



September 27, 2024

Mr. Jamie Clark
Lippert
3501 CR 6 East
Elkhart, IN 46514

Subject: Information Request ID PE24023-02

Dear Mr. Clark:

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 (PE24023) to investigate allegations of trailer hitch receiver structure cracks and/or separation in certain trailer hitch receivers manufactured by Lippert, and to request certain information.

This office has received 5 reports that allege the trailer hitch receiver structure cracked and/or separated. In one report, the towed vehicle separated causing property damage. In the other reports, the alleged defect was discovered before item separation. The report numbers are provided in Enclosure 2.

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

- **Subject vehicles:** all 2016 Thor Miramar, 2016-2017 Thor Hurricane, 2017 Thor Windsport, and 2022 Thor Challenger 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 trailer hitch receivers manufactured for use on the subject vehicles.
- **Alleged defect:** trailer hitch receiver structure may crack and/or separate.
- **Lippert:** Lippert, 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 Lippert (including all business units and persons previously referred to), who are or were involved in any

way as of January 1, 2014, 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, lawsuits or arbitrations; 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 Lippert, 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 Lippert 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 C.F.R. § 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 Lippert has previously provided a document to ODI, Lippert 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 Lippert's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State the number of subject components Lippert has manufactured for sale or lease in the United States. Separately, for each subject component manufactured to date by Lippert, state the following:
 - a. Number of subject components manufactured by year;
 - b. Who the subject components were sold to, by year;
 - c. Subject component part numbers and design version;
 - d. Towing capacity of the subject component; and
 - e. Tongue weight capacity of the subject component.

Provide the table in Microsoft Excel, or a compatible format, entitled “PRODUCTION DATA.” A pre-formatted data collection file, which provides further details regarding this submission, can be provided to you.

2. State the number of each of the following, received by Lippert, or of which Lippert 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, both pending and closed, where Lippert is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which Lippert 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 Lippert'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. Lippert'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), email address and telephone number (please use distinct fields for each data type);
 - d. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
 - e. Vehicle's 17-character VIN;
 - f. Vehicle's make, model and model year (please use distinct fields for each data type);
 - g. Vehicle's mileage at time of incident (numeric data type);
 - h. Incident date (MM/DD/YYYY);
 - i. Report or claim date (MM/DD/YYYY);
 - j. Whether a crash 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 Excel, or a compatible format, entitled “REQUEST NUMBER TWO DATA.” A pre-formatted data collection file, which provides further details regarding this submission, can be provided to you.

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 Lippert used for organizing the documents. Describe in detail the search methods and search criteria used by Lippert 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 Lippert to date that relate to, or may relate to, the alleged defect in the subject components: 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. Lippert's claim number;
- b. Vehicle owner or fleet name (and fleet contact person), email address and telephone number (please use distinct fields for each data type);
- c. Vehicle owner or fleet street address, city, state (postal abbreviation), and ZIP code (please use distinct fields for each data type);
- d. 17-character VIN;
- e. Repair date (MM/DD/YYYY);
- f. Vehicle mileage at time of repair (numeric data type);
- g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code (please use distinct fields for each data type);
- h. Labor operation number(s);
- i. Problem 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. If pre-authorization was required or requested;
- o. If the claim was paid; and
- p. Additional comments, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Excel, or a compatible format, entitled "WARRANTY DATA." A pre-formatted data collection file, which provides further details regarding this submission, can be provided to you.

6. Describe in detail the search methods and search criteria used by Lippert to identify the claims in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used.
7. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles.
8. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Lippert 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 Lippert is planning to issue within the next 120 days.
9. Describe the following for the trailer hitch receiver:
 - a. How the load ratings were determined to include the towable weight and the tongue weight of the hitch receiver;
 - b. Any stress analysis or finite element analysis performed to ensure that the subject components will meet or exceed the tow rating as specified on the subject components;
 - c. The specific location of the highest stress area within the subject components;

- d. Any factor of safety established for the subject components;
 - e. Calculation and equation methodology employed to calculate the stresses in the subject components;
 - f. The design life of the subject components;
 - g. All static, quasi-static, dynamic, and field testing performed to ensure that the subject components will meet or exceed the tow rating as specified on the hitch receiver;
 - h. All corrosion related testing to ensure that the final protective coating meets Lippert's specification; and
 - i. All material specifications (including revision histories) for the subject components.
10. 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, Lippert. 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.
11. Describe all modifications or changes made by, or on behalf of, Lippert in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject 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 component 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 Lippert is aware of which may be incorporated into vehicle production within the next 120 days.

12. Describe the process used to fabricate the hitch receiver including, but not limited to:
 - a. The material specification;
 - b. Heat treatment;
 - c. Base preparation leading to the final protective paint/coating; and
 - d. Specifications and/or drawings for the hitch receiver.
13. Describe all quality assurance measures (including job instructions, tool set-up requirements, quality check worksheets, layered audits, and metallurgical evaluations) that are taken to ensure a properly fabricated hitch receiver assembly.
14. Describe all installation and quality assurance guidance provided to Thor on the assembly process for the hitch – including work instructions, torque specifications, paint specifications, quality checks, layered audits, etc.
15. For cases that Lippert is aware of, and determined to be a result of customer overloading, describe how Lippert determined that customer overloading was the root cause for each case in detail. Include documentation, such as certified scale tickets, to support Lippert's assessment of overloading. State how overloading the GVWR will cause the hitch to fail when the hitch is within the load ratings stated on the hitch.
16. Describe any customer restrictions for the subject components, such as draw bars, load distribution equipment, adjustable tow bars, drop hitches, trailer sway control, etc.
17. State the number of each of the following that Lippert has sold that may be used in the subject 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 cut-off date for sales, if applicable):
 - a. Subject component; and
 - b. Any kits that have been released, or developed, by Lippert 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 Lippert is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

18. Furnish Lippert's assessment of recall 23V351, including how it is similar to this investigation, how it differs from this investigation, and how Lippert supported that recall.
19. Furnish Lippert's assessment of the alleged defect in the subject vehicles, including:

- a. The causal or contributory factor(s);
- b. The failure mechanism(s);
- c. The failure mode(s);
- d. The risk to motor vehicle safety that it poses;
- e. 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
- f. The reports included with this inquiry.

Legal Authority for This Request

This letter is being sent to Lippert 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. It constitutes a new request for information.

Civil Penalties

Lippert's failure to respond promptly and fully to this letter could subject Lippert 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, 49 U.S.C. § 30165(a)(3), provides for civil penalties of up to \$27,168 per violation per day, with a maximum of \$135,828,178 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 C.F.R. § 578.6(a)(3). This includes failing to respond completely, accurately, or in a timely manner to ODI information requests.

If Lippert 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, Lippert does not submit one or more requested documents or items of information in response to this information request, Lippert 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

If Lippert's response contains any information that you claim is confidential business information, Lippert must submit its request for confidential treatment and any files containing CBI to NHTSA's Office of the Chief Counsel Via the CBI Portal or a secure electronic file transfer link. Please see enclosure 1 for additional instructions on submitting a request for confidential treatment that is compliant with 49 C.F.R. Part 512 (specifically, a request for confidential treatment must include the four required parts that are discussed in enclosure 1).

If you choose not to submit your request for confidential treatment and any files containing CBI directly to NHTSA's Office of the Chief Counsel via the CBI Portal, please notify the investigator referenced in this IR to ensure that the secure file transfer link for your request for confidential treatment and any files containing CBI are directed to the Office of the Chief Counsel accordingly.

In addition to submitting a request for confidential treatment and any files containing CBI directly to NHTSA's Office of the Chief Counsel, Lippert must submit a copy of its request for confidential treatment and any files containing CBI directly to ODI via the Safety Defect Investigations (SDI) Portal. For each file submitted through the SDI Portal where CBI is being requested, Lippert must check the "Contains CBI" box. In addition, Lippert, must submit a

redacted version of each file for which CBI is being requested. The requests for confidential treatments and certification documents are not considered confidential so these documents should not be marked as "Contains CBI".

Please refer to PE24023-02 in Lippert's response to this letter and in the request for confidential treatment that Lippert may submit.

Due Date

Lippert's response to this letter must be submitted to this office by November 8, 2024. If Lippert finds that it is unable to provide all of the information requested within the time allotted, Lippert must request an extension from me at (202) 366-0698 no later than five business days before the response due date. If Lippert 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 Lippert then has available, even if an extension has been granted.

If you have any technical questions concerning this matter, please call Michael Rimstad of my staff at (202) 366-6618.

Sincerely,

A handwritten signature in black ink that reads "Joshua Neff". The signature is written in a cursive, slightly slanted style.

Joshua Neff, Chief
MHDVD Division
Office of Defects Investigation

Enclosure 1, Information for Requests for Confidential Treatment.

ENCLOSURE 1 - INFORMATION FOR REQUESTS FOR CONFIDENTIAL TREATMENT

If you believe that your response contains any material that you claim is confidential business information, submit these materials to NHTSA's Office of the Chief Counsel in accordance with 49 C.F.R. Part 512. **All requests for confidential treatment must be submitted directly to the Office of the Chief Counsel via the Confidential Business Information (CBI) Portal or a secure file transfer link for your submission addressed to the Office of the Chief Counsel. If you are not currently registered for the CBI Portal, you may send a registration request to cbi-helpdesk@dot.gov. In addition to directly submitting the files to the Office of the Chief Counsel, you will also need to submit a copy of your request and files containing CBI directly to ODI through the Safety Defect Investigations (SDI) Portal.**

Requests for confidential treatment are governed by Part 512. A current version of this regulation is available on the internet at <http://www.ecfr.gov> by selecting Title 49 "Transportation," selecting "Parts 500 - 599" and then selecting Part 512 "Confidential Business Information."

How to request confidential treatment:

NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. If you claim that any of the information or documents provided in your response constitutes confidential business information within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, you must request a secure file transfer link from the ODI contact listed in your Information Request. ODI will copy a representative from the Office of the Chief Counsel on the secure file transfer link for your request for confidential treatment. You must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with Part 512, to the Office of the Chief Counsel. Do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters.

Your request must include a request letter that contains supporting information, pursuant to Part 512.8. Your request must also include a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit one unredacted "confidential version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" (as applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: "[]."

You are also required to submit one redacted "public version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted "public version" should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are not seeking confidential treatment).

For questions about a request for confidential treatment, please contact Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov or (202)366-8534.

ENCLOSURE 2, The subject reports referenced in the introduction of this letter may be viewed at the NHTSA.gov website using the following ODI reference numbers: 11437860, 11508906, 11510061, 11553386, 11562420.