

Quandt, Jeff (NHTSA)

From: [REDACTED]
Sent: Tuesday, December 1, 2020 4:28 PM
To: Webmaster, NHTSA (NHTSA); Wells, LeErnest (NHTSA); Quandt, Jeff (NHTSA); Ridella, Stephen (NHTSA)
Subject: Tesla SUA Motor Defect Petition - Seventh Addendum
Attachments: Seventh Addendum to Motor Vehicle Defect Petition.pdf

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Administrator Owens,

Please find attached the seventh addendum to the Tesla SUA Motor Vehicle Defect Petition. Please note that my mailing address has changed.

[REDACTED]

[REDACTED]

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MEMO

12-1-2020

SEVENTH Addendum

ATTACHMENT

2020-12-01 Petitioner email
attachment - Seventh
Addendum to Motor Vehicle
Defect Petition

**Seventh Addendum to Motor Vehicle Defect Petition:
Petition to Recall Tesla Vehicles Due To SUA**

James C. Owens
National Highway Traffic Safety Administration
400 Seventh Street, S.W.,
Washington, DC 20590

December 1, 2020

Dear Deputy Administrator Owens:

Thank you for receiving this addendum to the motor vehicle defect petition to recall Tesla vehicles due to Sudden Unintended Acceleration.

I include this addendum to update you on three matters relevant to the defect petition.

1. NHTSA is in receipt of an additional thirteen SUA reports since the previous update.
2. A Tesla-owner in Europe claims to have video of a SUA crash and has filed a whistleblower tip with the Securities & Exchange Commission.
3. State Farm Insurance has filed a lawsuit against Tesla alleging accelerator defects.

Tesla Model	Model Year	NHTSA #	Complaint Date	Incident Date	Status	Location
Model Y	2021	11376690	11/27/2020	11/20/2020	Parking	New Jersey, Newark
Model 3	2019	11375795	11/22/2020	11/21/2020	Starting Car	Texas, Austin
Model Y	2020	11375111	11/17/2020	11/17/2020	Parking	Virginia, Ashburn
Model Y	2020	11374936	11/16/2020	11/13/2020	Parking	California, Stevenson Ranch
Model 3	2020	11373812	11/9/2020	9/24/2020	Drive Thru	California, Burlingame
Model S	2016	11372844	11/3/2020	8/5/2020	Parking	California, Ross
Model Y	2020	11367044	10/29/2020	10/5/2020	Parking	California, Malibu
Model Y	2020	11366572	10/27/2020	9/1/2020	Parking	California, Corona del Mar
Model 3	2019	11365480	10/21/2020	9/7/2020	Parking	Pennsylvania, Downingtown
Model S	2020	11364250	10/14/2020	10/10/2020	Red Light	Florida, Miami
Model S	2020	11363066	10/6/2020	10/2/2020	Parking	Unknown
Model 3	2018	11360743	9/23/2020	3/30/2019	Parking	Florida, Boca Raton
Model S	2020	11359750 & 11366272	9/18/2020	8/18/2020	Parking	Florida, Punta Gorda

1. NHTSA is in receipt of thirteen additional SUA complaints since the last update. Two of the Tesla-owners reporting SUA have reported multiple occurrences.

Complaint # [REDACTED] from Ross, California, alleges two instances of SUA in a 2016 Tesla Model S:

On two separate occasions the car accelerated on it's own. On August 5th 2020 it accelerated while it was being parked resulting in damage to the car. On October 30th, 2020 the car accelerated after I removed my foot from the accelerator for approximately 20-30 yards.

Complaint # [REDACTED] recounts a third SUA event in a 2020 Tesla Model S, and follows an earlier report of two SUA incidents made to NHTSA in Complaint # [REDACTED] It says in part:

On Sunday, Oct 11 at 4:15pm, after a 1 hour ride, I had a 3rd Unintended Acceleration incident parking my Tesla in my garage. I drove my Tesla 4 times since having our last 2 Unintended Acceleration incidents on August 18. I had left my seatbelt connected for our last 4 rides and had no problems parking the car in the garage even when hot. This time I disconnected my seatbelt before parking on the two parking mats in the garage. My wife gave me the 'full sign' when both tires were against the 3" mat risers which meant my front bumper was 19" from the workbench. This time I applied the brake before pressing the park button, but again the instant I pressed the park button the car vaulted forward over both 3 mat risers and stopped only 1 inch from the workbench. I could feel the spiked of power to accelerator when I pressed the park button. I was truly relieved that I did hit the workbench. I backed up the car and just sat in it for 15 minutes and let the cooling fans run to cool the motors down.

2. A Tesla owner in Europe messaged me that he experienced multiple incidents of unintended acceleration in his Tesla Model 3. He claims to have a video of at least one SUA incident and resulting crash which shows that his foot was not on the accelerator. He claims that he filed a whistleblower tip with the Securities & Exchange Commission on or about October 25, 2020. He further claims that a Tesla service center in Europe has agreed to repair his vehicle under warranty or goodwill on or about November 4, 2020. Securities & Exchange Commission will have contact information for the person in question. I am also happy to provide this person's identity and contact information should your agency need it, I refrain from doing so at the moment only to avoid the individual facing retaliation from Tesla.

3. On October 2, 2020, State Farm Mutual Automobile Insurance Company filed a subrogation lawsuit against Tesla in San Francisco alleging the accelerator pedal of a 2018 Tesla Model X malfunctioned and locked.¹

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[REDACTED]

On or about October 28, 2019, plaintiff is informed and believes and thereon alleges that the subject vehicle's accelerator malfunctioned and locked while the vehicle was being operated in a normal and reasonable manner, causing the [driver] to lose control of the subject vehicle and collide into various vehicles and objects while driving [on] Mendosa Avenue in the city of San Francisco.

The lawsuit seems to describe the SUA crash detailed in NHTSA Complaint # [REDACTED] dated January 22, 2020, which was filed twelve weeks after the incident. As with many Tesla SUA complaints, this report indicates that Tesla is aware of the sudden acceleration defect and is unresponsive to the defect - and similarly unresponsive to the victims of the defect who seek help.

My Model X was traveling at low speed as it was near home. Before entering the curve, the X suddenly accelerated out of control. It first crashed into my other parked car in front of my house, pushing the parked car into my garage. Then it continued to hit a city light pole, breaking it at the base. The X continued to hit my next door neighbor's two cars parked outside of their home, damaging their garage. The car finally stop when it hit the wall of third neighbor that divide up her driveway.

Tesla roadside support contacted me on the day of the incident because they were able to see my airbag was deployed and may require assistance. **I requested Tesla to review the log of the car and explain why the car suddenly accelerated out of control.** When I followed up that first week they acknowledged my request in an email and told me that the request is with their engineering team and it may take a while before they will have any response. However, as of today, I haven't heard from their engineering team.

I highlight this lawsuit particularly as it is the first from an insurance company alleging unintended acceleration in Tesla-made vehicles.

The complaint rate for unintended acceleration remains much higher among Tesla-owners than owners of any other vehicle.

[REDACTED]

[REDACTED]