



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



1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 06 2019

Mr. John Kobylarz
Jaguar Land Rover of North America, LLC
555 Macarthur Boulevard
Mahwah, NJ 07430

NEF-104fcl
EA18-004

Dear Mr. Kobylarz:

This letter is to request information to assist the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) in investigating allegations of doors opening while driving in certain model year (MY) 2013 through 2016 Range Rover and Range Rover Sport vehicles manufactured by Jaguar Land Rover in Engineering Analysis EA18-004.

ODI has received nine complaints alleging door latch failure including six incidents of doors opening while driving in the subject vehicles. Eight of the complaints involve vehicles that had received the updated software as part of Recall 15V-385 prior to the door opening incidents. The ninth complaint involves a vehicle produced after the KVM software update had been implemented in production. At least seven of these vehicles were repaired by replacing the latch assembly for the incident door. A copy of each of the complaints will be emailed to you for your information.

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

- **Subject Vehicles:** The subject vehicles include the following two subgroups of model year 2013 through 2016 Range Rover and 2014 through 2016 Range Rover Sport vehicles equipped with Unilatch Keyless Vehicle entry systems and manufactured for sale or lease in the United States:
 - **Subgroup A** - All MY 2013 through 2017 Range Rover and all MY 2014 through 2017 Range Rover Sport vehicles repaired under the subject recall; and
 - **Subgroup B** - All MY 2015 through 2016 Range Rover and Range Rover Sport vehicles that were not included in the subject recall scope and were built from March 1, 2015 through June 30, 2016.
- **Subject Recall(s):** NHTSA Recall 15V-385 (JLR # P068).
- **Subject System:** The Unilatch Keyless Vehicle (KV) entry system referenced in the chronology provided by JLR for the subject recall.

- **Subject Door Latches:** All door latches with a KV release motor (or power release motor) used for passive entry.

- **JLR:** Jaguar Land Rover of North America, LLC, including its parent company (collectively JLR) and all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of JLR (including all business units and persons previously referred to), who are or, in or after January 1, 2000, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
 - a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.

- **Alleged defect:** Allegations of any one or more of the following conditions:
 - 1. Complete unlatching of one or more door latches while driving;
 - 2. Partial unlatching of one or more door latches while driving (i.e., secondary latch remains engaged); or
 - 3. Door will not latch when closed.

- **Document:** “Document(s)” is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletin, notices, announcements, instructions, blueprints, drawings, as-built, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts,

administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by JLR, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by JLR or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as JLR has previously provided a document to ODI, JLR may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. Please provide comprehensive responses to all requests for production and field data (i.e., Request's 1-5 and 9), regardless of whether the information was previously submitted to NHTSA in response to a prior information request during RQ17-003. After JLR's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model, model year and entry system, the number of subject vehicles JLR has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by JLR, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;

- d. Model Year;
- e. Entry system (e.g., KV entry system);
- f. Remote Function Actuator (RFA) software version (as sold);
- g. Date of manufacture;
- h. Date warranty coverage commenced;
- i. Whether the vehicle was within the scope of the subject recall (yes/no);
- j. The date the subject recall remedy was completed, if applicable (completion date/not completed/not applicable); and
- k. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2010, or a compatible format, entitled "EA18-004 PRODUCTION DATA."

2. State, by model, model year and entry system, the number of each of the following, received by JLR, or of which JLR is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where JLR is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which JLR is or was a defendant or codefendant.

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

In addition, for items "c" through "f," provide a "detailed" description of the alleged problem and causal and contributing factors and JLR's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. JLR's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;

- g. Incident date;
- h. Report or claim date;
- i. Whether a crash is alleged;
- j. Whether property damage is alleged;
- k. Number of alleged injuries, if any;
- l. Number of alleged fatalities, if any;
- m. Door position (left front, right front, left rear, right rear, unknown);
- n. JLR's assessment of the failure mode alleged (unlatched in motion, partial unlatch in motion, failure to latch); and
- o. motion, failure to latch); and
- p. Repair performed (if known).

Provide this information in Microsoft Access 2010, or a compatible format, entitled "EA18-004 REQUEST NUMBER THREE DATA - SUBJECT VEHICLES" and "EA18-004 REQUEST NUMBER THREE DATA - PEER VEHICLES."

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately for the subject vehicles and by category (i.e., consumer complaints, field reports, etc.) and describe the method JLR used for organizing the documents. Describe in detail the search methods and search criteria used by JLR to identify the items in response to Request No. 2.
- 5. State, by model, model year and entry system, total counts for all of the following categories of claims, collectively, that have been paid by JLR to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

Separately, for each such claim, state the following information:

- a. JLR's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number(s);
- h. Problem code(s);
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer;
- k. Cause as stated on the repair order;
- l. Correction as stated on the repair order;
- m. Additional comments, if any, by dealer/technician relating to claim and/or repair;
- n. Door position (left front, right front, left rear, right rear, unknown); and
- o. JLR assessment of failure mode (unlatched in motion, partial unlatch in motion, failure to latch).

Provide this information separately for the subject vehicles in Microsoft Access 2010, or a compatible format, entitled "WARRANTY DATA - SUBJECT VEHICLES" and "WARRANTY DATA - PEER VEHICLES."

Describe in detail the search methods and search criteria used by JLR to identify the claims in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by JLR on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that JLR offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

6. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that JLR has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that JLR is planning to issue within the next 120 days.
7. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, JLR. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
 - f. A summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

8. State the number of door latch assemblies that JLR has sold that may be used in the subject or peer vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used, and month/year of sale (including the cutoff date for sales, if applicable).

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model

year, any other vehicles of which JLR is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

9. Provide a spreadsheet listing of all subject door latch parts returned for analysis by, or for, JLR. Include the following information for all such returns:
 - a. The vehicle identification number (VIN);
 - b. All related complaint, field report, or claim identification numbers;
 - c. Door position;
 - d. A summary of the customer concern;
 - e. JLR's assessment of the failure mode;
 - f. The status of the part analysis (incomplete, complete);
 - g. A summary of the results of the part analysis; and
 - h. JLR's assessment of the cause of the failure.

In addition, provide copies of all reports, photographs and videos related to return part analyses organized by vehicle identification number.

10. Furnish JLR's assessments of the alleged defect **in each subgroup** of the subject vehicles. Include the following information in each assessment:
 - a. Pareto charts of the root causes;
 - b. A breakdown of the failure mode counts for each root cause condition;
 - c. The risk to motor vehicle safety for the three most frequently occurring root causes identified;
 - d. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
 - e. The VOQ reports referenced in this inquiry.

Legal Authority for This Request

This letter is being sent to JLR pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information.

Civil Penalties

JLR's failure to respond promptly and fully to this letter could subject JLR 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.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$21,780 per violation per day, with a maximum of \$108,895,910 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by Fixing America's Surface Transportation Act (the "FAST Act"), Pub. L. 114-94, § 24110(a)(2), 129 Stat. 1312 (Dec. 4, 2015)). This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

If JLR 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, JLR does not submit one or more requested documents or items of information in response to this information request, JLR must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Confidential Business Information

All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office. In addition, do not submit any business confidential information in the body of the letter submitted to this office. Please refer to EA18-004 in JLR's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If JLR 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, JLR 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-100), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. JLR is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.** Please remember that the phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR 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 new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

If you have any questions regarding submission of a request for confidential treatment, contact Sarah Sorg, Trial Attorney, Office of Chief Counsel at sarah.sorg@dot.gov or (202) 366-4252.

Due Date

JLR's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **April 24, 2019**. JLR's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If JLR finds that it is unable to provide all of the information requested within the time allotted, JLR must request an extension from Jeffrey Quandt of my staff at (202) 366-5207 no later than five business days before the response due date. If JLR 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 JLR then has available, even if an extension has been granted.

Please send email notification to me at jeff.quandt@dot.gov and to ODI_IRresponse@dot.gov when JLR sends its response to this office and indicate whether there is confidential information as part of JLR's response.

You will be emailed copies of the subject reports (complaints) referenced in the introduction of this letter and identified by the following ODI reference numbers: 11172840, 11170874, 11139609, 11098484, 10983285, 10908506, 10883256, 10819201, 10654268.

If you have any technical questions concerning this matter, please call Frederick LaMance of my staff at (202) 366-9525.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen A. Ridella". The signature is written in a cursive style with a large initial "S".

Stephen A. Ridella, Ph.D.

Director

Office of Defects Investigation