

Toyota's Response to EA 18-006

1. State the number of each of the following, received by Toyota, or of which Toyota 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; and
 - e. Third-party arbitration proceedings where Toyota is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Toyota 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 summary description of the alleged problem and causal and contributing factors and Toyota's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

Response 1

On July 6, 2018 Toyota submitted a response to an Information Request (IR) dated May 11, 2018 in connection with NHTSA's Preliminary Evaluation (PE18-005) concerning the same subject. Request 2 of that PE IR sought the same information as this Request. See Toyota's response to that Request. In addition, Toyota undertook a search of available records in the categories requested to update the information previously provided. No new matters were found.

However, one new legal claim document that related to a VIN previously identified was located. Also, three additional customer complaint records that related to VINs previously identified were found. The information previously provided (entitled "Attachment – Response 2-1.pdf" stored in the folder "Attachment-Response 2" in response to the PE IR) has been amended and provided as part of this response. This amended document is provided electronically on DVD in PDF format entitled "Attachment – Response 2-1 Amended.pdf" stored in the folder "Attachment-Response 1".

2. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 1, state the following information:
 - a. Toyota's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 1 (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. Repair date;
 - i. Report or claim date;
 - j. Whether a crash is alleged.
 - k. Whether property damage is alleged;
 - l. Number of alleged injuries, if any;
 - m. Number of alleged fatalities, if any;
 - n. Whether the vehicle was involved in a crash prior to the subject incident;
 - o. Prior crash incident date;
 - p. Prior crash repair date;
 - q. Whether the subject incident occurred while driving or stationary;
 - r. Whether the subject incident occurred during use of the steering column tilt/telescoping adjustment feature;
 - s. Whether the subject incident resulted in separation of the steering column from the intermediate shaft; and
 - t. Toyota's assessment of the cause(s) of the breakaway capsule separation, if known.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER ONE DATA."

Response 2

On July 6, 2018 Toyota submitted a response to an Information Request (IR) dated May 11, 2018 in connection with NHTSA's Preliminary Evaluation (PE18-005) concerning the same subject. Request 3 of that PE IR sought the same information as this Request. See Toyota's response to that Request. In addition, Toyota undertook a search of available records in the categories requested to update the information previously provided. No new matters were found.

Toyota recognizes that this Request includes additional subsections h., n., o., and p. As no new matters were found, Toyota added available information responsive to these additional subsections to the document previously submitted in response to Request 3 of the PE IR. This revised document,

which includes amended information as noted in response to Request 1, above, is provided electronically on DVD in Microsoft Access 2010 format entitled “REQUEST NUMBER ONE DATA.mdb” stored in the folder “Attachment-Response 2”. Toyota’s assessments of these items is unchanged.

Please note that, as part of Toyota’s response to the PE IR, in Toyota’s assessment of VINs with reports of column separation, it was noted that there was evidence of involvement in crashes prior to the alleged incident in two cases. (We interpret “prior crash” to mean a crash separated in time from the incident giving rise to the allegation.) In the process of including subsections h., n., o., p., Toyota recognized that, in one of these cases, the prior crash that was noted was likely at the time of the alleged incident. This has now been revised in the aforementioned file entitled “REQUEST NUMBER ONE DATA. mdb”.

3. Produce copies of all documents related to each item within the scope of Request No. 1. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Toyota used for organizing the documents. Describe in detail the search methods and search criteria used by Toyota to identify the items in response to Request No. 1. As noted above, insofar as Toyota has previously provided a document to ODI, Toyota 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.

Response 3

On July 6, 2018 Toyota submitted a response to an Information Request (IR) dated May 11, 2018 in connection with NHTSA’s Preliminary Evaluation (PE18-005) concerning the same subject. Request 4 of that PE IR sought the same information as this Request. *See* Toyota’s response to that Request, including the description of the location of the documents.

In addition, Toyota undertook a search of available records to update the information previously provided. No new matters were found, but one new document that related to a VIN previously identified was located, along with the documents pertaining to the three prior consumer complaint records described in response to Request 1, above. These documents are provided as part of this response electronically on DVD in PDF format stored in the folder “Attachment-Response 3.” The records of consumer complaints are stores in the sub-folder “Consumer Complaints”. Copies of claims and notices are stored in the sub-folder “Claims and Notices.”

4. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Toyota 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. Toyota'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. Diagnostic Trouble Code(s);
- j. Replacement part number(s) and description(s);
- k. Concern stated by customer;
- l. Cause as stated on the repair order;
- m. Correction as stated on the repair order;
- n. Additional comments, if any, by dealer/technician relating to claim and/or repair; and
- o. Whether the vehicle was towed in for the repair, based on customer concern, technician comments, or towing claim occurring within a week of the claim.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "WARRANTY DATA."

Response 4

On July 6, 2018 Toyota submitted a response to an Information Request (IR) dated May 11, 2018 in connection with NHTSA's Preliminary Evaluation (PE18-005) concerning the same subject. Request 5 of that PE IR sought the same information as this Request. See Toyota's response to that Request. In addition, Toyota undertook a search of available records in the categories requested to update the information previously provided. No new claims were found.

On October 25, 2018, NHTSA provided VOQ # 11141761 and asked for an assessment of it. Toyota discovered that a dealer attempted to repair a steering column rather than replace it. To ensure a proper repair, Toyota provided a new steering column, and the charges were paid through the

warranty system. As these do not reflect warranty claims or new matters, they have not been included in this response.

5. Provide monthly updates for Requests 1 through 4 until the publication of the closing resume for EA18-006.

Response 5

In a discussion with the Agency on March 22, 2019, Toyota described its process for monitoring field information that may be related to this investigation. On a monthly basis Toyota reviews information about consumer complaints from Toyota's call center, field reports, including dealer reports from Toyota's Technical Assistance System (TAS), warranty claims, and legal claims, including those involving crashes, injuries or fatalities. Based on this process, the Agency agreed that Toyota could respond to the Request by promptly notifying the Office of Defects Investigation by phone or email if Toyota becomes aware of any new report that relates to or may relate to the alleged defect in the subject vehicles.

Toyota believes the aforementioned monthly review of information is a reasonable method to identify new reports that relate or may relate to the alleged defect. Although the monthly review is not inclusive of all data sources (e.g., it does not include extended warranty claims), Toyota believes this monthly review is robust.

6. Describe in detail the search methods and search criteria used by Toyota to identify the claims identified in response to Request No. 4, including the labor operations, problem codes, diagnostic trouble codes, part numbers and any other pertinent parameters used.

Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions, diagnostic trouble codes and diagnostic trouble code descriptions applicable to the alleged defect in the subject vehicles. State whether the diagnostic trouble codes are automatically reported to the warranty database electronically or manually entered into the warranty database by a claims administrator.

State, by make and model year, the terms of the new vehicle warranty coverage offered by Toyota 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 Toyota 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.

Response 6

On July 6, 2018 Toyota submitted a response to an Information Request (IR) dated May 11, 2018 in connection with NHTSA's Preliminary Evaluation (PE18-005) concerning the same subject. Request 6 of that PE IR sought the same information as this Request. *See* Toyota's response to that Request. The search criteria and methods used for Request 4, above, were the same as identified in the PE IR response.

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

Response 7

On July 6, 2018 Toyota submitted a response to an Information Request (IR) dated May 11, 2018 in connection with NHTSA's Preliminary Evaluation (PE18-005) concerning the same subject. Request 7 of that PE IR sought the same information as this Request.

At that time Toyota had not issued any documents or service bulletins concerning the alleged defect in the subject vehicles. However, Toyota indicated it was contemplating enhancements to the Toyota service instructions for Toyota and non-Toyota technicians to aid in determining whether steering column replacement is necessary after an inspection. Since that time, Toyota has updated its service repair manual to contain guidance for inspecting the steering column assembly breakaway capsules. In addition, Toyota issued a collision repair information bulletin for those dealers and aftermarket collision repair facilities to direct them to the repair manual for guidance on the inspection of the steering column assembly. Copies of both the updated service repair manual and the collision repair information bulletin were provided to the Agency on October 31, 2018.

8. Describe all assessments, analyses (including returned part 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, Toyota. For each such action, provide the following information:

- a. Action title or identifier;
- b. The actual or planned start date;
- c. The actual or expected end date;
- d. Brief summary of the subject and objective of the action;
- e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
- f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, including all reports related to returned part analyses and/or root cause analysis, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

Response 8

On July 6, 2018 Toyota submitted a response to an Information Request (IR) dated May 11, 2018 in connection with NHTSA's Preliminary Evaluation (PE18-005) concerning the same subject. Request 8 of that PE IR sought the same information as this Request. See Toyota's response to that Request. In addition, Toyota undertook a search of available records to update the information previously provided. No new actions have been undertaken since the PE IR response.

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Data provided in this document is current as of the following dates:

Response		Dates
Response 1-3	Consumer complaints	03/14/2019
	Surveys (PQS / DPQS)	03/08/2019
	Surveys (PLS / VSS)	03/12/2019
	Surveys (Ad Hoc)	03/12/2019
	Surveys (Consumer Insights)	03/08/2019
	Field Reports	03/12/2019
	Dealer Field Reports (TAS)	03/12/2019
	Property damage claims	03/07/2019
	Third Party Arbitration	03/14/2019
	Claims and Notices	03/07/2019
	Lawsuits including Lemon Law	03/07/2019
Response 4	Warranty Claims	03/12/2019
	Goodwill	03/12/2019
	Extended Warranty Claims	02/28/2019
Response 7	Documents issued to the field	03/06/2019
Response 8	Actions	03/06/2019

In responding to this Information Request, Toyota searched for the information that could potentially relate to the alleged defect in its databases and systems using keywords. The keywords used in that search are as follows; “separate,” “separated,” “separating,” “seperation,” “separate,” “seperatd,” “seperating,” “seperation,” “tilt,” “telescopic,” “falls,” “column,” “steering,” “break,” “disengage,” “disengaged,” “disconnected,” “disconnect,” “disconnected,” “loose,” “looseness,” “adjustment,” “adjust,” “drop,” “drops,” “wheel,” “away,” “breakaway,” “fell,” “shaft,” and “intermediate.” The information was then reviewed to determine if the information was, in fact, responsive to this request. The results of that review contained descriptions that could be described as “loose steering,” “separated steering column,” or “steering column / steering wheel dropped down.” In addition, some matters may have contained one of the aforementioned keywords, but were not determined to be responsive if there was a description such as “steering column has play in it,” “intermediate shaft noise,” or contains only a description such as “looseness” or “steering column is loose” as the only information available.

Concerning the “alleged defect,” the definition includes “Steering column separation from the intermediate shaft.” The steering column assembly has an upper column which connects to a lower column. The intermediate shaft sub-assembly is below the lower column. A separation at the intermediate shaft will not result in the steering column assembly dropping from the column mounting brackets or dashboard mounting blocks, which we understand to be the focus of this inquiry. A separation of the upper and lower steering column assemblies could result in the entire assembly dropping from the brackets or mounting blocks. We believe the Agency meant to inquire about the upper/lower shaft connection, and we are responding to this Information Request with such an understanding.

In the foregoing responses to this IR, information has been obtained from those departments and employees knowledgeable about the subject matter of this inquiry most likely to have such information in the regular and ordinary course of business. When a particular Request seeks “documents” as defined in the IR, reasonable, good faith searches have been made of corporate records where such documents would ordinarily be expected to be found and to which Toyota would ordinarily refer when looking for such information.

The definitions of “documents” and “Toyota,” however, are unreasonably broad, vague, and ambiguous, and Toyota objects to such definitions, because they exceed a reasonable understanding of such terms. For example, “calendars,” “travel reports,” “contracts” and “personnel records,” to name a few, would not normally contain responsive information pertaining to the alleged defect subject of

this inquiry. Toyota has also not provided information from electronic files that require extraordinary or expert means to retrieve that are generally unavailable to the computer user.

In addition, Toyota has not, except as otherwise noted, provided information from persons or entities over which it does not ordinarily exercise control, such as independent suppliers and contractors. Toyota also objects to the definition of “Toyota” to the extent it purports to include outside counsel. It would be unduly burdensome to require Toyota to request that outside counsel search files for responsive documents. Moreover, it is highly unlikely that outside counsel would possess any non-privileged documents responsive to this IR that are not already being produced by Toyota. In light of the significant burden and cost associated with canvassing outside counsel for potentially responsive documents and the very low probability of identifying any non-privileged document not already being produced, Toyota has not asked its outside counsel to search for responsive documents.

Toyota understands this IR to seek information on vehicles manufactured for sale in the United States and its territories. Also, we understand documents specifically related to the preparation of the responses are not sought.

The source of information used as a basis for the data in each Attachment, including the date the data were updated and retrieved, is identified above as applicable. If a document itself is the source for the requested information and it is provided, no further source identification is provided. If a document, drawing or component is requested, or if no responsive information is available, we assume no further source identification is called for.

Toyota is not providing privileged documents that may be responsive to this Information Request. With regard to claims of privilege, Toyota understands that it is acceptable to the Agency for Toyota to identify specific categories of privileged documents rather than any specific document within those categories. These categories include: (a) communications between outside counsel and employees of Toyota’s Legal Department, other Toyota employees, or employees of parties represented by Toyota in litigation and claims; (b) communications between employees of Toyota’s Legal Department and other Toyota employees, or employees of parties represented by Toyota in litigation and claims; (c) notes and other work product of outside counsel or of employees of Toyota’s Legal Department , including work product of employees or consultants done for or at the request of outside counsel or Toyota’s Legal Department. For any privileged documents that are not included in these categories, if any, Toyota will provide a privilege log identifying any such document under separate cover. Toyota is not claiming a legal privilege for any documents provided with this response; however, Toyota does not waive the legal privilege or work-product protection with respect to other documents that may

have been prepared in connection with a specific litigation or claim. In addition, Toyota may assert the attorney-client privilege or claim protection under the work-product protection for analyses or other documents that may be prepared in connection with litigation or claims in the future.

Toyota understands that NHTSA will protect any private information about persons that is contained in the Attachments to this response, based on privacy considerations. Such private information includes data such as names, addresses, phone or fax numbers, email addresses, license plate numbers, driver's license numbers and the last 6 digits of a vehicle's VIN.