



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

OCT 16 2012

1200 New Jersey Avenue SE  
Washington, DC 20590

**Via USPS Certified Mail and Email**

Mr. Mike Chapman  
Mr. Randy Chapman  
Dealer Principal(s)  
Chapman Chevrolet  
6925 Essington Avenue  
Philadelphia, PA 19153

NVS-215aa  
AQ12-002  
12V-288

**Re: Audit of Safety Recall Campaign Completion for New Vehicles**

Dear Mr. Chapman:

NHTSA received information suggesting that your dealership sold and delivered at least one new model year (MY) 2012 Chevrolet Cruz vehicle to a customer without having had all required safety recall repairs performed on that vehicle. Specifically, the information suggests repairs required under safety recall number 12V-288 (also referenced as GM campaign 12081) were not made prior to delivery to purchasers. This recall concerns certain model year 2011 and 2012 Chevrolet Cruze vehicles manufactured from October 2, 2009, through May 31, 2012. Spilled or dripping oil (such as after an oil change) may collect in the engine shield (bellypan) near hot engine or exhaust system surfaces. As a result, the oil and engine shield may ignite and burn. Either condition could result in an engine fire, possibly causing injury or death.

A dealer's sale and delivery of a new vehicle with a safety recall outstanding is a serious matter and a violation of Federal law to which significant civil penalties could apply. See 49 U.S.C. §§ 30120(i) and 30165. This office has opened an audit query (AQ) investigation and is sending this information request in order to determine whether Chapman Chevrolet (defined below) has complied with the prohibition on sales and delivery of unremedied new vehicles subject to safety recalls.

A copy of at least one of the communications GM issued to its dealers about this recall is enclosed with this letter.



## DEFINITIONS

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

1. "Chapman Chevrolet" means Chapman Chevrolet, including all of its divisions, subsidiaries and affiliated enterprises and its employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Chapman Chevrolet (including all business units and persons previously referred to).
2. The term "GM" means General Motors LLC.
3. The term "communications" is used in the broadest sense of the word and shall mean the exchange, transfer, or relay of any ideas, messages, or information by speech, writing, or other means, whether electronic, paper, or in person.
4. The term "you" or "your" refers to Chapman Chevrolet.
5. The term "person" includes natural persons, proprietorships, partnerships, firms, corporations, federal, state, and local governments, all departments and agencies thereof, and any other governmental agencies, political subdivisions, groups, associations, or organizations, whether located in the United States or abroad.
6. The term "relate to" or "relating to" means constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, concerning, or referring to, directly or indirectly.
7. The term "explain," "describe in detail," or "state in detail" mean the following:
  - a. Describe fully by reference to underlying facts rather than ultimate facts or conclusions of law or fact.
  - b. Particularize as to:
    - i. The identity of each person involved in each such event, including but not limited to persons employed by Chapman Chevrolet and those persons purporting to act for Chapman Chevrolet;
    - ii. The specific acts of each person participating in each such event;
    - iii. The date and time of each such event;
    - iv. The address and location of each such event; and
    - v. The identity of each person present during each such event.
8. The term "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all

non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), and faxes. For purposes of this request, any document that contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production.

9. "Safety recall 12V-288" means the safety recall GM is conducting through its dealerships to remedy certain model year 2011 and 2012 Chevrolet Cruze vehicles manufactured from October 2, 2009, through May 31, 2012. Spilled or dripping oil (such as after an oil change) may collect in the engine shield (bellypan) near hot engine or exhaust system surfaces. As a result, the oil and engine shield may ignite and burn. Either condition could result in an engine fire, possibly causing injury or death.
10. Other Terms: To the extent that they are used in this information request, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or plural form, have the same meaning as found in 49 CFR 579.4.
11. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neutral genders; and the neutral gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this information request all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb is a past or present tense, whenever necessary to bring within the scope of the document request all responses which might otherwise be construed to be outside its scope.

In order for my staff to evaluate whether or not Chapman Chevrolet has complied with the Safety Act's provision that a dealer not sell a recalled vehicle unless the recall remedy has been performed, certain information is required. Pursuant to 49 U.S.C § 30166, please provide numbered responses to the following information requests. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

## INFORMATION REQUESTS

Please repeat the applicable request verbatim above each response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.

1. Identify any and all notices or communications Chapman Chevrolet received from GM (including, but not limited to, notifications, service bulletins, stop sales instructions, reports, and letters, whether paper or electronic (such as through any GM interactive network)) concerning safety recall 12V-288. For each notice or communication you identify, state: (a) its date; (b) the date Chapman Chevrolet received it; (c) the type of the notice or communication (e.g., stop sale notice, recall notice, dealer bulletin, etc.); the number of affected units GM identified as within Chapman Chevrolet's possession, if any.

Produce a copy of each notice you received and identified in response to question number 1.

2. Produce copies of all communications, other than those already identified and produced in your response to information requests nos. 1 and 2, between Chapman Chevrolet and GM concerning safety recall 12V-288. For each such communication, state: (a) its date; (b) the date Chapman Chevrolet received it; and (c) the type of the notice or communication (e.g., stop sale notice, recall notice, dealer bulletin, etc.).
3. Identify, by stating the model, model year, and vehicle identification number ("VIN"), each and every new vehicle subject to safety recall 12V-288 of which Chapman Chevrolet did or does have possession from June 18, 2012 through present..

For each vehicle you identify, state the following:

- a. The date on which Chapman Chevrolet took possession of the vehicle;
- b. The disposition of the vehicle (e.g., sold, leased, still in inventory, etc.);
- c. The date of the disposition you identified in (b);
- d. The date on which the vehicle left the possession of Chapman Chevrolet (e.g., delivery date to purchaser);
- e. Whether the recall remedy was performed on the vehicle. "Recall remedy" refers to the inspection and repair procedures GM instructed Chapman Chevrolet to perform under the recall;
- f. The date on which the recall remedy was performed on the vehicle;
- g. The name and address of the entity that performed the recall remedy on the vehicle (e.g., Chapman Chevrolet).

Provide your responses in a table in Microsoft Access or Excel entitled "Vehicles 12V-288."

4. Produce copies of all documents that evidence, substantiate, or are otherwise related to your responses to each item within the scope of Request No. 3. Organize the documents separately by VIN.
5. Provide any additional information Chapman Chevrolet considers important for the agency to consider in reviewing and evaluating Chapman Chevrolet's responses to any of the requests above. As one example, identify any anomalies in the data or documents and explain the reason(s) for those anomalies.

This letter is being sent to Chapman Chevrolet pursuant to 49 U.S.C. § 30166(b), (e), which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports. It constitutes a new request for information. Chapman Chevrolet's failure to respond promptly and fully to this letter could subject Chapman Chevrolet to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$6,000 per day, with a maximum of \$17,350,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by 75 Fed. Reg. 79978 (Dec. 21, 2010)). This includes failing to respond to ODI information requests.

If Chapman Chevrolet cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney client, attorney work product, or other privilege, Chapman Chevrolet does not submit one or more requested documents or items of information in response to this information request, Chapman Chevrolet must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

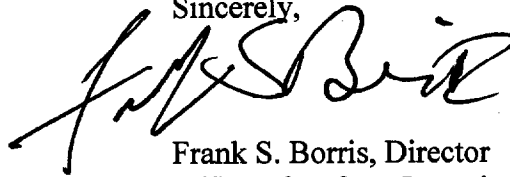
All documents should be bates stamped unless they are to be provided in Microsoft Access or Microsoft Excel format. This includes documentation that Chapman Chevrolet links electronically to any of the spreadsheets it produces in response to these requests. Unless otherwise stated, please provide documents in chronological order.

Chapman Chevrolet's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office **no later than three weeks from the date of this letter**. If Chapman Chevrolet finds that it is unable to provide all of the information requested within the time allotted, Chapman Chevrolet must request an extension from me at (202) 366-8089 no later than five business days before the response due date. If Chapman Chevrolet is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Chapman Chevrolet then has available, even if an extension has been granted.

If Chapman Chevrolet claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. §1905, Chapman Chevrolet must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-326, 1200 New Jersey Ave., SE, Washington, D.C. 20590. Chapman Chevrolet is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information is claimed to be confidential has been deleted. Please remember that the words "CONFIDENTIAL BUSINESS INFORMATION" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with of 5 U.S.C. § 512.6. If you submit a request for confidentiality for all or part of your response to this IR that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the requires in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)).

If you have any questions concerning this matter, please call Jennifer Timian, Chief of the Recall Management Division, at (202) 366-0209.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank S. Borris", written in a cursive style.

Frank S. Borris, Director  
Office of Defects Investigation  
Enforcement

Enclosure



Bulletin No.: 12081A  
Date: June 2012

# Recall Bulletin



## PRODUCT SAFETY RECALL

**SUBJECT:** Oil Spills or Leaks onto Hot Surfaces – Modify Engine Shield

**MODELS:** 2011-2012 Chevrolet Cruze

This bulletin has been revised to include a copy of the customer letter. Please discard all copies of bulletin 12081, issued June 2012.

### CONDITION

General Motors has decided that a defect, which relates to motor vehicle safety, exists in **certain** 2011 and 2012 model year Chevrolet Cruze vehicles. Improper engine oil change procedures on these vehicles can result in the spilling or dripping of oil. If oil contacts hot engine or exhaust system surfaces, and the engine shield, the shield may ignite and burn, resulting in a possible engine compartment fire.

In addition, on manual transmission vehicles, continuing to drive with a completely worn clutch may cause hydraulic fluid to be expelled from the clutch housing vent hole. Under certain circumstances, the fluid could be burning as it exits the vent hole. If the burning fluid contacts the engine shield, the shield may ignite and burn, resulting in a possible engine compartment fire.

### CORRECTION

Dealers are to modify the engine shield to prevent fluid from contacting the shield. Also, on vehicles with a manual transmission, dealers are to apply a protective tape to the electronic power steering wire harness.

### VEHICLES INVOLVED

All involved vehicles are identified by Vehicle Identification Number on the Investigate Vehicle History screen in GM Global Warranty Management system. Dealership service personnel should always check this site to confirm vehicle involvement prior to beginning any required inspections and/or repairs. It is important to routinely use this tool to verify eligibility because not all similar vehicles may be involved regardless of description or option content.

For dealers with involved vehicles, a listing with involved vehicles containing the complete vehicle identification number, customer name, and address information has been prepared

and will be provided to US and Canadian dealers through the GM GlobalConnect Recall Reports, or sent directly to export dealers. Dealers will not have a report available if they have no involved vehicles currently assigned.

The listing may contain customer names and addresses obtained from Motor Vehicle Registration Records. The use of such motor vehicle registration data for any purpose other than follow-up necessary to complete this recall is a violation of law in several states/provinces/countries. Accordingly, you are urged to limit the use of this report to the follow-up necessary to complete this recall.

**PART INFORMATION**

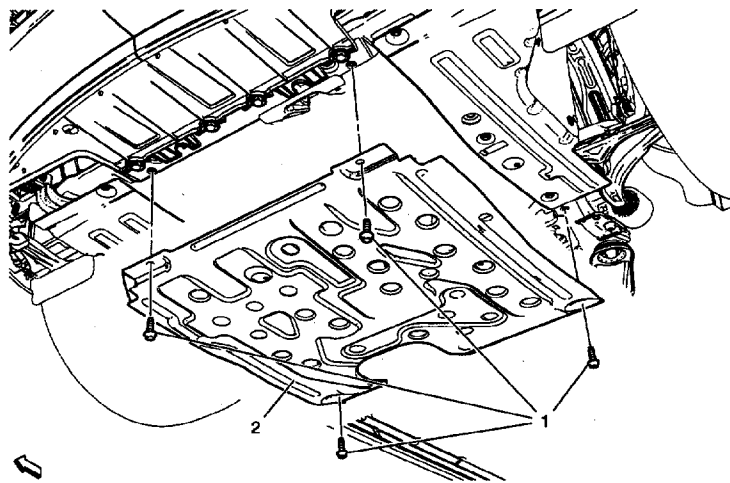
**Vehicles with Automatic Transmission:** No parts are required.

**Vehicles with Manual Transmission:** Parts required to complete this program are to be obtained from General Motors Customer Care and Aftersales (GMCC&A). Please refer to your "involved vehicles listing" before ordering parts. Normal orders should be placed on a DRO = Daily Replenishment Order. In an emergency situation, parts should be ordered on a CSO = Customer Special Order.

Part Number	Description	Quantity/Vehicle
10184916	TAPE, INSULATING (20'X2" ROLL) (manual vehicles only) (will service 12 vehicles)	1 (submit as Net Item)
19130464	STRAP, WRG HARN (manual vehicles only, if required)	1-6 (If Req'd)

**SERVICE PROCEDURE**

1. Raise and support the vehicle. Refer to *Lifting and Jacking the Vehicle* in SI.

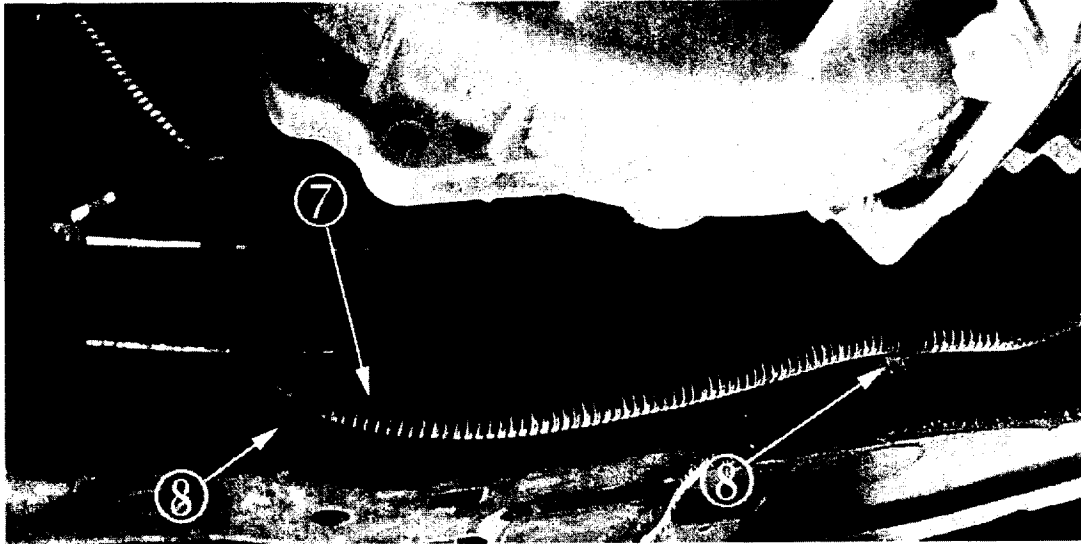


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2. Remove the engine shield from the vehicle. Refer to *Engine Shield Replacement* in SI.
3. Place the engine shield on a work bench.

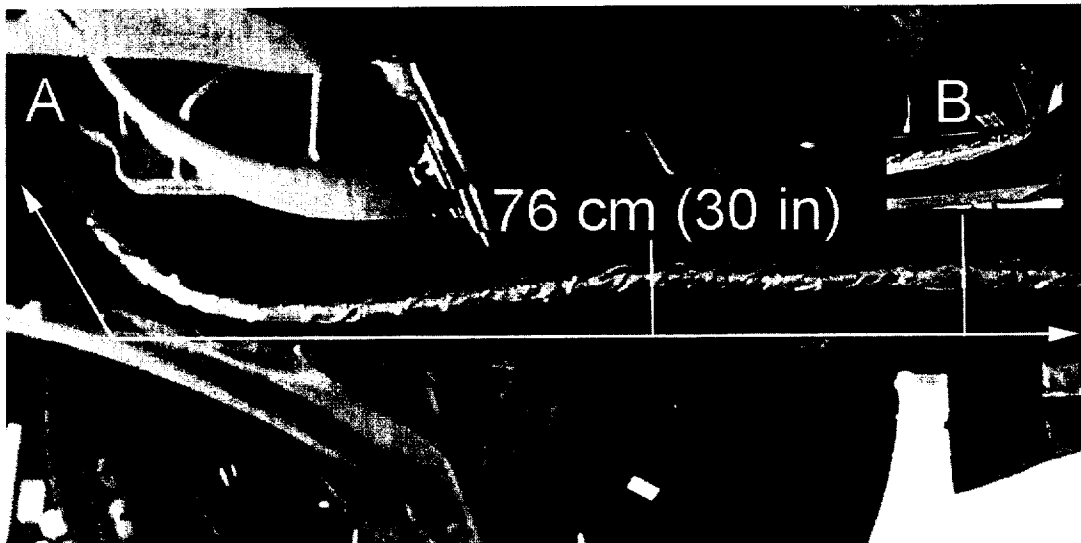


4. Determine if the vehicle is equipped with a manual transmission.
  - If the vehicle is equipped with a manual transmission, proceed to Step 5.
  - If the vehicle is equipped with an automatic transmission, proceed to Step 9.



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5. Locate the wire harness (7) along the driver side frame rail.
6. Remove wire harness retainers (8).

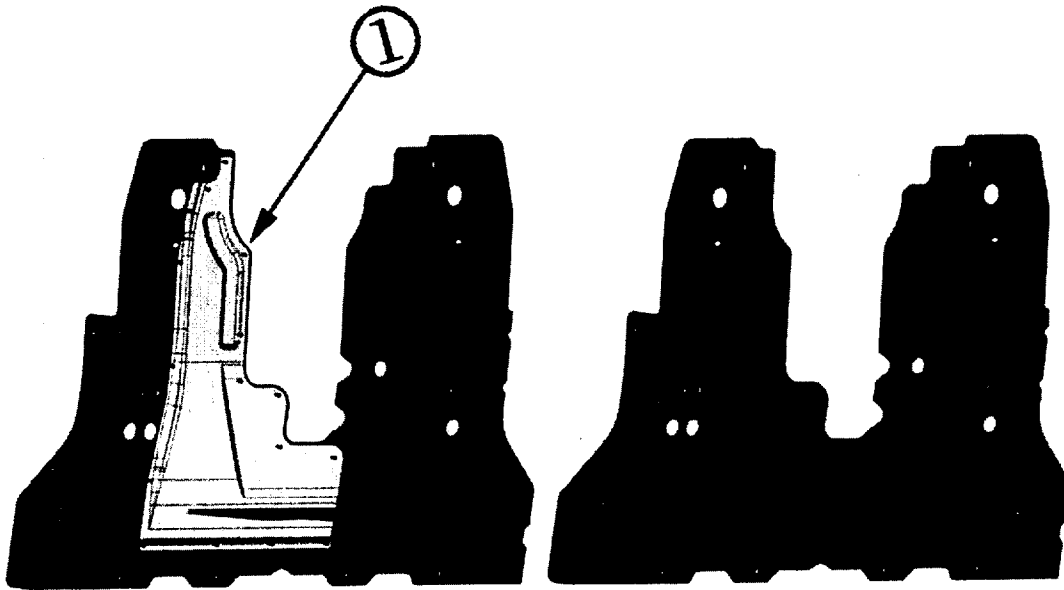


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7. Wrap the wire harness with tape, P/N 10184916. Begin wrapping the tape, P/N 10184916, at the rear portion of the wire harness (A) and finish wrapping the tape at the front portion of the wire harness (B). About a 76 cm (30 in) section of the wire harness must be taped.
8. Install wire harness retainers. If required, replace loose fitting or broken wire harness retainers with new wire harness retainers, P/N 19130464.

**Note:** Use a reciprocating saw (Sawzall) or equivalent to cut the engine shield.

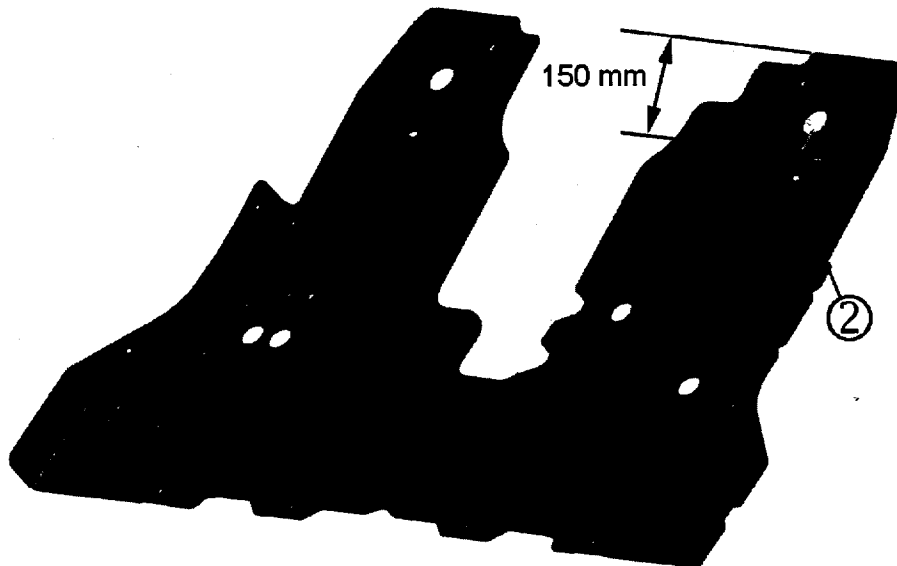
9. Modify the engine shield.



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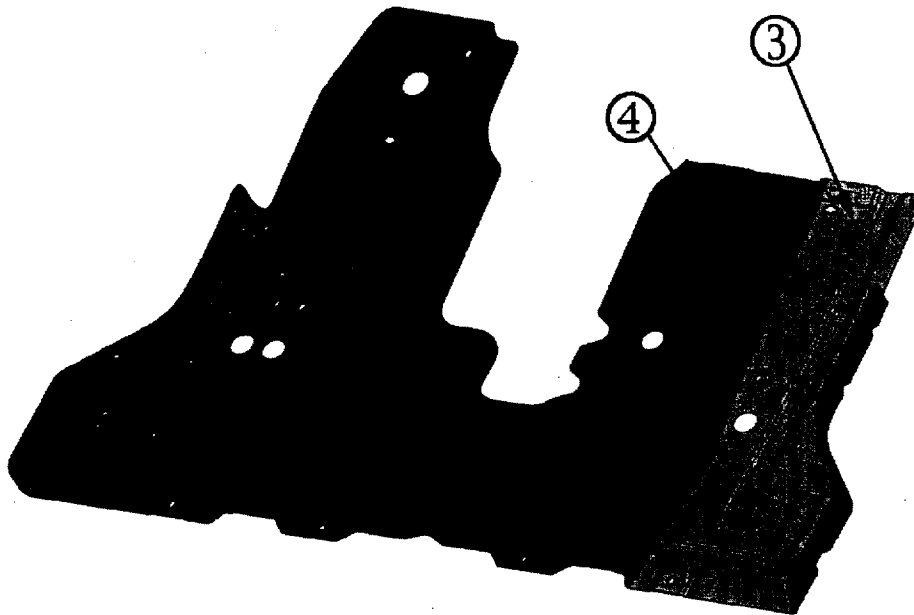
**Warning:** Carefully remove the foil with gloves and pry tool to avoid cutting your hands.

9.1 Remove the foil (1) from engine shield. Discard the foil.



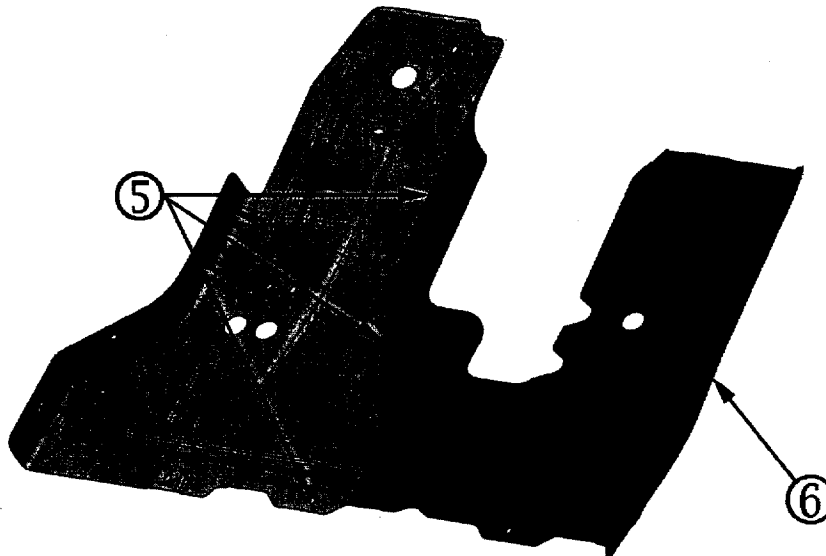
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9.2 Using a Sawzall or equivalent, remove 150mm (5.9 in) from the left side of the engine shield. Refer to the light green portion (2) of the engine shield in the illustration.



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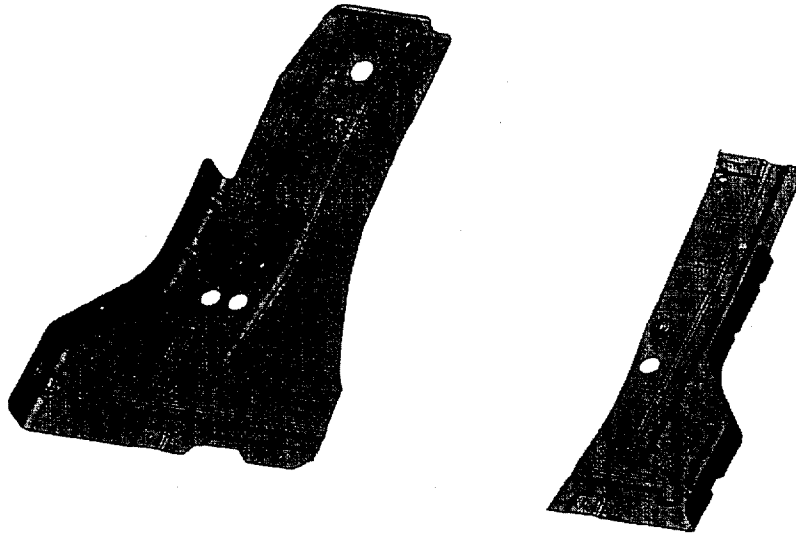
9.3 Using a Sawzall or equivalent, cut the left side of the engine shield (3). Cut the engine shield along the feature line (4) from front to rear. Refer to illustration.



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9.4 Using a Sawzall or equivalent, cut the engine shield on the right side along the two feature lines (5) then just the left of the inboard hole (5). Refer to illustration.

9.5 Discard the dark green portion of the engine shield (6).



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- 9.6 Install the two remaining engine shield pieces onto the vehicle.
10. Lower the vehicle. Refer to *Lifting and Jacking the Vehicle* in SI.

#### COURTESY TRANSPORTATION – For US and Canada

The General Motors Courtesy Transportation program is intended to minimize customer inconvenience when a vehicle requires a repair that is covered by the New Vehicle Limited Warranties. The availability of courtesy transportation to customers whose vehicles are within the warranty coverage period and involved in a product program is very important in maintaining customer satisfaction. Dealers are to ensure that these customers understand that shuttle service or some other form of courtesy transportation is available and will be provided at no charge. Dealers should refer to the General Motors Service Policies and Procedures Manual for Courtesy Transportation guidelines.

#### WARRANTY TRANSACTION INFORMATION

Submit a transaction using the table below.

Labor Code	Description	Labor Time	Net Item
V2601	Engine Shield Modification (automatic transmission)	0.5	N/A
V2602	Engine Shield Modification (inc harness wrap) (manual transmission)	0.6	*

- \* The amount identified in "Net Item" should represent the actual sum total of the current GMCC&A dealer net price for insulating tape needed to perform the required repairs, not to exceed \$6.34 USD, \$6.97 CAD, plus applicable Mark-Up or Landed Cost (for Export).

**CUSTOMER NOTIFICATION – For US and Canada**

General Motors will notify customers of this recall on their vehicle. (see copy of customer letter included with this bulletin).

**CUSTOMER NOTIFICATION – For Export**

Letters will be sent to known owners of record located within areas covered by the US National Traffic and Motor Vehicle Safety Act. For owners outside these areas, dealers should notify customers using the attached sample letter.

**DEALER RECALL RESPONSIBILITY – For US and Export (US States, Territories, and Possessions)**

The US National Traffic and Motor Vehicle Safety Act provides that each vehicle that is subject to a recall of this type must be adequately repaired within a reasonable time after the customer has tendered it for repair. A failure to repair within sixty days after tender of a vehicle is prima facie evidence of failure to repair within a reasonable time. If the condition is not adequately repaired within a reasonable time, the customer may be entitled to an identical or reasonably equivalent vehicle at no charge or to a refund of the purchase price less a reasonable allowance for depreciation. To avoid having to provide these burdensome remedies, every effort must be made to promptly schedule an appointment with each customer and to repair their vehicle as soon as possible. In the recall notification letters, customers are told how to contact the US National Highway Traffic Safety Administration if the recall is not completed within a reasonable time.

**DEALER RECALL RESPONSIBILITY – All**

All unsold new vehicles in dealers' possession and subject to this recall must be held and inspected/repaired per the service procedure of this recall bulletin before customers take possession of these vehicles.

Dealers are to service all vehicles subject to this recall at no charge to customers, regardless of mileage, age of vehicle, or ownership, from this time forward.

Customers who have recently purchased vehicles sold from your vehicle inventory, and for which there is no customer information indicated on the dealer listing, are to be contacted by the dealer. Arrangements are to be made to make the required correction according to the instructions contained in this bulletin. A copy of the customer letter is provided in this bulletin for your use in contacting customers. Recall follow-up cards should not be used for this purpose, since the customer may not as yet have received the notification letter.

In summary, whenever a vehicle subject to this recall enters your vehicle inventory, or is in your dealership for service in the future, you must take the steps necessary to be sure the recall correction has been made before selling or releasing the vehicle.



July 2012

Dear General Motors Customer:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

General Motors has decided that a defect, which relates to motor vehicle safety, exists in certain 2011 and 2012 model year Chevrolet Cruze vehicles. As a result, GM is conducting a safety recall. We apologize for this inconvenience. However, we are concerned about your safety and continued satisfaction with our products.

### **IMPORTANT**

- Your vehicle is involved in safety recall 12081.
- Schedule an appointment with your GM dealer.
- This service will be performed for you at **no charge**.

#### **Why is your vehicle being recalled?**

Spilled or dripping oil (such as after an oil change) may collect in the engine shield (belly pan) near hot engine or exhaust system surfaces. As a result, oil and the shield may ignite and burn.

In addition, on vehicles equipped with a manual transmission, continuing to drive with a completely worn clutch may cause hydraulic fluid to be expelled from the clutch housing vent hole. Under certain circumstances, the fluid could be burning as it exits the vent hole. If the burning fluid contacts the engine shield, the shield may ignite and burn.

Either condition could result in an engine compartment fire, which may cause property damage and/or personal injury.

#### **What will we do?**

Your GM dealer will modify the engine shield to prevent fluid from contacting the shield. If your vehicle has a manual transmission, your dealer will also apply a protective tape to the electronic power steering wire harness. This service will be performed for you at **no charge**. Because of service scheduling requirements, it is likely that your dealer will need your vehicle longer than the actual service correction time of approximately 30 to 40 minutes.

If your vehicle is within the New Vehicle Limited Warranty, your dealer may provide you with shuttle service or some other form of courtesy transportation while your vehicle is at the dealership for this repair. Please refer to your Owner Manual and your dealer for details on courtesy transportation.

#### **What should you do?**

You should contact your GM dealer to arrange a service appointment as soon as possible.

#### **Do you have questions?**

If you have questions or concerns that your dealer is unable to resolve, please contact the appropriate Customer Assistance Center at the number listed below.

Division	Number	Text Telephones (TTY)
Chevrolet	1-800-222-1020	1-800-833-2438
Guam	65-6267-1752	
Puerto Rico – English	1-800-496-9992	
Puerto Rico – Español	1-800-496-9993	
Virgin Islands	1-800-496-9994	

If after contacting your dealer and the Customer Assistance Center, you are still not satisfied we have done our best to remedy this condition without charge and within a reasonable time, you may wish to write the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE, Washington DC 20590, or call the toll-free Vehicle Safety Hotline at 1.888.327.4236 (TTY 1.800.424.9153), or go to <http://www.safercar.gov>. The National Highway Traffic Safety Administration Campaign ID Number for this recall is 12V288.

Federal regulation requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the lessee within ten days.

Jim Moloney  
General Director,  
Customer and Relationship Services

GM Recall #12081