



January 28, 2022

SENT VIA E-MAIL
RETURN RECEIPT REQUESTED

Enzo Francesconi
Aftersales & Regulatory Affairs
Ferrari North America, Inc.
250 Sylvan Avenue
Englewood Cliffs, NJ 07632

NEF-104
PE21-012

Dear Mr. Francesconi:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE21-012) to investigate allegations of fuel loss from the capless fuel filler while the vehicle is in motion on model year (MY) 2010-2015 Ferrari 458 vehicles manufactured by Ferrari Società per Azioni (S.p.A), and to request certain information.

This office has received two reports and interviewed a third vehicle owner indicating a loss of gasoline from the fuel fill inlet while the vehicle is in motion. A copy of each of the reports is enclosed for your information.

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

- **Subject vehicles:** all MY 2010-2015 Ferrari 458 vehicles including the Italia, Spyder, Speciale, and Speciale A editions manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.
- **Peer vehicles:** all MY 2016-2020 Ferrari 488, MY 2015-2018 Ferrari California T, and MY 2012-2016 Ferrari FF models manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.
- **Subject component:** All components associated with the fuel fill system including the capless fuel intake system, lines, tubes, hoses, control devices, and valves attached to the fuel tank fuel inlet installed in the subject and peer vehicles.

- **Alleged defect:** Any failure, malfunction, or deficient performance of the subject components which may lead to a condition where fuel exits, or may exit, the vehicle in an unintended manner.

- **Ferrari:** Ferrari North America, Inc., Ferrari S.p.A., 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 Ferrari (including all business units and persons previously referred to), who are or, in or after January 1, 2011, were involved in any way with any of the following related to the alleged defect in the subject and peer 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.

- **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, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, 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 Ferrari, 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 Ferrari 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 Ferrari has previously provided a document to ODI, Ferrari 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. After Ferrari’s response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of subject and peer vehicles Ferrari has manufactured for sale or lease in the United States. Separately, for each subject vehicle and peer manufactured to date by Ferrari, state the following:
 - a. Vehicle identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Subject component part numbers installed as original equipment;
 - f. Date of manufacture;
 - g. Date warranty coverage commenced; and
 - h. 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 “PRODUCTION DATA.”.

2. State the number of each of the following, received by Ferrari, or of which Ferrari is otherwise aware, which relate to, or may relate to the alleged defect or damage to the subject components:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a fire, crash, injury or fatality;
 - d. Property damage claims; and
 - e. Third-party arbitration proceedings where Ferrari is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Ferrari 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 Ferrari’s assessment of the problem, with a summary of the significant underlying facts and evidence. For items “f” and “g” 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. Ferrari’s file number or another 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 a fire is alleged;
 - k. Whether property damage is alleged;
 - l. Number of alleged injuries, if any; and
 - m. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010, or a compatible format, entitled “REQUEST NUMBER TWO DATA.”.

4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Ferrari used for organizing the documents. Describe in detail the search methods and search criteria used by Ferrari to identify the items in response to Request No. 2.
5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Ferrari to date that relate to, or may relate to, the alleged defect or damaged subject components in the subject and peer 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. Ferrari'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; and
- m. Additional comments, if any, by dealer/technician relating to claim and/or repair.

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

6. Describe in detail the search methods and search criteria used by Ferrari 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 applicable to the alleged defect in the subject and peer vehicles.
7. State, by make and model year, the terms of the new vehicle warranty coverage offered by Ferrari on the subject and peer 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 Ferrari offered for the subject and peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

8. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect or subject components in the subject and peer vehicles, that Ferrari has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, replacement procedures for the capless fuel fill neck, external documentation or communication to aftermarket repair or service, bulletins, advisories, informational documents, training documents, and other documents or communications. Also include the latest draft copy of any communication that Ferrari is planning to issue within the next 120 days.
9. Describe all assessments, analyses, tests, test results, studies (including serviceability studies/issues), surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect or damage to the subject components in the subject and peer vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Ferrari. 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, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

10. Describe all modifications or changes made by, or on behalf of, Ferrari in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect or damaged subject components in the subject and peer vehicles. For each such modification or change, provide the following information:
 - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
 - b. A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part number(s) (service and engineering) of the original component;
 - e. The part number(s) (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and
 - h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Ferrari is aware of which may be incorporated into vehicle production within the next 120 days.

11. State the number of each of the following that Ferrari has sold that may be used in the subject and 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:
 - a. Subject components;
 - b. Any kits that have been released, or developed, by Ferrari for use in service repairs to the subject component/assembly.

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 Ferrari is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

12. Produce each of the following:
 - a. Parts schematics of the fuel system for the subject components;
 - b. A diagram of the capless fuel filling system, identifying each internal component and how it interacts with a fuel fill nozzle to refuel the vehicle.
13. Furnish Ferrari's assessment of the alleged defect or damage to the subject components in the subject vehicle, including:
 - a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The expected service life of the supplied capless fuel fill system;
 - d. The failure mode(s);
 - e. The risk to motor vehicle safety that it poses; and
 - f. 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 components were malfunctioning; and
 - g. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to Ferrari 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

Ferrari's failure to respond promptly and fully to this letter could subject Ferrari 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 \$22,992 per violation per day, with a maximum of \$114,954,525 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. This includes failing to respond completely, accurately, and in a timely manner to ODI information requests.

If Ferrari 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, Ferrari does not submit one or more requested documents or items of information in response to this information request, Ferrari 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 PE21-012 in Ferrari's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If Ferrari 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, Ferrari must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512. Additional information can be found here:<https://www.nhtsa.gov/coronavirus/submission-confidential-business-information>.

If you have any questions regarding submission of a request for confidential treatment, contact Daniel Rabinovitz, Trial Attorney, Office of Chief Counsel at daniel.rabinovitz@dot.gov or (202) 366-8534.

Due Date

Ferrari's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **March 26, 2022**. Ferrari's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. If Ferrari finds that it is unable to provide all of the information requested within the time allotted, Ferrari must request an extension from me at (202) 366-5226 no later than five business days before the response due date. If Ferrari 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 Ferrari then has available, even if an extension has been granted.

Please send email notification to Matthew Martens at matthew.martens@dot.gov and to ODI_IRresponse@dot.gov when Ferrari sends its response to this office and indicate whether there is confidential information as part of Ferrari's response.

If you have any technical questions concerning this matter, please call Matthew Martens of my staff at (202) 366-2252.

Sincerely,

A handwritten signature in black ink that reads "Gregory Magno". The signature is written in a cursive, flowing style.

Gregory Magno, Chief
Vehicle Defects Division D
Office of Defects Investigation

Enclosure 1, Copies of the subject reports referenced in the introduction of this letter identified by the following ODI reference numbers: The ODI complaints cited above involved the alleged defect can be viewed at www.nhtsa.gov under the following ODI identification numbers: 11400409, and 11383083.