

Safety Defect and Noncompliance Report Guide for Equipment  
**PART 573 Defect and Noncompliance Report**<sup>1</sup>

On August 30, 2010, Marathon Seat Covers decided that a defect which potentially relates to motor vehicle safety exists in items of motor vehicle equipment listed below, and is furnishing notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573 Defect and Noncompliance Reports.

Date this report was prepared: September 2, 2010

Furnish the manufacturer's identification code for this recall (if applicable): None

1. Identify the full corporate name of the fabricating manufacturer/brand name/trademark owner of the recalled item of equipment. If the recalled item of equipment is imported, provide the name and mailing address of the designated agent as prescribed by 49 U.S.C. §30164.

Montana Ventures, LLC – DBA Marathon Seat Covers,

Brand name - Superhides

Identify the corporate official, by name and title, whom the agency should contact with respect to this recall.

Keith Gordon, President

Telephone Number: 406-551-6206 Fax No.: 406-587-4860

Name and Title of Person who prepared this report.

Keith Gordon

President

Signed: /s/ Keith Gordon

<sup>1</sup>Each manufacturer must furnish a report, to the Associate Administrator for Enforcement, for each defect or noncompliance condition which relates to motor vehicle safety.

This guide was developed from 49 CFR Part 573, "Defect and Noncompliance Reports" and also outlines information currently requested. Any questions, please consult the complete Part 573 or contact Mr. George Person at (202) 366-5210, by FAX at (202) 366-7882, or E-Mail to RMD.ODI@dot.gov.

**I. Identify the Recalled Items of Equipment**

**2. Identify the Items of Equipment Involved in this Recall, for each make and model or applicable item of equipment product line (provide illustrations or photographs as necessary to describe the item of equipment), provide:**

**Generic name of the item:** Seat cover

**Make:** Chevy **Model:** Avalanche (2010)

**Part Number:** 593,594,578 **Size:** N/A

**Function:** Seat cover (front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Chevy/GMC **Model:** Silverado/Sierra (2010)

**Part Number:** 593,594,578 **Size:** \_\_\_\_\_

**Function:** Seat cover (front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Chevy/GMC **Model:** Suburban/Yukon XL (2010)

**Part Number:** 593,594,578 **Size:** \_\_\_\_\_

**Function:** Seat cover (front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Chevy/GMC **Model:** Tahoe/Yukon (2010)

**Part Number:** 593,594,578 **Size:** \_\_\_\_\_

**Function:** Seat cover (front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**I. Identify the Recalled Items of Equipment (Continued)**

**2. Identify the Items of Equipment Involved in this Recall, for each make and model or applicable item of equipment product line (provide illustrations or photographs as necessary to describe the item of equipment), provide:**

**Generic name of the item:**

**Make:** Jeep **Model:** Patriot/Compass (2007-2010)

**Part Number:** 960 **Size:** \_\_\_\_\_

**Function:** Seat cover (Front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Ford **Model:** Explorer (2006-2010)

**Part Number:** 228,228-09 **Size:** \_\_\_\_\_

**Function:** Seat cover (Front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** Ford **Model:** Escape (2006-2010)

**Part Number:** 267-08 **Size:** \_\_\_\_\_

**Function:** Seat cover (Front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**I. Identify the Recalled Items of Equipment (Continued)**

**2. Identify the Items of Equipment Involved in this Recall, for each make and model or applicable item of equipment product line (provide illustrations or photographs as necessary to describe the item of equipment), provide:**

**Generic name of the item:**

**Make:** Toyota      **Model:** FJ Cruiser (2008-2010)

**Part Number:** 333      **Size:** \_\_\_\_\_

**Function:** Seat cover (Front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**  
\_\_\_\_\_

**Make:** Nissan      **Model:** Frontier (2009-2010)

**Part Number:** 625      **Size:** \_\_\_\_\_

**Function:** Seat cover (Front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**  
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**Make:** Nissan      **Model:** X-terra (2009-2010)

**Part Number:** 630      **Size:** \_\_\_\_\_

**Function:** Seat cover (Front seat back rest only)

**Other information which characterizes/distinguishes the items of equipment to be recalled:**  
None

**Identify the approximate percentage of the production of all the recalled models manufactured by your company between the inclusive dates of manufacture provided above, that the recalled model population represents. For example, if the recall involved Equipment equipped with certain items of equipment from January 1, 1996, through April 1, 1997, then what was the percentage of the recalled Equipment of all Equipment manufactured during that time period.**

Marathon Seat Covers assumes that all of the front seats described above have side airbags, and that all of the seat covers in question did not have the lighter thread, so 100% of the equipment is being recalled and replaced.

**II. Identifying the Recall Population**

**3. Furnish the total number of items of equipment recalled potentially containing the defect or noncompliance.**

<b>Model</b>	<b>Year</b>	<b>Number of Items Potentially Involved</b>
All Chevy/GMC	2010	206
All Jeep	2007-2010	4
All Ford	2006-2010	38
All Toyota	2008-2010	33
All Nissan	2009-2010	13

**Total Number Potentially Affected by the Recall:** 294

**4. Furnish the approximate percentage of the total number of items of equipment estimated to actually contain the defect or noncompliance:** 100%

**Identify and describe how the recall population was determined--in particular how the recalled models were selected and the basis for the beginning and final dates of manufacture of the recalled items of equipment:** We went through our customer list and pulled out all customers that had ordered product where side airbags had been added to the seat backs by the manufacturer without our knowledge.

**III. Describe the Defect or Noncompliance**

**5. Describe the defect or noncompliance. The description should address the nature and physical location of the defect or noncompliance. Illustrations should be provided as appropriate.**

We design and sell custom replacement seat covers. For vehicle models in which the manufacturer has installed side airbags in the seat backs, it is our practice to use a lighter weight thread, as a precaution, in the panel that fits over the side of the seat that houses the airbag. In the vehicle models listed above, the manufacturers added side airbags to the front seat backs without changing the design of the seats themselves, and the customers ordering the seat covers did not advise us that the seats had side airbags. As a result, we were unaware of the fact that the seats had side airbags. Standard weight thread was used throughout in the front seat covers for these vehicle models. This could possibly interfere with the full deployment of the side airbag.

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**Describe the cause(s) of the defect or noncompliance condition.**

In the vehicle models listed above, the manufacturers added side airbags to the front seat backs without changing the design of the seats themselves, and the customers ordering the seat covers did not advise us that the seats had side airbags. As a result, we were unaware of the fact that the seats had side airbags. Standard weight thread was used throughout in the front seat covers for these vehicle models.

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**Describe the consequence(s) of the defect or noncompliance condition.**

There is a potential that the side airbag will not fully deploy.

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**Identify any warning which can (a) precede or (b) occur.**

None of which we are aware.

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**If the defect or noncompliance is in a component or assembly purchased from a supplier, identify the supplier by corporate name and address.**

None

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**Identify the name and title of the chief executive officer or knowledgeable representative of the supplier:**

None

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#### **IV. Provide the Chronology in Determining the Defect/Noncompliance**

*If the recall is for a defect, complete item 6, otherwise item 7.*

**6. With respect to a defect, furnish a chronological summary (including dates) of all the principle events that were the basis for the determination of the defect. The summary should include, but not be limited to, the number of reports, accidents, injuries, fatalities, and warranty claims.**

**7. With respect to a noncompliance, identify and provide the test results or other data (in chronological order and including dates) on which the noncompliance was determined.**

Head of design became aware of side airbags in the front seat backs in one of the Chevy models from a new customer at the end of the week of August 23<sup>rd</sup>. Upon discovering this, he immediately researched all of our seat cover patterns and determined that, in the vehicle models listed above, the manufacturers added side airbags to the front seat backs without changing the design of the seats themselves. Through counsel, we promptly contacted the NHTSA to inquire what we needed to do to comply with applicable laws and regulations.

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#### **V. Identify the Remedy**

**8. Furnish a description of the manufacturer's remedy for the defect or noncompliance. Clearly describe the differences between the recall condition and the remedy.**

We are making replacement front seat back covers with the lighter weight thread for all orders filled for the models listed above. Replacements will either be sent out with the notification letter to customers, or as soon thereafter as we can complete manufacture of the replacement seat covers. Customers will remove the old seat cover and replace it with the new one. All of our seat covers are sold directly to customers, and are installed by the customers themselves. Accordingly, we have a record of each customer to whom we have sold each of the seat covers, and there are no other distributors or installers involved. It is highly unlikely that any customer will have incurred any costs for

remedies in advance of our notification to customers, so we have developed no specific plan for reimbursement of such costs, but we will notify customers that in the unlikely event that they have incurred bona fide costs for remedies in advance of our notification, we will reimburse such costs after we confirm that such costs are legitimate.

**Clearly describe the distinguishing characteristics of the remedy component/assembly versus the recalled component/assembly.**

The only difference is in the thread used on the side that houses the airbag. Everything else is identical.

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**Identify and describe how and when the recall condition was corrected in production. If the production remedy was identical to the recall remedy in the field, so state. If the product was discontinued, so state.**

All affected patterns were modified during the week of August 23, 2010, so any seat covers produced in the future will have the lighter weight thread over the side airbags.

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## **VI. Identify the Recall Schedule**

**Furnish a schedule or agenda (with specific dates) for notification to other manufacturers, dealers/retailers, and purchasers. Please, identify any foreseeable problems with implementing the recall.**

Notification will go out to all customers affected (along with the replacement product if available) beginning on September 10, 2010 or once we have approval from the NHTSA, whichever occurs earlier. We expect to have all notifications sent on or before September 17, 2010. Production of replacement product is already well under way. We anticipate that we will be able to deliver some or possibly all of the replacement seat covers at the same time we send the notification letters to customers, and in any event all replacement seat covers should be delivered on or before September 30, 2010.

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## **VII. Furnish Recall Communications**

**9. Furnish a final copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and which are sent to more than one manufacturer, distributor, or purchaser. This includes all communications (including both original and follow-up) concerning this recall from the time your company determines the defect or noncompliance condition on, not just the initial notification. *A DRAFT copy of the notification documents should be submitted to this office by Fax (202-366-7882) or by E-Mail (RMD.ODI@dot.gov) for review prior to mailing.***

**Note: These documents are to be submitted separately from those provided in accordance with Part 579.5 requirements.**