



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

JUN - 5 2012

Mr. Don Snyder, CEO
Snyder Systems, Inc./Wildfire Motors (“Wildfire”)
11 Technology Way
Steubenville, OH 43952

Re: Special Order Including Request for Production of Documents

Dear Mr. Snyder:

The National Highway Traffic Safety Administration (“NHTSA” or “agency”) administers the National Traffic and Motor Vehicle Safety Act, as amended and recodified (“the Act”), 49 U.S.C. § 30101 et seq.

Snyder Systems, Inc./Wildfire Motors (“Wildfire”) has filed a report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*, on the noncompliance of Wildfire MY2009 WF650-C motorcycles with Federal Motor Vehicle Safety Standard (FMVSS) No. 122. NHTSA has assigned recall number 12V-031 to this recall.

On May 2, 2012, NHTSA sent an informal request for information relating to Wildfire’s plan of repair for NHTSA’s MY2009 WF650-C (VIN LTDKDVZ179TWF0221). Wildfire responded to that request on May 10, 2012. Wildfire has not provided sufficient information on the remedy for the MY2009 WF650-C’s noncompliance with FMVSS No. 122. NHTSA is sending you this Special Order Including Request for Production of Documents (“Special Order”) because it is seeking further information related to the repair of the recalled MY2009 WF650-C vehicles, the implementation of the remedy and recall and other information pertaining to the remedy.

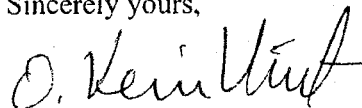
Your response must be received by **July 5, 2012**.

This response must be given under oath. 49 U.S.C. § 30166(g)(1)(A). Failure to answer or answering untruthfully may subject you to civil penalties under 49 U.S.C. § 30165.



If you have any questions about the Special Order, please contact Ms. Sarah Sorg at (202) 366-4252 or Ms. Kerry Kolodziej at (202) 366-5902.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "O. Kevin Vincent".

O. Kevin Vincent
Chief Counsel

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

1200 New Jersey Avenue, SE

West Building, W41-326

Washington, DC 20590

In re:

Wildfire MY2009 WF650-C Motorcycles)

NHTSA Recall No. 12V-031)

**SPECIAL ORDER
INCLUDING
REQUEST FOR PRODUCTION OF DOCUMENTS**

To:

Mr. Don Snyder, CEO

Snyder Systems, Inc./Wildfire Motors ("Wildfire")

11 Technology Way

Steubenville, OH 43952

This Special Order from the National Highway Traffic Safety Administration (NHTSA) is issued pursuant to 49 U.S.C. § 30166(g)(1)(A) and 49 CFR Part 510.7 and 510.8.

Snyder Systems, Inc./Wildfire Motors ("Wildfire") has filed a report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*, on the noncompliance of Wildfire MY2009 WF650-C Motorcycles ("MY2009 WF650-C") with Federal Motor Vehicle Safety Standard (FMVSS) No. 122. NHTSA has assigned recall number 12V-031 to this recall.

On May 2, 2012, NHTSA sent an informal request for information relating to Wildfire's plan of repair for NHTSA's MY2009 WF650-C (VIN LTDKDVZ179TWF0221). Wildfire responded to that request on May 10, 2012. NHTSA is sending you this Special Order Including Request for Production of Documents ("Special Order") in part because it is seeking further information related to the remedy for the recalled MY2009 WF650-C vehicles, the implementation of the remedy and the recall, as well as other information pertaining to the recall.

Your responses to Interrogatories and the accompanying Request for Production of Documents must be provided by **July 5, 2012**. Your answer must be signed under oath.

Please note that once we receive your responses, we are expecting you to repair the vehicle that NHTSA's Office of Vehicle Safety Compliance (OVSC) had previously tested (MY2009 Wildfire WF650-C with VIN LTDKDVZ179TWF0221) (NHTSA's MY2009 WF650-C or the NHTSA-owned MY2009 WF650-C) in the same way that you repair the other vehicles under recall number 12V-031.

After you complete this repair, OVSC plans to retest NHTSA's MY2009 WF650-C vehicle to all applicable requirements of FMVSS No. 122. If the vehicle does not pass any of the compliance tests, the Agency may take further action. The Agency may decide to hold a public hearing on whether Wildfire has reasonably met the remedy requirements under 49 U.S.C. § 30120. *See* 49 CFR 557.6(d) and 49 CFR 557.7. Such a decision would be published in the Federal Register and a public hearing would be conducted. If such public hearing is held, it may result in a final decision that you have not reasonably met your obligation to remedy the vehicles, and may result in an order compelling you to take specified action, including refunding the purchase price of the vehicles, less a reasonable allowance for depreciation.

Definitions and Instructions for this Special Order are contained in the attached appendix.

Respond to the following questions and requests:

Interrogatories:

1. a. Identify in detail each and every part that is to be installed on MY2009 WF650-C motorcycles as part of the remedy under the recall number designated by NHTSA as 12V-031 (hereinafter recall number 12V-031).

b. On May 2, 2012, Stuart Seigel, an employee with NHTSA's Office of Vehicle Safety Compliance (OVSC), sent an email to Mr. Alan Tipton, an employee of Wildfire, requesting certain information. Mr. Tipton responded on May 10, 2012 (hereinafter "May 10, 2012 response"). The May 10, 2012 response indicated that Wildfire was including the installation of power brakes as part of the remedy for MY2009 WF650-Cs. Please fully describe these power brakes, including the manufacturer and model number of the power brake booster, whether the booster is powered by electricity or vacuum, how the booster operates and where and how the booster will be installed as part of the remedy.

c. The May 10, 2012 response also indicated that Wildfire will (1) replace the non-conforming brake fluid reservoir with conforming brake reservoirs, (2) add the required reservoir labeling, (3) install a warning lamp indicating brake failure, and (4) replace the front and rear brake shoes. For each of the items 1-4 above, provide answers to the following:
 - i. Fully describe the parts, including the manufacturer and part number;
 - ii. State how the part will be installed as part of the remedy.
d. State in detail how each of the parts identified in your response to Interrogatory No. 1(a) will be installed on a MY2009 WF650-C. You do not need to repeat information provided in your response to Interrogatory No. 1(b) and Interrogatory No. 1(c).
2. a. Describe in detail any adjustments Wildfire will make to any MY2009 WF650-Cs, before, during, or after the parts identified in your response to Interrogatory No. 1 above are installed as part of the remedy in recall number 12V-031.

b. To the extent these adjustments will vary between MY2009 WF650-Cs, state what other adjustments Wildfire will make on other MY2009 WF650-Cs.
3. Wildfire's owner letter notification letter submitted to NHTSA for safety recall number 12V-031 indicated that the labor time for the replacement and installation of the replacement parts in recall number 12V-031 is approximately 2 hours. Wildfire also indicated in its May 10, 2012 response to NHTSA that approximately 2 hours is required for the repair. State in detail the basis for this estimate of approximately 2 hours. Is this estimate still accurate? If not, what is the expected labor time?
4. a. Will Wildfire's remedy(ies) in recall number 12V-031, based on the parts identified in your response to Interrogatory No. 1(a) and the adjustments identified in your response to

Interrogatory No. 2, make the repaired MY2009 WF650-Cs comply with all applicable requirements of FMVSS No. 122?

- b. If your answer to Interrogatory No. 4(a) is yes, state each and every basis, including but not limited to describing in detail each and every test and analysis, and all other relevant materials that Wildfire considered or relied upon in determining that the remedy(ies) for MY2009 WF650-C vehicles will make the vehicles comply with all requirements of FMVSS No. 122. Also state in detail the method by which the MY2009 WF650-C motorcycles' compliance to all the requirements of FMVSS No. 122 was determined.
 - c. If your answer to Interrogatory No. 4(a) is no, state whether Wildfire will now elect the remedy of repurchasing the MY ~~2009~~ WF650-Cs.
5. If your answer to Interrogatory No. 4(a) is no, and Wildfire is not electing to repurchase the vehicles, state in detail: (i) what Wildfire will do to develop and implement a repair of MY2009 WF650-Cs that will make the vehicles comply with all the requirements of FMVSS No. 122 and (ii) the date by which all those items in your response to (i) will be completed.
 6. In your March 23, 2012 response to a March 14, 2012 letter from Jennifer Timian of the Recall Management Division (RMD) of NHTSA, you stated that the compliance with FMVSS No. 122 is being tested at a third party test facility.
 - a. Identify the facility, including name, address, telephone number and contact person there.
 - b. Describe in detail the testing that has been done or that will be done.
 - c. Has this testing been started? If so, when?
 - d. If the testing has not been started, when will it start?
 - e. Has this testing been concluded? If so, when?
 - f. If this testing has not been concluded, when do you expect it to be concluded?
 7. For each test related to the compliance of MY2009 WF650-C motorcycles with FMVSS No. 122, regardless of whether performed in-house by Wildfire or performed by an outside entity, describe in detail each such test, including the date of the test, the name of Wildfire's test personnel or the name and address of the testing facility, a detailed description of the test, and a complete summary of the test results.
 8. As you are aware, NHTSA is planning on testing the NHTSA-owned MY2009 WF650-C after the remedy has been implemented on it. State all additional modifications or adjustments that Wildfire believes must be made to NHTSA's MY2009 WF650-C prior to the testing, after all parts identified in response to Interrogatory No. 1 are installed as part of the remedy in recall number 12V-031 and all adjustments identified in response to Interrogatory No. 2 are made.

9. State whether Wildfire plans to do anything else to NHTSA's MY2009 WF650-C after the vehicle has been repaired with the parts identified in your response to Interrogatory No. 1 and/or adjusted as described in your response to Interrogatory No. 2. If so, describe with specificity exactly what Wildfire will do to the vehicle.
10. State whether the remedy to be installed on NHTSA's MY2009 WF650-C vehicle is the same remedy to be installed as the remedy on all other MY2009 WF650-Cs.
11. Wildfire's May 10, 2012 response indicated that if NHTSA's MY2009 WF650-C vehicle is picked up from TRC, the vehicle can be expected back to TRC in 5 business days. What is the anticipated transport time from TRC to Wildfire? How long will it take Wildfire to repair NHTSA's MY2009 WF650-C? Beyond the repair under recall number 12V-031, what else does Wildfire plan to do on or with NHTSA's MY2009 WF650-C?
12. a. Has Wildfire prepared instructions for its dealers for the repair of the MY2009 WF650-C under recall number 12V-031?
 - b. If the answer to Interrogatory No. 12(a) is yes, when were the instructions prepared?
 - c. If the answer to Interrogatory No. 12(a) is no, when does Wildfire plan to prepare these instructions?
13. a. Has Wildfire sent instructions to its dealers for the repair of the MY2009 WF650-C under recall number 12V-031?
 - b. If the answer to Interrogatory No. 13(a) is yes, when were the instructions sent to dealers?
 - c. If the answer to Interrogatory No. 13(a) is no, when does Wildfire plan to send the instructions to its dealers?
14. Identify each owner of a MY2009 Wildfire WF650-C to whom Wildfire has sent an owner notification letter of recall number 12V-031 (*see* 49 USC 30118(c), 49 USC 30119, and 49 CFR 577.5) and for each, state his/her or its address and the date the letter was sent.
15. Your owner letter submitted to NHTSA (available at <http://www-odi.nhtsa.dot.gov/acms/cs/jaxrs/download/doc/UCM419717/RCONL-12V031-0124.pdf>) indicated that replacement parts should be available after May 14, 2012. Are all the parts required for the repair identified in Interrogatory No. 1(a) above available for immediate installation? If not, why not, and when are the parts expected to be available?
16. a. Has Wildfire, itself or through its dealers, begun repairing MY2009 WF650-Cs under recall number 12V-031?

b. If the answer to Interrogatory No. 16(a) is yes, for each MY2009 WF650-C that has been repaired, state the VIN of the vehicle repaired and the name, address and telephone number of the owner or other contact.

c. If the answer to Interrogatory No. 16(a) is yes, is the repair for these vehicles identical to that for NHTSA's MY2009 WF650-C?

d. If the answer to Interrogatory No. 16(a) is no, state when Wildfire, itself or through its dealers, plans to begin repairing MY2009 WF650-Cs under recall number 12V-031.

Request for Production of Documents:

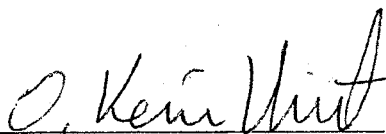
1. Provide a parts list for recall number 12V-031. Your parts list must include the quantity of each part required, part number of each part, and a description of each part.
2. Provide all documents describing or depicting each part to be installed on MY2009 WF650-Cs as part of the remedy for recall number 12V-031.
3. In Interrogatory No. 1, you were asked to provide information regarding power brakes. Provide documents relating to the specifications, performance, installation, and operation of these power brakes.
4. In Interrogatory No. 1 you were asked to provide information regarding brake fluid reservoir, reservoir labeling, warning lamp, and front and rear brake shoes. Provide documents relating to the specifications, performance, installation, and operation of these items.
5. Provide documents relating to the length of time to repair/remedy the MY2009 WF650-C or part thereof. Provide all documents underlying or supporting Wildfire's estimate that the repair will take 2 hours.
6. Provide copies of all testing and compliance information related to Wildfire's remedy for the MY2009 WF650-C's noncompliance with FMVSS No. 122. Include those results where Wildfire determined that the repaired MY2009 WF650-C vehicle did not comply with FMVSS No. 122.
7. For each test of MY2009 WF650-C related to FMVSS No. 122, regardless of whether performed in-house by Wildfire or performed by an outside entity:
 - a. Produce a copy of each such result of a test, and related test report. Produce copies of all documents and other information relating to each such test. For each test, provide any relevant electronic data with a description of the format used for the data. For each test film or video produced, specify the film/video speed and explain any timing or dimensional reference marks on the film/video.

- b. Produce a copy of all test procedures used, a complete list of the instrumentation used and all relevant calibration information (dates of calibration and documentation of traceability to the national standards).
8. Apart from test results identified in your response above, produce a copy of each and every analysis and all other relevant materials that Wildfire considered or relied upon in determining that the remedies as currently identified will make the repaired MY2009 WF650-Cs comply with all applicable requirements of FMVSS No. 122.
9. Provide a copy of all instructions or other documents that have been sent to Wildfire's dealers referring or relating to the MY2009 WF650-C or the repair thereof, including all technical instructions.
10. Provide all documents prepared for dealers describing the repair of the MY2009 WF650-C or referring or relating to recall number 12V-031. Include all documents, whether draft or final.
11. Provide all documentation of any repairs to MY2009 WF650-C motorcycles as part of the remedy for recall number 12V-031 done to date.

Failure to respond promptly and fully to this letter could subject you to civil penalties of \$6,000.00 per day (up to a maximum of \$17,350,000) pursuant to 49 U.S.C. § 30165 and 49 CFR § 578.6(a)(3) or lead to an action for enforcement of the Special Order. Other remedies and sanctions are available as well.

If you have any questions concerning this matter, please call Ms. Sarah Sorg at (202) 366-4252 or Ms. Kerry Kolodziej at (202) 366-5902. Please note that this Special Order may be modified, if at all, only in writing.

Dated: June 5, 2012.



O. Kevin Vincent
Chief Counsel

Appendix

I. Definitions

To the extent used in this Special Order, the following definitions apply:

(A) Business Entity Names

- (1) **“Wildfire”** means Snyder Systems, Inc. d/b/a Wildfire Motors, Snyder Systems Inc./Wildfire Motors, Snyder Computer Systems, Inc., Wildfire Motors, and any United States-based subsidiaries and affiliates (collectively referred to as “Wildfire”), including all of its officers, employees, agents, and subsidiaries.

Terminology

- (2) **“Affiliated”** means a corporation that is related to another corporation (such as a subsidiary, parent, or sibling corporation) by shareholdings or other means of control.
 - (3) **“Agent”** means an individual, such as a representative, who is authorized to act for or in place of another.
 - (4) **“Employee”** means a person who works in the service of another person (the employer) under an express or implied contract of hire, under which the employer has the right to control the details of work performance.
 - (5) **“Officer”** means a person who holds an office of trust, authority, or command, such as a person elected or appointed by the board of directors to manage the daily operations of a corporation, such as a CEO, president, secretary, or treasurer.
- (B) **“Document(s)”** is used in the broadest sense of the word under Rule 34 of the Federal Rules of Civil Procedure, and includes 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, electronic communications (existing in hard copy and/or in electronic storage), invoices, contracts, agreements, manuals, publications, photographs of all types, and all mechanical, magnetic, and electronic records or recordings of any kind. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.
- (C) **“You”** or **“your”** refers to Wildfire, including all of its officers, employees, agents, and subsidiaries.

II. Instructions

In order for NHTSA to evaluate this matter, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the interrogatory and production requests above.

Your response to the above requests for production of documents shall be sent to Office of the Chief Counsel (NCC-111), National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue, SE, Washington, DC 20590. Copies of the documents shall be sent to this address.

Please repeat the applicable request verbatim above each response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.

When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this Special Order and document request (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 also be reminded that where a document responsive to a request is not in the English language, both the original document and an English translation of the document must be produced.

You are required to respond to every document production request listed in this Special Order. If you cannot respond to any specific request or subpart(s) thereof, please state the reason why you are unable to do so. If you are unable to respond because you do not have all or any of the precise information needed to respond, provide an estimate. If, on the basis of attorney-client, attorney work product, or other privilege, you do not submit one or more requested documents or items of information in response to this Special Order, you must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, 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.

The response to this Special Order including the document requests, must be submitted in duplicate, together with a copy of any confidentiality request, to this office by July 5, 2012.

If you claim that any of the information or documents provided in response to this Special Order 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, you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue, SE, Washington, DC 20590. You are required to submit two copies of the documents containing allegedly

confidential information and one copy of the documents from which information claimed to be confidential has been deleted. Failure to adhere to the requirements of 49 CFR Part 512 will result in a rejection of your request for confidential treatment.

- A. If any information is submitted electronically, the information should be submitted on a CD-ROM that is labeled with the subject matter (Recall Number 12V-031) and the date of its submission to the agency. Each file should be named and labeled in a manner that readily identifies the question to which the information contained therein is responsive. If a particular file is not provided in a common format (e.g. Word or PDF) and requires the use of special software that is not readily available, you must provide a copy of that software with its submission. If you seek confidential treatment on the basis of Exemption 4 of the Freedom of Information Act for any of the materials you submit, it must follow the procedures set out in 49 CFR Part 512.
- B. The singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neuter genders; and the neuter gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this Special Order all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the document request all responses which might otherwise be construed to be outside its scope.
- C. Wildfire's response to this Special Order must be under oath, i.e., accompanied by an affidavit, signed by a responsible officer of Wildfire, stating that he/she has undertaken and directed an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of Wildfire to be searched diligently for information and documents responsive to this Special Order and produced them to NHTSA, and that the answers to the inquiries provided to NHTSA respond completely and correctly to this Special Order.