market/Region	Western
Center Name	
Inspection Date	1/10/11
Inspection Location	IAA
City, State	North Hollywood, CA

Customer Name	[redacted]
Customer Address	
City State	
VIN/Chassis	T[redacted] / R50
Model & Mileage	Cooper CV / 78634
Production Date	11/04

Nature of Complaint:
The customer alleges steering malfunction.

Root Cause:
Not yet determined.

Diagnostic Path:

I inspected the subject vehicle on January 10, 2010, at IAA Auto Auction in North Hollywood, CA at approximately 2PM. I identified the subject vehicle by the B-pillar VIN placard, see photos 0001-0002.

Photos 0003-0011 show the exterior of the vehicle.

Photos 0012-0013 show the engine compartment. Photos 0014-0016 show the power steering reservoir; the fluid level appears low; the fluid can be seen at the lower portion of the reservoir but does not register on the dipstick..

Photos 0017-0019 show the battery; the battery appears to be an aftermarket Honda battery. The battery is not secured in the battery box and does not appear to be the proper size.

Photos 0020-0027 show the left front, right front, right rear and left rear wheels respectively. I noted the following tire specifics. The tires appear to be aftermarket replacements; the size is not indicated on the tire placard.

	Manufacturer/ Model	Size (Actual)	Size (Label)	Tire Pressure (Actual)	Tire Pressure (Label)	Tread Depth (mm)	DOT
Left Front	Kumho / Ecsta	205/50-16	195/55-16	33	35	3.5	2907
Right Front	Kumho / Ecsta	205/50-16	195/55-16	35	35	3	0708
Left Rear	Kumho / Ecsta	205/50-16	195/55-16	35	35	5	2507
Right Rear	Kumho / Ecsta	205/50-16	195/55-16	35	35	4.5	2807

Photos 0028-0032 show the undercarriage of the subject vehicle. The axle left front axle appears to be separated at the inboard CV joint. The steering rack appears in good condition. The center of the vehicle shows signs of a power steering leak. An automatic transmission fluid leak appears close to the area of the damage to the left front axle.

Photos 0033-0034 show the left front wheel moved from the full right position to the farthest it would move to the left while running. The damage at the left side interfered with steering range of motion. When moving the wheel the power steering motor could be heard running; power assist in the available movement range appeared normal. Photos 0035-0037 show the steering linkage at the undercarriage. The tie rods appear properly connected to the steering knuckles and steering rack.

Photo 0038 shows the driver's side interior. The steering wheel appears in good condition.

Photo 0040-0041 shows the instrument cluster and additional cluster in a Key-on / engine-off condition; the MRS light is constantly illuminated. Photo 0041 shows the mileage at the time of inspection as 78634 miles.

I attached my laptop and investigated the vehicle diagnostics using INPA. No relevant faults were stored in the EPS or DSC see attached check-in data.

The status of the brake pressure was observed. I found approximately 120 bar with the engine running and the brake pedal depressed, see attached scans.

The status of the EPS motor was checked with the engine running, see attached.

Repair:
Not yet determined.

Attachments: Photos, Inpa screenshots.

BMW of North America, LLC **Internal Field Report**

FSE Name	Michael Donahoe
Market/Region Center Name	Central Region
Inspection Date	4/16/2003
Inspection Location	S&T Auto Service
City, State	Chicago IL

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Mini Cooper 562
Production Date	08/2002

Nature of Complaint:
Alleged loss of steering ability caused accident.

Root Cause:
Not yet determined.

Diagnostic Path:

This vehicle was inspected the afternoon of, April 16, 2003, in the storage yard of S&T Auto Service, 3840 Kilbourn Street, Chicago, Illinois, 60641, on a partly cloudy day with the ambient temperature of 50ºF.

I observed the vehicle identification plate at top of dashboard. I observed the B-pillar VIN plate.

I performed a walk around the vehicle and observed damage to front and right rear of vehicle. The impact to right front bumper of vehicle appears to be from an angle of approx 45°. The right front wheel has a solid impact point that bent wheel on inner and outer plane. I also observed damage to left front and right rear wheels. I was unable to start engine due to impact damage. I observed that right lower control arm ball joint is disconnected and arm is folded upward. I observed no impact damage to surface of right lower control arm. There is no damage from control arm to the inside of the right front wheel. There is an impact at rear of right front wheelhouse but no indication of much tire abrasion. The inside of right front tire touched the strut housing identification tag. The drivers and passenger's airbags are deployed. The right side airbag and HPS is deployed. I observed what appears to be make-up on right HPS.

I verified that power steering pump is operational. I operated the steering wheel and observed no defects in steering operation. I verified power steering fluid level.

I observed that the airbag light is operational and that the light was on when vehicle was inspected.

I observed no deflection to steering wheel. I observed that steering wheel airbag is deployed.

I observed no damage to left or right stalk controls.

I observed left front seat position. The distance from the top of brake pedal to front of left front seat measured 51cm. The distance from the top of the steering wheel to the front of headrest measured 69cm.

I observed no damage to left lower dash panel.

I observed no tensioning to the left front seatbelt latch. I verified the status of the latch with BMW GT1 Tester and verified left front seatbelt operation. The latch status changed from " not plugged in " to " plugged in " during testing. I observed no damage to left front seatbelt webbing or left front sliding latch

plate.

I observed no damage left sun visor or left A-pillar trim.

I observed no damage to glove box door.

I observed that passenger side dash airbag is deployed.

I observed no tensioning to right front seatbelt latch. I verified status of latch with BMW GT1 Tester. I verified right front seatbelt operation. The latch status changed from " not plugged in " to " plugged in " during testing. I observed no damage to right front seatbelt webbing or right front seatbelt sliding latch plate.

I observed no damage right sun visor. The right A-pillar trim is out of position due to HPS deployment.

I interrogated vehicle fault systems with BMW GT1 Tester. The BMW GT1 Tester printout is attached to this report.

Pictures used in this report.

DSC00001 View of vehicle identification plate at top of dashboard.
DSC00002 View of vehicle identification plate on B-pillar.
DSC00003 View of vehicle odometer.
DSC00004 View of front of vehicle.
DSC00005 View of left side of vehicle.
DSC00006 View of rear of vehicle.
DSC00007 View of right side of vehicle.
DSC00008 View of left front of vehicle from front.
DSC00009 View of right front of vehicle from front.
DSC00010 View of left front side of vehicle.
DSC00011View of right front side of vehicle.
DSC00012View of right rear side of vehicle.
DSC00013View of left rear side of vehicle.
DSC00014View of right rear side of vehicle.
DSC00015View of left front wheel.
DSC00016View of damage to left front wheel.
DSC00017View of left rear wheel.
DSC00018View of right rear wheel.
DSC00019View of damage to right rear wheel.
DSC00020View of damage to right rear wheel.
DSC00021View of damage to right rear wheel.
DSC00022View of right front wheel.
DSC00023View of damage to right front wheel.
DSC00024View of damage to right front wheel.
DSC00025View of damage to right front wheel.
DSC00026View of damage to right front of vehicle.
DSC00027View of damage to right front of vehicle.
DSC00028View of right lower control arm.

DSC00029View of right lower control arm.
DSC00030View of right lower control arm disconnected.
DSC00031View of damage to right front from an elevated position.
DSC00032View of damage to inside of right front wheel.
DSC00033View of tire mark on right front strut housing label.
DSC00034View of left front seat position.
DSC00035View of left lower dash panel.
DSC00036View of steering wheel airbag.
DSC00037View of steering wheel.
DSC00038View of displaced steering column cowling.
DSC00039View of left stalk control.
DSC00040View of right stalk controls.
DSC00041View of airbag light in instrument cluster.
DSC00042View of left seatbelt latch.
DSC00043 View of left front seatbelt sliding latch plate.
DSC00044 View of back side of left front seatbelt sliding latch plate.
DSC00045 View of left A-pillar trim panel.
DSC00046 View of left sun visor.
DSC00047 View of right sun visor.
DSC00048 View of deployed right front side airbag and HPS.
DSC00049 View of glove box door.
DSC00050 View of deployed right dash airbag.
DSC00051 View of make-up on right HPS.
DSC00052 View of make-up on right HPS.
DSC00053 View of right A-pillar trim panel missing.
DSC00054 View of right front seat belt latch.
DSC00055 View of right front seatbelt sliding latch plate.
DSC00056 View of back side of right front seatbelt sliding latch plate.
DSC00057 View of right front of vehicle.
DSC00058 View of right front of vehicle.
DSC00059 View of right front lower control arm.
DSC00060 View of right front lower control arm.
DSC00061 View of right front lower control arm.
DSC00062 View of right front lower control arm.
DSC00063 View of right lower control arm ball joint socket.
DSC00064 View of right lower control arm ball joint socket.
DSC00065 View of damage to right front of vehicle.
DSC00066 View of power steering reservoir.
DSC00067 View of damage to right front of vehicle.
DSC00068 View of damage to right front behind wheel.

Repair: Not yet determined.
Attachments

BMW of North America, LLC **Internal Field Report**

FSE Name	Philip Fekete
Market/Region	15 Eastern
Center Name	Princeton BMW
Inspection Date	2/9/2004
Inspection Location	Princeton BMW
City, State	Princeton, NJ

Customer Name	[redacted]
City, State	Hamilton, NJ
VIN/Chassis	T[redacted]
Model & Mileage	Mini Cooper CV 11,574
Production Date	4/03

Nature of Complaint:
Reason for the inspection: The customer alleged steering failure and lost control.

Root Cause:
Not yet determined.

Diagnostic Path:
The vehicle examination revealed extensive impact damage to the right front alloy wheel, the right front suspension, the wheel opening and fender and the front bumper cover. The right side thorax and HPS airbags had deployed and a diagnostic crash telegram was found.

The right front hub assembly had partially separated from the vehicle's suspension held only by the steering control arm as shown in photographs 03, 06 and 07. The left front suspension remained intact as shown in photograph 08. The right front wheel displayed impact damage to the outer and inner rim flange, portions of the alloy wheel had fractured which resulted in a complete loss of tire pressure as shown in photographs 18 through 22. The impact damaged lower right wishbone suspension displayed excessive deformity and had separated from the hub assembly at the lower ball joint as shown in photographs 28 through 30 and 31 through 33. Due to the loose hub assembly, the right axle shaft constant velocity joint was pulled from the joint housing as shown in photographs 34 and 35. The impact damaged right front strut had separated at the upper strut mount as shown in photograph 36. The steering gear and both steering arms were found intact as shown in photographs 37 through 40. The right side fender and wheel opening displayed impact damage surrounding the kick panel area transferred from the loose wheel assembly as shown in photographs 06 and 41. Note the right side passenger door opened and closed with abnormal effort. The front bumper cover displayed impact damage and had separated from its mounting position on the left side of the vehicle again as shown in photograph 03. The lower portion air conditioning condenser displayed inward deformity as shown in photograph 15.

A short test using a BMW tester was performed and MRS4 and ZKE fault errors were found including an MRS4 91-Crash telegram, an MRS4 06-Side airbag, front right and a MRS4 0A-Head airbag, HPS right. Non-related fault errors included multiple ZKE DWA: engine hood open during arming. Note no LEW, EHPS, ABS/ASC/DSC or DME fault errors were recorded.

Note the vehicle was serviced for a steering noise (fluid loss at the gear) and for campaigns on 11/18/03. The steering gear was replaced, tires were rotated and a four- wheel alignment was performed. During the vehicle inspection the steering rack was examined and no problems were observed. The power steering fluid reservoir displayed a full level reading as shown in photographs 12 and 13. The vehicle was serviced again for a stalling complaint and an "Engine Light" and a "DSC Light"

1/6/2004 including a related fault error surrounding a #3 ignition misfire. The vehicle was reprogrammed for the latest DME software, the #3 ignition coil corroded contacts were cleaned and the steering angle sensor was replaced. The customer also complained of a burning smell that could not be duplicated by the technician.
Repair: Not yet determined.
Attachments: Photographs and a vehicle history file.

BMW of North America, LLC **Internal Field Report**

FSE Name	Richard Brown
Market/Region	32 / Western
Center Name	
Inspection Date	02/16/2006
Inspection Location	Jim & Jacks Auto Body
City, State	El Segundo, CA

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Cooper S / 9622
Production Date	06/2005

Nature of Complaint:
Customer complains of alleged steering, brake, and suspension failure.

Root Cause:
Not yet determined.

Diagnostic Path:
The VIN on the B pillar compliance label identified the vehicle. See attached photo 0001. The vehicle mileage was noted as 9,622 miles. See attached photo DSCN0001.
The exterior of the vehicle was inspected. Repairs to the collision-damaged suspension have been completed. See attached photos 0110 – 0116. There is still some body damage at the right rear corner of the vehicle. See attached photos 0003 – 0011and 0058 - 0060.
The interior of the vehicle was inspected. The passenger side head protection airbag is deployed. See attached photos 0012 – 0019.
The wheels and tires were inspected. The vehicle is fitted with Pirelli 205/45 R17 Run Flat tires. See attached photos 0020 – 0027. The tread on the tires is not “cupped” and they are worn evenly across their respective tread surfaces. See attached photos 0039, 0043, 0052, and 0061. The DOT number, current inflation pressure, and tread depth of the tires are:
Left Front – CE RO C997 1905, 26psi, 5mm tread in the center.
Right Front – CE RO C997 2005, 26psi, 4mm tread in the center.
Left Rear – CE RO C997 2005, 27psi, 7mm tread in the center.
Right Rear – CE RO C997 1905, 28psi, 7mm tread in the center.
The MINI specified inflation pressure for these tires on this vehicle is 38psi. See attached photo 0002.
The brake master cylinder was inspected. There is no evidence of brake fluid leakage around the master cylinder. The fluid reservoir is full. See attached photos 0028 – 0030.
The power steering fluid reservoir was checked. It is filled to the correct level and the fluid is clean. See attached photos 0031 – 0033.
The left front brake assembly was inspected. It is properly installed. There is no visible discoloring of either the brake rotor or the caliper. See attached photos 0034 and 0035. The brake rotor is 20.7mm thick. The MINI specified minimum thickness for these front rotors is 20.4mm. See attached photo 0038. The brake pads are 8mm thick. The wear sensor is not touching the rotor. See attached photos 0036 and 0037. The MINI specified minimum thickness for all brake pads is 3mm.
The left rear brake assembly was inspected. It is properly installed. There is no visible discoloring of either the brake rotor or the caliper. See attached photos 0040 and 0041. The rotor is 9.4mm thick. The MINI specified minimum thickness for these rear rotors is 8.4mm. See attached photo 0046. The brake pads are 8mm thick. See attached photos 0042, 0044, and 0045.
The right front brake assembly was inspected. It is properly installed. There is no visible discoloring of either the brake rotor or the caliper. See attached photos 0047 and 0048. The rotor is 20.8mm thick. The brake pads are 8mm thick. See attached photos 0049 – 0051.
The right rear brake assembly was inspected. It is properly installed. There is no visible discoloring of either the brake rotor or the caliper. See attached photos 0053 and 0054. The brake pads are 8mm thick. The wear sensor is not touching the rotor. See attached photos 0055 – 0057.
The suspension components that were removed from the vehicle were inspected. There is **no** visible evidence of fatigue or failure on any of these components and the two hubs that were

replaced both rotate smoothly without binding. See attached photos 0062 – 0109.
The engine was started and the instruments were checked for warning lamps. The SRS warning lamp and the Check Engine light remain illuminated. No ABS or DSC warning lamps remain illuminated. See attached photos DSCN0002 and DSCN0003.
The vehicle was identified using a GT1. Stored faults were indicated in the DME, EGS, ABS, KOM, MRS, and ZKE. See attached photo 0004. (Note that all GT1 photos begin with the prefix DSCN.)
The DME was identified. See attached photos 0005 – 0008. The fault memory was read out. There is one fault stored in the DME: P0700 AISIN TCU OBD relevant fault. See attached photos 0009 and 0010. The DME coding data was read out. See attached photo 0011.
The KOM was identified. See attached photos 0012 and 0013. The fault memory was read out. There is one fault stored in the KOM: 92 MRSZ5 malfunction in airbag system. See attached photo 0014.
The MRS module was identified. See attached photo 0015. The fault memory was read out. There are two faults stored in the MRS: 0A Head airbag – right, and 91 Crash telegram memory. See attached photos 0016 – 0018. MRS statuses and coding were checked. See attached photos 0019 – 0026.
The ABS/DSC module was identified. See attached photos 0027 and 0028. The fault memory was read out. There are two faults stored in the DSC module: 5E19 CAN data fault from DME/DDE, and 5DC0 Wheel speed sensor – rear right. See attached photos 0029 – 0032. DSC statuses were checked. See attached photos 0033 – 0041.
The EGS was identified. See attached photos 0042 and 0043. The fault memory was read out. There is one fault stored in the EGS: 3060 CAN message-speed-wheel-RR. See attached photo 0044.
The ZKE was identified. See attached photo 0045. The fault memory was read out. There are two faults stored in the ZKE: D1 WFD LED-short circuit, and 90 Battery voltage-open circuit. See attached photos 0046 and 0047.
The EHPS was identified. See attached photos 0048 and 0049. The fault memory was read out. There are no faults in the EHPS. See attached photo 0050. EHPS statuses were checked with the engine idling and the steering wheel both stationary and moved from side to side. See attached photos 0051 – 0054.
The brake pedal was pumped while the engine was not running. The pedal became firm after 4 pumps. When the engine was started the pedal lowered correctly. The transmission was placed in drive, the brake pedal pressed and held, and the accelerator pedal was pressed. The brakes held the vehicle stationary up to approximately 2600 engine rpm. Above 2600 rpm the vehicle would inch forward dragging the rear wheels. This test was repeated with the transmission in reverse. In reverse the brakes held the vehicle completely stationary and the torque converter stalled at approximately 2800 rpm.
The vehicle was driven through a series of figure eight turns in the parking lot of the body shop. Power steering assist was appropriate and the vehicle turned correctly.
The vehicle was not driven on the highway because of the body damage/tire interference at the right rear and the reduced visibility caused by the deployed head protection airbag.

Repair:
Not yet determined.

Attachments: Photographs: DSC_0001 – DSC_0116, DSCN0001 – DSCN0054

BMW of North America, LLC **Internal Field Report**

FSE Name	Mark Brownlee
Market/Region	Southern
Center Name	Moritz BMW
Inspection Date	05/25/05
Inspection Location	Moritz Body Shop
City, State	Arlington, TX 76011

Customer Name	[redacted]
	[redacted]
City, State	Arlington, TX
	[redacted]
VIN/Chassis	T[redacted]
Model & Mileage	Cooper S – 28
Production Date	03/05

Nature of Complaint:
Customer complains for alleged UES, brake and steering failure.

Root Cause:
Not yet determined.

Diagnostic Path:

I arrived at Moritz Body Shop on May 25, 2005 at 10:00 A.M.; it was 87 degrees and sunny. The purpose for my visit was to inspect VIN TK55478 for alleged UES, brake and steering failure.

When I arrived at the vehicle a visual inspection was performed. The body shop had removed the front hood, bumper cover, bumper, and right front wheel liner for estimate purposes. There was slight impact damage to the end of the right front fender support. The brace from the fender support to the right front frame rail was bent inward. The right hood latch was bent inward. The radiator support was cracked on the right top corner. I found no other exterior damage to the vehicle.

I next inspected the interior of the vehicle for damage and none was found. There were no warning lamps illuminated in the instrument cluster. I checked both front seatbelts and found them to function properly. I removed the PWG for a visual inspection and found markings on the housing in line with the full throttle pedal stop at the top backside of the accelerator pedal, which indicate heavy throttle application.

I checked the tires for size and pressures. The vehicle had Dunlop Sport 9000 tires in size 205/45 R 17 front and rear. The pressures were: L/F – 32.0 PSI, L/R – 32.5 PSI, R/F – 31.5 PSI, and R/R – 32.0 PSI. I saw no visible damage to any of the tires or wheels.

I checked the vehicle for any stored faults in memory and only found faults stored related to the removed body components. The faults found were:
ZKE Central body electronics BC1 (redesign):
75 Low beam, left, or open circuit
73 High beam, left, or open circuit
D1 WFD LED: short circuit
74 Low beam, right, or open circuit
CA HVAC: checking stepping motor
64 Direction indicator, front right, or open circuit
72 High beam, right, or open circuit
5C Low beam, right, or open circuit

I looked at brake switch input and brake pressures in DSC and found system functioning properly. I checked the PWG values in DME and found all within specification. I looked at EHPS and found system functioning properly.

I started the engine and drove the vehicle in the parking lot and found the accelerator, brakes and steering to function properly.

- **Photos DSCN 2625, 2626, 2627, 2628, 2629, 2630, 2631, and 2632 are external views of the vehicle.**
- **Photos 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, and 2644 are close of views of the impact damage.**
- **Photos 2645 and 2646 show the identifying VIN label located inside the driver's doorjamb.**
- **Photos 2647 and 2648 show the tire application/pressure label located inside the driver's doorjamb.**
- **Photos 2649, 2650, 2651, 2652, and 2653 show the instrument cluster and gauges with no warning lamps illuminated and the actual mileage of the vehicle.**
- **Photos 2654, 2655, 2666, and 2667 are views of the interior of the vehicle.**
- **Photo 2656 shows the driver's seatbelt fastened and functioning properly.**
- **Photos 2657, 2658, 2659 and 2660 show the driver's sliding latch plate with no markings.**
- **Photo 2661 shows the passenger's seatbelt fastened and functioning properly.**
- **Photos 2662, 2663, 2664, and 2665 show the passenger's sliding latch plate with no markings.**
- **Photos 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, and 2684 are views of diagnostic screen readings on GT1.**
- **Photos 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, and 2694 are views of PWG with marking on housing from pedal stop.**
- **Photos 2695, 2696, 2697, 2698, 2699, and 2700 show the damage to the front hood.**
- **Photos 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, and 2711 show the front bumper and bumper cover damage.**

Repair:
Not yet determined.

Attachments
Photos of vehicle and diagnostic screen views.

BMW of North America, LLC **Internal Field Report**

FSE Name	Ray C Sommers
Market/Region	Southern
Center Name	Adessa Auto Auction
Inspection Date	May 12, 2004
Inspection Location	Adessa Auto Auction
City, State	Opa-Locka, FL

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Cooper S – 36405
Production Date	11/02

Nature of Complaint:

Customer alleges power steering failure causing loss of control.

Root Cause:

No faults or defect found in the steering system.

Diagnostic Path:

I arrived at Adessa Auto Auction on May 12, 2004 at 10: 45 am; it was 85 degrees and overcast. The purpose for my visit was to inspect VIN TD61608 for alleged power steering failure causing loss of control.

When I arrived at the vehicle a visual inspection was performed. The main area of impact was frontal and slightly right of center. This impact caused heavy intrusion, forcing the engine and transaxle assembly rearward against the passenger compartment/engine separation wall.

The power steering reservoir fluid level was found to be empty. When the ignition key was cycled on, the electronic power steering pump could be audibility heard. Fluid was added to the power steering reservoir for the purpose of restoring power steering function. When the fluid was added, fluid was observed escaping from between the backside of the engine where the reservoir is located and the passenger/engine compartment separation wall. The exact point of leakage could not be determined due to the extensive accident damage in this area. The fluid lines that were visible were compromised from the engine being pushed rearward. All electrical and hydraulic connections were intact at the electronic power steering pump.

The steering rack connections, tie rods and pinion shaft, were found to be intact. The steering wheel was unable to be rotated right or left due to the passenger's side front wheel. This wheel was compressed against the rear of the inner wheel opening from impact, limiting movement.

The EHPSR50 power steering is activated by a high signal from the alternator after the engine starts. The reason for the constant running of the electronic power steering pump was due to accident damage to the alternator. The rear case of the alternator was broken away from impact. This rear case houses the stud for B+ output signal that indicates a engine running signal to the EHPSR50 control unit. Without this connection being present a high signal would be present at all times and the EHPSR50 control unit would think the engine was running when the ignition key is cycled on. This would also effect the illumination of the charge indicator warning lamp.

The vehicle was connected to BMW INPA Diagnostic Software for EHPSR50 control unit diagnosis. The results were as follows.

- **EHPSR50**
- >>>>>>>>>> No errors Found <<<<<<<<<<
- Status printouts are also attached documenting reported findings and system integrity.

- Photos 8678, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88 are views of the body exterior showing the amounts of intrusion sustained from impact.
- Photos 89, 90, 91, 92 and 93 are views of the electronic power steering pump showing electrical connections and hydraulic lines intact.
- Photos 94, 95, 96, 97, 98, 99, 700, 01 and 02 are views of the steering rack showing the pinion shaft and inner and outer tie rod ends intact. Please note one view shows the connected hydraulic lines.
- Photos 03, 04 and 05 show the plugged passenger's side front tire and amount of wear. Please note wear bars.
- Photos 06 and 07 are views of the instrument cluster showing actual mileage accrued and the absence of the charge indicator warning lamp.
- Photo 08 is a view of the identifying VIN sticker located inside the driver's doorjamb.

Repair:
Not yet determined.

Attachments

Photos and diagnostic printouts.

BMW of North America, LLC **Internal Field Report**

FSE Name	Phil Fekete
Market/Region	Eastern
Center Name	P &W Foreign Car
Inspection Date	4/4/2003
Inspection Location	4801 Baum Blvd
City, State	Pittsburgh, PA

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	Copper, 14,220
Production Date	5/02

Nature of Complaint:
A request was made to check the alleged power steering failure.

Root Cause:
Not yet determined.

Diagnostic Path:
A short test utilizing a BMW GT1 tester was performed and DME, ABS/ASC/DSC, KOM and ZKE faults were identified. Non-related faults included a DME PO575 Cruise control fault, input malfunction, a KOM 63 CAN bus, no DME message 1, a 64 CAN bus, no DME message 2, a 65 CAN bus, no DME message 4, a 66 CAN bus, no message 1 from GIB, two ZKE DWA driver's door open during arming, ABS/ASC/DSC 5E14 CAN connection to DME/DDE, a 5E15 CAN connection to EGS and a 5E19 CAN data fault from DME/DDE. All three faults set @ 22170.0 km, the faults was currently not present, frequency 2, vehicle speed 0.0, brake light switch was not operated, brake fluid level was OK, DSC system was active, brake pressure was not detected and ABS was not active.

Related stored faults included a ABS/ASC/DSC DDS button fault, frequency 1 @ 22880 km, vehicle speed was 0.0, brake light switch was not operated, brake fluid level OK, DSC active, brake pressure not detected, ABS control not active and a 5E40 steering angle implausible frequency 13 @ 22880 km, vehicle speed 24 km, brake light switch not operated, brake fluid level OK, DSC system was active, brake pressure not detected and ABS control was not active.

The vehicle examination revealed impact damage of the lower bumper cover, under carriage, front suspension and a wheel and tire found stored in the trunk compartment. The front, right tire and wheel exhibited no damage. The tires mounted on the vehicle were Goodyear Eagle, model NCT 5 run flat 195/55R16 87H's, mounted on alloy wheels and exhibited mileage and brake dust accumulation. The amount of remaining tread found on both of the front tires measured approximately 6mm. The amount of remaining tread found on both of the rear tires measured approximately 6-7 mm. The damaged wheel found in the trunk compartment was a different type styled 15-inch alloy wheel that exhibited outer rim impact damage as shown in Photo 12. The wheel exhibited inner contact damage transferred from the suspension during impact as shown in Photo 13. The spare tire was a Contltouring Contact 175/65R15 84H tire with remaining tread that measured approximately 4-5 mm.

The front, right wheel was pushed rearward towards the passenger floorboard as shown in Photos 09 and 10. The front, left wheel alignment in relation to the wheel opening appeared well as shown in Photo 11. The front bumper cover and undercarriage revealed contact damage transferred from road pavement. The heaviest damage was found on the right side of the vehicle as shown in Photos 15 and 16. The front, right wishbone suspension exhibited rearward deformity. The

wishbone deformity was observed as shown in Photo 17. The rearward suspension movement altered the right axle shaft alignment. The misaligned axle was found contacting the right stabilizer link. The stabilizer link rubbed the exterior finish off of the axle shaft exposing bare metal and red rust formation as shown in Photo 18. The polished area on the axle shaft and red rust formation indicates mileage accumulation over time after the incident as shown in Photo 19. The front, left wishbone suspension and lower engine cover mounting bolts exhibited pavement scrubbing as shown in Photos 20 and 21.

The power steering fluid registered on the dipstick as shown in Photo 22. The power steering system was operational and feedback was felt through the steering wheel when turning due to interference of the front, right tire and suspension. Testing was limited due to the extensive damage of the front right suspension, wheel interference and altered alignment.

Repair:
Not yet determined.

Attachments:

- Diagnostic data, note that no LEW steering faults were found.

BMW of North America, LLC **Internal Field Report**

FSE Name	Cram
Market/Region	32 Western
Center Name	
Inspection Date	8/21/08
Inspection Location	Spectrum Auto Collision
City, State	Irvine, Ca

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	MINI Cooper S 63428
Production Date	1/04

Nature of Complaint:
The customer alleges steering failure.

Root Cause:
Not yet determined.

Diagnostic Path:

I inspected the subject vehicle on August 21st at Spectrum Auto Collision in Irvine, CA. The inspection was performed outside in their storage facility. I identified the vehicle by the B-pillar and dashboard mounted VIN placard, see photos 0070-0072.

Photos 0073-0075 show the engine compartment.

Photos 0076-0078 show the power steering reservoir. I found the fluid level to be within the normal operating range and the color normal for time of service.

Photos 0079-0082 show damage to the right front wheel area. The upper strut appears to be torn from the upper strut mount.

Photos 0083-0087 shows damage to the right front suspension. The right side axle appears disconnected at the inner CV joint. The right tie rod and control arm appear bent. The tie rod appears properly attached at both the steering knuckle and steering rack.

Photos 0088-0092 show the undercarriage of the vehicle. The undercarriage of the vehicle appears to be covered with an excessive amount of caked on dirt/mud.

Photos 0093-0096 show the damaged right front suspension.

Photos 0097-0101 show the steering rack and input shaft. The input shaft appears to be properly attached.

Photos 0102-0104 show the driver's area and floor mat. The floor mat does not appear properly attached to the carpet.

Photos 0105-0106 show the instrument cluster and additional cluster in a Key-on/Engine-off condition; the driver's seatbelt is not fastened. Photos 0107-108 show the instrument cluster and additional cluster in a Key-on/Engine-off condition; the driver's seatbelt is fastened.

Photos 0109-0112 show the tire that was found in the rear passenger's compartment.

I noted the following tire specifics:

	Manufacturer	Model	Size	DOT Number	Tread Depth (mm)	Pressure (mm)
Left Front	Linglong	L688	205/45-17	4507	7.5	40
Right Front	Linglong	L688	205/45-17	4407	7.5	40
Left Rear	Dunlop	Sp Sport 01	205/45	3307	6.5	27
Right Rear	Dunlop	Sp Sport 01	205/45	3407	6.5	40
Additional tire	Dunlop	Sp Sport 01	205/45	3307	1.5	Not mounted

Photos 0113-0120 show the exterior of the vehicle.

I started the vehicle and was able to move the steering wheel to full left lock; the electric pump could be heard to increase in speed as the steering wheel was held at the lock position. The steering wheel would not move to full right lock due to the damage to the right side.

I attached my laptop to the subject vehicle and interrogated the vehicles diagnostics. I found no faults in the EHPS. I was able to activate the pump at 50-100 percent, see attached scans

No estimate was available at time of inspection

Repair:
Not yet determined.

Attachments: Photos, Inpa

BMW of North America, LLC **Internal Field Report**

FSE Name	Ray C Sommers
Market/Region	Southern
Center Name	Son's Auto Body
Inspection Date	May 6, 2003
Inspection Location	Son's Auto Body
City, State	Miami, FL

Customer Name	[redacted]
Customer Address	
City, State	
VIN/Chassis	T[redacted]
Model & Mileage	MINI Cooper 2576
Production Date	11/02

Nature of Complaint:
Customer alleges suspension failure caused loss of control.

Root Cause:
Not yet determined.

Diagnostic Path:

I arrived at Son's Auto Body on May 6, 2003 at 11: 25 AM; it was 84 degrees and sunny. The purpose for my visit was to inspect VIN TC40973 for suspension failure causing loss of control.

When I arrived at the vehicle a visual inspection was performed. The body and suspension repairs were completed on this vehicle prior to my arrival. It was noted thru DCS that the rear spring strut lower bolt replacement recall (03V-086) had not been performed on the vehicle. The suspension repairs were inspected. These repairs consisted of the replacement of the passenger's front lower control arm, passenger's rear lower wishbone arm, trailing arm and shock absorber, The shop foreman stated that all suspension bolts were the original bolts and had not been replaced. He also stated that during the repair all suspension bolts were tight and intact. The lower spring strut bolt on the passenger rear was inspected. This bolt displayed marking on the hex head of removal and installation thus indicating this bolt was most likely intact prior and during the incident. The shop foreman also stated the passenger side wheels were repaired were repaired due to outer bead damage from curb impact.

There was no damage noted in the interior. The seatbelts and buckles functioned normally. It was noted the airbag and ASC warning indicators were illuminated in the instrument cluster. The airbag warning was a result of a side impact sensor error. The ASC warning was a result of a damaged passenger rear wheel speed sensor.

- Photos DSCN4244, 43, 44, 45, 46, 47, 48, 49, 50 and 51 are views of the body exterior showing completed repairs.
- Photo 52 is a view of the lower spring strut bolt in question showing marking of removal and installation.
- Photo 53 shows the lower wishbone bolt marking of removal and installation.
- Photo 55 is a view af the assembled replacement parts.
- Photos 56, 57, 58, 59, 60 and 61 are views of the damaged suspension parts removed from the vehicle after the accident.
- Photos 62 and 63 are views of the instrument cluster showing actual mileage accrued and illuminated warning indicators.
- Photo 64 is a view of the identifying VIN sticker located inside the driver's

doorjamb.
Repair: Not yet determined.
Attachments Photos and Diagnostic screen prints.